

# Shelby County

## Unified Development Ordinance

**Article**

**00**

**Table of Contents**

---

*Shelby County  
Unified Development  
Ordinance*

# Table of Contents

## Article 1: Ordinance Foundation

1.01	Title .....	1-2
1.02	Defined Words .....	1-2
1.03	Authority .....	1-2
1.04	Purpose .....	1-2
1.05	Compliance .....	1-2
1.06	Severability .....	1-2
1.07	Interpretation .....	1-3
1.08	Ordinance Jurisdictional Area .....	1-4
1.09	Repealer .....	1-4
1.10	Transition Rules .....	1-4
1.11	Administrative Officer .....	1-5
1.12	Saving Provision .....	1-5
1.13	Effect of Annexation or Vacation on Zoning .....	1-5
1.14	Statutory Changes .....	1-5
1.15	References .....	1-5
1.16	Establishment of Standard Zoning Districts .....	1-6
1.17	Establishment of Overlay Districts .....	1-6
1.18	Establishment of Planned Development Districts .....	1-7
1.19	Zoning District Land Uses .....	1-7
1.20	Unlisted Land Uses .....	1-7
1.21	Administrative Interpretation .....	1-7
1.22	Official Zoning Map .....	1-8
1.23	Board of County Commissioners Summary of Powers and Duties .....	1-10
1.24	Plan Commission Summary of Powers and Duties .....	1-10
1.25	Board of Zoning Appeals Summary of Duties .....	1-11
1.26	Zoning Administrator Summary of Duties .....	1-11
1.27	Plan Commission Certification .....	1-12
1.28	Unified Development Ordinance Adoption/Effective Date .....	1-13

## Article 2: Zoning Districts

2.01	OP District Intent, Permitted Uses, and Special Exception Uses .....	2-2
2.02	OP District Development Standards .....	2-3
2.03	A1 District Intent, Permitted Uses, and Special Exception Uses .....	2-4
2.04	A1 District Development Standards .....	2-5
2.05	A2 District Intent, Permitted Uses, and Special Exception Uses .....	2-6
2.06	A2 District Development Standards .....	2-7
2.07	A3 District Intent, Permitted Uses, and Special Exception Uses .....	2-8
2.08	A3 District Development Standards .....	2-9
2.09	A4 District Intent, Permitted Uses, and Special Exception Uses .....	2-10
2.10	A4 District Development Standards .....	2-11
2.11	RE District Intent, Permitted Uses, and Special Exception Uses .....	2-12
2.12	RE District Development Standards .....	2-13
2.13	R1 District Intent, Permitted Uses, and Special Exception Uses .....	2-14
2.14	R1 District Development Standards .....	2-15
2.15	R2 District Intent, Permitted Uses, and Special Exception Uses .....	2-16
2.16	R2 District Development Standards .....	2-17
2.17	VR District Intent, Permitted Uses, and Special Exception Uses .....	2-18
2.18	VR District Development Standards .....	2-19
2.19	M1 District Intent, Permitted Uses, and Special Exception Uses .....	2-20
2.20	M1 District Development Standards .....	2-21
2.21	M2 District Intent, Permitted Uses, and Special Exception Uses .....	2-22
2.22	M2 District Development Standards .....	2-23
2.23	MP District Intent, Permitted Uses, and Special Exception Uses .....	2-24
2.24	MP District Development Standards .....	2-25
2.25	VM District Intent, Permitted Uses, and Special Exception Uses .....	2-26
2.26	VM District Development Standards .....	2-27
2.27	IS District Intent, Permitted Uses, and Special Exception Uses .....	2-28
2.28	IS District Development Standards .....	2-29
2.29	C1 District Intent, Permitted Uses, and Special Exception Uses .....	2-30

# Table of Contents

2.30	C1 District Development Standards.....	2-31
2.31	C2 District Intent, Permitted Uses, and Special Exception Uses.....	2-32
2.32	C2 District Development Standards.....	2-33
2.33	I1 District Intent, Permitted Uses, and Special Exception Uses.....	2-34
2.34	I1 District Development Standards.....	2-35
2.35	I2 District Intent, Permitted Uses, and Special Exception Uses.....	2-36
2.36	I2 District Development Standards.....	2-37
2.37	HI District Intent, Permitted Uses, and Special Exception Uses.....	2-38
2.38	HI District Development Standards.....	2-39

**Article 3: Overlay Districts**

3.01	ACO District Intent, Effect on Uses, and Effect on Standards.....	3-2
3.02	ACO District Applicability.....	3-3
3.03	ACO District Boundary and Exemptions.....	3-3
3.04	ACO District Development Standards.....	3-3
3.06	ACO District Use Standards.....	3-4
3.07	WPO District Intent, Effect on Uses, and Effect on Standards.....	3-6
3.08	WPO District Applicability.....	3-7
3.09	WPO District Boundary.....	3-7
3.10	WPO District Development Standards.....	3-7
3.11	WPO Process Supplement.....	3-8
3.12	WPO Monitoring.....	3-8

**Article 4: Planned Development Districts**

4.01	PD District Intent, Regulations, and Prerequisites.....	4-2
4.02	General.....	4-3
4.03	Origination of Proposals.....	4-3
4.04	Rules of Procedure.....	4-3
4.05	Limitation of Revisions to the Unified Development Ordinance.....	4-3
4.06	Designation of Permanent Open Space.....	4-4

**Article 5: Development Standards**

5.01	Introduction.....	5-2
5.02	How to Use this Article.....	5-2
5.03	Icon Key.....	5-3
5.04	AS-01: General Accessory Structure Standards.....	5-4
5.05	AS-02: Open Space and Parks and Agricultural Accessory Structure Standards.....	5-4
5.06	AS-03: Rural Estate Residential Accessory Structure Standards.....	5-4
5.07	AS-04: Single-family Residential Accessory Structure Standards.....	5-5
5.08	AS-05: Multiple-family Accessory Structure Standards.....	5-5
5.09	AS-06: Manufactured Home Park Accessory Structure Standards.....	5-6
5.10	AS-07: Non-residential Accessory Structure Standards.....	5-6
5.11	AR-01: Residential and Neighborhood Commercial Architectural Standards.....	5-7
5.12	AR-02: Residential and Neighborhood Commercial Architectural Standards.....	5-7
5.13	AR-03: Commercial Architectural Standards.....	5-8
5.14	AR-04: Institutional Architectural Standards.....	5-8
5.15	CF-01: General Confined Feeding Standards.....	5-9
5.16	DI-01: General Density and Intensity Standards.....	5-10
5.17	DW-01: General Driveway Standards.....	5-11
5.18	DW-02: Agricultural Driveway Standards.....	5-12
5.19	DW-03: Single-Family and Two-Family Residential Driveway Standards.....	5-13
5.20	DW-04: Multiple Family Residential and Non-residential Driveway Standards.....	5-14
5.21	DW-05: Manufactured Home Park Driveway Standards.....	5-15
5.22	EN-01: General Environmental Standards.....	5-16
5.23	FW-01: General Fence and Wall Standards.....	5-17
5.24	FW-02: Open Space and Parks Fence and Wall Standards.....	5-17
5.25	FW-03: Agricultural Fence and Wall Standards.....	5-18
5.26	FW-04: Residential Fence and Wall Standards.....	5-18
5.27	FW-05: Manufactured Home Park Fence and Wall Standards.....	5-18
5.28	FW-06: Village Residential and Mixed Use Fence and Wall Standards.....	5-19



# Table of Contents

5.29	FW-07: Non-residential Fence and Wall Standards .....	5-19
5.30	FP-01: General Floodplain Standards .....	5-20
5.31	FA-01: General Floor Area .....	5-26
5.32	HT-01: General Height Standards .....	5-27
5.33	HB-01: Type 1 Home Based Business Standards .....	5-28
5.34	HB-02: Type 2 Home Based Business Standards .....	5-29
5.35	HB-03: Type 3 Home Based Business Standards .....	5-30
5.36	KL-01 Commercial Kennel Standards .....	5-32
5.37	KL-02 Home Enterprise Kennel Standards .....	5-33
5.38	KA-01 Rural Keeping of Household Pets and Outdoor Pets Standards .....	5-34
5.39	KA-02 Single-family Residential Keeping of Household and Outdoor Pets Standards .....	5-34
5.40	KA-03 Multiple Family Residential Keeping of Household and Outdoor Pets Standards .....	5-34
5.41	KA-04 Agricultural Keeping of Farm Animals Standards .....	5-34
5.42	KA-05 Rural Keeping of Farm Animals Standards .....	5-35
5.43	LA-01: General Landscaping Standards .....	5-36
5.44	LA-02: Street Buffering Landscaping Standards .....	5-37
5.45	LA-03: Residential Lot Planting Landscaping Standards .....	5-37
5.46	LA-04 Multiple-family and Manufactured Home Park Lot Planting Landscaping Standards .....	5-37
5.47	LA-05 Non-residential Lot Planting Landscaping Standards .....	5-38
5.48	LA-06: Parking Lot Landscaping Standards .....	5-38
5.49	LA-07: Buffer Yard Landscaping Standards .....	5-39
	<i>Table LA-A: Buffer Yards Required</i> .....	5-40
5.50	LT-01: General Lighting Standards .....	5-41
5.51	LD-01: General Loading Standards .....	5-42
5.52	LO-01: General Lot Standards .....	5-43
5.53	MH-01: Lease-lot Developments Manufactured Housing Standards .....	5-44
5.54	OS-01: General Outdoor Storage Standards .....	5-45
5.55	OS-02: Trash Storage Standards .....	5-45
5.56	OS-03: Trash Storage Standards .....	5-45
5.57	OS-04: Recreational Vehicle Outdoor Storage Standards .....	5-46
5.58	OS-05: Merchandising Outdoor Storage Standards .....	5-46
5.59	OS-06: Industrial and High Impact Outdoor Storage Standards .....	5-46
5.60	PK-01: General Parking Standards .....	5-47
5.61	PK-02: Residential Parking Standards .....	5-48
5.62	PK-03: Multiple-family Residential and Manufactured Home Residential Parking Standards .....	5-48
5.63	PK-04: Non-residential Parking Standards .....	5-48
	<i>Table PK-A: Minimum Number Of Parking Spaces Per Use</i> .....	5-50
5.64	PF-01: General Performance Standards .....	5-55
5.65	PI-01: General Public Improvement Standards .....	5-56
5.66	PN-01: Pond; General .....	5-57
5.67	RL-01: Rural Residential; General .....	5-58
5.68	SB-01: General Setback Standards .....	5-59
5.69	SW-01: General Sewer and Water Standards .....	5-61
5.70	SW-02: Standards for Allowing Septic Systems .....	5-61
5.71	SX-01: Accessory Retail Sexually Oriented Business Standards .....	5-62
5.72	SX-02: Retail and Entertainment Sexually Oriented Business Standards .....	5-63
5.73	SI-01: General Sign Standards .....	5-64
5.74	SI-02: Agricultural Commercial, Institutional, and Neighborhood Commercial Signs .....	5-67
5.75	SI-03: Commercial, Industrial, and High Impact Signs .....	5-68
5.76	ST-01: General Storage Tank Standards .....	5-71
5.77	ST-02: Residential Storage Tank Standards .....	5-71
5.78	ST-03: Agricultural, Industrial, and High Impact Storage Tanks Standards .....	5-71
5.79	SR-01: General Structure Standards .....	5-72
5.80	TC-01: General Telecommunication Facility Standards .....	5-73
5.81	TU-01: General Temporary Use and Structure Standards .....	5-75
5.82	TU-02: Agricultural Temporary Use and Structure Standards .....	5-75
5.83	TU-03: Residential Temporary Use and Structure Standards .....	5-75
5.84	TU-04: Non-residential Temporary Use and Structure Standards .....	5-75
5.85	VC-01: General Vision Clearance Standards .....	5-76

## Article 6: Subdivision Types

# Table of Contents

6.01	Simple Subdivision Intent.....	6-2
6.02	Simple Subdivision Prerequisites.....	6-2
6.03	Simple Subdivision Standards .....	6-3
6.04	Standard Subdivision Intent.....	6-4
6.05	Standard Subdivision Prerequisites.....	6-4
6.06	Standard Subdivision Density and Intensity Incentives.....	6-4
6.07	Standard Subdivision Standards.....	6-5
6.08	Coved Subdivision Intent.....	6-6
6.09	Coved Subdivision Prerequisites .....	6-6
6.10	Coved Subdivision Standards .....	6-7
6.11	Conservation Subdivision Intent.....	6-8
6.12	Conservation Subdivision Prerequisites.....	6-8
6.13	Conservation Subdivision Density and Intensity Incentives.....	6-8
6.14	Conservation Subdivision Standards .....	6-9
6.15	Traditional Subdivision Intent.....	6-10
6.16	Traditional Subdivision Prerequisites .....	6-10
6.17	Traditional Subdivision Density and Intensity Incentives .....	6-10
6.18	Traditional Subdivision Standards .....	6-11
6.19	Strip Commercial Subdivision Intent.....	6-12
6.20	Strip Commercial Subdivision Prerequisites .....	6-12
6.21	Strip Commercial Subdivision Standards .....	6-13
6.22	Commercial District Subdivision Intent .....	6-14
6.23	Commercial District Subdivision Prerequisites .....	6-14
6.24	Commercial District Subdivision Standards .....	6-15
6.25	Industrial Park Subdivision Intent.....	6-16
6.26	Industrial Park Subdivision Prerequisites .....	6-16
6.27	Industrial Park Subdivision Standards .....	6-17

## Article 7: Design Standards

7.01	Purpose of Design Standards .....	7-2
7.02	Using This Section .....	7-2
7.03	Icon Key.....	7-2
7.04	AC-01: Access Standards; Residential Developments.....	7-3
7.05	AC-02: Access Standards; Nonresidential Developments .....	7-4
7.06	AL-01: Alley Standards; Traditional Subdivisions .....	7-5
7.07	AL-02: Alley Standards; Standard Subdivisions .....	7-5
7.08	AM-01: Anti-monotony Standards; General.....	7-6
7.09	DD-01: Dedication of Public Improvement Standards; General .....	7-12
7.10	DN-01: Development Name Standards; General.....	7-13
7.11	EA-01: Easement Standards; General.....	7-14
7.12	EF-01: Entryway Feature Standards; General .....	7-18
7.13	EC-01: Erosion Control Standards; General .....	7-19
7.14	FL-01: Floodplain Standards; Provisions for Flood Hazard Reduction .....	7-20
7.15	LE-01: Lot Establishment Standards; Residential .....	7-21
7.16	LE-02: Lot Establishment Standards; Commercial and Industrial .....	7-22
7.17	MU-01: Mixed-use Development Standards; General.....	7-23
7.18	MM-01: Monument and Marker Standards; General .....	7-24
7.19	OP-01: Open Space Standards; General .....	7-25
7.20	OA-01: Owner Association Standards .....	7-26
7.21	PN-01: Pedestrian Network Standards; General.....	7-28
7.22	PL-01: Perimeter Landscaping Standards; General .....	7-29
7.23	PQ-01: Prerequisite Standards; General .....	7-30
7.24	SM-01 Storm Water Standards; General.....	7-31
7.25	SR-01: Street and Right-of-way Standards; General .....	7-32
7.26	SL-01: Street Lighting Standards; Residential Development .....	7-35
7.27	SL-02: Street Lighting Standards; Traditional Development .....	7-36
7.28	SL-03: Street Lighting Standards; Commercial and Industrial Development .....	7-37
7.29	SN-01 Street Name Standards; General.....	7-38
7.30	SS-01: Street Sign Standards; General.....	7-39
7.31	SY-01: Surety Standards; General.....	7-40
7.32	UT-01: Utility Standards; General .....	7-42

## Article 8: Nonconformances

# Table of Contents

8.01	Intent .....	8-2
8.02	Distinction Between Conforming, Illegal Nonconforming, and Legal Nonconforming .....	8-2
8.03	Illegal Nonconforming Structures, Uses, and Lots .....	8-2
8.04	Legal Nonconforming Structures .....	8-3
8.05	Legal Nonconforming Lots .....	8-5
8.06	Legal Nonconforming Use .....	8-6

## Article 9: Processes

9.01	Improvement Location Permit Processes Applicable to a Parcel .....	9-2
9.02	Development Plan Approval Processes Applicable to a Parcel .....	9-3
9.03	Processes Applicable to Developments .....	9-4
9.04	Processes for Relief from Regulations .....	9-4
9.05	Improvement Location Permit .....	9-5
9.06	Temporary Improvement Location Permit .....	9-10
9.07	Administrative Appeal .....	9-12
9.08	Development Plan .....	9-14
9.09	General Planned Development .....	9-18
9.10	Planned Development: District Ordinance and Establishment Plan .....	9-19
9.11	Planned Development: Detailed Development Plan .....	9-22
9.12	Planned Development: Final Development Plan .....	9-27
9.13	Special Exception .....	9-29
9.14	Subdivision of Land: Primary Plat .....	9-32
9.15	Subdivision of Land: Final Plat .....	9-37
9.16	Unified Development Ordinance: Text Amendment .....	9-39
9.17	Variance .....	9-41
9.18	Zoning Map Amendment (Rezoning) .....	9-4

## Article 10: Enforcement and Penalties

10.01	Actionable Violations .....	10-2
10.02	Enforcement Official .....	10-2
10.03	Discovery of Violations .....	10-2
10.04	Inspection of Property .....	10-2
10.05	Responsibility for Violations .....	10-2
10.06	New Permits at Location Where a Violation Exists .....	10-2
10.07	Enforcement Options .....	10-3
10.08	Request to Stop Work .....	10-3
10.09	Stop Work Order .....	10-4
10.10	Enforcing a Violation as a Common Nuisance .....	10-4
10.11	Request to Remedy .....	10-5
10.12	Invoke a Legal, Equitable, or Special Remedy .....	10-5
10.13	Enforce a Condition, Covenant, or Commitment .....	10-6
10.14	Request a Prohibitory or Permanent Injunction to Restrain .....	10-6
10.15	Request a Mandatory Injunction to Remove a Structure .....	10-7
10.16	Impose a Fine for Violation .....	10-7
10.17	Invoke a Fine for Violation .....	10-8
10.18	Other Remedy .....	10-8

## Article 11: Definitions

11.01	General .....	11-2
11.02	Defined Words .....	11-2

## Appendix A: Land Use Matrix

Accessory Uses .....	A-2
Agricultural Uses .....	A-3
Commercial Uses .....	A-4
Industrial Uses .....	A-8
Institutional Uses .....	A-9
Residential Uses .....	A-10

## Appendix B: Ordinance Amendments 2012-2021

**Article**

**01**

**Ordinance Foundation**

---

*Shelby County  
Unified Development  
Ordinance*

© 2008, Bradley E. Johnson, ACP



# Basic Provisions

## 1.01 Title

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

## 1.02 Defined Words

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

## 1.03 Authority

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

## 1.04 Purpose

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

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

## 1.05 Compliance

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, enlarged or used, nor shall any piece of land (e.g. lot) be used, nor shall any existing use be expanded except when in full compliance with all provisions of this Unified Development Ordinance and the permits and certificates required by this Unified Development Ordinance have lawfully been issued.

## 1.06 Severability

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

# Basic Provisions

## 1.07 Interpretation

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

# Basic Provisions

## 1.08 Ordinance Jurisdictional Area

This Unified Development Ordinance applies to all land within Shelby County, Indiana, excluding the legally established planning jurisdiction of the cities and towns within the County.

## 1.09 Repealer

The following Shelby County ordinances are hereby repealed and are replaced by this Unified Development Ordinance and Official Zoning Map:

- A. Zoning Ordinance: The Shelby County Zoning Ordinance of August 3, 1998 as amended, and its associated Zoning Map.
- B. Subdivision Control: The Shelby County Subdivision Control Ordinance of August 3, 1998 as amended.

## 1.10 Transition Rules

- A. Plan Commission: Any application (e.g. Development Plan Review, Primary Plat, etc.) filed with the Plan Commission or its designees that is full and complete prior to the effective date of this Unified Development Ordinance shall be regulated by the terms and conditions of the Zoning Ordinance and/or Subdivision Control Ordinance that were in place at the time of filing. However, all administrative procedures and fees shall follow those established in this Unified Development Ordinance.
- B. Rezone: Any application for a Zone Map Amendment (Rezone) filed with the Plan Commission or its designees, that is full and complete prior to the effective date of this Unified Development Ordinance shall continue through the process to completion pursuant to the terms and conditions of the Zoning Ordinance that were in place at the time of filing. However, if there is a specific use for which the rezone was proposed, and that use would no longer be permitted in the proposed zoning district, or if the proposed zoning district no longer exists under the Unified Development Ordinance, the Zoning Administrator shall amend the application such that the request for rezoning would accomplish the same end goal for the applicant.
- C. Board of Zoning Appeals: Any application (e.g. Development Standards Variance, Administrative Appeal, etc) filed with the Board of Zoning Appeals that is full and complete prior to the effective date of this Unified Development Ordinance shall continue the process pursuant to the terms and conditions of the Zoning Ordinance that were in place at the time of filing, provided that:
  1. *Required*: The application is still required by the terms of this Unified Development Ordinance; or
  2. *Additional Approvals*: If the proposed use or development requires additional approvals from the Board of Zoning Appeals pursuant to the terms of this Unified Development Ordinance that were not required under the previous ordinances, the application will be amended to include only those additional approvals that are now required and within the jurisdiction of the Board of Zoning Appeals.
- D. Planned Development:
  1. *Detailed Development Plan*: A Detailed Development Plan for a Planned Development District filed with the Plan Commission or its designees that is full and complete prior to the adoption of an amendment to the PD District Ordinance and/or Concept Plan shall continue the process pursuant to the terms and conditions of the PD District Ordinance and/or Concept Plan in place prior to the amendment.
  2. *Final Development Plan*: A Final Development Plan for a Planned Development District filed with the Plan Commission or its designees that is full and complete prior to the adoption of an amendment to the PD District Ordinance and/or Concept Plan shall continue the process pursuant to the terms and conditions of the PD District Ordinance and/or Concept Plan in place prior to the amendment. If the Final Development Plan is compliant with a Detailed Development Plan that was approved prior to the adoption of such amendment to the PD District Ordinance and/or Concept Plan, then the Final Development Plan may be considered for approval utilizing the same standards that applied to the Detailed Development Plan.

# Basic Provisions

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

## 1.11 Administrative Officer

The Zoning Administrator shall have the primary responsibility for administration and enforcement (or coordination of enforcement) of the Unified Development Ordinance within the County's planning jurisdiction.

## 1.12 Saving Provision

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

## 1.13 Effect of Annexation or Vacation on Zoning

The Plan Commission shall be guided by the principles and directives of the Shelby County Comprehensive Plan and this Unified Development Ordinance in making recommendations to the Board of County Commissioners regarding zoning district classifications for newly annexed areas.

## 1.14 Statutory Changes

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

## 1.15 References

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



# Zoning Districts

## 1.16 Establishment of Standard Zoning Districts

Each of the standard zoning districts in this Unified Development Ordinance stand alone and is not a part of a hierarchy or pyramidal system of zoning. For example, what is permitted in the Agricultural District (A2) zoning district is not necessarily permitted in the Intense Agricultural (A3) zoning district. Only those uses and development standards which are expressly permitted and noted for each zoning district apply to that zoning district.

For the purpose of the Unified Development Ordinance, Shelby County has established the following zoning districts:

District Code	District Name	District Purpose
OP	Open Space and Parks	This district is established for open space, parks, trails and recreational areas.
A1	Conservation Agricultural	This district is established for the protection of agricultural areas and buildings associated with agricultural production.
A2	Agricultural	This district is established for general agricultural areas and buildings associated with agricultural production.
A3	Intense Agricultural	This district is established for high intensity agricultural operations or operations likely to have a significant adverse impact on surrounding non-agricultural uses.
A4	Agricultural Commercial	This district is established for commercial and industrial uses directly related to agriculture and compatible with rural/agricultural areas.
RE	Residential Estate	This district is established for single-family detached dwellings in a rural or country setting.
R1	Single-Family Residential	This district is established for single-family detached, medium to large sized homes on medium to large sized lots.
R2	Single-Family Residential	This district is established for single-family detached, small to medium sized homes on small to medium sized lots.
VR	Village Residential	This district is established for existing residential uses in small unincorporated towns and villages.
M1	Multiple-Family Residential	This district is established for small-scale, two and three-family housing units.
M2	Multiple-Family Residential	This district is established for apartment complexes, row houses, and townhouses.
MP	Manufactured Home Park	This district is established for leased lot developments (mobile or manufactured home parks) which typically lease dwelling sites for single-wide and double-wide manufactured homes.
VM	Village Mixed Use	This district is established for the mixed use developments currently within small towns to allow them to expanded into rural town centers that may offer a variety of housing, commercial and institutional amenities.
IS	Institutional	This district is established for institutional and municipal owned lands for public purpose and use.
C1	Neighborhood Commercial	This district is established for the provision of small scale retail goods and services required for regular or daily convenience of nearby neighborhoods and agricultural areas.
C2	Highway Commercial	This district is established for commercial uses that are closely related to the special needs of the traveling public, interstate commerce, trucking and, in general, vehicular traffic along interstates and major state highways.
I1	Low Intensity Industrial	This district is established for low intensity industrial uses, light manufacturing facilities and business parks.
I2	High Intensity Industrial	This district is established for high intensity industrial uses and heavy manufacturing facilities.
HI	High Impact	This district is established for specific uses that can have a particularly high impact on adjacent areas.

## 1.17 Establishment of Overlay Districts

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

District Code	District Name	District Purpose
ACO	Airport Compatibility Overlay	This district is established to disallow land uses which are in conflict with or adversely affected by normal airport operations.
CGO	Corridor and Gateway Overlay	This district is established to promote rational, aesthetically pleasing, and cohesive development in areas along primary/urban arterials, secondary/rural arterials, and gateways.
WPO	Wellhead Protection Overlay	This district is established to protect the integrity and drinkability of the community's public water supply and enhance water quality of streams.

# Zoning Districts

## 1.18 Establishment of Planned Development Districts

As provided for in the Unified Development Ordinance, only the following standard zoning districts may be rezoned to a Planned Development District: RE, R1, R2, M1, M2, IS, C1, C2, I1 and I2.

## 1.19 Zoning District Land Uses

The two-page layout for each standard zoning district in *Article 02: Zoning Districts* identifies land uses allowed in that district. Such land uses are of two kinds: permitted uses and special exception uses. Shelby County's permitted and special exception uses for each district are noted in the "Permitted Use" and "Special Exception Use" columns on each two-page layout.

## 1.20 Unlisted Land Uses

Any land use not listed in either the permitted use or special exception use column of a particular zoning district, shall be prohibited in that particular zoning district.

## 1.21 Administrative Interpretation

Any land use not listed in either the permitted use or special exception use column of a particular zoning district, but that is significantly similar or related to a use that is a permitted use or a special exception use in that zoning district may be deemed permitted through a Administrative Interpretation Process as described in *Article 09: Processes*.

## 1.22 Official Zoning Map

- A. Description: The map labeled “Official Zoning Map” maintained by the Plan Commission is hereby included as part of the Unified Development Ordinance and is to function as the means to apply a zoning district to each parcel within the County's jurisdiction. The zoning map shall be formally known as the “Official Zoning Map,” and it may be cited and referred to as the “Shelby County Zoning Map” or the “Zoning Map.”
- B. Location: The Official Zoning Map as approved by the Plan Commission will be located in the Planning Department and maintained by the Plan Commission.
- C. Zoning District Boundaries:
1. *Standard Zoning Districts*: The standard zoning district boundaries shall be shown on the Official Zoning Map. The two-digit abbreviations for the standard zoning districts appearing in the Unified Development Ordinance or a specific color noted on the map legend shall be used to identify the zoning districts on the map.
  2. *Overlay Districts*: The overlay district boundaries shown on the Official Zoning Map shall be interpreted as follows:
    - a. *Labeling*: An overlay district shall be noted on the Official Zoning Map with a hatch or textured pattern and be noted as such on the map legend.
    - b. *Fully Covered*: A lot that is fully covered (bounded) by an overlay district shall be interpreted to be subject to the overlay district standards found in *Article 03: Overlay Districts*.
    - c. *Partially Covered*: A lot that is partially covered (i.e. transected) by an overlay district shall be interpreted to be subject to the overlay district standards to the extent the lot area is covered by the overlay district.
  3. *Standards*: Zoning district boundaries on the Official Zoning Map shall be interpreted as follows:
    - a. *Streets*: Zoning district boundaries shown within or parallel to the lines of streets, easements, and transportation rights-of-way shall be deemed to follow the centerline of the affected street, easement or right-of-way.
    - b. *Section Lines*: Zoning district boundaries indicated as following or being parallel to section or fractional sectional lines, platted lot lines or County corporation lines shall be construed as following or paralleling such lines.
    - c. *Water*: Zoning district boundaries indicated as approximately following the centerline of streams, rivers or other moving bodies of water shall be construed to follow such centerlines.
    - d. *Vacated*: Whenever any street, alley, public way, railroad right-of-way, waterway or other similar area is vacated by proper authority, the zoning districts adjoining each side of vacated areas shall be extended automatically to the center of the vacated area. All areas included in the vacation shall thereafter be subject to all regulations of the extended zoning districts. The following exception apply:
      - i. In the event of a partial vacation, the adjoining zoning district, or zoning district nearest the portion vacated, shall be extended automatically to include all of the vacated area.
  4. *Disputes*: Any disputes as to the exact zoning district boundaries shall be determined by the Zoning Administrator. The Zoning Administrator may refuse to make a determination when he/she cannot definitely determine the location of a zoning district boundary. The Plan Commission may then interpret the location of the zoning district boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of the Unified Development Ordinance.
- D. Regular Revisions: The Official Zoning Map shall be formally revised by the Plan Commission as changes are made (e.g. rezonings, planned unit developments, or annexations) or as the Zoning Administrator determines necessary. During the time it takes for each revision to be made electronically, hand drawn lines and text on a printout of the previous Official Zoning Map will be appropriate to note zoning district changes. Revisions may be made at any time to correct drafting errors, clerical errors or omissions in the map.

# Official Zoning Map

---

- E. Copies: Print copies of the Official Zoning Map may be distributed. Each copy of the Official Zoning Map shall be accurate only to the date on which it was last modified. The date of the latest revision shall be printed on copies of the Official Zoning Map.
- F. Damage, Destruction or Loss: In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret, the Plan Commission may prepare a new map which shall depict the Official Zoning Map as best as possible, and shall supersede the prior map upon approval by the Board of County Commissioners. The new map shall not have the effect of amending the Official Zoning Map.



# Powers and Duties

## 1.23 Board of County Commissioners Summary of Powers and Duties

The powers and duties of the Board of County Commissioners are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional and may be initiated.

### A. Board of County Commissioners Duties:

1. *Documents:* Adopt, reject or amend the Shelby County Comprehensive Plan, strategic plans or Unified Development Ordinance that have been certified and submitted by the Plan Commission.
2. *Amendments:* Adopt, reject or amend proposals to amend or partially repeal the text of the Shelby County Comprehensive Plan, strategic plans or Unified Development Ordinance that has been certified and submitted by the Plan Commission.
3. *Zoning Map:* Adopt, reject or amend proposals to amend the Official Zoning Map certified and submitted by the Plan Commission.
4. *Fee Schedule:* Adopt, reject or amend a fee schedule.
5. *Enforcement:* Enforce regulations and procedures of the Shelby County Comprehensive Plan and Unified Development Ordinance to the extent of the local resolutions, ordinances and State of Indiana Law.
6. *Other:* Other duties as permitted by Indiana Code.

### B. Board of County Commissioners Powers:

1. *Document Amendment Initiation:* Initiate amendments to the Shelby County Comprehensive Plan, strategic plans or Unified Development Ordinance by making the proposal to the Plan Commission.
2. *Zoning Map Amendment Initiation:* Initiate amendments to the Official Zoning Map by making the proposal to the Plan Commission.
3. *Other:* Other powers as permitted by Indiana Code.

## 1.24 Plan Commission Summary of Powers and Duties

The powers and duties of the Plan Commission are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional and may be initiated.

### A. Plan Commission Duties:

1. *Documents:* Adopt and maintain the Board of County Commissioners approved Shelby County Comprehensive Plan and Unified Development Ordinance as authorized under Indiana State Law.
2. *Rules of Procedure:* Adopt and maintain rules and procedures for holding meetings, holding public hearings, and administering and enforcing the Shelby County Comprehensive Plan and Unified Development Ordinance.
3. *Records:* Maintain complete records of all meetings, hearings, correspondences and affairs of the Plan Commission.
4. *Materials:* Publish and make available to the public all plans, ordinances and other related material that are the responsibility of the Plan Commission.
5. *Process and Seal:* Adopt and maintain a permitting process and seal used to certify official or approved documents.
6. *Recommendations for Documents:* Certify and submit recommendations to the Board of County Commissioners including new versions of and revisions to the Shelby County Comprehensive Plan, Unified Development Ordinance and Official Zoning Map.
7. *Recommendations for PDs:* Certify and submit recommendations to the Board of County Commissioners for adopting a Planned Development District.
8. *Fiscal Records:* Maintain monetary and fiscal records of the Plan Commission.
9. *Budget:* Prepare and submit an annual budget to the County Council.
10. *Plats:* Approve or deny plats or replats of subdivisions.
11. *Waivers:* Approve or deny request for waivers to the subdivision requirements of the Unified Development Ordinance, except for road and drainage requirements which may only be waived by the Board of County Commissioners.
12. *Development Plans:* Approve or deny development plans and amendments to development plans.
13. *Names:* Approve or deny proposed subdivision names, street names and addresses in new developments.
14. *Enforcement:* Enforce regulations and procedures of the Comprehensive Plan and Unified Development Ordinance to the extent of the local resolutions, ordinances and State of Indiana Law.
15. *Other:* Other duties as permitted by Indiana Code.

# Powers and Duties

## B. Plan Commission Powers:

1. *Staff:* Hire, remove, and determine job descriptions for support staff with the Planning Department.
2. *Committees:* Establish advisory committees as necessary.
3. *Funding:* Seek funding assistance through grant programs as necessary.
4. *Distribution:* Distribute copies or summaries of the Shelby County Comprehensive Plan or Unified Development Ordinance to the general public and development community.
5. *Compensation:* Determine the compensation for support staff and members as provided within the budget submission to County Council.
6. *Other:* Other powers as permitted by Indiana Code.

## 1.25 **Board of Zoning Appeals Summary of Duties**

The duties of the Board of Zoning Appeals are described below. Duties should be interpreted as activities that are obligations.

### A. Board of Zoning Appeals Duties:

1. *Appeals:* Hear and determine appeals from, and review any order, requirement, decision or determination made by an administrative official or commission (except the Plan Commission) charged with the enforcement of the Unified Development Ordinance.
2. *Exceptions:* Authorize exceptions to the zoning district and overlay district regulations only in the classes of uses or in particular situations as specified in this Unified Development Ordinance.
3. *Variances:* Authorize, on appeal in specific cases, variances from the terms of the Unified Development Ordinance.
4. *Interpretations:* Interpret the Official Zoning Map.
5. *Other:* Other duties as permitted by Indiana Code.

## 1.26 **Zoning Administrator Summary of Duties**

The duties delegated by the Plan Commission to the Zoning Administrator are described below. Duties should be interpreted as activities that are obligations.

### A. Zoning Administrator Duties:

1. *Plan Commission Files:* Maintain complete records of all meetings, hearings, correspondences, budgets, rules of procedure, memberships, term expirations and general affairs of the Plan Commission.
2. *Plan Commission Meetings:* Serve as staff for the Plan Commission and any of its committees by setting agendas, conducting research, distributing meeting information and serving as Plan Commission Secretary.
3. *Publish:* Publish and make available to the public all plans, ordinances and other related material that are the responsibility of the Plan Commission.
4. *Public Interaction:* Be available as a first point of contact for planning and zoning questions from the public.
5. *Administrative Decisions:* Make administrative decisions based on the standards and procedures in the Unified Development Ordinance.
6. *Interpretations:* Interpret the standards in the Unified Development Ordinance.
7. *Applications:* Process applications submitted to the Planning Department.
8. *Review:* Review permit applications and issue or deny permits submitted to the Planning Department.
9. *Inspections and Enforcement:* Complete field inspections of improvements, structures and uses to verify compliance with the Unified Development Ordinance.
10. *Recommendations:* Prepare and present Plan Commission recommendations to other commissions and boards.
11. *Other:* Other duties that may be delegated by the Plan Commission from time to time.

# Certification and Adoption

## 1.27 Plan Commission Certification

This Unified Development Ordinance was certified with a favorable recommendation for adoption on this 26th of August 2008, by the Shelby County Plan Commission after holding a legally announced public hearing. The certification was made by the following Plan Commission vote:

Signatures:

The Advisory Plan Commission of Shelby County, Indiana.

AYE		NAY
_____	Chris King, President	_____
_____	Kevin Carson, Vice President	_____
_____	Scott Gabbard, Secretary	_____
_____	Mitch Mitchell, Member	_____
_____	Roger Laird, Member	_____
_____	Terry Smith, Member	_____
_____	Angie Steinbarger, Member	_____
_____	Taylor Sumerford, Member	_____
_____	Doug Warnecke, Member	_____

Attest:

\_\_\_\_\_ Date: \_\_\_\_\_  
Scott Gabbard, Plan Commission Secretary, Shelby County, Indiana

Form and content approved by: Mark McNeely, Attorney



# Certification and Adoption

**1.28 Unified Development Ordinance Adoption/Effective Date**

The Unified Development Ordinance shall become effective thirty (30) calendar days after its passage by the Board of County Commissioners. Adopted by the Board of County Commissioners of Shelby County, Indiana on this 8th of September 2008.

Signatures:

The Board of County Commissioners of Shelby County, Indiana

AYE

NAY

\_\_\_\_\_

Tony Newton,  
President

\_\_\_\_\_

\_\_\_\_\_

David Mohr,  
Vice President

\_\_\_\_\_

\_\_\_\_\_

Roger Laird,  
Member

\_\_\_\_\_

Attest:

\_\_\_\_\_

Date: \_\_\_\_\_

Amy Blackman, County Auditor, Shelby County, Indiana

Form and content approved by: Mark McNeely, Attorney





**Article**

**02**

**Zoning Districts**

---

*Shelby County  
Unified Development  
Ordinance*

© 2008, Bradley E. Johnson, ACP

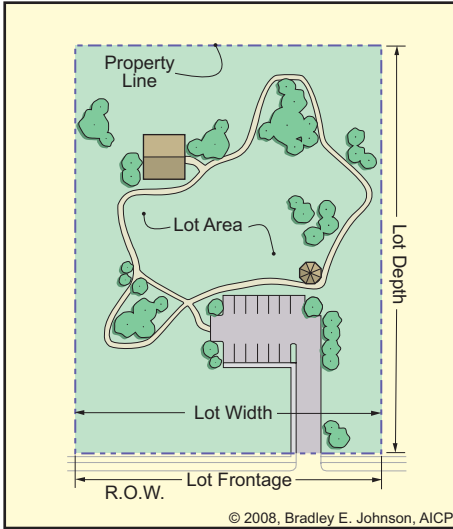


## 2.01 OP District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The OP (Open Space and Parks) District is intended to be used as follows:</b></p> <p><b>Use, Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• Used to protect land for open space and conservation areas</li> <li>• All intensities of passive and active recreation including parks, picnic areas, trails, playgrounds, and sports fields</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing and new facilities</li> <li>• OP districts are typically spot zoned and distributed around the community</li> <li>• Buffer and transitional district</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Promote high quality natural areas and recreational areas for public use and enjoyment</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OP, A1, A2, A3, A4, RE, R1, R2, VR, M1, M2, MP, VM, IS, C1, C2, I1, I2, and HI</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Use this zoning district for existing and new parks and recreation facilities</li> <li>• Protect the land and uses within the Open Space and Parks District from residential, commercial, and industrial encroachment through the use of appropriate buffers and setbacks</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>• Protect the integrity of land and uses within the Open Space and Parks District</li> </ul>	<p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• country club</li> <li>• driving range</li> <li>• farmers market</li> <li>• golf course</li> <li>• sports field-outdoor</li> <li>• swimming pool</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• nature center</li> <li>• park</li> <li>• pool, public</li> <li>• skate park</li> </ul>	<p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• campground</li> <li>• sport field-indoor</li> <li>• paintball facility</li> <li>• stadium</li> <li>• watercraft rental</li> </ul> <p><b>Residential Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• caretakers residence</li> </ul>

# Open Space and Parks (OP) District

## 2.02 OP District Development Standards



**Minimum Lot Area**

- n/a

**Minimum Lot Width**

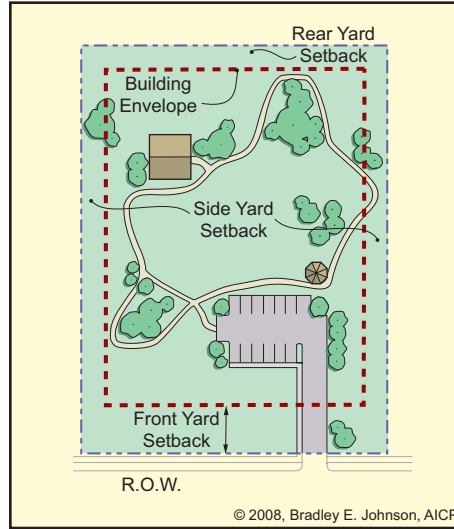
- n/a

**Minimum Lot Frontage**

- n/a

**Sewer and Water**

- Public sanitary sewer and water utility not required



**Minimum Front Yard Setback**

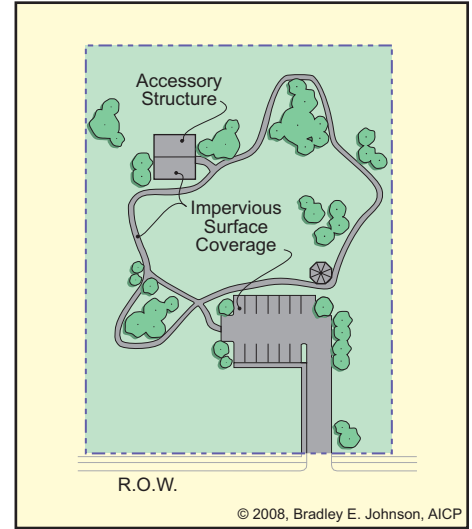
- 45 feet

**Minimum Side Yard Setback**

- 15 feet

**Minimum Rear Yard Setback**

- 20 feet



**Maximum Lot Coverage**

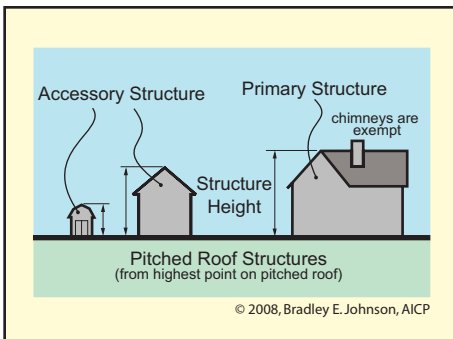
- 70% of lot area

**Minimum Main Floor Area**

- n/a

**Maximum Primary Structures**

- no limit



**Maximum Structure Height**

- 40 feet for primary structure
- 20 feet for accessory structure

### Additional Development Standards that Apply

<p><b>Accessory Structure (AS)</b></p> <ul style="list-style-type: none"> <li>• AS-01 ..... Page 5-4</li> <li>• AS-02 ..... Page 5-4</li> </ul> <p><b>Architectural (AR)</b></p> <ul style="list-style-type: none"> <li>• AR-01 ..... Page 5-7</li> <li>• AR-02 ..... Page 5-7</li> <li>• AR-03 ..... Page 5-8</li> <li>• AR-04 ..... Page 5-8</li> </ul> <p><b>Density and Intensity (DI)</b></p> <ul style="list-style-type: none"> <li>• DI-01 ..... Page 5-10</li> </ul> <p><b>Driveway (DW)</b></p> <ul style="list-style-type: none"> <li>• DW-01 ..... Page 5-11</li> <li>• DW-04 ..... Page 5-14</li> </ul> <p><b>Environmental (EN)</b></p> <ul style="list-style-type: none"> <li>• EN-01 ..... Page 5-16</li> </ul> <p><b>Fence and Wall (FW)</b></p> <ul style="list-style-type: none"> <li>• FW-01 ..... Page 5-17</li> <li>• FW-02 ..... Page 5-17</li> </ul> <p><b>Floodplain (FP)</b></p> <ul style="list-style-type: none"> <li>• FP-01 ..... Page 5-20</li> </ul> <p><b>Floor Area (FA)</b></p> <ul style="list-style-type: none"> <li>• FA-01 ..... Page 5-26</li> </ul> <p><b>Height (HT)</b></p> <ul style="list-style-type: none"> <li>• HT-01 ..... Page 5-27</li> </ul>	<p><b>Landscaping (LA)</b></p> <ul style="list-style-type: none"> <li>• LA-01 ..... Page 5-36</li> <li>• LA-02 ..... Page 5-37</li> <li>• LA-07 ..... Page 5-39</li> </ul> <p><b>Lot (LO)</b></p> <ul style="list-style-type: none"> <li>• LO-01 ..... Page 5-43</li> </ul> <p><b>Outdoor Storage (OS)</b></p> <ul style="list-style-type: none"> <li>• OS-01 ..... Page 5-45</li> <li>• OS-02 ..... Page 5-45</li> </ul> <p><b>Parking (PK)</b></p> <ul style="list-style-type: none"> <li>• PK-01 ..... Page 5-47</li> </ul> <p><b>Performance (PF)</b></p> <ul style="list-style-type: none"> <li>• PF-01 ..... Page 5-55</li> </ul> <p><b>Pond (PN)</b></p> <ul style="list-style-type: none"> <li>• PN-01 ..... Page 5-57</li> </ul> <p><b>Setback (SB)</b></p> <ul style="list-style-type: none"> <li>• SB-01 ..... Page 5-59</li> </ul> <p><b>Sewer and Water (SW)</b></p> <ul style="list-style-type: none"> <li>• SW-01 ..... Page 5-61</li> <li>• SW-02 ..... Page 5-61</li> </ul> <p><b>Sign (SI)</b></p> <ul style="list-style-type: none"> <li>• SI-01 ..... Page 5-64</li> </ul> <p><b>Storage Tank (ST)</b></p> <ul style="list-style-type: none"> <li>• ST-01 ..... Page 5-71</li> </ul>	<p><b>Structure (SR)</b></p> <ul style="list-style-type: none"> <li>• SR-01 ..... Page 5-72</li> </ul> <p><b>Telecom Facility (TC)</b></p> <ul style="list-style-type: none"> <li>• TC-01 ..... Page 5-73</li> </ul> <p><b>Temporary Use (TU)</b></p> <ul style="list-style-type: none"> <li>• TU-01 ..... Page 5-75</li> </ul> <p><b>Vision Clearance (VC)</b></p> <ul style="list-style-type: none"> <li>• VC-01 ..... Page 5-76</li> </ul>
---	--	---

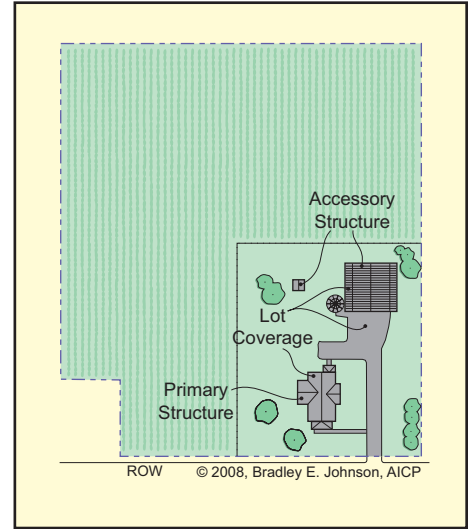
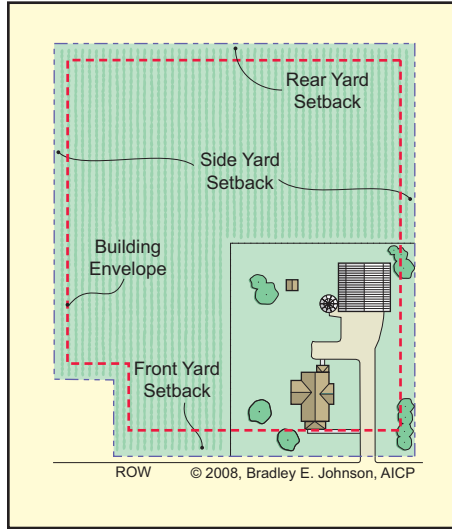
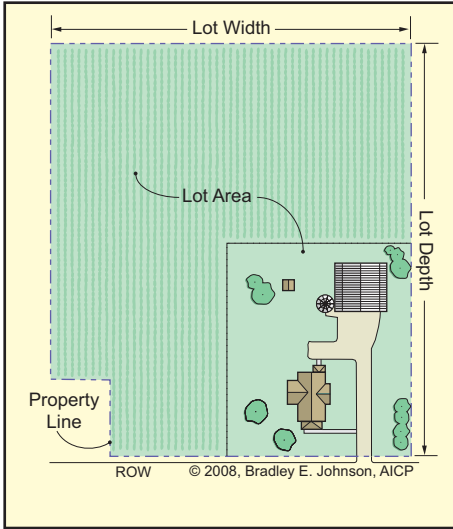
# Conservation Agricultural (A1) District

## 2.03 A1 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The A1 (Conservation Agricultural) District is intended to be used as follows:</b></p> <p><b>Use, Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• Low intensity general agricultural operations</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Prime agricultural land that should be protected from development</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Enact development standards to maximize protection of common agricultural practices</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OP, A1, A2, A4, RE, R1, R2, VR, MP, VM, and IS</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Use this zoning district for prime agricultural land that should be protected from development</li> <li>• Protect the land and operations within the Conservation Agricultural District from residential, commercial, and industrial encroachment through the use of appropriate buffers and setbacks</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>• Protect the integrity of land and operations within the Conservation Agricultural District</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• agricultural tourism</li> <li>• farmers market</li> <li>• home business kennel</li> <li>• home business (type 1)</li> <li>• home business (type 2)</li> <li>• roadside sales</li> </ul> <p><b>Agricultural Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• agricultural crop production</li> <li>• confined feeding operation (small)</li> <li>• hobby farming</li> <li>• orchard</li> <li>• raising of farm and exotic animals</li> <li>• stable (private)</li> <li>• storage of agricultural products</li> <li>• tree farm</li> <li>• vineyard</li> </ul> <p><b>Industrial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• bio-diesel production ≤ 5,000 gallons per year</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• farmstead</li> </ul>	<p><b>Accessory Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• home business (type 3)</li> </ul> <p><b>Commercial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• kennel</li> </ul> <p><b>Residential Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• dwelling, single-family detached</li> </ul>

# Conservation Agricultural (A1) District

## 2.04 A1 District Development Standards



**Minimum Lot Area**

- 20 acres

**Minimum Lot Width**

- 120 feet

**Minimum Lot Frontage**

- 50 feet

**Sewer and Water**

- Public sanitary sewer and water utility not required

**Minimum Front Yard Setback**

- 50 feet

**Minimum Side Yard Setback**

- 40 feet for primary structure
- 10 feet for accessory structure

**Minimum Rear Yard Setback**

- 40 feet for primary structure
- 10 feet for accessory structure

**Maximum Lot Coverage**

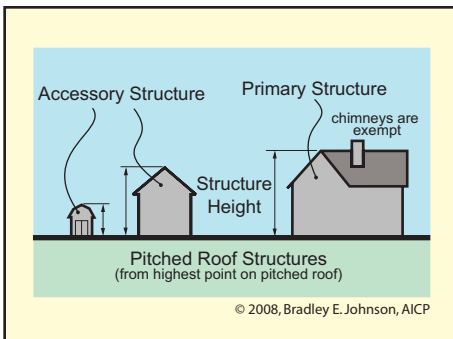
- 15% of lot area

**Minimum Dwelling Size**

- 1,200 square feet

**Maximum Primary Structures**

- 1 residential primary structure and 5 non-residential primary structures per lot



**Maximum Structure Height**

- 35 feet for primary structure
- 30 feet for accessory structure

### Additional Development Standards that Apply

**Accessory Structure (AS)**

- AS-01 ..... Page 5-4
- AS-02 ..... Page 5-4

**Confined Feeding (CF)**

- CF-01 ..... Page 5-9

**Density and Intensity (DI)**

- DI-01 ..... Page 5-10

**Driveway (DW)**

- DW-01 ..... Page 5-11
- DW-02 ..... Page 5-12

**Environmental (EN)**

- EN-01 ..... Page 5-16

**Fence and Wall (FW)**

- FW-01 ..... Page 5-17

**Floodplain (FP)**

- FP-01 ..... Page 5-20

**Floor Area (FA)**

- FA-01 ..... Page 5-26

**Height (HT)**

- HT-01 ..... Page 5-27

**Home Based Business (HB)**

- HB-01 ..... Page 5-28
- HB-02 ..... Page 5-29
- HB-03 ..... Page 5-30

**Kennel (KL)**

- KL-01 ..... Page 5-32
- KL-02 ..... Page 5-33

**Keeping of Animals (KA)**

- KA-01 ..... Page 5-34
- KA-04 ..... Page 5-34

**Landscaping (LA)**

- LA-01 ..... Page 5-36
- LA-07 ..... Page 5-39

**Lot (LO)**

- LO-01 ..... Page 5-43

**Outdoor Storage (OS)**

- OS-04 ..... Page 5-46

**Parking (PK)**

- PK-02 ..... Page 5-48

**Performance (PF)**

- PF-01 ..... Page 5-55

**Pond (PN)**

- PN-01 ..... Page 5-57

**Setback (SB)**

- SB-01 ..... Page 5-59

**Sewer and Water (SW)**

- SW-01 ..... Page 5-61

**Sign (SI)**

- SI-01 ..... Page 5-64

**Storage Tank (ST)**

- ST-01 ..... Page 5-71
- ST-03 ..... Page 5-71

**Structure (SR)**

- SR-01 ..... Page 5-72

**Temporary Use (TU)**

- TU-01 ..... Page 5-75
- TU-02 ..... Page 5-75

**Vision Clearance (VC)**

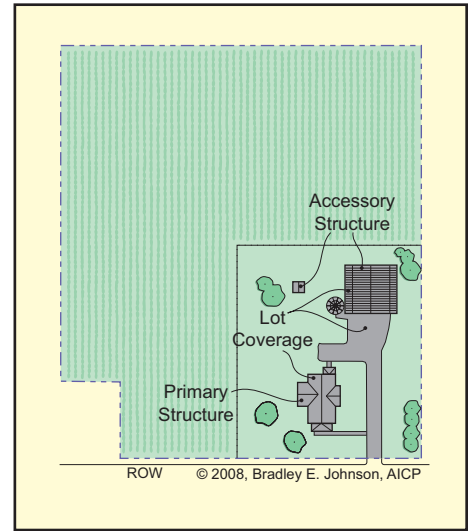
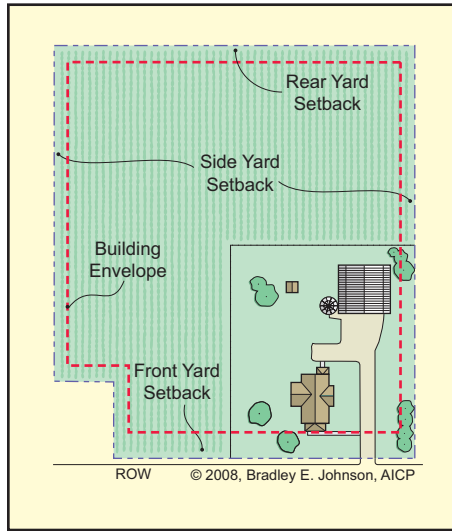
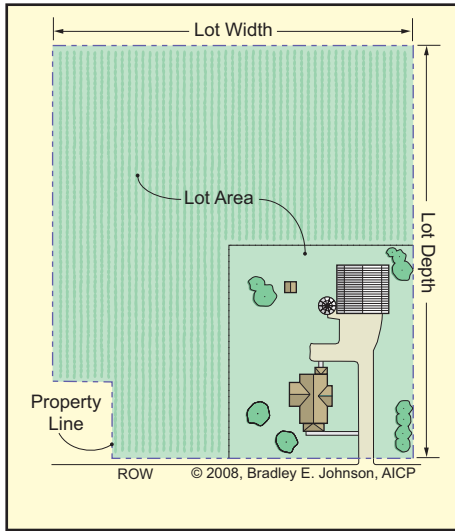
- VC-01 ..... Page 5-76

## 2.05 A2 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The A2 (Agricultural) District is intended to be used as follows:</b></p> <p><b>Use, Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• Low to medium intensity general agricultural operations</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing agricultural land</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Enact development standards to maximize protection of common agricultural practices</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OP, A1, A2, A3, A4, RE, R1, R2, VR, MP, VM, and IS</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Use this zoning district for existing agricultural land</li> <li>• Protect the land and operations within the Agricultural District from residential, commercial, and industrial encroachment through the use of appropriate buffers and setbacks</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>• Protect the integrity of land and operations within the Agricultural District</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• agricultural tourism</li> <li>• farmers market</li> <li>• home business kennel</li> <li>• home business (type 1)</li> <li>• home business (type 2)</li> <li>• home business (type 3)</li> <li>• roadside sales</li> </ul> <p><b>Agricultural Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• agricultural crop production</li> <li>• hobby farming</li> <li>• orchard</li> <li>• raising of farm and exotic animals</li> <li>• stable (private)</li> <li>• storage of agricultural products</li> <li>• tree farm</li> <li>• vineyard</li> </ul> <p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• stable</li> <li>• winery</li> </ul> <p><b>Industrial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• bio-diesel production ≤ 5,000 gallons per year</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• dwelling, single-family detached</li> <li>• fair housing facility (small)</li> </ul>	<p><b>Agricultural Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• confined feeding operation (small)</li> <li>• processing of agricultural products</li> </ul> <p><b>Commercial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• kennel</li> </ul> <p><b>Residential Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• bed and breakfast</li> </ul>

# Agricultural (A2) District

## 2.06 A2 District Development Standards



**Minimum Lot Area**

- 5 acres

**Minimum Lot Width**

- 120 feet

**Minimum Lot Frontage**

- 50 feet

**Sewer and Water**

- Public sanitary sewer and water utility not required

**Minimum Front Yard Setback**

- 60 feet

**Minimum Side Yard Setback**

- 40 feet for primary structure
- 10 feet for accessory structure

**Minimum Rear Yard Setback**

- 40 feet for primary structure
- 10 feet for accessory structure

**Maximum Lot Coverage**

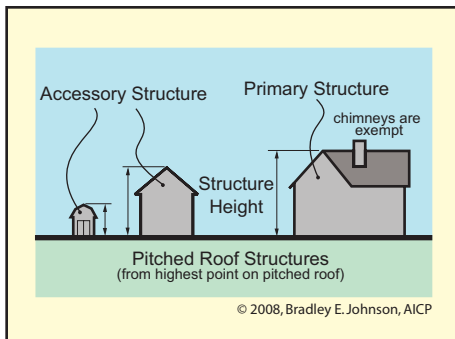
- 15% of lot area

**Minimum Dwelling Size:**

- 1,200 square feet

**Maximum Primary Structures**

- 1 residential primary structure and 3 non-residential primary structures per lot



**Maximum Structure Height**

- 35 feet for primary structure
- 30 feet for accessory structure

### Additional Development Standards that Apply

<p><b>Accessory Structure (AS)</b></p> <ul style="list-style-type: none"> <li>• AS-01 ..... Page 5-4</li> <li>• AS-02 ..... Page 5-4</li> </ul> <p><b>Confined Feeding (CF)</b></p> <ul style="list-style-type: none"> <li>• CF-01 ..... Page 5-9</li> </ul> <p><b>Density and Intensity (DI)</b></p> <ul style="list-style-type: none"> <li>• DI-01 ..... Page 5-10</li> </ul> <p><b>Driveway (DW)</b></p> <ul style="list-style-type: none"> <li>• DW-01 ..... Page 5-11</li> <li>• DW-02 ..... Page 5-12</li> </ul> <p><b>Environmental (EN)</b></p> <ul style="list-style-type: none"> <li>• EN-01 ..... Page 5-16</li> </ul> <p><b>Fence and Wall (FW)</b></p> <ul style="list-style-type: none"> <li>• FW-01 ..... Page 5-17</li> <li>• FW-02 ..... Page 5-18</li> </ul> <p><b>Floodplain (FP)</b></p> <ul style="list-style-type: none"> <li>• FP-01 ..... Page 5-20</li> </ul> <p><b>Floor Area (FA)</b></p> <ul style="list-style-type: none"> <li>• FA-01 ..... Page 5-26</li> </ul> <p><b>Height (HT)</b></p> <ul style="list-style-type: none"> <li>• HT-01 ..... Page 5-27</li> </ul>	<p><b>Home Business (HB)</b></p> <ul style="list-style-type: none"> <li>• HB-01 ..... Page 5-28</li> <li>• HB-02 ..... Page 5-29</li> <li>• HB-03 ..... Page 5-30</li> </ul> <p><b>Kennel (KL)</b></p> <ul style="list-style-type: none"> <li>• KL-01 ..... Page 5-32</li> <li>• KL-02 ..... Page 5-33</li> </ul> <p><b>Keeping of Animals (KA)</b></p> <ul style="list-style-type: none"> <li>• KA-01 ..... Page 5-34</li> <li>• KA-04 ..... Page 5-34</li> </ul> <p><b>Landscaping (LA)</b></p> <ul style="list-style-type: none"> <li>• LA-01 ..... Page 5-36</li> <li>• LA-07 ..... Page 5-39</li> </ul> <p><b>Lot (LO)</b></p> <ul style="list-style-type: none"> <li>• LO-01 ..... Page 5-43</li> </ul> <p><b>Outdoor Storage (OS)</b></p> <ul style="list-style-type: none"> <li>• OS-04 ..... Page 5-46</li> </ul> <p><b>Parking (PK)</b></p> <ul style="list-style-type: none"> <li>• PK-02 ..... Page 5-48</li> </ul> <p><b>Performance (PF)</b></p> <ul style="list-style-type: none"> <li>• PF-01 ..... Page 5-55</li> </ul>	<p><b>Pond (PN)</b></p> <ul style="list-style-type: none"> <li>• PN-01 ..... Page 5-57</li> </ul> <p><b>Setback (SB)</b></p> <ul style="list-style-type: none"> <li>• SB-01 ..... Page 5-59</li> </ul> <p><b>Sewer and Water (SW)</b></p> <ul style="list-style-type: none"> <li>• SW-01 ..... Page 5-61</li> </ul> <p><b>Sign (SI)</b></p> <ul style="list-style-type: none"> <li>• SI-01 ..... Page 5-64</li> </ul> <p><b>Storage Tank (ST)</b></p> <ul style="list-style-type: none"> <li>• ST-01 ..... Page 5-71</li> <li>• ST-03 ..... Page 5-71</li> </ul> <p><b>Structure (SR)</b></p> <ul style="list-style-type: none"> <li>• SR-01 ..... Page 5-72</li> </ul> <p><b>Temporary Use (TU)</b></p> <ul style="list-style-type: none"> <li>• TU-01 ..... Page 5-75</li> <li>• TU-02 ..... Page 5-75</li> </ul> <p><b>Vision Clearance (VC)</b></p> <ul style="list-style-type: none"> <li>• VC-01 ..... Page 5-76</li> </ul>
--	--	---



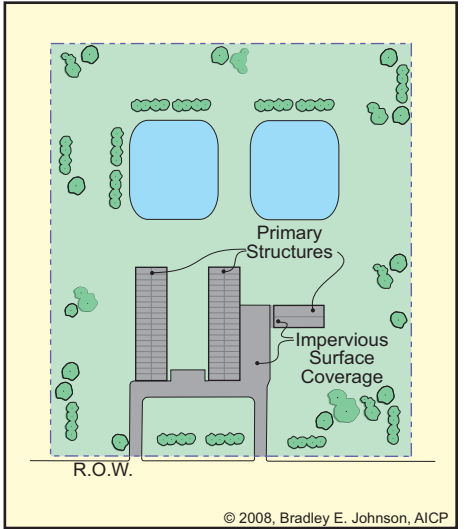
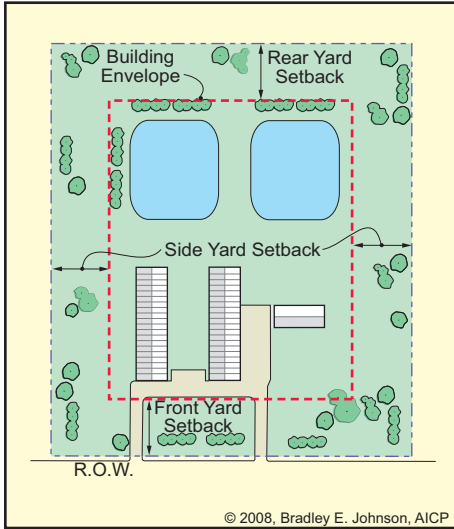
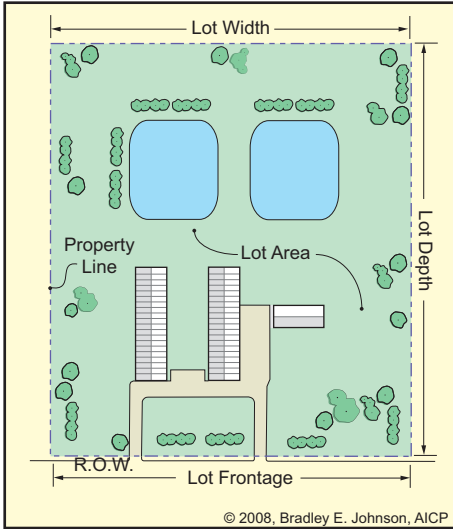
# Intense Agricultural (A3) District

## 2.07 A3 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The A3 (Intense Agricultural) District is intended to be used as follows:</b></p> <p><b>Use, Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• High intensity agricultural operations that may have a high impact on adjacent properties</li> <li>• Primarily established for confined feeding operations</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing agricultural areas</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Enact strict development standards to maximize protection of common agricultural practices</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OP, A1, A2, A3, A4, I2, and HI</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Use this zoning district for existing agricultural land</li> <li>• Protect the land and operations within the Intense Agricultural District from residential, commercial, and industrial encroachment through the use of appropriate buffers and setbacks</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>• Protect the integrity of land and operations within the Intense Agricultural District</li> <li>• Be sensitive to the potential for water pollution and other negative impacts to nearby agricultural, residential, and commercial land</li> </ul>	<p><b>Agricultural Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• agricultural crop production</li> <li>• confined feeding operation (small)</li> <li>• confined feeding operation (medium)</li> <li>• hobby farming</li> <li>• orchard</li> <li>• processing of agricultural products</li> <li>• raising of farm and exotic animals</li> <li>• sale of agricultural products</li> <li>• stable</li> <li>• storage of agricultural products</li> <li>• tree farm</li> <li>• vineyard</li> </ul> <p><b>Industrial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• bio-diesel production ≤ 5,000 gallons per year</li> <li>• methane production</li> </ul>	<p><b>Agricultural Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• confined feeding operation (large)</li> </ul> <p><b>Commercial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• kennel</li> </ul> <p><b>Residential Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• dwelling, single-family detached</li> </ul>

# Intense Agricultural (A3) District

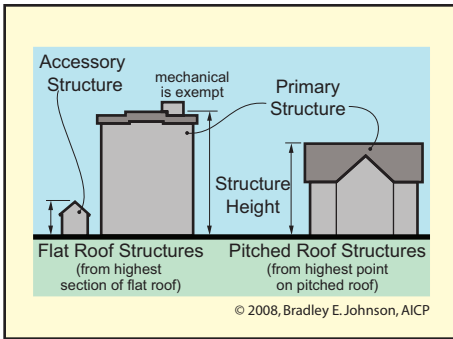
## 2.08 A3 District Development Standards



- Minimum Lot Area**
  - 5 acres
- Minimum Lot Width**
  - 120 feet
- Minimum Lot Frontage**
  - 50 feet
- Sewer and Water**
  - Public sanitary sewer and water utility not required

- Minimum Front Yard Setback**
  - 750 feet
- Minimum Side Yard Setback**
  - 750 feet
- Minimum Rear Yard Setback**
  - 750 feet

- Maximum Lot Coverage**
  - 15% of lot area
- Minimum Main Floor Area**
  - n/a
- Maximum Primary Structures**
  - 1 residential primary structure and 8 non-residential primary structures per lot



- Maximum Structure Height**
  - 40 feet for primary structure
  - 30 feet for accessory structure

### Additional Development Standards that Apply

<ul style="list-style-type: none"> <li><b>Accessory Structure (AS)</b> <ul style="list-style-type: none"> <li>• AS-01 ..... Page 5-4</li> <li>• AS-02 ..... Page 5-4</li> </ul> </li> <li><b>Confined Feeding (CF)</b> <ul style="list-style-type: none"> <li>• CF-01 ..... Page 5-9</li> </ul> </li> <li><b>Density and Intensity (DI)</b> <ul style="list-style-type: none"> <li>• DI-01 ..... Page 5-10</li> </ul> </li> <li><b>Driveway (DW)</b> <ul style="list-style-type: none"> <li>• DW-01 ..... Page 5-11</li> <li>• DW-02 ..... Page 5-12</li> </ul> </li> <li><b>Environmental (EN)</b> <ul style="list-style-type: none"> <li>• EN-01 ..... Page 5-16</li> </ul> </li> <li><b>Fence and Wall (FW)</b> <ul style="list-style-type: none"> <li>• FW-01 ..... Page 5-17</li> <li>• FW-03 ..... Page 5-18</li> </ul> </li> <li><b>Floodplain (FP)</b> <ul style="list-style-type: none"> <li>• FP-01 ..... Page 5-20</li> </ul> </li> <li><b>Floor Area (FA)</b> <ul style="list-style-type: none"> <li>• FA-01 ..... Page 5-26</li> </ul> </li> <li><b>Height (HT)</b> <ul style="list-style-type: none"> <li>• HT-01 ..... Page 5-27</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li><b>Home Business (HB)</b> <ul style="list-style-type: none"> <li>• HB-01 ..... Page 5-28</li> <li>• HB-02 ..... Page 5-29</li> <li>• HB-03 ..... Page 5-30</li> </ul> </li> <li><b>Kennel (KL)</b> <ul style="list-style-type: none"> <li>• KL-01 ..... Page 5-32</li> </ul> </li> <li><b>Keeping of Animals (KA)</b> <ul style="list-style-type: none"> <li>• KA-01 ..... Page 5-34</li> <li>• KA-04 ..... Page 5-34</li> </ul> </li> <li><b>Landscaping (LA)</b> <ul style="list-style-type: none"> <li>• LA-01 ..... Page 5-36</li> <li>• LA-07 ..... Page 5-39</li> </ul> </li> <li><b>Lot (LO)</b> <ul style="list-style-type: none"> <li>• LO-01 ..... Page 5-43</li> </ul> </li> <li><b>Outdoor Storage (OS)</b> <ul style="list-style-type: none"> <li>• OS-04 ..... Page 5-46</li> </ul> </li> <li><b>Parking (PK)</b> <ul style="list-style-type: none"> <li>• PK-02 ..... Page 5-48</li> </ul> </li> <li><b>Performance (PF)</b> <ul style="list-style-type: none"> <li>• PF-01 ..... Page 5-55</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li><b>Pond (PN)</b> <ul style="list-style-type: none"> <li>• PN-01 ..... Page 5-57</li> </ul> </li> <li><b>Setback (SB)</b> <ul style="list-style-type: none"> <li>• SB-01 ..... Page 5-59</li> </ul> </li> <li><b>Sewer and Water (SW)</b> <ul style="list-style-type: none"> <li>• SW-01 ..... Page 5-61</li> </ul> </li> <li><b>Sign (SI)</b> <ul style="list-style-type: none"> <li>• SI-01 ..... Page 5-64</li> </ul> </li> <li><b>Storage Tank (ST)</b> <ul style="list-style-type: none"> <li>• ST-01 ..... Page 5-71</li> <li>• ST-03 ..... Page 5-71</li> </ul> </li> <li><b>Structure (SR)</b> <ul style="list-style-type: none"> <li>• SR-01 ..... Page 5-72</li> </ul> </li> <li><b>Telecom Facility (TC)</b> <ul style="list-style-type: none"> <li>• TC-01 ..... Page 5-73</li> </ul> </li> <li><b>Temporary Use (TU)</b> <ul style="list-style-type: none"> <li>• TU-01 ..... Page 5-75</li> <li>• TU-02 ..... Page 5-75</li> </ul> </li> <li><b>Vision Clearance (VC)</b> <ul style="list-style-type: none"> <li>• VC-01 ..... Page 5-76</li> </ul> </li> </ul>
--	--	---

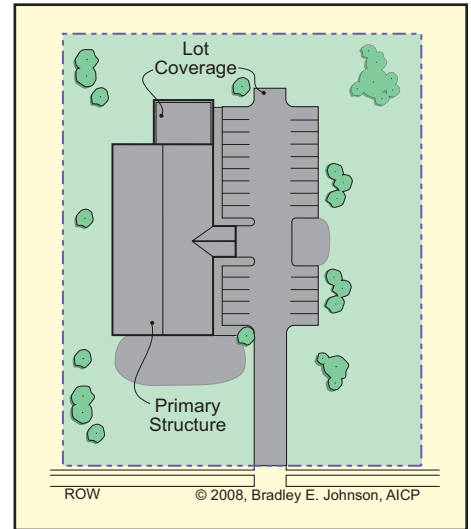
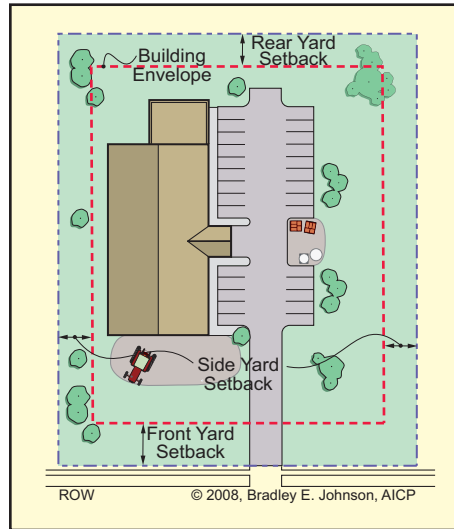
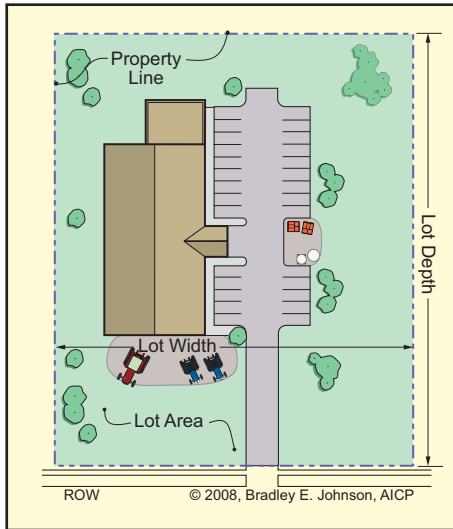
# Agricultural Commercial (A4) District

## 2.09 A4 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The A4 (Agricultural Commercial) District is intended to be used as follows:</b></p> <p><b>Use, Type and Intensity</b></p> <ul style="list-style-type: none"> <li>Commercial and industrial uses directly related to agricultural operations and compatible with the character of the area</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>Existing or new development</li> <li>Spot zoning adjacent to existing agricultural land</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>Enact development standards to minimize the impacts on adjacent properties while encouraging economic vitality within the Agricultural Commercial District</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>OP, A1, A2, A3, A4, RE, and IS</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>Use this zoning district for agricultural uses and other commercial and industrial uses that are supportive of agricultural operations</li> <li>Protect the adjacent agricultural land and operations from uses that may conflict with their continued operation through the use of appropriate buffers and setbacks</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>Protect the adjacent land and uses by through the use of appropriate buffers and setbacks</li> <li>Be sensitive to the potential for water pollution and other negative impacts to nearby agricultural, residential, and commercial land</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>agricultural tourism</li> </ul> <p><b>Agricultural Permitted Uses</b></p> <ul style="list-style-type: none"> <li>agricultural crop production</li> <li>equestrian exercise facility</li> <li>equestrian training facility</li> <li>grain elevator</li> <li>processing of agricultural products</li> <li>raising of farm animals</li> <li>sale of agricultural products</li> <li>stable (private)</li> <li>storage of agricultural products</li> </ul> <p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>farm implement sales</li> <li>farmers market</li> <li>equestrian trailer sales</li> <li>plant nursery</li> <li>research laboratory</li> <li>stable</li> <li>tack shop</li> <li>testing laboratory</li> <li>tools/equipment sales/rental</li> <li>veterinarian clinic/hospital</li> <li>veterinarian supply</li> </ul> <p><b>Industrial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>bio-diesel production ≤ 5,000 gallons per year</li> <li>food processing</li> <li>heavy equipment repair</li> <li>liquid fertilizer storage/distribution</li> <li>outdoor storage</li> <li>storage tanks (nonhazardous)</li> <li>welding</li> </ul>	<p><b>Commercial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>kennel</li> </ul>

# Agricultural Commercial (A4) District

## 2.10 A4 District Development Standards



**Minimum Lot Area**

- 2 acres

**Minimum Lot Width**

- 150 feet

**Minimum Lot Frontage**

- 75 feet

**Sewer and Water**

- Public sanitary sewer and water utility not required

**Minimum Front Yard Setback**

- 50 feet

**Minimum Side Yard Setback**

- 40 feet for primary structure
- 20 feet for accessory structure

**Minimum Rear Yard Setback**

- 40 feet for primary structure
- 20 feet for accessory structure

**Maximum Lot Coverage**

- 65% of lot area

**Minimum Main Floor Area:**

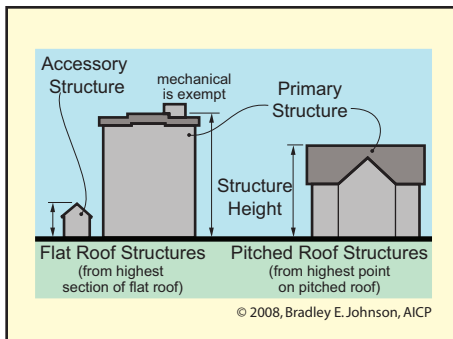
- 600 square feet

**Maximum Main Floor Area:**

- 35,000 square feet

**Maximum Primary Structures**

- 1 residential primary structure and 2 non-residential primary structures per lot



**Maximum Structure Height**

- 40 feet for primary structure
- 30 feet for accessory structure

### Additional Development Standards that Apply

**Accessory Structure (AS)**

- AS-01 ..... Page 5-4
- AS-07 ..... Page 5-6

**Density and Intensity (DI)**

- DI-01 ..... Page 5-10

**Driveway (DW)**

- DW-01 ..... Page 5-11
- DW-04 ..... Page 5-14

**Environmental (EN)**

- EN-01 ..... Page 5-16

**Fence and Wall (FW)**

- FW-01 ..... Page 5-17
- FW-03 ..... Page 5-18

**Floodplain (FP)**

- FP-01 ..... Page 5-20

**Floor Area (FA)**

- FA-01 ..... Page 5-26

**Height (HT)**

- HT-01 ..... Page 5-27

**Kennel (KL)**

- KL-01 ..... Page 5-32

**Keeping of Animals (KA)**

- KA-04 ..... Page 5-34

**Landscaping (LA)**

- LA-01 ..... Page 5-36
- LA-07 ..... Page 5-39

**Lighting (LT)**

- LT-01 ..... Page 5-41

**Lot (LO)**

- LO-01 ..... Page 5-43

**Parking (PK)**

- PK-01 ..... Page 5-47

**Performance (PF)**

- PF-01 ..... Page 5-55

**Public Improvement (PI)**

- PI-01 ..... Page 5-56

**Pond (PN)**

- PN-01 ..... Page 5-57

**Setback (SB)**

- SB-01 ..... Page 5-59

**Sewer and Water (SW)**

- SW-01 ..... Page 5-61
- SW-02 ..... Page 5-61

**Sign (SI)**

- SI-01 ..... Page 5-64

**Storage Tank (ST)**

- ST-01 ..... Page 5-71
- ST-03 ..... Page 5-71

**Structure (SR)**

- SR-01 ..... Page 5-72

**Temporary Use (TU)**

- TU-01 ..... Page 5-75
- TU-02 ..... Page 5-75

**Vision Clearance (VC)**

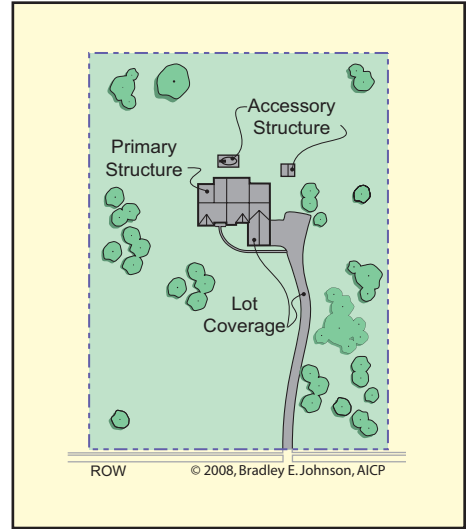
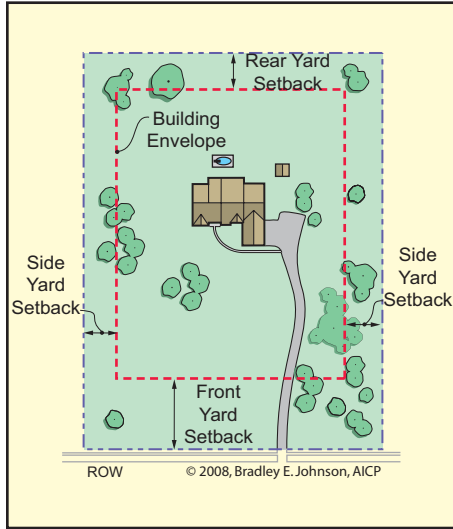
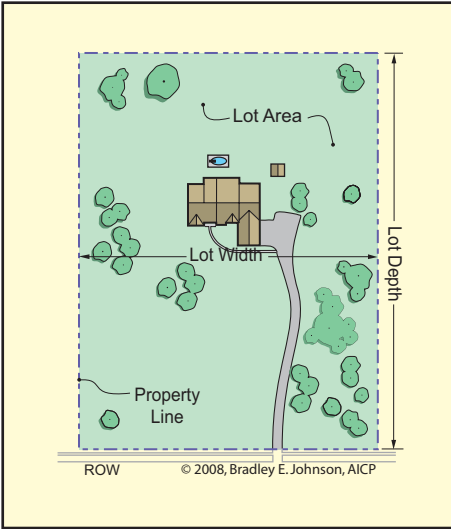
- VC-01 ..... Page 5-76

## 2.11 RE District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The RE (Residential Estate) District is intended to be used as follows:</b></p> <p><b>Use, Type and Intensity</b></p> <ul style="list-style-type: none"> <li>Residential estates and hobby farming</li> <li>Low density single-family detached dwellings on large lots</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>Existing and new development</li> <li>Small area zoning</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>Promote low-impact development in harmony with a natural setting</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>OP, A1, A2, A3, A4, RE, R1, R2, VR, VM and IS</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>Use this zoning district for existing developments and carefully for new residential development</li> <li>Large subdivisions on well and septic systems are not favored</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>Allow a special exception use only when it is compatible with the surrounding residential areas</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>home business (type 1)</li> <li>roadside sales</li> </ul> <p><b>Agricultural Permitted Uses</b></p> <ul style="list-style-type: none"> <li>hobby farming</li> <li>stable (private)</li> </ul> <p><b>Industrial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>bio-diesel production ≤ 5,000 gallons per year</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>dwelling, single-family detached</li> <li>fair housing facility (small)</li> </ul>	<p><b>Accessory Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>bed and breakfast</li> <li>home business (type 2)</li> <li>home business (type 3)</li> </ul> <p><b>Institutional Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>police, fire or rescue station</li> </ul>

# Residential Estate (RE) District

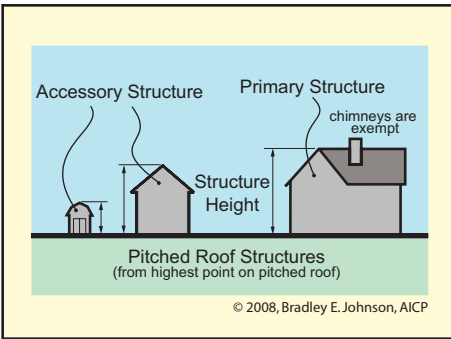
## 2.12 RE District Development Standards



- Minimum Lot Area**
  - 2 acres
- Minimum Lot Width**
  - 160 feet
- Minimum Lot Frontage**
  - 160 feet
- Sewer and Water**
  - Public sanitary sewer utility not required
  - Private well permitted only when a public water utility is not available

- Minimum Front Yard Setback**
  - 50 feet
- Minimum Side Yard Setback**
  - 30 feet for primary structure
  - 10 feet for accessory structure
- Minimum Rear Yard Setback**
  - 30 feet for primary structure
  - 10 feet for accessory structure

- Maximum Lot Coverage**
  - 30% of lot area
- Minimum Dwelling Size:**
  - 1,600 square feet
- Maximum Primary Structures**
  - 1 per lot



- Maximum Structure Height**
  - 35 feet for primary structure
  - 20 feet for accessory structure

Additional Development Standards that Apply		
<b>Accessory Structure (AS)</b>	<b>Keeping of Animals (KA)</b>	<b>Rural Residential (RL)</b>
• AS-01..... Page 5-4	• KA-01..... Page 5-34	• RL-01..... Page 5-58
• AS-03..... Page 5-4	• KA-05..... Page 5-35	<b>Setback (SB)</b>
<b>Architectural (AR)</b>	<b>Landscaping (LA)</b>	• SB-01..... Page 5-59
• AR-01..... Page 5-7	• LA-01..... Page 5-36	<b>Sewer and Water (SW)</b>
<b>Density and Intensity (DI)</b>	• LA-02..... Page 5-37	• SW-01..... Page 5-61
• DI-01..... Page 5-10	• LA-03..... Page 5-37	• SW-02..... Page 5-61
<b>Driveway (DW)</b>	• LA-07..... Page 5-39	<b>Sign (SI)</b>
• DW-01..... Page 5-11	<b>Lot (LO)</b>	• SI-01..... Page 5-64
• DW-03..... Page 5-13	• LO-01..... Page 5-43	<b>Storage Tank (ST)</b>
<b>Environmental (EN)</b>	<b>Outdoor Storage (OS)</b>	• ST-01..... Page 5-71
• EN-01..... Page 5-16	• OS-01..... Page 5-45	• ST-02..... Page 5-71
<b>Fence and Wall (FW)</b>	• OS-03..... Page 5-45	<b>Structure (SR)</b>
• FW-01..... Page 5-17	• OS-04..... Page 5-46	• SR-01..... Page 5-72
• FW-03..... Page 5-18	<b>Parking (PK)</b>	<b>Temporary Use (TU)</b>
<b>Floodplain (FP)</b>	• PK-01..... Page 5-47	• TU-01..... Page 5-75
• FP-01..... Page 5-20	• PK-02..... Page 5-48	• TU-02..... Page 5-75
<b>Floor Area (FA)</b>	<b>Performance (PF)</b>	• TU-03..... Page 5-75
• FA-01..... Page 5-26	• PF-01..... Page 5-55	<b>Vision Clearance (VC)</b>
<b>Height (HT)</b>	<b>Public Improvement (PI)</b>	• VC-01..... Page 5-76
• HT-01..... Page 5-27	• PI-01..... Page 5-56	
<b>Home Business (HB)</b>	<b>Pond (PN)</b>	
• HB-01..... Page 5-28	• PN-01..... Page 5-57	
• HB-02..... Page 5-29		



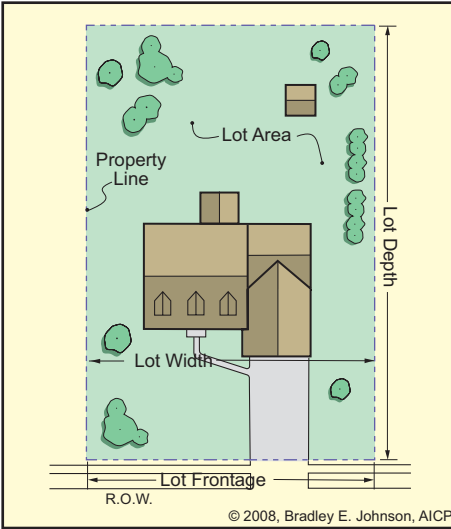
# Single-family Residential (R1) District

## 2.13 R1 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The R1 (Single-family Residential) District is intended to be used as follows:</b></p> <p><b>Use, Type and Intensity</b></p> <ul style="list-style-type: none"><li>• Low density single-family detached dwellings on large sized lots</li></ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"><li>• Existing and new development</li><li>• Adjacent to or very near the corporate limit of a municipality</li><li>• Small area zoning</li></ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"><li>• Promote low-impact development in harmony with a natural setting</li></ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"><li>• OP, A1, A2, RE, R1, R2, VR, M1, VM, IS and C1</li></ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"><li>• Use this zoning district for existing developments and carefully for new residential development</li></ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"><li>• Allow a special exception use only when it is compatible with the surrounding residential areas</li></ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"><li>• home business (type 1)</li></ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"><li>• dwelling, single-family detached</li><li>• fair housing facility (small)</li></ul>	<p><b>Accessory Special Exception Uses</b></p> <ul style="list-style-type: none"><li>• home business (type 2)</li></ul> <p><b>Institutional Special Exception Uses</b></p> <ul style="list-style-type: none"><li>• police, fire, or rescue station</li></ul>

# Single-family Residential (R1) District

## 2.14 R1 District Development Standards



**Minimum Lot Area**

- 20,000 square feet

**Minimum Lot Width**

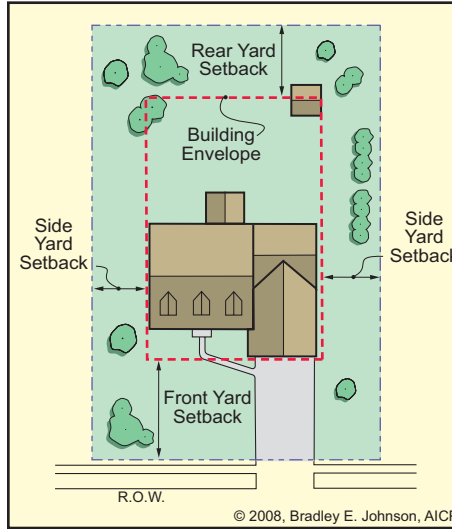
- 100 feet

**Minimum Lot Frontage**

- 50 feet

**Sewer and Water**

- Public sanitary sewer and water utility required



**Minimum Front Yard Setback**

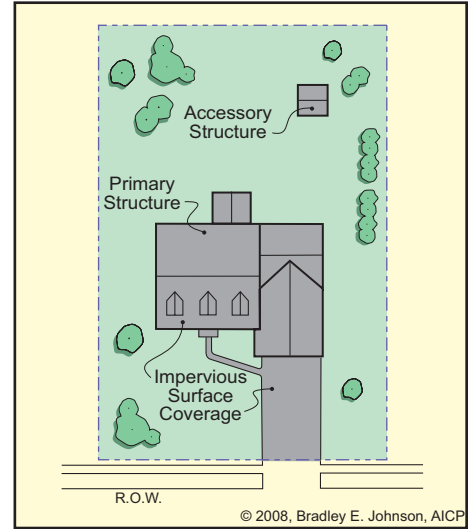
- 35 feet

**Minimum Side Yard Setback**

- 15 feet for primary structure
- 5 feet for accessory structure

**Minimum Rear Yard Setback**

- 30 feet for primary structure
- 5 feet for accessory structure



**Maximum Lot Coverage**

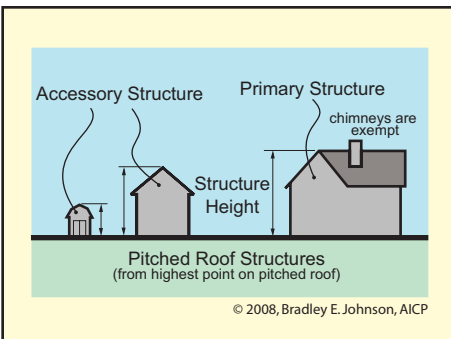
- 35% of lot area

**Minimum Dwelling Size:**

- 1,600 square feet

**Maximum Primary Structures**

- 1 per lot



**Maximum Structure Height**

- 35 feet for primary structure
- 20 feet for accessory structure

### Additional Development Standards that Apply

<b>Accessory Structure (AS)</b>	<b>Keeping of Animals (KA)</b>	<b>Setback (SB)</b>
• AS-01..... Page 5-4	• KA-02..... Page 5-34	• SB-01..... Page 5-59
• AS-04..... Page 5-5	<b>Landscaping (LA)</b>	<b>Sewer and Water (SW)</b>
<b>Architectural (AR)</b>	• LA-01..... Page 5-36	• SW-01..... Page 5-61
• AR-01..... Page 5-7	• LA-02..... Page 5-37	<b>Sign (SI)</b>
<b>Density and Intensity (DI)</b>	• LA-03..... Page 5-37	• SI-01..... Page 5-64
• DI-01..... Page 5-10	• LA-07..... Page 5-39	<b>Storage Tank (ST)</b>
<b>Driveway (DW)</b>	<b>Lot (LO)</b>	• ST-01..... Page 5-71
• DW-01..... Page 5-11	• LO-01..... Page 5-43	• ST-02..... Page 5-71
• DW-03..... Page 5-13	<b>Outdoor Storage (OS)</b>	<b>Structure (SR)</b>
<b>Environmental (EN)</b>	• OS-01..... Page 5-45	• SR-01..... Page 5-72
• EN-01..... Page 5-16	• OS-03..... Page 5-45	<b>Telecom Facility (TC)</b>
<b>Fence and Wall (FW)</b>	• OS-04..... Page 5-46	• TC-01..... Page 5-73
• FW-01..... Page 5-17	<b>Parking (PK)</b>	<b>Temporary Use (TU)</b>
• FW-04..... Page 5-18	• PK-01..... Page 5-47	• TU-01..... Page 5-75
<b>Floodplain (FP)</b>	• PK-02..... Page 5-48	• TU-03..... Page 5-75
• FP-01..... Page 5-20	<b>Performance (PF)</b>	<b>Vision Clearance (VC)</b>
<b>Floor Area (FA)</b>	• PF-01..... Page 5-55	• VC-01..... Page 5-76
• FA-01..... Page 5-26	<b>Public Improvement (PI)</b>	
<b>Height (HT)</b>	• PI-01..... Page 5-56	
• HT-01..... Page 5-27	<b>Pond (PN)</b>	
<b>Home Business (HB)</b>	• PN-01..... Page 5-57	
• HB-01..... Page 5-28	<b>Rural Residential (RL)</b>	
• HB-02..... Page 5-29	• RL-01..... Page 5-58	

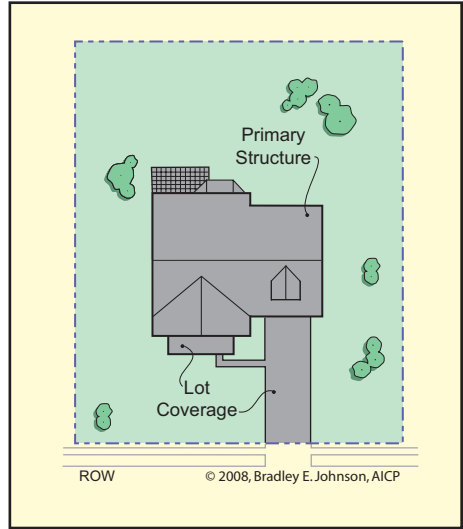
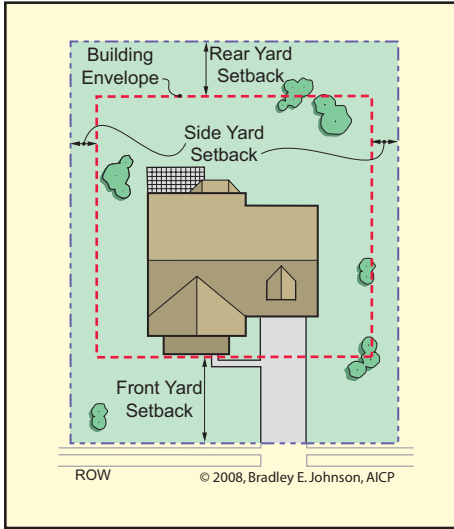
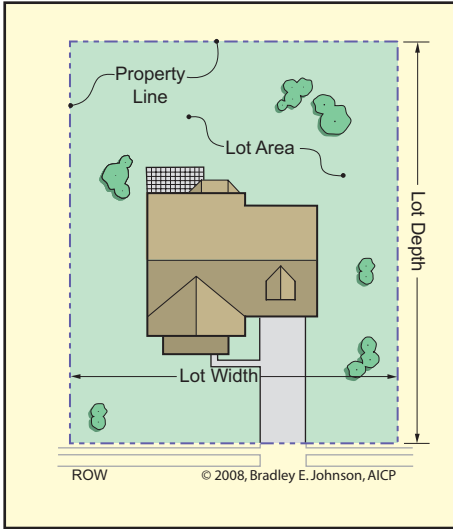
# Single-family Residential (R2) District

## 2.15 R2 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The R2 (Single-family Residential) District is intended to be used as follows:</b></p> <p><b>Use, Type and Intensity</b></p> <ul style="list-style-type: none"><li>• Medium density single-family detached dwellings on medium sized lots</li></ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"><li>• Existing and new development</li><li>• Small to large area zoning</li><li>• Must be contiguous to existing municipality that are very likely to be annexed, or otherwise developed as a conservation subdivision</li><li>• Not in rural areas</li></ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"><li>• Promote low impact development</li></ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"><li>• OP, A1, A2, RE, R1, R2, VR, M1, M2, VM, IS, and C1</li></ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"><li>• Use this zoning district for existing developments and carefully for new residential development</li></ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"><li>• Allow a special exception use only when it is compatible with the surrounding residential areas</li></ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"><li>• home business (type 1)</li></ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"><li>• dwelling, single-family detached</li><li>• fair housing facility (small)</li></ul>	<p><b>Accessory Special Exception Uses</b></p> <ul style="list-style-type: none"><li>• home business (type 2)</li></ul> <p><b>Institutional Special Exception Uses</b></p> <ul style="list-style-type: none"><li>• police, fire, or rescue station</li></ul>

# Single-family Residential (R2) District

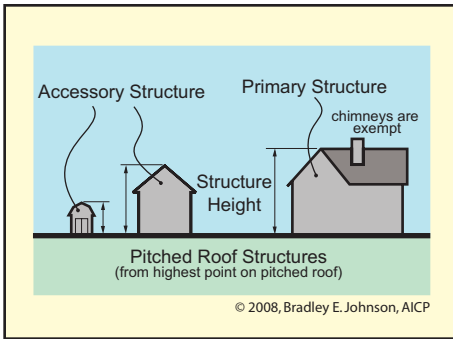
## 2.16 R2 District Development Standards



- Minimum Lot Area**
  - 15,000 square feet
- Minimum Lot Width**
  - 80 feet
- Minimum Lot Frontage**
  - 40 feet
- Sewer and Water**
  - Public sanitary sewer and water utility required

- Minimum Front Yard Setback**
  - 30 feet
- Minimum Side Yard Setback**
  - 10 feet for primary structure
  - 5 feet for accessory structure
- Minimum Rear Yard Setback**
  - 25 feet for primary structure
  - 5 feet for accessory structure

- Maximum Lot Coverage**
  - 40% of lot area
- Minimum Dwelling Size:**
  - 1,400 square feet
- Maximum Primary Structures**
  - 1 per lot



- Maximum Structure Height**
  - 35 feet for primary structure
  - 20 feet for accessory structure

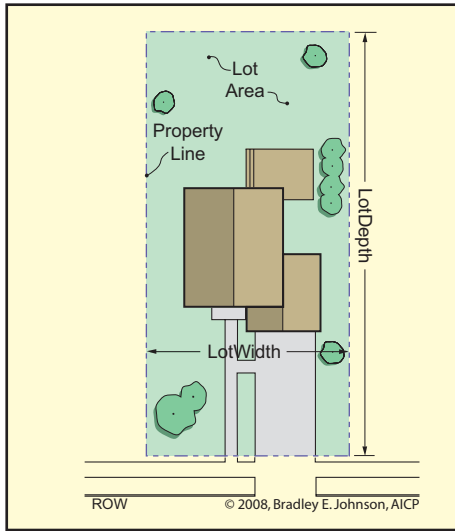
Additional Development Standards that Apply		
<b>Accessory Structure (AS)</b>	<b>Keeping of Animals (KA)</b>	<b>Setback (SB)</b>
• AS-01 ..... Page 5-4	• KA-02 ..... Page 5-34	• SB-01 ..... Page 5-59
• AS-04 ..... Page 5-5	<b>Landscaping (LA)</b>	<b>Sewer and Water (SW)</b>
<b>Architectural (AR)</b>	• LA-01 ..... Page 5-36	• SW-01 ..... Page 5-61
• AR-01 ..... Page 5-7	• LA-02 ..... Page 5-37	<b>Sign (SI)</b>
<b>Density and Intensity (DI)</b>	• LA-03 ..... Page 5-37	• SI-01 ..... Page 5-64
• DI-01 ..... Page 5-10	• LA-07 ..... Page 5-39	<b>Storage Tank (ST)</b>
<b>Driveway (DW)</b>	<b>Lot (LO)</b>	• ST-01 ..... Page 5-71
• DW-01 ..... Page 5-11	• LO-01 ..... Page 5-43	<b>Structure (SR)</b>
• DW-03 ..... Page 5-13	<b>Outdoor Storage (OS)</b>	• SR-01 ..... Page 5-72
<b>Environmental (EN)</b>	• OS-01 ..... Page 5-45	<b>Temporary Use (TU)</b>
• EN-01 ..... Page 5-16	• OS-03 ..... Page 5-45	• TU-01 ..... Page 5-75
<b>Fence and Wall (FW)</b>	• OS-04 ..... Page 5-46	• TU-03 ..... Page 5-75
• FW-01 ..... Page 5-17	<b>Parking (PK)</b>	<b>Vision Clearance (VC)</b>
• FW-04 ..... Page 5-18	• PK-01 ..... Page 5-47	• VC-01 ..... Page 5-76
<b>Floodplain (FP)</b>	• PK-02 ..... Page 5-48	
• FP-01 ..... Page 5-20	<b>Performance (PF)</b>	
<b>Floor Area (FA)</b>	• PF-01 ..... Page 5-55	
• FA-01 ..... Page 5-26	<b>Public Improvement (PI)</b>	
<b>Height (HT)</b>	• PI-01 ..... Page 5-56	
• HT-01 ..... Page 5-27	<b>Pond (PN)</b>	
<b>Home Business (HB)</b>	• PN-01 ..... Page 5-57	
• HB-01 ..... Page 5-28	<b>Rural Residential (RL)</b>	
• HB-02 ..... Page 5-29	• RL-01 ..... Page 5-58	

## 2.17 VR District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The VR (Village Residential) District is intended to be used as follows:</b></p> <p><b>Use, Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• Medium to high density single-family detached dwellings on small to medium sized lots</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing development in unincorporated villages</li> <li>• Very limited use in new development</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Flexible development standards to accommodate existing developments</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OP, A1, A2, RE, R1, R2, VR, VM, IS, and C1</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Use this zoning district for existing development in unincorporated villages and limited use for new development</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>• Allow a special exception use only when it is compatible with the surrounding residential areas</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• home business (type 1)</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• dwelling, single-family detached</li> <li>• fair housing facility (small)</li> </ul>	<p><b>Accessory Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• home business (type 2)</li> </ul> <p><b>Institutional Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• police, fire, or rescue station</li> </ul> <p><b>Residential Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• dwelling, single-family attached</li> </ul>

# Village Residential (VR) District

## 2.18 VR District Development Standards



**Minimum Lot Area**

- 6,500 square feet

**Minimum Lot Width**

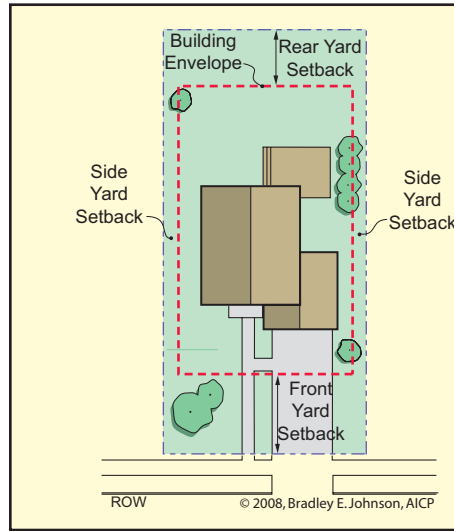
- 60 feet

**Minimum Lot Frontage**

- 50 feet

**Sewer and Water**

- Public sanitary sewer and water utility required



**Minimum Front Yard Setback**

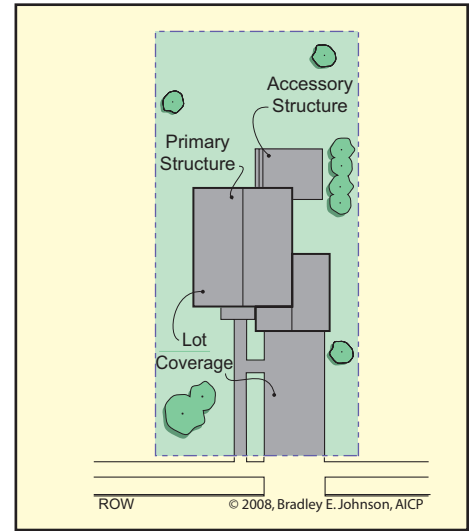
- 25 feet

**Minimum Side Yard Setback**

- 8 feet for primary structure
- 5 feet for accessory structure

**Minimum Rear Yard Setback**

- 20 feet for primary structure
- 5 feet for accessory structure



**Maximum Lot Coverage**

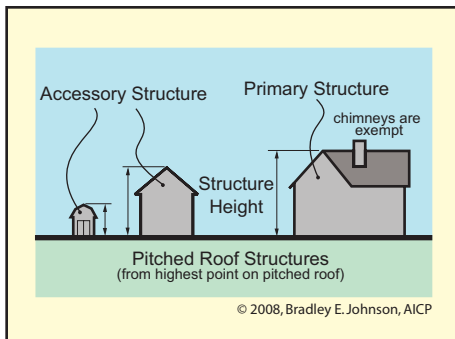
- 65% of lot area

**Minimum Dwelling Size:**

- 900 square feet

**Maximum Primary Structures**

- 1 per lot



**Maximum Structure Height**

- 35 feet for primary structure
- 20 feet for accessory structure

### Additional Development Standards that Apply

**Accessory Structure (AS)**

- AS-01 ..... Page 5-4
- AS-04 ..... Page 5-5

**Architectural (AR)**

- AR-02 ..... Page 5-7

**Density and Intensity (DI)**

- DI-01 ..... Page 5-10

**Driveway (DW)**

- DW-01 ..... Page 5-11
- DW-03 ..... Page 5-13

**Environmental (EN)**

- EN-01 ..... Page 5-16

**Fence and Wall (FW)**

- FW-01 ..... Page 5-17
- FW-06 ..... Page 5-19

**Floodplain (FP)**

- FP-01 ..... Page 5-20

**Floor Area (FA)**

- FA-01 ..... Page 5-26

**Height (HT)**

- HT-01 ..... Page 5-27

**Home Business (HB)**

- HB-01 ..... Page 5-28
- HB-02 ..... Page 5-29

**Keeping of Animals (KA)**

- KA-02 ..... Page 5-34

**Landscaping (LA)**

- LA-01 ..... Page 5-36
- LA-02 ..... Page 5-37
- LA-03 ..... Page 5-37
- LA-07 ..... Page 5-39

**Lot (LO)**

- LO-01 ..... Page 5-43

**Outdoor Storage (OS)**

- OS-01 ..... Page 5-45
- OS-03 ..... Page 5-45
- OS-04 ..... Page 5-46

**Parking (PK)**

- PK-01 ..... Page 5-47
- PK-02 ..... Page 5-48

**Performance (PF)**

- PF-01 ..... Page 5-55

**Public Improvement (PI)**

- PI-01 ..... Page 5-56

**Pond (PN)**

- PN-01 ..... Page 5-57

**Setback (SB)**

- SB-01 ..... Page 5-59

**Sewer and Water (SW)**

- SW-01 ..... Page 5-61

**Sign (SI)**

- SI-01 ..... Page 5-64

**Storage Tank (ST)**

- ST-01 ..... Page 5-71

**Structure (SR)**

- SR-01 ..... Page 5-72

**Temporary Use (TU)**

- TU-01 ..... Page 5-75
- TU-03 ..... Page 5-75

**Vision Clearance (VC)**

- VC-01 ..... Page 5-76



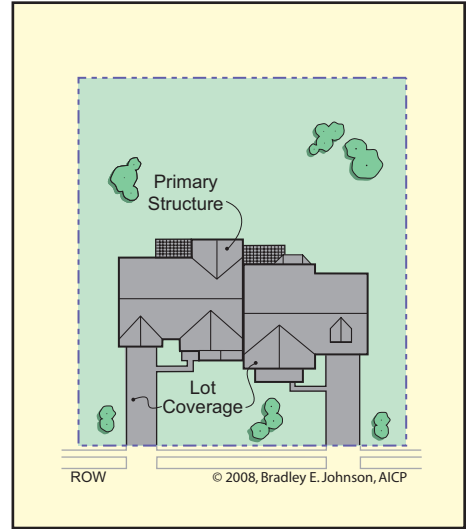
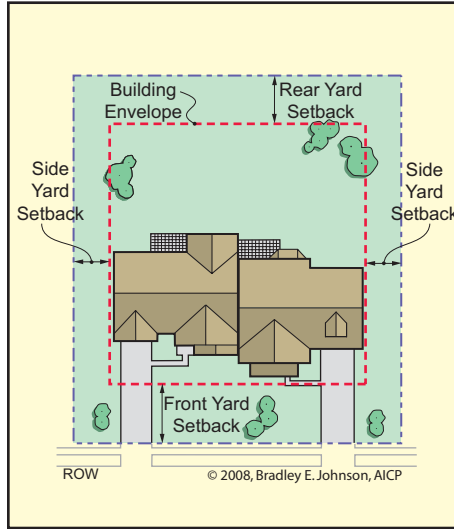
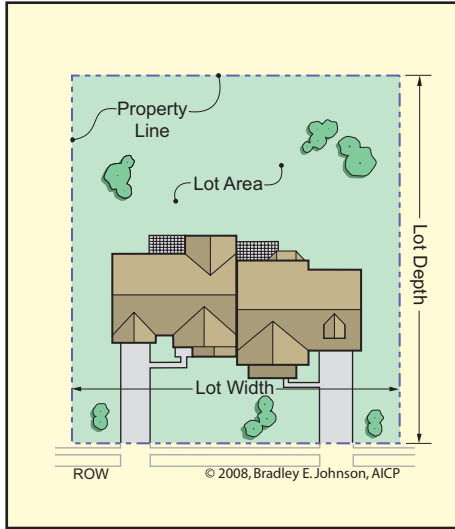
# Multiple-family Residential (M1) District

## 2.19 M1 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The M1 (Multiple-family Residential) District is intended to be used as follows:</b></p> <p><b>Use, Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• Medium density single-family attached dwellings (e.g. duplex) on small to medium sized lots</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing and new development</li> <li>• Small area zoning</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Enact stringent development standards to protect the quality of life for tenants and surrounding zoning districts</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OP, R1, R2, M1, M2, VM, IS, and C1</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Use this zoning district for existing developments and carefully for new multiple-family residential development</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>• Allow a special exception use only when it is compatible with the surrounding residential areas</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• home business (type 1)</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• dwelling, multiple-family (2 to 3 units)</li> <li>• fair housing facility (small)</li> </ul>	<p><b>Residential Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• dwelling, single-family detached</li> <li>• dwelling, multiple-family (4 units)</li> </ul>

# Multiple-family Residential (M1) District

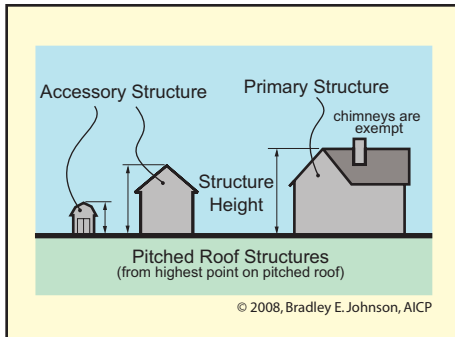
## 2.20 M1 District Development Standards



- Minimum Lot Area**
  - 14,500 square feet
- Minimum Lot Width**
  - 80 feet
- Minimum Lot Frontage**
  - 40 feet per dwelling unit
- Sewer and Water**
  - Public sanitary sewer and water utility required

- Minimum Front Yard Setback**
  - 30 feet
- Minimum Side Yard Setback**
  - 15 feet
- Minimum Rear Yard Setback**
  - 20 feet for primary structure
  - 15 feet for accessory structure

- Maximum Lot Coverage**
  - 45% of lot area
- Minimum Dwelling Unit Size:**
  - 1,000 square feet per dwelling unit
- Maximum Density**
  - 6 units per acre
- Maximum Primary Structures**
  - 1 per lot



- Maximum Structure Height**
  - 35 feet for primary structure
  - 20 feet for accessory structure

Additional Development Standards that Apply		
<b>Accessory Structure (AS)</b>	<b>Keeping of Animals (KA)</b>	<b>Pond (PN)</b>
• AS-01 ..... Page 5-4	• KA-02 ..... Page 5-34	• PN-01 ..... Page 5-57
• AS-04 ..... Page 5-5	<b>Landscaping (LA)</b>	<b>Setback (SB)</b>
<b>Architectural (AR)</b>	• LA-01 ..... Page 5-36	• SB-01 ..... Page 5-59
• AR-01 ..... Page 5-7	• LA-02 ..... Page 5-37	<b>Sewer and Water (SW)</b>
<b>Density and Intensity (DI)</b>	• LA-03 ..... Page 5-37	• SW-01 ..... Page 5-61
• DI-01 ..... Page 5-10	• LA-07 ..... Page 5-39	<b>Sign (SI)</b>
<b>Driveway (DW)</b>	<b>Lighting (LT)</b>	• SI-01 ..... Page 5-64
• DW-01 ..... Page 5-11	• LT-01 ..... Page 5-41	• SI-02 ..... Page 5-67
• DW-03 ..... Page 5-13	<b>Loading (LD)</b>	• SI-03 ..... Page 5-68
<b>Environmental (EN)</b>	• LD-01 ..... Page 5-42	<b>Storage Tank (ST)</b>
• EN-01 ..... Page 5-16	<b>Lot (LO)</b>	• ST-01 ..... Page 5-71
<b>Fence and Wall (FW)</b>	• LO-01 ..... Page 5-43	<b>Structure (SR)</b>
• FW-01 ..... Page 5-17	<b>Outdoor Storage (OS)</b>	• SR-01 ..... Page 5-72
• FW-04 ..... Page 5-18	• OS-01 ..... Page 5-45	<b>Temporary Use (TU)</b>
<b>Floodplain (FP)</b>	• OS-02 ..... Page 5-45	• TU-01 ..... Page 5-75
• FP-01 ..... Page 5-20	• OS-04 ..... Page 5-46	• TU-03 ..... Page 5-75
<b>Floor Area (FA)</b>	<b>Parking (PK)</b>	<b>Vision Clearance (VC)</b>
• FA-01 ..... Page 5-26	• PK-02 ..... Page 5-48	• VC-01 ..... Page 5-76
<b>Height (HT)</b>	<b>Performance (PF)</b>	
• HT-01 ..... Page 5-27	• PF-01 ..... Page 5-55	
<b>Home Business (HB)</b>	<b>Public Improvement (PI)</b>	
• HB-01 ..... Page 5-28	• PI-01 ..... Page 5-56	
• HB-02 ..... Page 5-29		

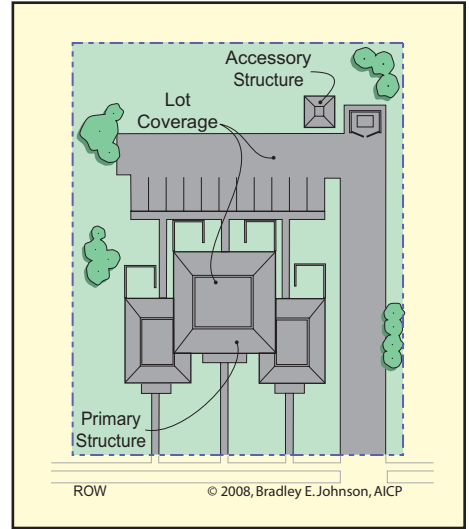
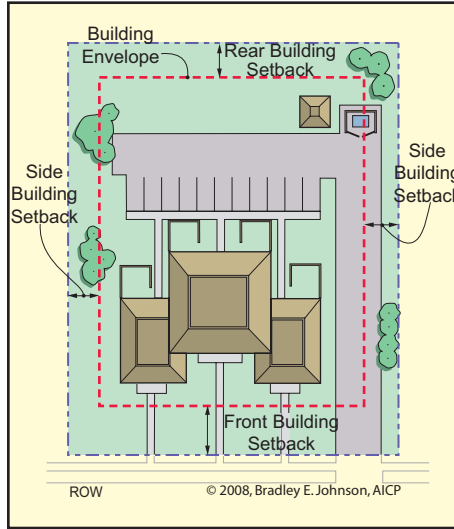
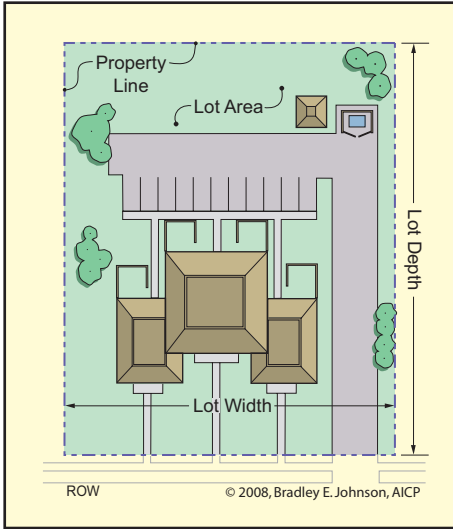
# Multiple-family Residential (M2) District

## 2.21 M2 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The M2 (Multiple-family Residential) District is intended to be used as follows:</b></p> <p><b>Use, Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• Medium to high density multiple-family homes on varying sized lots</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing and new development</li> <li>• Small area zoning</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Enact stringent development standards to protect the quality of life for tenants and surrounding zoning districts</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OP, R2, M1, M2, MP, VM, IS, and C1</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Use this zoning district for existing developments and carefully for new multiple-family residential development</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>• Allow a special exception use only when it is compatible with the surrounding residential areas</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• home business (type 1)</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• assisted living facility</li> <li>• dwelling, multiple-family (4 units)</li> <li>• dwelling, multiple-family (5 to 8 units)</li> <li>• fair housing facility (small)</li> <li>• nursing home</li> <li>• retirement community</li> </ul>	<p><b>Residential Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• dwelling, multiple-family (2 to 3 units)</li> <li>• dwelling, multiple-family (9+ units)</li> </ul>

# Multiple-family Residential (M2) District

## 2.22 M2 District Development Standards



**Minimum Lot Area**

- 4 acres

**Minimum Lot Width**

- 300 feet

**Minimum Lot Frontage**

- 60 feet

**Sewer and Water**

- Public sanitary sewer and water utility required

**Minimum Front Yard Setback**

- 25 feet

**Minimum Side Yard Setback**

- 15 feet

**Minimum Rear Yard Setback**

- 30 feet for primary structure
- 30 feet for accessory structure

**Minimum Building Separation**

- 30 feet for primary structures
- 10 feet for accessory structures

**Maximum Lot Coverage**

- 60% of lot area

**Minimum Dwelling Unit Size:**

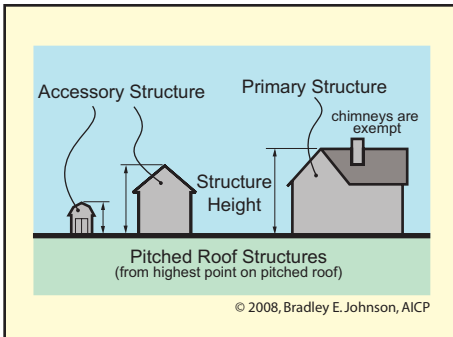
- 700 square feet per unit for multiple-family dwelling units with a minimum average of 900 square feet

**Maximum Density:**

- 8 units per acre

**Maximum Primary Structures**

- 10 per lot



**Maximum Structure Height**

- 35 feet for primary structure
- 20 feet for accessory structure

### Additional Development Standards that Apply

<b>Accessory Structure (AS)</b>	<b>Keeping of Animals (KA)</b>	<b>Pond (PN)</b>
• AS-01 ..... Page 5-4	• KA-03 ..... Page 5-34	• PN-01 ..... Page 5-57
• AS-05 ..... Page 5-5	<b>Landscaping (LA)</b>	<b>Setback (SB)</b>
<b>Architectural (AR)</b>	• LA-01 ..... Page 5-36	• SB-01 ..... Page 5-59
• AR-01 ..... Page 5-7	• LA-02 ..... Page 5-37	<b>Sewer and Water (SW)</b>
<b>Density and Intensity (DI)</b>	• LA-04 ..... Page 5-37	• SW-01 ..... Page 5-61
• DI-01 ..... Page 5-10	• LA-06 ..... Page 5-38	<b>Sign (SI)</b>
<b>Driveway (DW)</b>	• LA-07 ..... Page 5-39	• SI-01 ..... Page 5-64
• DW-01 ..... Page 5-11	<b>Lighting (LT)</b>	<b>Storage Tank (ST)</b>
• DW-04 ..... Page 5-14	• LT-01 ..... Page 5-41	• ST-01 ..... Page 5-71
<b>Environmental (EN)</b>	<b>Lot (LO)</b>	<b>Structure (SR)</b>
• EN-01 ..... Page 5-16	• LO-01 ..... Page 5-43	• SR-01 ..... Page 5-72
<b>Fence and Wall (FW)</b>	<b>Manufactured Housing (MH)</b>	<b>Temporary Use (TU)</b>
• FW-01 ..... Page 5-17	• MH-01 ..... Page 5-44	• TU-01 ..... Page 5-75
• FW-04 ..... Page 5-18	<b>Outdoor Storage (OS)</b>	• TU-03 ..... Page 5-75
<b>Floodplain (FP)</b>	• OS-01 ..... Page 5-45	<b>Vision Clearance (VC)</b>
• FP-01 ..... Page 5-20	• OS-02 ..... Page 5-45	• VC-01 ..... Page 5-76
<b>Floor Area (FA)</b>	• OS-04 ..... Page 5-46	
• FA-01 ..... Page 5-26	<b>Parking (PK)</b>	
<b>Height (HT)</b>	• PK-03 ..... Page 5-48	
• HT-01 ..... Page 5-27	<b>Performance (PF)</b>	
<b>Home Business (HB)</b>	• PF-01 ..... Page 5-55	
• HB-01 ..... Page 5-28	<b>Public Improvement (PI)</b>	
• HB-02 ..... Page 5-29	• PI-01 ..... Page 5-56	

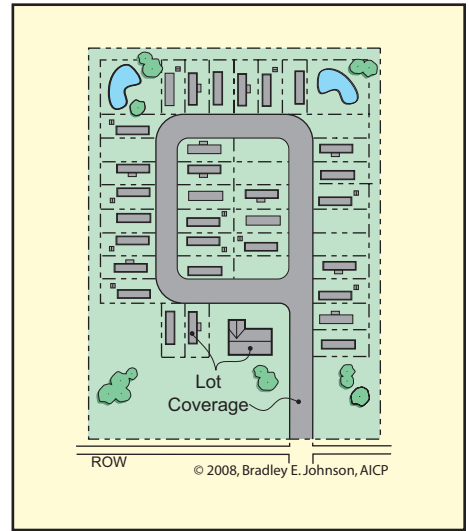
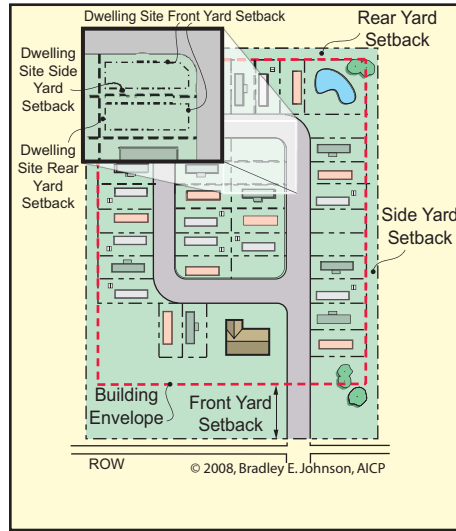
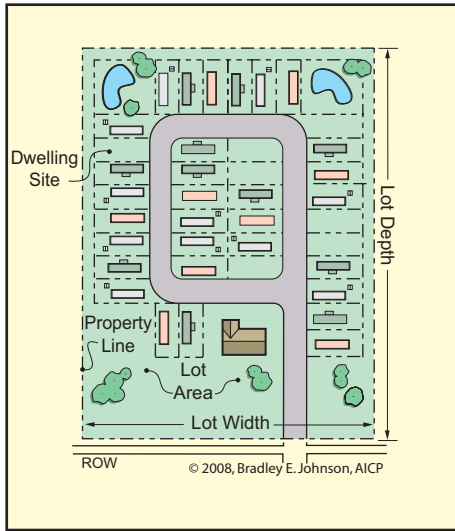
# Manufactured Home Park (MP) District

## 2.23 MP District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The MP (Manufactured Home Park) District is intended to be used as follows:</b></p> <p><b>Use, Type and Intensity</b></p> <ul style="list-style-type: none"><li>• Medium to high intensity lease-lot housing developments</li></ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"><li>• Existing and new development</li><li>• Small area zoning</li></ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"><li>• Enact stringent development standards to protect the quality of life of tenants and surrounding zoning districts.</li></ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"><li>• OP, A1, A2, M1, M2, VM, IS and C1</li></ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"><li>• Use this zoning district for existing developments and with sensitivity for new residential development</li></ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"><li>• Allow a special exception use only when it is compatible with the surrounding residential areas</li></ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"><li>• home business (type 1)</li></ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"><li>• dwelling, manufactured home</li><li>• dwelling, mobile home</li><li>• manufactured home park</li><li>• mobile home park</li><li>• retirement community</li></ul>	<p><b>Residential Special Exception Uses</b></p> <ul style="list-style-type: none"><li>• dwelling, single-family detached</li></ul>

# Manufactured Home Park (MP) District

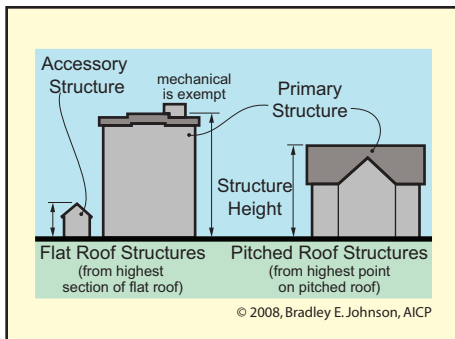
## 2.24 MP District Development Standards



- Minimum Lot Area**
  - 3 acres
- Minimum Lot Width**
  - 250 feet
- Minimum Lot Frontage**
  - 70 feet
- Minimum Front Yard Setback**
  - 40 feet
- Minimum Side Yard Setback**
  - 20 feet
- Minimum Rear Yard Setback**
  - 20 feet
- Sewer and Water**
  - Public sanitary sewer and water utility required

- Minimum Dwelling Site Area**
  - 3,000 square feet
- Minimum Dwelling Site Width**
  - 32 feet
- Minimum Dwelling Site Front Yard Setback**
  - 10 feet from edge of pavement of interior streets
- Minimum Dwelling Site Side Yard Setback**
  - 12 feet for primary structure
- Minimum Dwelling Site Rear Yard Setback**
  - 12 feet for primary structure

- Maximum Lot Coverage**
  - 65% of lot area
- Minimum Dwelling Size per Unit:**
  - 700 square feet
- Maximum Primary Structures**
  - 1 per dwelling site
  - 3 per common areas (i.e. not leased lots)



- Maximum Structure Height**
  - 25 feet for primary structure
  - 20 feet for accessory structure

Additional Development Standards that Apply		
<b>Accessory Structure (AS)</b>	<b>Landscaping (LA)</b>	<b>Pond (PN)</b>
• AS-01 ..... Page 5-4	• LA-01 ..... Page 5-36	• PN-01 ..... Page 5-57
• AS-06 ..... Page 5-6	• LA-02 ..... Page 5-37	<b>Rural Residential (RL)</b>
<b>Density and Intensity (DI)</b>	• LA-04 ..... Page 5-37	• RL-01 ..... Page 5-58
• DI-01 ..... Page 5-10	• LA-07 ..... Page 5-39	<b>Setback (SB)</b>
<b>Driveway (DW)</b>	<b>Lighting (LT)</b>	• SB-01 ..... Page 5-59
• DW-01 ..... Page 5-11	• LT-01 ..... Page 5-41	<b>Sewer and Water (SW)</b>
• DW-04 ..... Page 5-14	<b>Loading (LD)</b>	• SW-01 ..... Page 5-61
<b>Environmental (EN)</b>	• LD-01 ..... Page 5-42	<b>Sign (SI)</b>
• EN-01 ..... Page 5-16	<b>Lot (LO)</b>	• SI-01 ..... Page 5-64
<b>Fence and Wall (FW)</b>	• LO-01 ..... Page 5-43	<b>Storage Tank (ST)</b>
• FW-01 ..... Page 5-17	<b>Manufactured Housing (MH)</b>	• ST-01 ..... Page 5-71
• FW-05 ..... Page 5-18	• MH-01 ..... Page 5-44	<b>Structure (SR)</b>
<b>Floodplain (FP)</b>	<b>Outdoor Storage (OS)</b>	• SR-01 ..... Page 5-72
• FP-01 ..... Page 5-20	• OS-01 ..... Page 5-45	<b>Temporary Use (TU)</b>
<b>Floor Area (FA)</b>	• OS-02 ..... Page 5-45	• TU-01 ..... Page 5-75
• FA-01 ..... Page 5-26	• OS-04 ..... Page 5-46	• TU-03 ..... Page 5-75
<b>Height (HT)</b>	<b>Parking (PK)</b>	<b>Vision Clearance (VC)</b>
• HT-01 ..... Page 5-27	• PK-03 ..... Page 5-48	• VC-01 ..... Page 5-76
<b>Home Business (HB)</b>	<b>Performance (PF)</b>	
• HB-01 ..... Page 5-28	• PF-01 ..... Page 5-55	
• HB-02 ..... Page 5-29	<b>Public Improvement (PI)</b>	
<b>Keeping of Animals (KA)</b>	• PI-01 ..... Page 5-56	
• KA-03 ..... Page 5-34		

# Village Mixed Use (VM) District

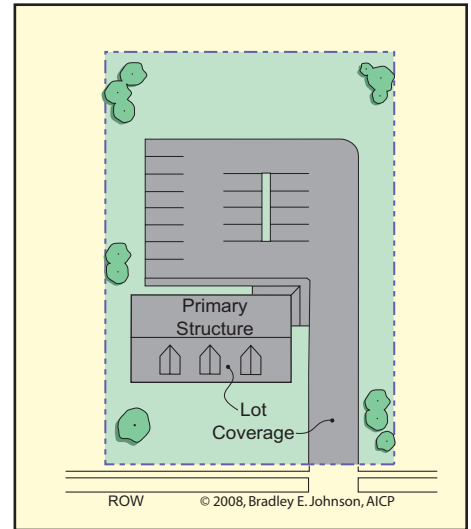
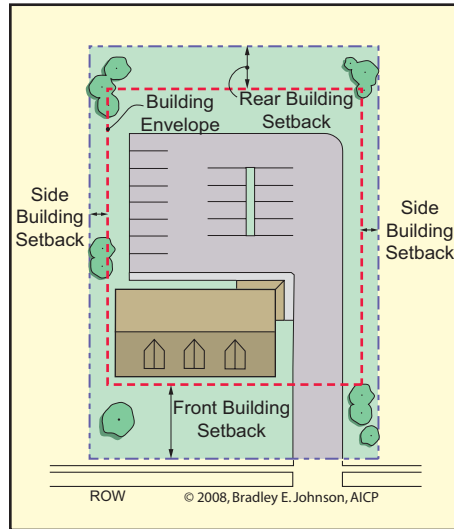
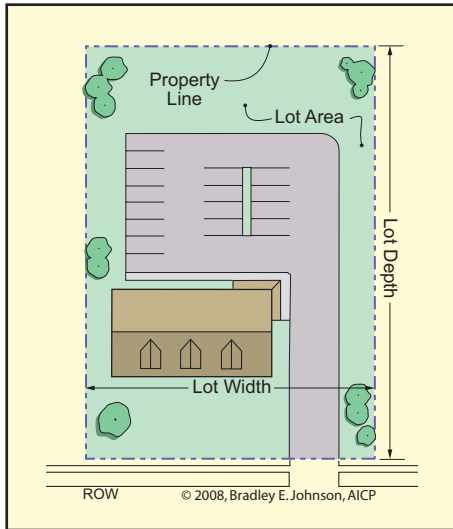
## 2.25 VM District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The VM (Village Mixed Use) District is intended to be used as follows:</b></p> <p><b>Use, Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• Medium to high density housing on small to medium sized lots</li> <li>• Medium to high intensity commercial, institutional, and office uses</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing development near cities and towns</li> <li>• Expansion of rural town centers</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Pedestrian friendly development standards to help create rural town centers</li> <li>• Minimize light, noise, water, and air pollution</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OP, A1, A2, RE, R1, R2, VR, M1, M2, MP, VM, IS and C1</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Use this zoning district to create and expand rural town centers</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>• Allow a special exception use only when it is compatible with the surrounding residential areas</li> </ul>	<p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• bank machine/atm</li> <li>• barber/beauty shop</li> <li>• coffee shop</li> <li>• day care</li> <li>• delicatessen</li> <li>• farmers market</li> <li>• ice cream shop</li> <li>• office, design services</li> <li>• office, financial services</li> <li>• office, general services</li> <li>• office, medical</li> <li>• photography studio</li> <li>• recreation center/play center</li> <li>• restaurant</li> <li>• retail (type 1), very low intensity</li> <li>• retail (type 2), low intensity</li> <li>• studio arts</li> <li>• tailor/pressing shop</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• church, temple, or mosque</li> <li>• community center</li> <li>• parking lot, public</li> <li>• police, fire, or rescue station</li> <li>• post office</li> <li>• school (P-12)</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• dwelling, manufactured home</li> <li>• dwelling, multiple-family (5 to 8 units)</li> <li>• dwelling, single-family attached</li> <li>• dwelling, single-family detached</li> <li>• dwelling unit, upper floors</li> <li>• fair housing facility (small)</li> </ul>	<p><b>Commercial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• automobile oriented business</li> <li>• bar/tavern</li> <li>• retail (type 3), medium intensity</li> </ul> <p><b>Residential Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• bed and breakfast</li> </ul>



# Village Mixed Use (VM) District

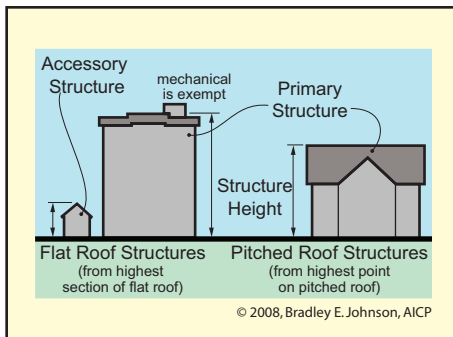
## 2.26 VM District Development Standards



- Minimum Lot Area**
  - 6,000 square feet
- Minimum Lot Width**
  - 60 feet
- Minimum Lot Frontage**
  - 50 feet
- Sewer and Water**
  - As per the Health Department
  - As per the Health Department

- Minimum Front Yard Setback**
  - 25 feet
- Minimum Side Yard Setback**
  - 15 feet
- Minimum Rear Yard Setback**
  - 20 feet

- Maximum Lot Coverage**
  - 70% of lot area
- Minimum Dwelling Size:**
  - 900 square feet
- Minimum Main Floor Area:**
  - 900 square feet
- Maximum Primary Structures**
  - no limit



- Maximum Structure Height**
  - 35 feet for primary structure
  - 20 feet for accessory structure

### Additional Development Standards that Apply

<b>Accessory Structure (AS)</b>	<b>Landscaping (LA)</b>	<b>Sewer and Water (SW)</b>
• AS-01 ..... Page 5-4	• LA-01 ..... Page 5-36	• SW-01 ..... Page 5-61
• AS-07 ..... Page 5-6	• LA-02 ..... Page 5-37	• SW-02 ..... Page 5-61
<b>Density and Intensity (DI)</b>	• LA-05 ..... Page 5-38	<b>Sign (SI)</b>
• DI-01 ..... Page 5-10	• LA-06 ..... Page 5-38	• SI-01 ..... Page 5-64
<b>Driveway (DW)</b>	• LA-07 ..... Page 5-39	<b>Storage Tank (ST)</b>
• DW-01 ..... Page 5-11	<b>Lighting (LT)</b>	• ST-01 ..... Page 5-71
• DW-05 ..... Page 5-15	• LT-01 ..... Page 5-41	<b>Structure (SR)</b>
<b>Environmental (EN)</b>	<b>Lot (LO)</b>	• SR-01 ..... Page 5-72
• EN-01 ..... Page 5-16	• LO-01 ..... Page 5-43	<b>Temporary Use (TU)</b>
<b>Fence and Wall (FW)</b>	<b>Outdoor Storage (OS)</b>	• TU-01 ..... Page 5-75
• FW-01 ..... Page 5-17	• OS-01 ..... Page 5-45	• TU-03 ..... Page 5-75
• FW-06 ..... Page 5-19	• OS-02 ..... Page 5-45	• TU-04 ..... Page 5-75
<b>Floodplain (FP)</b>	• OS-04 ..... Page 5-46	<b>Vision Clearance (VC)</b>
• FP-01 ..... Page 5-20	<b>Parking (PK)</b>	• VC-01 ..... Page 5-76
<b>Floor Area (FA)</b>	• PK-03 ..... Page 5-48	
• FA-01 ..... Page 5-26	<b>Performance (PF)</b>	
<b>Height (HT)</b>	• PF-01 ..... Page 5-55	
• HT-01 ..... Page 5-27	<b>Public Improvement (PI)</b>	
<b>Home Business (HB)</b>	• PI-01 ..... Page 5-56	
• HB-01 ..... Page 5-28	<b>Pond (PN)</b>	
• HB-02 ..... Page 5-29	• PN-01 ..... Page 5-57	
<b>Keeping of Animals (KA)</b>	<b>Setback (SB)</b>	
• KA-03 ..... Page 5-34	• SB-01 ..... Page 5-59	

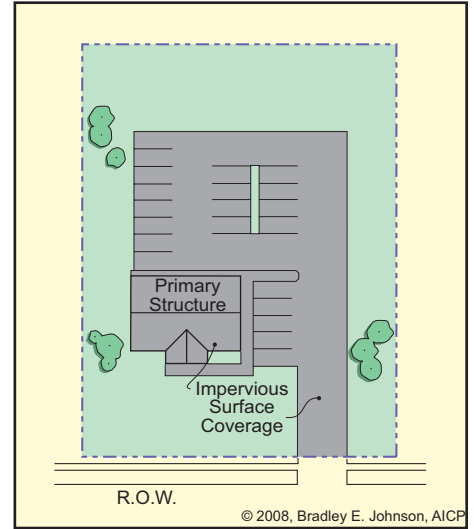
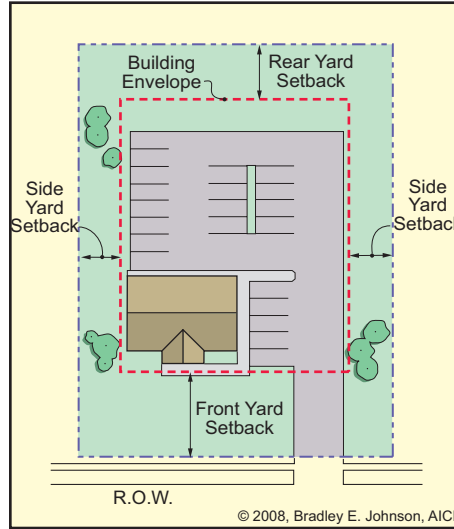
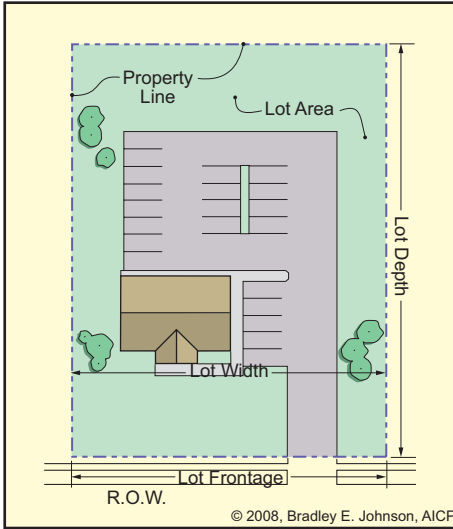
# Institutional (IS) District

## 2.27 IS District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The IS (Institutional) District is intended to be used as follows:</b></p> <p><b>Use, Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• Varying intensity institutionally owned lands, including State and County facilities</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing and new development</li> <li>• Buffer district or transitional district</li> <li>• Small area zoning</li> <li>• Spot zoning</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Require quality time, place, and manner development standards to minimize impacts on adjacent residential properties while serving the needs of the overall community</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• IP, A1, A2, A4, RE, R1, R2, VM, M1, M2, MP, VM, IS, C1, and I1</li> </ul> <p><b>County Commissioners</b></p> <ul style="list-style-type: none"> <li>• As a condition of rezoning, allow only the use petitioned for and presented</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Use this zoning district for existing developments and carefully for new institutional development</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>• Allow a special exception use only when it is compatible with the surrounding areas</li> </ul>	<p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• commercial training facility or school</li> <li>• farmers market</li> <li>• stadium</li> <li>• waste treatment facility, private</li> <li>• water treatment facility, private</li> </ul> <p><b>Industrial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• telecommunication facility</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• bus station</li> <li>• cemetery /mausoleum</li> <li>• child care institution</li> <li>• church, temple or mosque</li> <li>• community center</li> <li>• crematory</li> <li>• government office</li> <li>• government operation (non-office)</li> <li>• hospital</li> <li>• jail</li> <li>• library</li> <li>• municipal airport</li> <li>• municipal heliport</li> <li>• museum</li> <li>• nature center</li> <li>• police, fire or rescue station</li> <li>• pool, public</li> <li>• post office</li> <li>• recycling collection point</li> <li>• research farm</li> <li>• school (P-12)</li> <li>• trade or business school</li> <li>• university or college</li> <li>• waste treatment facility, public</li> <li>• water treatment facility, public</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• assisted living facility</li> <li>• fair housing facility (large)</li> <li>• fair housing facility (small)</li> <li>• nursing home</li> </ul>	

# Institutional (IS) District

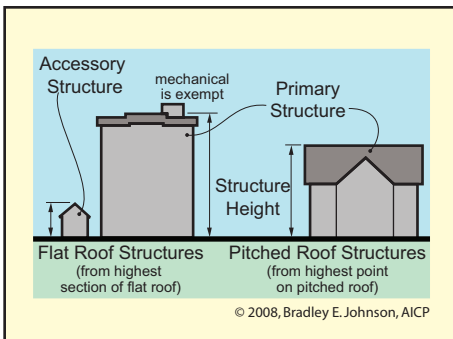
## 2.28 IS District Development Standards



- Minimum Lot Area**
- 6,000 square feet with sanitary sewer
  - 2 acres without sanitary sewer
- Minimum Lot Width**
- 60 feet
- Minimum Lot Frontage**
- 40 feet
- Sewer and Water**
- Public sanitary sewer utility required
  - Private well permitted only where water utility is unavailable

- Minimum Front Yard Setback**
- 35 feet
- Minimum Side Yard Setback**
- 15 feet
- Minimum Rear Yard Setback**
- 20 feet

- Maximum Lot Coverage**
- 70% of lot area
- Minimum Main Floor Area:**
- 900 square feet
- Maximum Primary Structures**
- no limit



- Maximum Structure Height**
- 35 feet for primary structure
  - 25 feet for accessory structure

Additional Development Standards that Apply		
<b>Accessory Structure (AS)</b>	<b>Landscaping (LA)</b>	<b>Pond (PN)</b>
• AS-01 ..... Page 5-4	• LA-01 ..... Page 5-36	• PN-01 ..... Page 5-57
• AS-07 ..... Page 5-6	• LA-02 ..... Page 5-37	<b>Setback (SB)</b>
<b>Architectural (AR)</b>	• LA-05 ..... Page 5-38	• SB-01 ..... Page 5-59
• AR-04 ..... Page 5-8	• LA-06 ..... Page 5-38	<b>Sewer and Water (SW)</b>
<b>Density and Intensity (DI)</b>	• LA-07 ..... Page 5-39	• SW-01 ..... Page 5-61
• DI-01 ..... Page 5-10	<b>Lighting (LT)</b>	• SW-02 ..... Page 5-61
<b>Driveway (DW)</b>	• LT-01 ..... Page 5-41	<b>Sign (SI)</b>
• DW-01 ..... Page 5-11	<b>Loading (LD)</b>	• SI-01 ..... Page 5-64
• DW-04 ..... Page 5-14	• LD-01 ..... Page 5-42	• SI-02 ..... Page 5-67
<b>Environmental (EN)</b>	<b>Lot (LO)</b>	<b>Storage Tank (ST)</b>
• EN-01 ..... Page 5-16	• LO-01 ..... Page 5-43	• ST-01 ..... Page 5-71
<b>Fence and Wall (FW)</b>	<b>Outdoor Storage (OS)</b>	<b>Structure (SR)</b>
• FW-01 ..... Page 5-17	• OS-01 ..... Page 5-45	• SR-01 ..... Page 5-72
• FW-07 ..... Page 5-19	• OS-02 ..... Page 5-45	<b>Temporary Use (TU)</b>
<b>Floodplain (FP)</b>	<b>Parking (PK)</b>	• TU-01 ..... Page 5-75
• FP-01 ..... Page 5-20	• PK-03 ..... Page 5-48	• TU-04 ..... Page 5-75
<b>Floor Area (FA)</b>	<b>Performance (PF)</b>	<b>Vision Clearance (VC)</b>
• FA-01 ..... Page 5-26	• PF-01 ..... Page 5-55	• VC-01 ..... Page 5-76
<b>Height (HT)</b>	<b>Public Improvement (PI)</b>	
• HT-01 ..... Page 5-27	• PI-01 ..... Page 5-56	

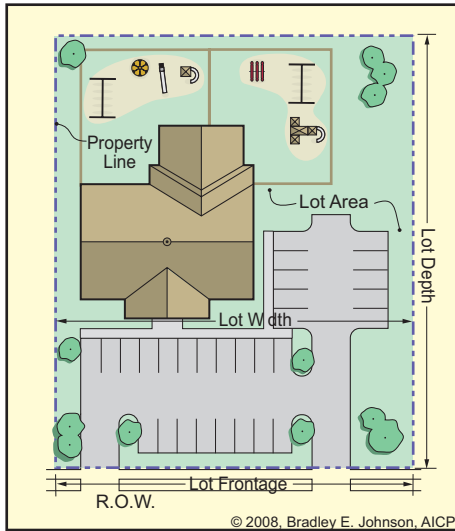
# Neighborhood Commercial (C1) District

## 2.29 C1 District Intent, Permitted Uses, and Special Exception Uses

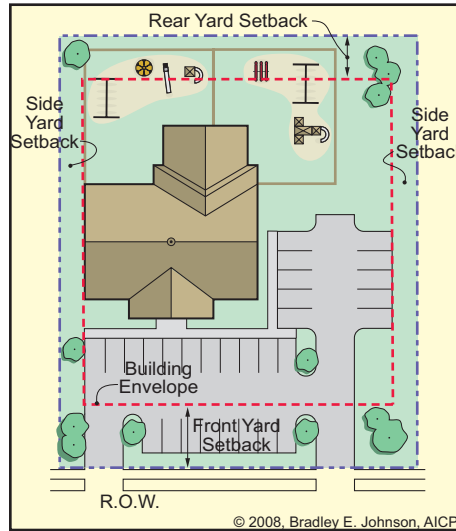
District Intent	Permitted Uses	Special Exception Uses
<p><b>The C1 (Neighborhood Commercial) District is intended to be used as follows:</b></p> <p><b>Use, Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• Low intensity commercial uses</li> <li>• Allow uses that are compatible with residential development</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing and new development</li> <li>• Buffer district or transitional district</li> <li>• Small area zoning</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Disallow commercial structures that notably exceeds the building mass of surrounding residential structures</li> <li>• Require quality development standards to minimize impacts on adjacent residential properties while encouraging economic vitality</li> <li>• Minimize light, noise, water, and air pollution</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OP, R1, R2, VR, M1, M2, MP, VM, IS, C1, and C2</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• C1 developments should not precede the residential development that would support the businesses</li> <li>• Use this zoning district for existing developments and carefully for new commercial development</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>• Allow a special exception use only when it is compatible with the surrounding areas</li> <li>• Be sensitive to aesthetics and the potential for light pollution, noise pollution, pedestrian safety, and vehicular safety</li> </ul>	<p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• bank machine/atm</li> <li>• barber/beauty shop</li> <li>• club or lodge</li> <li>• coffee shop</li> <li>• day care</li> <li>• delicatessen</li> <li>• ice cream shop</li> <li>• retail (type 1) very low intensity</li> <li>• studio arts</li> <li>• tailor/pressing shop</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• church, temple, or mosque</li> <li>• police, fire, or rescue station</li> </ul>	<p><b>Residential Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• dwelling unit (upper floors)</li> </ul> <p><b>Commercial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• retail (type 2), low intensity</li> </ul>

# Neighborhood Commercial (C1) District

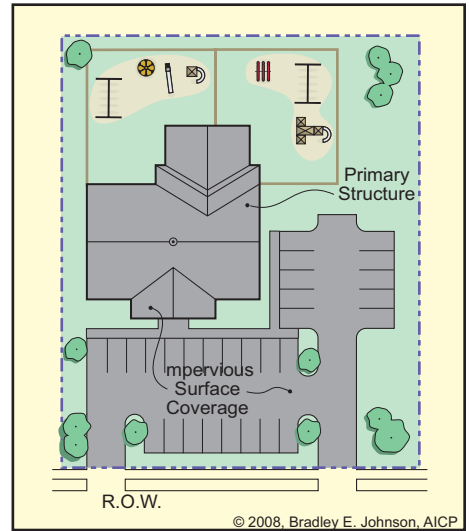
## 2.30 C1 District Development Standards



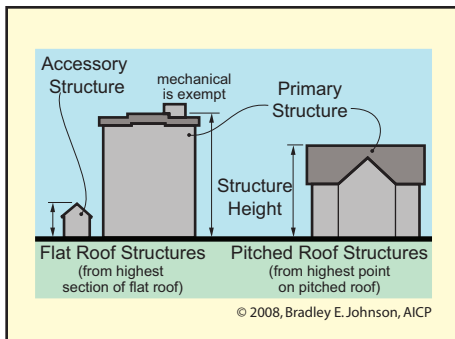
- Minimum Lot Area**
  - 5,000 square feet
  - Aggregate of all C1 development within 2,640 feet of any single C1 development shall not exceed 5 acres
- Maximum Lot Area**
  - 1 acre
- Minimum Lot Width**
  - 50 feet
- Minimum Lot Frontage**
  - 50 feet
- Sewer and Water**
  - Public sanitary sewer and water utility required



- Minimum Front Yard Setback**
  - 10 feet for primary structure
  - 40 feet for parking lot
- Minimum Side Yard Setback**
  - 30 feet
- Minimum Rear Yard Setback**
  - 30 feet



- Maximum Lot Coverage**
  - 65% of lot area
- Minimum Main Floor Area:**
  - 800 square feet
- Maximum Main Floor Area:**
  - 5,000 square feet per establishment
- Maximum Primary Structures**
  - no limit



- Maximum Structure Height**
  - 35 feet for primary structure
  - 20 feet for accessory structure

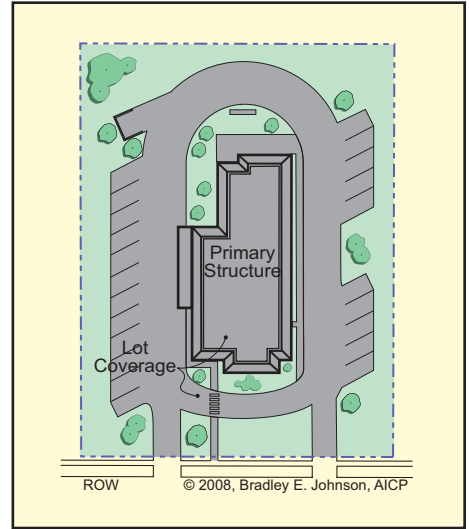
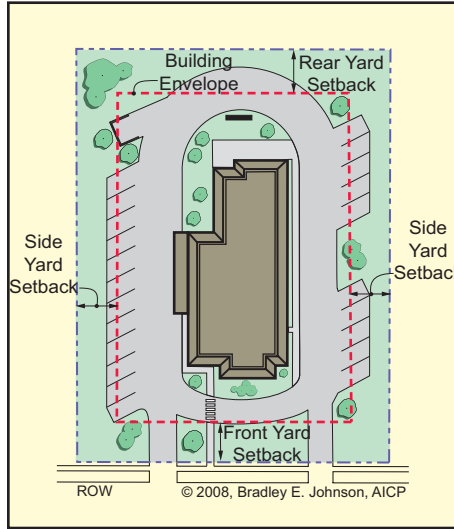
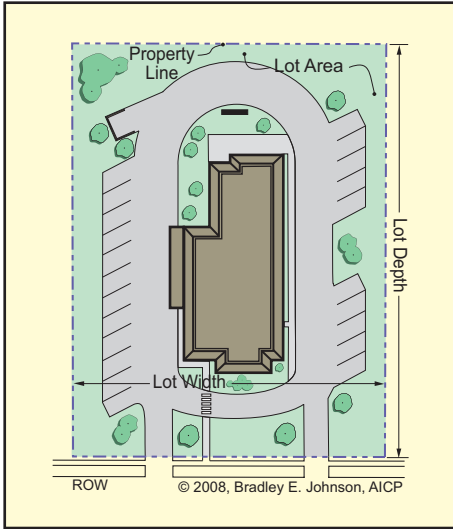
Additional Development Standards that Apply		
<b>Accessory Structure (AS)</b> <ul style="list-style-type: none"> <li>• AS-01 ..... Page 5-4</li> <li>• AS-07 ..... Page 5-6</li> </ul>	<b>Landscaping (LA)</b> <ul style="list-style-type: none"> <li>• LA-01 ..... Page 5-36</li> <li>• LA-02 ..... Page 5-37</li> <li>• LA-05 ..... Page 5-38</li> <li>• LA-06 ..... Page 5-38</li> <li>• LA-07 ..... Page 5-39</li> </ul>	<b>Public Improvement (PI)</b> <ul style="list-style-type: none"> <li>• PI-01 ..... Page 5-56</li> </ul>
<b>Architectural (AR)</b> <ul style="list-style-type: none"> <li>• AR-03 ..... Page 5-8</li> </ul>	<b>Lighting (LT)</b> <ul style="list-style-type: none"> <li>• LT-01 ..... Page 5-41</li> </ul>	<b>Pond (PN)</b> <ul style="list-style-type: none"> <li>• PN-01 ..... Page 5-57</li> </ul>
<b>Density and Intensity (DI)</b> <ul style="list-style-type: none"> <li>• DI-01 ..... Page 5-10</li> </ul>	<b>Loading (LD)</b> <ul style="list-style-type: none"> <li>• LD-01 ..... Page 5-42</li> </ul>	<b>Setback (SB)</b> <ul style="list-style-type: none"> <li>• SB-01 ..... Page 5-59</li> </ul>
<b>Driveway (DW)</b> <ul style="list-style-type: none"> <li>• DW-01 ..... Page 5-11</li> <li>• DW-04 ..... Page 5-14</li> </ul>	<b>Lot (LO)</b> <ul style="list-style-type: none"> <li>• LO-01 ..... Page 5-43</li> </ul>	<b>Sewer and Water (SW)</b> <ul style="list-style-type: none"> <li>• SW-01 ..... Page 5-61</li> </ul>
<b>Environmental (EN)</b> <ul style="list-style-type: none"> <li>• EN-01 ..... Page 5-16</li> </ul>	<b>Outdoor Storage (OS)</b> <ul style="list-style-type: none"> <li>• OS-01 ..... Page 5-45</li> <li>• OS-02 ..... Page 5-45</li> <li>• OS-05 ..... Page 5-46</li> </ul>	<b>Sign (SI)</b> <ul style="list-style-type: none"> <li>• SI-01 ..... Page 5-64</li> <li>• SI-03 ..... Page 5-68</li> </ul>
<b>Fence and Wall (FW)</b> <ul style="list-style-type: none"> <li>• FW-01 ..... Page 5-17</li> <li>• FW-07 ..... Page 5-19</li> </ul>	<b>Parking (PK)</b> <ul style="list-style-type: none"> <li>• PK-03 ..... Page 5-48</li> </ul>	<b>Storage Tank (ST)</b> <ul style="list-style-type: none"> <li>• ST-01 ..... Page 5-71</li> </ul>
<b>Floodplain (FP)</b> <ul style="list-style-type: none"> <li>• FP-01 ..... Page 5-20</li> </ul>	<b>Performance (PF)</b> <ul style="list-style-type: none"> <li>• PF-01 ..... Page 5-55</li> </ul>	<b>Structure (SR)</b> <ul style="list-style-type: none"> <li>• SR-01 ..... Page 5-72</li> </ul>
<b>Floor Area (FA)</b> <ul style="list-style-type: none"> <li>• FA-01 ..... Page 5-26</li> </ul>		<b>Temporary Use (TU)</b> <ul style="list-style-type: none"> <li>• TU-01 ..... Page 5-75</li> <li>• TU-04 ..... Page 5-75</li> </ul>
<b>Height (HT)</b> <ul style="list-style-type: none"> <li>• HT-01 ..... Page 5-27</li> </ul>		<b>Vision Clearance (VC)</b> <ul style="list-style-type: none"> <li>• VC-01 ..... Page 5-76</li> </ul>

## 2.31 C2 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The C2 (Highway Commercial) District is intended to be used as follows:</b></p> <p><b>Use, Type and Intensity</b></p> <ul style="list-style-type: none"> <li>Moderate to high intensity commercial uses</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>Only permitted within 600 feet of an interstate interchange or intersection of two major arterial streets; however, not appropriate at all interchanges or intersection of major arterial streets</li> <li>Existing and new development</li> <li>Small to medium area zoning</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>Require quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality</li> <li>Minimize light, noise, water, and air pollution</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>OP, C1, C2, I1, and I2</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>Use this zoning district for existing developments and carefully for new commercial development</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>Allow a special exception use only when it is compatible with the surrounding areas</li> <li>Be sensitive to aesthetics and the potential for light pollution, noise pollution, pedestrian safety, and vehicular safety</li> </ul>	<p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>automobile oriented business</li> <li>bank machine/atm</li> <li>bar/tavern</li> <li>hotel/motel</li> <li>miniature golf</li> <li>office, medical</li> <li>restaurant</li> <li>restaurant with drive-up window</li> <li>retail (type 3), medium intensity</li> <li>retail (type 4) high intensity</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>bus station</li> <li>police, fire, or rescue station</li> </ul>	<p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>retail (type 5) very high intensity</li> </ul>

# Highway Commercial (C2) District

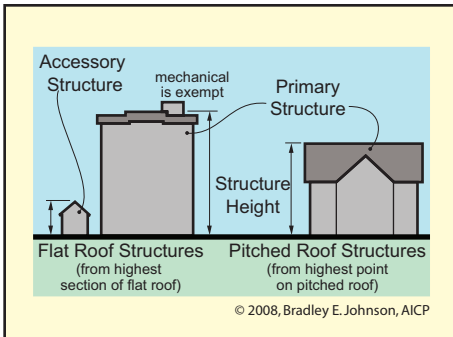
## 2.32 C2 District Development Standards



- Minimum Lot Area**
  - 20,000 square feet
- Minimum Lot Width**
  - 100 feet
- Minimum Lot Frontage**
  - 80 feet
- Sewer and Water**
  - Public sanitary sewer and water utility required

- Minimum Front Yard Setback**
  - 20 feet for primary structure
  - 40 feet for parking lot
- Minimum Side Yard Setback**
  - 25 feet
- Minimum Rear Yard Setback**
  - 30 feet

- Maximum Lot Coverage**
  - 70% of lot area
- Minimum Main Floor Area:**
  - 800 square feet
- Maximum Primary Structures**
  - no limit



- Maximum Structure Height**
  - 40 feet for primary structure
  - 15 feet for accessory structure

### Additional Development Standards that Apply

<b>Accessory Structure (AS)</b>	<b>Landscaping (LA)</b>	<b>Public Improvement (PI)</b>
• AS-01 ..... Page 5-4	• LA-01 ..... Page 5-36	• PI-01 ..... Page 5-56
<b>Density and Intensity (DI)</b>	• LA-02 ..... Page 5-37	<b>Pond (PN)</b>
• DI-01 ..... Page 5-10	• LA-05 ..... Page 5-38	• PN-01 ..... Page 5-57
<b>Driveway (DW)</b>	• LA-06 ..... Page 5-38	<b>Setback (SB)</b>
• DW-01 ..... Page 5-11	• LA-07 ..... Page 5-39	• SB-01 ..... Page 5-59
• DW-04 ..... Page 5-14	<b>Lighting (LT)</b>	<b>Sewer and Water (SW)</b>
<b>Environmental (EN)</b>	• LT-01 ..... Page 5-41	• SW-01 ..... Page 5-61
• EN-01 ..... Page 5-16	<b>Loading (LD)</b>	<b>Sexually Oriented Bus. (SX)</b>
<b>Fence and Wall (FW)</b>	• LD-01 ..... Page 5-42	• SX-01 ..... Page 5-62
• FW-01 ..... Page 5-17	<b>Lot (LO)</b>	• SX-02 ..... Page 5-63
• FW-07 ..... Page 5-19	• LO-01 ..... Page 5-43	<b>Sign (SI)</b>
<b>Floodplain (FP)</b>	<b>Outdoor Storage (OS)</b>	• SI-01 ..... Page 5-64
• FP-01 ..... Page 5-20	• OS-01 ..... Page 5-45	<b>Storage Tank (ST)</b>
<b>Floor Area (FA)</b>	• OS-02 ..... Page 5-45	• ST-01 ..... Page 5-71
• FA-01 ..... Page 5-26	• OS-05 ..... Page 5-46	<b>Structure (SR)</b>
<b>Height (HT)</b>	<b>Parking (PK)</b>	• SR-01 ..... Page 5-72
• HT-01 ..... Page 5-27	• PK-01 ..... Page 5-47	<b>Temporary Use (TU)</b>
	• PK-03 ..... Page 5-48	• TU-01 ..... Page 5-75
	<b>Performance (PF)</b>	• TU-04 ..... Page 5-75
	• PF-01 ..... Page 5-55	<b>Vision Clearance (VC)</b>
		• VC-01 ..... Page 5-76



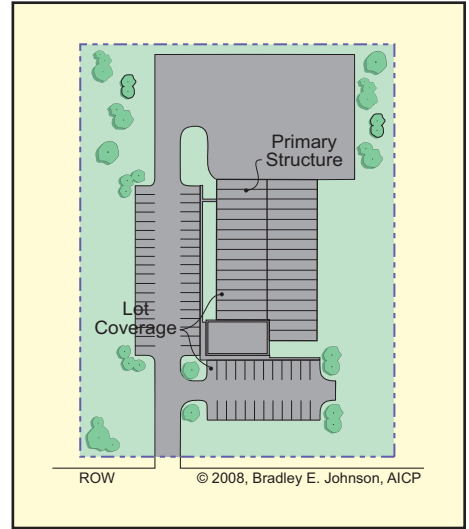
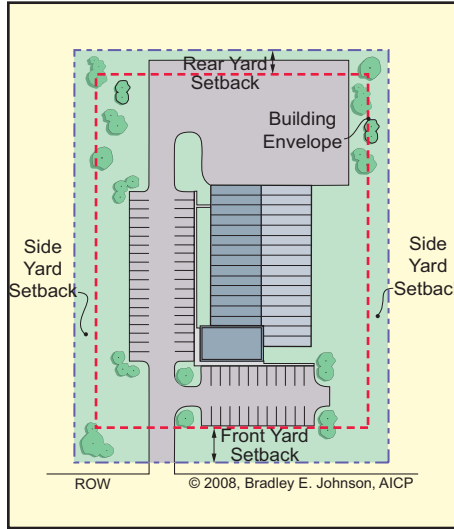
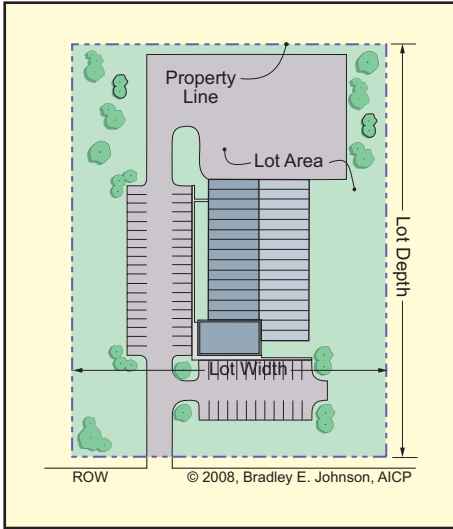
# Low Intensity Industrial (I1) District

## 2.33 I1 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The I1 (Low Intensity Industrial) District is intended to be used as follows:</b></p> <p><b>Use, Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• Low to moderate intensity industrial uses</li> <li>• Business parks, distribution operations, and industrial parks</li> <li>• Stand alone buildings or multiple primary structures</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing and new development</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Enact quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality</li> <li>• Allow small outdoor storage areas with screening</li> <li>• Minimize light, noise, water, and air pollution</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OP, IS, C2, I1, I2, and HI</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Use this zoning district for existing developments and carefully for new industrial development</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>• Allow a special exception use only when it is compatible with the surrounding areas</li> <li>• Be sensitive to the potential for light pollution, noise pollution, loading berth placement, pedestrian safety, and vehicular safety</li> </ul>	<p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• farm implement sales</li> <li>• office, construction trade</li> <li>• office, design services</li> <li>• paintball facility</li> <li>• sports complex (indoor)</li> <li>• swimming pool</li> </ul> <p><b>Industrial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• assembly</li> <li>• distribution facility</li> <li>• equipment rental</li> <li>• flex-space</li> <li>• light manufacturing</li> <li>• research center</li> <li>• telecommunication facility</li> <li>• testing lab</li> <li>• tool and die shop</li> <li>• warehouse</li> <li>• warehouse storage facility</li> <li>• welding</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• government operations (non-office)</li> </ul>	

# Low Intensity Industrial (I1) District

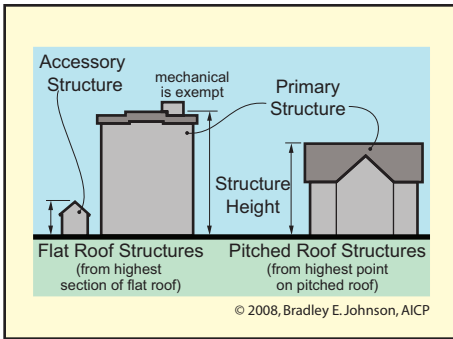
## 2.34 I1 District Development Standards



- Minimum Lot Area**
  - 1 acre
- Minimum Lot Width**
  - 100 feet
- Minimum Lot Frontage**
  - 60 feet
- Sewer and Water**
  - Public sanitary sewer and water utility required

- Minimum Front Yard Setback**
    - 30 feet
  - ~~Minimum Side Yard Setback~~
    - 15 feet
  - ~~Minimum Rear Yard Setback~~
    - 15 feet
- Amended per Ord. 2021-26. See Appendix B.23

- Maximum Lot Coverage**
  - 85% of lot area
- Maximum Primary Structures**
  - no limit



- Maximum Structure Height**
    - ~~45 feet for primary structure~~
    - 35 feet for accessory structure
- Amended per Ord. 2021-26. See Appendix B.23

Additional Development Standards that Apply		
<b>Accessory Structure (AS)</b>	<b>Landscaping (LA)</b>	<b>Pond (PN)</b>
• AS-01 ..... Page 5-4	• LA-01 ..... Page 5-36	• PN-01 ..... Page 5-57
• AS-07 ..... Page 5-6	• LA-02 ..... Page 5-37	<b>Setback (SB)</b>
<b>Density and Intensity (DI)</b>	• LA-05 ..... Page 5-38	• SB-01 ..... Page 5-59
• DI-01 ..... Page 5-10	• LA-06 ..... Page 5-38	<b>Sewer and Water (SW)</b>
<b>Driveway (DW)</b>	• LA-07 ..... Page 5-39	• SW-01 ..... Page 5-61
• DW-01 ..... Page 5-11	<b>Lighting (LT)</b>	<b>Sign (SI)</b>
• DW-04 ..... Page 5-14	• LT-01 ..... Page 5-41	• SI-01 ..... Page 5-64
<b>Environmental (EN)</b>	<b>Loading (LD)</b>	• SI-03 ..... Page 5-68
• EN-01 ..... Page 5-16	• LD-01 ..... Page 5-42	<b>Storage Tank (ST)</b>
<b>Fence and Wall (FW)</b>	<b>Lot (LO)</b>	• ST-01 ..... Page 5-71
• FW-01 ..... Page 5-17	• LO-01 ..... Page 5-43	• ST-03 ..... Page 5-71
• FW-07 ..... Page 5-19	<b>Outdoor Storage (OS)</b>	<b>Structure (SR)</b>
<b>Floodplain (FP)</b>	• OS-01 ..... Page 5-45	• SR-01 ..... Page 5-72
• FP-01 ..... Page 5-20	• OS-02 ..... Page 5-45	<b>Telecom. Facility (TC)</b>
<b>Floor Area (FA)</b>	<b>Parking (PK)</b>	• TC-01 ..... Page 5-73
• FA-01 ..... Page 5-26	• PK-03 ..... Page 5-48	<b>Temporary Use (TU)</b>
<b>Height (HT)</b>	<b>Performance (PF)</b>	• TU-01 ..... Page 5-75
• HT-01 ..... Page 5-27	• PF-01 ..... Page 5-55	• TU-04 ..... Page 5-75
	<b>Public Improvement (PI)</b>	<b>Vision Clearance (VC)</b>
	• PI-01 ..... Page 5-56	• VC-01 ..... Page 5-76

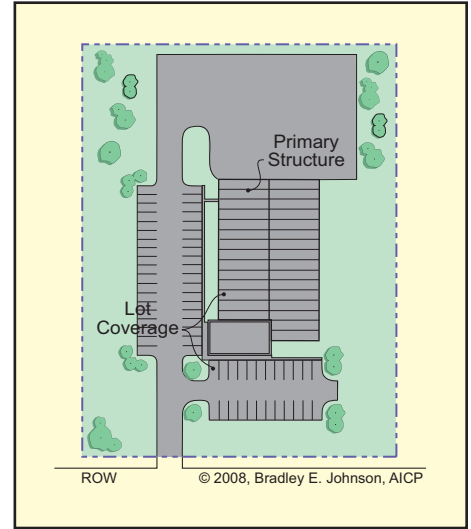
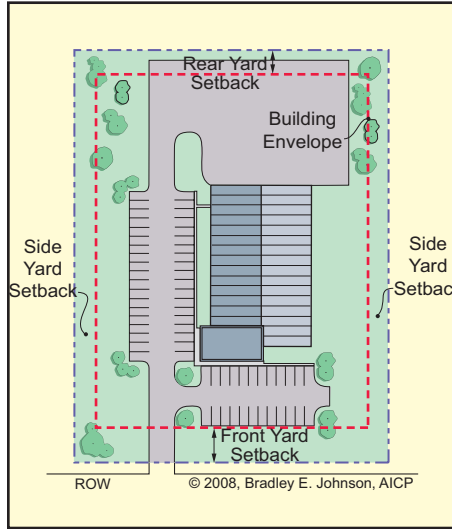
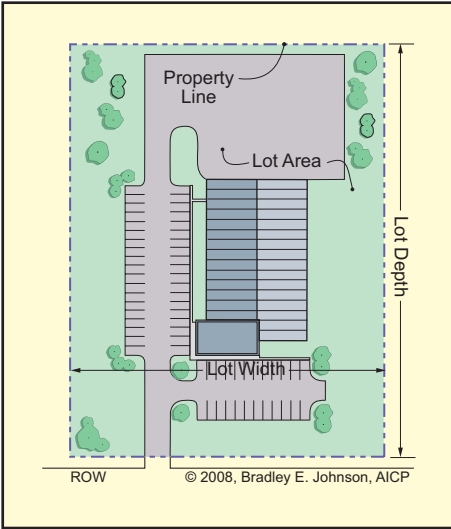
# High Intensity Industrial (I2) District

## 2.35 I2 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The I2 (High Intensity Industrial) District is intended to be used as follows:</b></p> <p><b>Use, Type and Intensity</b></p> <ul style="list-style-type: none"> <li>Moderate to high intensity industrial uses</li> <li>Industrial parks, manufacturing facilities, and utility usage</li> <li>Stand alone buildings or multiple primary structures</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>Existing and new development</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>Enact quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality</li> <li>Minimize light, noise, water, and air pollution</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>OP, A3, C2, I1, I2, and HI</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>Use this zoning district for existing developments and carefully for new industrial development</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>Allow a special exception use only when it is compatible with the surrounding areas</li> <li>Be sensitive to the potential for light pollution, noise pollution, loading berth placement, pedestrian safety, and vehicular safety</li> </ul>	<p><b>Agricultural Permitted Uses</b></p> <ul style="list-style-type: none"> <li>processing of agricultural products</li> <li>storage of agricultural products</li> </ul> <p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>farm implement sales</li> </ul> <p><b>Industrial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>assembly</li> <li>distribution facility</li> <li>flex-space</li> <li>food processing</li> <li>heavy manufacturing</li> <li>light manufacturing</li> <li>liquid fertilizer storage/distribution</li> <li>outdoor storage</li> <li>radio/TV station</li> <li>recycling processing</li> <li>sewage treatment plant</li> <li>sign painting/fabrication</li> <li>storage tanks (non-hazardous)</li> <li>telecommunication facility</li> <li>testing lab</li> <li>tool and die shop</li> <li>transfer station</li> <li>warehouse</li> <li>warehouse storage facility</li> <li>water treatment plant</li> <li>welding</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>police, fire, or rescue station</li> <li>recycling collection point</li> </ul>	

# High Intensity Industrial (I2) District

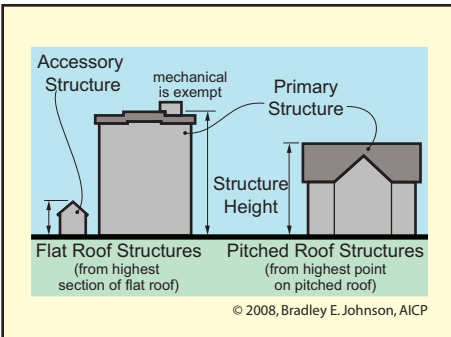
## 2.36 I2 District Development Standards



- Minimum Lot Area**
  - 2 acres
- Minimum Lot Width**
  - 200 feet
- Minimum Lot Frontage**
  - 100 feet
- Sewer and Water**
  - Public sanitary sewer and water utility required

- Minimum Front Yard Setback**
    - 40 feet
  - ~~Minimum Side Yard Setback~~
    - 20 feet
  - ~~Minimum Rear Yard Setback~~
    - 20 feet
- Amended per Ord. 2021-26. See Appendix B.24

- Maximum Lot Coverage**
  - 85% of lot area
- Maximum Primary Structures**
  - no limit



- Maximum Structure Height**
  - 70 feet for primary structure
  - 60 feet for accessory structure

### Additional Development Standards that Apply

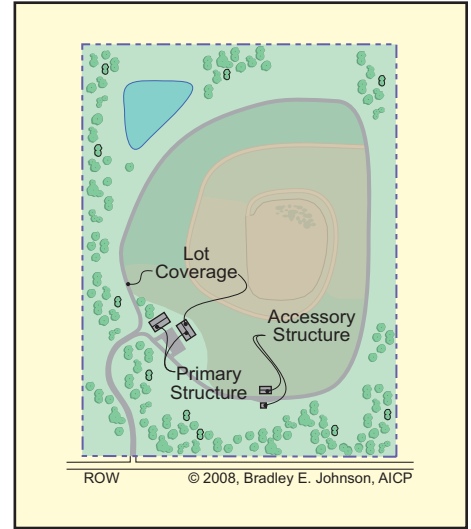
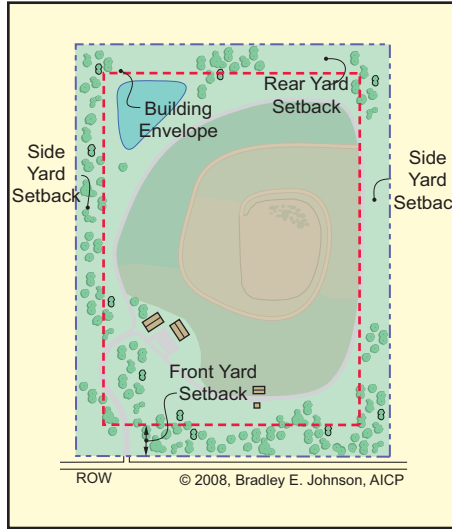
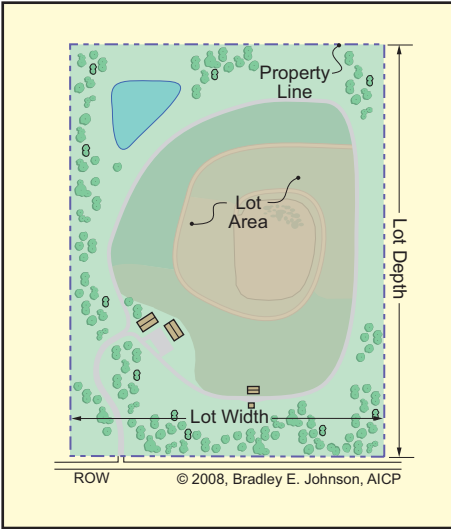
<b>Accessory Structure (AS)</b>	<b>Landscaping (LA)</b>	<b>Pond (PN)</b>
• AS-01 ..... Page 5-4	• LA-01 ..... Page 5-36	• PN-01 ..... Page 5-57
• AS-07 ..... Page 5-6	• LA-02 ..... Page 5-37	<b>Setback (SB)</b>
<b>Density and Intensity (DI)</b>	• LA-05 ..... Page 5-38	• SB-01 ..... Page 5-59
• DI-01 ..... Page 5-10	• LA-06 ..... Page 5-38	<b>Sewer and Water (SW)</b>
<b>Driveway (DW)</b>	• LA-07 ..... Page 5-39	• SW-01 ..... Page 5-61
• DW-01 ..... Page 5-11	<b>Lighting (LT)</b>	<b>Sign (SI)</b>
• DW-04 ..... Page 5-14	• LT-01 ..... Page 5-41	• SI-01 ..... Page 5-64
<b>Environmental (EN)</b>	<b>Loading (LD)</b>	• SI-03 ..... Page 5-68
• EN-01 ..... Page 5-16	• LD-01 ..... Page 5-42	<b>Storage Tank (ST)</b>
<b>Fence and Wall (FW)</b>	<b>Lot (LO)</b>	• ST-01 ..... Page 5-71
• FW-01 ..... Page 5-17	• LO-01 ..... Page 5-43	• ST-02 ..... Page 5-71
• FW-07 ..... Page 5-19	<b>Outdoor Storage (OS)</b>	<b>Structure (SR)</b>
<b>Floodplain (FP)</b>	• OS-06 ..... Page 5-46	• SR-01 ..... Page 5-72
• FP-01 ..... Page 5-20	<b>Parking (PK)</b>	<b>Telecom. Facility (TC)</b>
<b>Floor Area (FA)</b>	• PK-01 ..... Page 5-44	• TC-01 ..... Page 5-73
• FA-01 ..... Page 5-26	• PK-03 ..... Page 5-48	<b>Temporary Use (TU)</b>
<b>Height (HT)</b>	<b>Performance (PF)</b>	• TU-01 ..... Page 5-75
• HT-01 ..... Page 5-27	• PF-01 ..... Page 5-55	• TU-04 ..... Page 5-75
	<b>Public Improvement (PI)</b>	<b>Vision Clearance (VC)</b>
	• PI-01 ..... Page 5-56	• VC-01 ..... Page 5-76

## 2.37 HI District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The HI (High Impact) District is intended to be used as follows:</b></p> <p><b>Use, Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• All intensities of high impact uses</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing and new development</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Enact quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality</li> <li>• Minimize light, noise, water, and air pollution</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OP, A3, I1, I2, and HI</li> </ul> <p><b>County Commissioners</b></p> <ul style="list-style-type: none"> <li>• As a condition of rezoning, allow only the use petitioned for and presented</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Use this zoning district for existing high impact developments and carefully for new high impact development</li> <li>• Be sensitive to environmental protection</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>• Allow a special exception use only when it is compatible with the surrounding areas</li> <li>• Be sensitive to the potential for light pollution, noise pollution, loading berth placement, pedestrian safety, and vehicular safety</li> </ul>	<p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• amusement park</li> <li>• casino</li> <li>• race track-horses</li> <li>• race track-automobile</li> <li>• retail (type 6), special handling</li> <li>• shooting range</li> </ul> <p><b>Industrial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• biofuels production (e.g. ethanol plant)</li> <li>• electrical generation plant</li> <li>• gravel/sand mining</li> <li>• incinerator</li> <li>• junk yard</li> <li>• rendering plant</li> <li>• scrap metal yard</li> <li>• telecommunication facility</li> <li>• transfer station</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• government operation (non-office)</li> <li>• jail</li> <li>• juvenile detention facility</li> </ul>	<p><b>Industrial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• construction materials landfill</li> <li>• sanitary landfill/refuse dump</li> <li>• storage tanks (hazardous)</li> </ul> <p><b>Institutional Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• prison</li> </ul>

# High Impact (HI) District

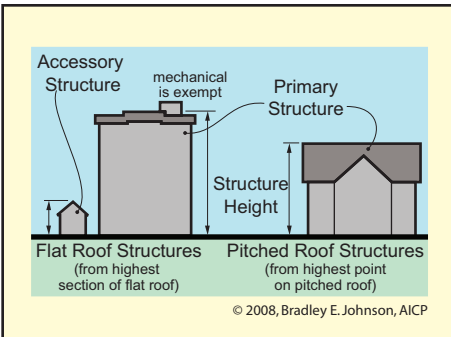
## 2.38 HI District Development Standards



- Minimum Lot Area**
- 20 acres
- Minimum Lot Width**
- 300 feet
- Minimum Lot Frontage**
- 120 feet
- Sewer and Water**
- Public sanitary sewer and water utility required

- Minimum Front Yard Setback**
- 150 feet
- Minimum Side Yard Setback**
- 100 feet
- Minimum Rear Yard Setback**
- 100 feet

- Maximum Lot Coverage**
- 65% of lot area
- Maximum Primary Structures**
- no limit



- Maximum Structure Height**
- 70 feet for primary structure
- 60 feet for accessory structure

### Additional Development Standards that Apply

<b>Accessory Structure (AS)</b>	<b>Landscaping (LA)</b>	<b>Pond (PN)</b>
• AS-01 ..... Page 5-4	• LA-01 ..... Page 5-36	• PN-01 ..... Page 5-57
• AS-07 ..... Page 5-6	• LA-02 ..... Page 5-37	<b>Setback (SB)</b>
<b>Density and Intensity (DI)</b>	• LA-05 ..... Page 5-38	• SB-01 ..... Page 5-59
• DI-01 ..... Page 5-10	• LA-06 ..... Page 5-38	<b>Sewer and Water (SW)</b>
<b>Driveway (DW)</b>	• LA-07 ..... Page 5-39	• SW-01 ..... Page 5-61
• DW-01 ..... Page 5-11	<b>Lighting (LT)</b>	<b>Sign (SI)</b>
• DW-04 ..... Page 5-14	• LT-01 ..... Page 5-41	• SI-01 ..... Page 5-64
<b>Environmental (EN)</b>	<b>Loading (LD)</b>	• SI-03 ..... Page 5-68
• EN-01 ..... Page 5-16	• LD-01 ..... Page 5-42	<b>Storage Tank (ST)</b>
<b>Fence and Wall (FW)</b>	<b>Lot (LO)</b>	• ST-01 ..... Page 5-71
• FW-01 ..... Page 5-17	• LO-01 ..... Page 5-43	• ST-03 ..... Page 5-71
• FW-07 ..... Page 5-19	<b>Outdoor Storage (OS)</b>	<b>Structure (SR)</b>
<b>Floodplain (FP)</b>	• OS-06 ..... Page 5-46	• SR-01 ..... Page 5-72
• FP-01 ..... Page 5-20	<b>Parking (PK)</b>	<b>Temporary Use (TU)</b>
<b>Floor Area (FA)</b>	• PK-01 ..... Page 5-44	• TU-01 ..... Page 5-75
• FA-01 ..... Page 5-26	• PK-03 ..... Page 5-48	<b>Vision Clearance (VC)</b>
<b>Height (HT)</b>	<b>Performance (PF)</b>	• VC-01 ..... Page 5-76
• HT-01 ..... Page 5-27	• PF-01 ..... Page 5-55	
	<b>Public Improvement (PI)</b>	
	• PI-01 ..... Page 5-56	





**Article**

**03**

## Overlay Districts

---

*Shelby County  
Unified Development  
Ordinance*

© 2011, Bradley E. Johnson, ACP

# Airport Compatibility Overlay (ACO) District

## 3.01 ACO District Intent, Effect on Uses, and Effect on Standards

District Intent	Effect on Uses	Effect on Standards
<p>The intent of the ACO District is to establish specific zoning requirements for the area around the Shelbyville Municipal Airport in order to maintain the vitality and functionality of the airport, protect persons on the ground and traveling by air from hazards associated with airplane flight, and reduce land use conflicts in the area of the airport.</p> <p>The area around the airport presents unique considerations for the height of structures, the presence of factors that interfere with safe flight, and large gatherings of the public that require the establishment of additional development standards.</p>	<p>All Permitted Uses or Special Exception Uses listed for the base zoning district shall be permitted in the ACO District with the exception of those uses which are prohibited by Section 3.05(A): Prohibited Uses.</p> <p>All Permitted Uses or Special Exception Uses listed for the base zoning district shall be a Special Exception in the ACO District if listed in Section 3.05(B): Special Exception Uses.</p>	<p>The development standards from the base zoning district shall apply to the ACO District in addition to the development standards described in Section 3.04: ACO Development Standards.</p>

# Airport Compatibility Overlay (ACO) District

## 3.02 ACO District Applicability

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

## 3.03 ACO District Boundaries and Exemptions

The ACO District shall apply to all properties as indicated on the Official Zoning Map. Generally this includes the area surrounding the airport extending 13,200 feet (2.5 miles) from the ends and each side of the active runway(s).

## 3.04 ACO District Development Standards

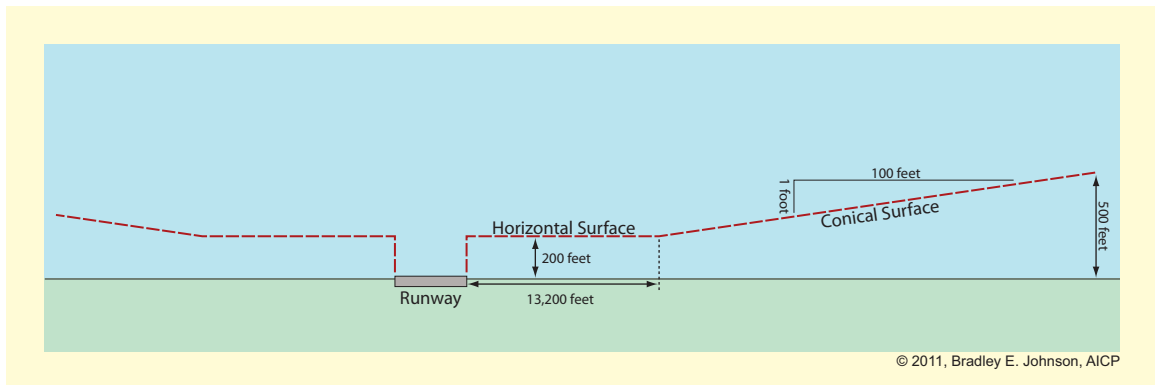
All development within the boundaries of the ACO District shall comply with the following development standards.

A. General Use Restrictions: No land use within the ACO District shall:

1. Create electrical interference with radio communication between the airport and aircraft or create interferences with navigational aids employed by aircraft;
2. Make it difficult for pilots to distinguish between airport lights and other lights;
3. Result in glare in the eyes of pilots using the airport;
4. Create pollution or other conditions that would impair visibility in the vicinity of the airport; or
5. Otherwise endanger the landing, taking-off, or maneuvering of aircraft.

B. Height Restrictions: The following height restrictions shall apply within the ACO District:

1. *Horizontal or Conical Surface*: Proposed buildings or structures shall not be of a height greater than the horizontal surface or conical surface (see diagram below). The horizontal surface is an imaginary surface that is 200 feet above the active runway, and extends outward for a horizontal distance of 13,200 feet. The conical surface extends upward from the ends of the horizontal surface at a slope of one foot (1') vertical rise to 100 feet horizontal run, outward to a height of 500 feet.



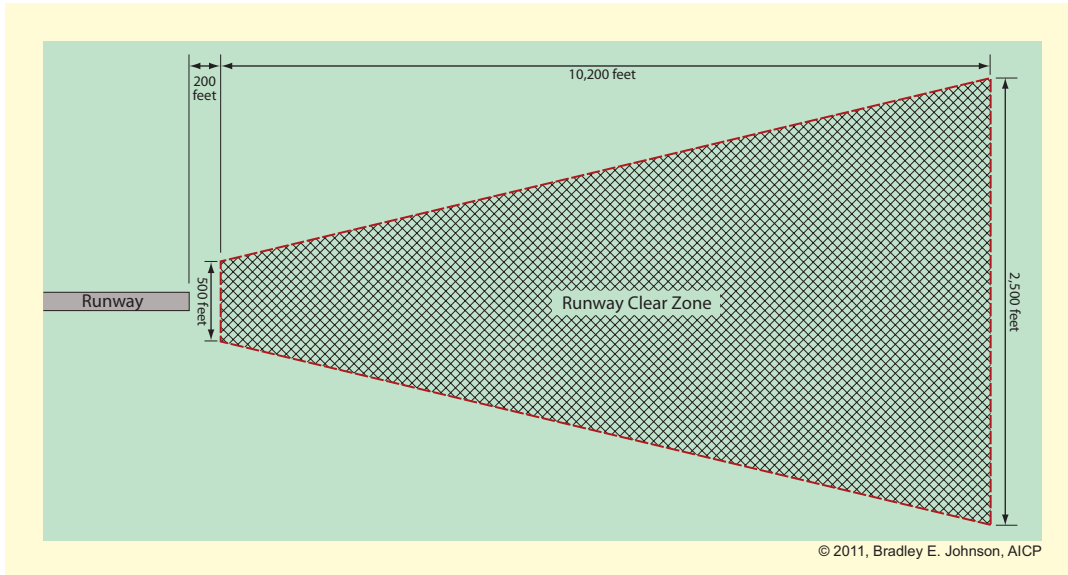
2. *Exemptions*: The following uses and structures are exempt from these height restrictions:

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

- C. Noise Protection: All structures located in the runway clear zone should be adequately sound-proofed per FAA regulations to ensure the health and general welfare of occupants.

C. Runway Clear Zone Regulations: The following regulations shall apply to the runway clear zone within the ACO district:

1. *Clear Zone Defined*: A runway clear zone shall be established at each end of every active runway . This clear zone shall have a width of 500 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 2,500 feet at a distance of 10,200 feet beyond each runway, its centerline being a continuation of the centerline of the runway (see diagram below).



### 3.05 ACO District Use Standards

A. Prohibited Uses: The following types of uses shall be prohibited within the runway clear zone:

1. Waste disposal, solid waste transfer station, recycling facility, or other use that attracts migratory birds;
2. Educational facilities including schools (P-12), colleges and universities, day care homes, and day care centers;
3. Churches and other places of worship;
4. Nursing homes, retirement centers, and assisted living facilities;
5. Residential uses; and
6. Stadiums, theaters, and similar places where the public is assembled.

B. Special Exception Uses: The following types of uses shall be special exceptions within the runway clear zone, provided that they are also listed as permitted or special exception uses in the underlying standard zones:

1. Trade and business schools;
2. Hospitals and medical centers and clinics;
3. Hotels; and
4. Any uses involving the sales, storage, manufacture, and/or distribution of gasoline, propane, or other flammable, toxic, explosive, radioactive, bio-hazardous materials in a quantity and of a type that would further jeopardize the health of aircraft occupants, bystanders, and emergency personal in the event of an aircraft accident.



# Wellhead Protection Overlay (WPO) District

## 3.06 WPO District Intent, Effect on Uses, and Effect on Standards

District Intent	Effect on Uses	Effect on Standards
<p>The Wellhead Protection Overlay (WPO) District is intended to protect the public water supply by minimizing the potential for contamination.</p> <p><b>Land Use Restrictions</b></p> <ul style="list-style-type: none"> <li>• Uses that utilize or contain volatile, poisonous, toxic, or other material hazardous to the potability of water are restricted or prohibited</li> </ul> <p><b>Development Standard Restrictions</b></p> <ul style="list-style-type: none"> <li>• Require municipal sewer connection</li> <li>• Prevent underground storage tanks</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Areas within a 5-year recharge area for a public water supply or well field</li> </ul>	<p>All permitted uses in the base zoning district are permitted in the WPO District except as prohibited below. All special exception uses permitted in the base zoning district are allowed as such in the WPO District except as prohibited below.</p> <p><b>The following land uses and site features shall not be permitted in the WPO District:</b></p> <ul style="list-style-type: none"> <li>• animal feed lot</li> <li>• chemical storage or distribution</li> <li>• confined feeding operation</li> <li>• construction material landfill</li> <li>• ethanol plant (or other biofuel plant)</li> <li>• fertilizer storage or distribution</li> <li>• golf course</li> <li>• gravel or sand mining</li> <li>• incinerator</li> <li>• industry that uses heavy metals or toxic chemicals in its manufacturing process or other operations</li> <li>• junk yard</li> <li>• recycling processing</li> <li>• rendering plant</li> <li>• road salt storage</li> <li>• sanitary landfill or refuse dump</li> <li>• scrap metal yard</li> <li>• sewage lagoons</li> <li>• spreading of animal waste on land</li> <li>• spreading of sewage treatment plant sludge on land</li> <li>• storage tanks (hazardous)</li> <li>• wastewater treatment facility</li> </ul>	<p>The development standards from the base zoning district shall apply to the WPO District in addition to the development standards described in <i>Section 3.10: WPO District Development Standards</i>.</p>

# Wellhead Protection Overlay (WPO) District

## 3.07 WPO District Applicability

The following requirements apply to all land within the WPO District as defined in *Section 3.09 WPO: District Boundary*. Under no circumstances shall a planned development or rezoning of property change the applicability of the WPO District's land use restrictions and additional development standards.

## 3.08 WPO District Boundary

The boundaries for the WPO District shall be the 5-year recharge area shown on the Wellhead Protection Area Map and may be shown on the Official Zoning Map as a hatched or textured pattern and noted on the map legend as the WPO District.

## 3.09 WPO District Development Standards

- A. Exemptions: Single-family and two-family dwelling units connected to a municipal sewer system are exempt from the WPO District requirements
- B. Best Management Practices for Fertilizer and Chemical Application on Agricultural Land: Agricultural uses within the WPO District shall implement best management practices known to the industry, including:
  1. *Avoid Excess Potential Contaminant Usage*: Use the minimal amount of the potential contaminant that is necessary to achieve the desired result. Employ waste reduction and management strategies, and mandate responsible purchasing to reduce the threat of hazardous materials.
  2. *Proper Use and Handling*: Train employees to follow instructions on labels to ensure proper use, handling, and application of potential contaminants.
  3. *Proper Storage and Disposal*: Create and implement a chemical management plan that includes a list of chemicals and potential contaminants used, the method of disposal, and procedures for assuring that chemicals and potential contaminants are not discharged into waterways or, to wellfield.
- C. Sewer and Water Standards
  1. *Abandoned Wells*: All known abandoned wells shall be identified and sealed at the surface or plugged with impervious materials in accordance with Rule 10 in the Indiana Administrative Code, 312 IAC 13.
  2. *Sanitary Sewer*: Connection to a municipal sanitary sewer system shall be required unless the cost to connect to the municipal sanitary sewer exceeds three times (3X) the cost of a septic (i.e. on-site waste treatment) system.
- D. Storage Tank Standards:
  1. *Above Ground Storage Tanks*:
    - a. All tanks shall have corrosion protection for the tank and piping. Corrosion protection measures shall include elevating tanks, resting tanks on continuous concrete slabs, installing double-walled tanks, cathodically protecting the tanks, internally lining tanks, or a combination of the aforementioned options. All piping to the tank should be double-walled or located above ground or cathodically protected.
    - b. Above ground storage of liquid and/or petroleum products shall be limited to 2,000 cumulative gallons in all on-site storage tanks.
    - c. Storage of more than 300 gallons of liquid chemical or petroleum products for more than twenty-four (24) hours shall meet the following secondary containment requirements:
      - i. Secondary containment shall be capable of containing 110% of the volume of the tank.
      - ii. Secondary containment shall be designed to prevent and control the escape of the contaminant into ground water for a minimum of seventy-two (72) hours; or designed and built with an outer shell and a space between the tank wall and the outer shell that allows and includes monitoring between the tank wall and outer shell.
      - iii. The secondary containment structure shall be properly maintained and shall be free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardize the integrity of the structure.
      - iv. The secondary containment structure shall be designed to prevent the infiltration of precipitation.
  2. *Underground Storage Tanks*:
    - a. New underground storage tanks (USTs) shall not be permitted.
    - b. Existing underground storage tanks shall only be replaced or upgraded with above ground storage tanks.



## 3.10 WPO Process Supplement

- A. Additional Reviews: If a subdivision of land, planned development, special exception, variance, rezoning, or Improvement Location Permit is applied or requested for a site that lies fully or partially within the WPO District, the proposed development and process shall be subject to an additional review and requirements by the water utility who maintains the wellhead.
- B. Additional Notice: In addition to any notice an applicant is required to give, an applicant shall give notice to the water utility who maintains the wellhead when fully or partially contained within a WPO District. See *Article 09: Processes*.

## 3.11 WPO Monitoring

- A. Inspection: Land uses involving the storage or use of potential contaminants are subject to periodic inspection by the Fire Marshall or the water utility who maintains the wellhead. The scope of inspections shall be limited to issues related to the storage and use of potential contaminants.
- B. Testing: The water utility who maintains the wellhead, may request periodic testing for spillage or soil contamination. Testing may not exceed one (1) test site for each 1,000 gallons of chemicals, fertilizer, or petroleum product per year for sites that have never had a violation, or significant leak or spill. Testing may not exceed one (1) test site for each 500 gallons of chemicals, fertilizer, or petroleum product per six (6) months for sites that have never had a violation, or significant leak or spill.
- C. Reporting: The water utility who maintains the wellhead shall be notified within twenty-four (24) hours from the time a leak or spill is discovered that exceeds one (1) gallon onto the soil.

## 3.12 CSES District Intent, Effect on Uses, and Effect on Standards

### District Intent

The Commercial Solar Energy System (CSES) Overlay District is intended to enable Shelby County to regulate the permitting of commercial solar energy systems; be informed of the placement of commercial solar energy systems; preserve and protect public health and safety; allow for the orderly development of land; and protect property values in Shelby County. This district should be used to allow for CSES facilities in sparsely populated rural areas and in industrial areas along the I-74 corridor. Prime farmland within CSES districts should be maintained for agricultural purposes and all agricultural land within CSES districts should be protected from harm and destruction.

### Effect on Uses

All permitted uses in the base zoning district are permitted in the CSES District. All special exception uses permitted by special exception in the base zoning district are permitted by special exception in the CSES District.

### Effect on Standards

The procedural standards indicated in U.D.O. Article 9 and development standards from the base zoning district shall apply to the CSES District in addition to the procedural and development standards described in Section 3.15: CSES Procedural and Development Standards.

## 3.13 CSES District Applicability

The procedural requirements and development standards indicated in Section 3.15: CSES District and Procedural Standards apply to all land within the CSES District as defined in Section 3.14: CSES Boundaries. Under no circumstances shall a planned development or rezoning of property change the applicability of the CSES District's land use restrictions and additional development standards.

## 3.14 CSES District Boundaries

The CSES District shall apply to all properties as indicated on the Official Zoning Map.

## 3.15 CSES District Procedural and Development Standards

- A. Application Procedure and Land Use Approvals Required: Applications for CSES land use approvals and permits shall be filed on forms provided by the Zoning Administrator. The order of the approval process is as follows (1) Rezoning to CSES Overlay District, (2) If required, Development Standards Variance(s), (3) TAC Site Plan approval, (4) Improvement Location Permit. The following standards apply:
1. Rezoning to CSES Overlay District: Refer to Shelby County U.D.O Section 9.18 Zoning Map Amendment (Rezoning). Additionally, the applicant shall submit the *Application and Supporting Information*, as listed in *Section 9.18*, to the governmental agencies listed below. Any written response from each agency received within thirty (30) days of submittal of the *Application and Supporting Information* shall be submitted with the Application for Rezoning.

Approval of the project by each agency is not required, however the Plan Commission and County Commissioners may place conditions on approval of an application or deny an application based on the submitted written responses.

- a. The following Divisions of the Indiana Department of Environmental Management (IDEM)
  - Office of Land Quality
  - Office of Water Quality
  - All other applicable Divisions as requested in writing by the Zoning Administrator
- b. The following Divisions of the Indiana Department of Natural Resources (IDNR)
  - Division of Forestry (if over one acre of forested land is disturbed)
  - Division of Historic Preservation & Archaeology
  - Division of Oil & Gas
  - Division of Water
  - All other applicable Divisions as requested in writing by the Zoning Administrator
- c. Local Indiana Department of Transportation District (if the perimeter boundary of the CSES is adjacent to a State Road, U.S. Road, or Interstate)
- d. Shelbyville Municipal Airport (if the perimeter boundary of the CSES is within 660 feet of the airport)
- e. Telecommunications Infrastructure Owners & Operators within 2 miles of the CSES perimeter boundary
- f. Fire Department(s) having jurisdiction over the CSES
- g. Shelby County Sheriff's Department
- h. Shelby County Highway Department
- i. Office of the Shelby County Commissioners
- j. Shelby County Surveyor and Shelby County Drainage Board
- k. Building Department of any Shelby County incorporated municipality within 2 miles of the CSES perimeter boundary
- l. Shelby County Emergency Management Service
- m. Shelby County Soil & Water Conservation District
- n. Shelby County Purdue Extension Office
- o. If any portion of the CSES is located in a Wellhead Protection Area(s), the water utility(s)

- that maintains the wellhead(s).
- p. Any other applicable governmental agency as requested in writing by the Zoning Administrator.
2. Development Standards Variance: For any CSES requiring a Development Standards Variance(s): Refer to Shelby County U.D.O *Section 9.17 Variance*.
  3. TAC Site Plan Approval: The applicant shall be required to submit a commercial site plan to the Shelby County Storm Drainage, Erosion and Sediment Control Ordinance Technical Advisory Committee (TAC) for review. The plan should be submitted in accordance with the Class 1 Site Plan requirements as listed in Table A of the Shelby County Storm Drainage, Erosion and Sediment Control Ordinance. In addition to the Class 1 Site Plan, the following supplementary documentation shall be required:
    - a. The building envelope (i.e. the resulting developable area after applying setbacks).
    - b. A calculation of the existing lot coverage expressed as a percentage.
    - c. A calculation of the lot coverage as it would be upon completing the project, expressed as a percentage.
    - d. Denotation of any existing structure on an adjacent parcel if within 660 feet of the subject parcel's property line.
    - e. Denotation of adjacent zoning districts if different than the subject parcel.
    - f. Denotation of wildlife corridors to allow wildlife to navigate through the CSES.
    - g. Landscape Plan in accordance with U.D.O. *Section 3.15 F* drawn and certified by a Registered Engineer or Landscape Architect.
    - h. Acoustic Assessment in accordance with U.D.O. *Section 3.15 H*.
    - i. Groundcover Plan in accordance with U.D.O *Section 3.15 Q*. The Groundcover Plan may be incorporated into the Landscape Plan.
    - j. Road Use Agreement in accordance with U.D.O *Section 3.15 R 1*.
    - k. Bond to cover costs associated with repair to County roads and roadway infrastructure in accordance with U.D.O *Section 3.15 R 2*.
    - l. Decommissioning Plan in accordance with U.D.O *Section 3.15 T*.
    - m. Any written consent filed by a non-participating property owner in accordance with U.D.O. *Section 3.15 C 2 and Section 3.15 F 2*.
    - n. Any other information necessary to support a thorough review of the project as requested in writing by the Zoning Administrator, including any additional information from any agencies listed in U.D.O *Section 3.15 A 1*.
  4. Improvement Location Permit: The applicant shall be required to submit an application for an

Improvement Location Permit (ILP) in accordance with Shelby County U.D.O *Section 9.05 Improvement Location Permit*. In addition to the ILP Application, the following supplementary documentation shall be required:

- a. Solar system specifications, including manufacturer and model. The manufacturer specifications for the key components of the solar energy system shall be submitted with the application.
- b. Array/module design shall be submitted with the application.
- c. Certification that layout, design, and installation conform to and comply with all applicable industry standards, such as:
  - National Electrical Code (NEC)(NFPA-70)
  - American National Standards Institute (ANSI)
  - Underwriter's Laboratories (UL)
  - American Society for Testing & Materials (ASTM)
  - Institute of Electric & Electronic Engineers (IEEE)
  - Solar Rating & Certification Corporation (SRCC)
  - Electrical Testing Laboratory (ETL), and other similar certifying organizations
  - Federal Aviation Administration (FAA)
  - Indiana Building Code (IBC)
- d. The CSES applicant shall certify that they will comply with the utility notification requirements contained in Indiana law and accompanying regulations through the Indiana Public Utility Commission, unless the applicant intends, and so states on the application, that the system will not be connected to the electricity grid.
- e. Documented approval of any other permits as required by Shelby County.

B. Application Fees: The following fees shall accompany any CSES application:

1. Rezoning Application Fee: \$9,250
2. Variance Fee: \$4,750
3. TAC Site Plan Fee: \$120 per hour of review
4. Improvement Location Permit Fee: 0.1% of the value of all property improvements.
5. Third-Party Review Fees: The applicant shall pay all attorney fees, costs associated with third-party review, and any other costs in the enforcement of the terms of this ordinance.

C. Setbacks: Any CSES ground mounted equipment and buildings, excluding any security fencing, poles, and wires necessary to connect to facilities of the electric utility, shall be located:

1. A minimum of 500 feet from the centerline of any public road.
  2. A minimum of 660-feet from the property line of any non-participating property, including the property line of properties not adjacent to the CSES. Any non-participating property owner may reduce the setback requirement from their property lines by filing written consent with the Shelby County Recorder. Such consent, when recorded, shall run with the property for the life of the CSES zoning overlay district. At a minimum, the written consent shall include:
    - a. The setback requirement agreed upon by the non-participating property owner and the applicant. The agreed upon setback shall not be less than the required minimum setback for a primary structure in the base zoning district.
    - b. A legal description of the non-participating property and parcel number(s).
    - c. A property map showing all property lines and agreed upon setback lines.
- D. Lot Coverage: Any CSES shall be exempt from the maximum lot coverage requirement of each zoning district.
- E. Height: The height of any CSES ground mounted solar equipment is limited to 20 feet, as measured from the highest natural grade below each solar panel.
- F. Landscape Buffer: Any CSES shall be required to install a landscape buffer along the side and rear property lines adjacent to the CSES of any adjacent non-participating property which includes a dwelling unit. The landscape buffer shall be installed in accordance with the following requirements:
1. Evergreen Trees: One (1) evergreen tree shall be planted for every five (5) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within fifteen (15) feet of the property line. All required evergreen trees shall be at least five (5) feet in height at the time of planting. Any tree designated by the Zoning Administrator as an invasive species or with poor characteristics for a location shall not be permitted
  2. Any non-participating property owner may reduce or waive the landscaping requirement along their property lines by filing written consent with the Shelby County Recorder. Such consent, when recorded, shall run with the property for the life of the CSES zoning overlay district. At a minimum, the consent shall include:
    - a. The landscaping requirement agreed upon by the non-participating property owner and the applicant.
    - b. A legal description of the non-participating property and parcel number(s).
    - c. If landscaping is not entirely waived, a landscaping plan showing number, location, and species of plantings. Any planting designated by the Zoning Administrator as an invasive species or with poor characteristics for a location shall not be permitted.
- G. Fencing: Security fencing surrounding any CSES shall be agricultural fencing which is of woven wire composition and wood posts. Fencing shall be a minimum height of six (6) feet and shall not exceed a height of eight (8) feet. Razor wire shall be prohibited. If Federal or State requirements conflict with County fencing standards, the Federal or State requirements shall supersede.

- H. Noise: Sound attributable of any CSES shall not exceed an hourly average sound level of forty (40) A-weighted decibels, as modeled at the perimeter boundary line of the CSES.
- I. Wireless Communication Signal Disturbance: Any CSES shall be installed so as not to cause any wire or wireless communication signal disturbance.
- J. Glare: Any CSES shall be situated to eliminate concentrated glare onto abutting structures and roadways.
- K. Electrical Wires & Utility Connections: To the greatest practical extent, all electrical wires and utility connections for any CSES shall be installed underground, except for transformers, inverters, substations and controls. The Zoning Administrator shall take into consideration prohibitive costs and site limitations in making his/her determination.
- L. Lighting: Exterior lighting for any CSES shall be limited to that required for safety and operational purposes.
- M. Signage: All signs, other than the facility maintenance contact information, manufacturer's or installer's identification, appropriate warning signs, or owner identification on a solar panel array and/or modules, building, or other structure associated with any CSES shall be prohibited.
- N. Storage: Outdoor storage of equipment, machinery, and waste or scrap materials, other than materials used during construction of any CSES or actively engaged in routine maintenance of any CSES, shall be prohibited. On-site storage structures shall comply with all standards for accessory structures identified in the U.D.O. and have a concrete floor and perimeter foundation.
- O. Proximity to Airport: For any CSES located within 660 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of a glare analysis through a qualitative analysis of potential impact, field test demonstration, or geometric analysis of ocular impact in consultation with the Federal Aviation Administration (FAA) Office of Airports, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
- P. Security: All ground-mounted electrical and control equipment for CSES shall be fenced and labeled or secured to prevent unauthorized access. The solar array and/or modules shall be designed and installed to prevent access by the public with fencing in accordance with *Section 3.15 G*, and access to same shall be through a locked gate.
- Q. Groundcover: Groundcover within any CSES shall comply with the following standards:
  1. Groundcover within any CSES shall be planted and maintained to be free of all invasive species prohibited by Indiana law.
  2. No insecticide use is permitted. This provision does not apply to insecticide use in on-site buildings, in and around electrical boxes, or as otherwise may be deemed necessary to protect public health and safety.
  3. Legally applied herbicides by a licensed applicator for the control of weeds is permitted.
  4. Prime Farmland:



- a. Within any CSES project area, management of groundcover located on land classified as *All Areas Are Prime Farmland* by the *National Cooperative Soil Survey*, is required to adhere to guidance set forth by the Purdue University Extension, or an Indiana state government agency, on pollinator-friendly management practices, except as permitted in U.D.O *Section 3.15 Q 4 b*. If no such guidance is established, such sites shall meet the following best management practices for creating pollinator habitat:
    - i. Ground around and under solar panels and in project site buffer areas shall be planted, established, and maintained for the life of the solar project in perennial vegetated ground cover to the maximum extent feasible and economical.
    - ii. To the maximum extent feasible and economical, perennial vegetation ground cover shall be based on a diverse seed mix of native species, or in the alternative, based on guidance specific to the local area provided by the National Resources Conservation Service, Soil and Water Conservation District, or Conservation District.
    - iii. The site shall be planted and maintained to be free of all invasive species prohibited by Indiana law.
  - b. Within any CSES project area, other agronomic practices may be permitted on land classified as *All Areas Are Prime Farmland* by the *National Cooperative Soil Survey* in lieu of pollinator-friendly management practices as described in U.D.O *Section 3.15 Q 4 a* at the discretion of the Zoning Administrator. The Zoning Administrator shall take into consideration prohibitive costs and site limitations in making his/her determination.
5. Groundcover Plan: The applicant for any CSES shall submit a groundcover plan approved by a DNR wildlife biologist, local Soil and Water Conservation District professional, or other qualified professional as determined by the Zoning Administrator.

R. County Roads:

1. The applicant for any CSES and the Shelby County Commissioners shall enter into a Road Use Agreement for the use, repair, and improvement of County roads for the duration of the development, construction, operation, and maintenance of the CSES. The Road Use Agreement shall comply with any standards for Road Use Agreements adopted by the County Commissioners and applicable laws.
2. The applicant for any CSES shall provide a financial assurance to cover any costs associated with repair to County roads and roadway infrastructure due to construction activity related to the CSES:
  - a. The applicant shall provide financial assurance in an amount determined by a State licensed professional engineer chosen by the County.
  - b. The financial assurance shall be in the form of a performance bond or a surety bond issued by an AM Best Company having an A or A+ rating.
  - c. The bond shall name the Shelby County Commissioners as the beneficiary, and default to the applicable municipality should the CSES become annexed.

- S. Maintenance: The applicant for any CSES or its successor shall be responsible for regular maintenance of the CSES. Failure to maintain the CSES is a violation of the Unified Development Ordinance. At a minimum, regular maintenance includes:
1. Physical improvements, including but not limited to electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, and pilings, shall be maintained in good working order at the cost of the applicant.
  2. Panels shall be repaired or replaced when either nonfunctional or in visible disrepair.
  3. Weed control, mowing, and removal of invasive species shall be performed routinely.
  4. Growth of vegetation, other than trees, shrubs, ornamental plants, agricultural crops, and vegetation that is part of an approved Groundcover Plan in accordance with U.D.O *Section SES-01 Q*, shall not exceed ten (10) inches.
  5. All fences shall be maintained in accordance with U.D.O *Section 5.23 D*
  6. All landscaping shall be maintained in accordance with U.D.O *Section 5.43 D*
- T. Decommissioning: Any CSES which has discontinued commercial operation or has ceased electrical power generation or transmission for at least six (6) consecutive months shall be removed at the expense of the applicant or its successor in compliance with a decommissioning plan approved by the County. The following standards apply:
1. Decommissioning Plan: The applicant shall submit a decommissioning plan to the County for approval in conjunction with application for TAC Site Plan approval. At a minimum, the decommissioning plan shall include:
    - a. Description of Implementation, including but not limited to:
    - f. Removal of all surface and subsurface physical improvements including but not limited to electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and fences. At the discretion of the Zoning Administrator, the plan may incorporate agreements between the applicant and owners of leased property with the CSES to allow access roads and/or fencing to remain in place.
    - g. Restoration of surface grade, soil, surface and subsurface drainage infrastructure, and vegetation to pre-construction conditions.
    - h. Disposal of all CSES equipment and materials in compliance with Federal, State, and Local laws at the time of decommissioning.
    - i. Decommissioning Cost Estimate in accordance with U.D.O *Section 3.15 T 2*
    - j. Financial Assurance for Decommissioning in accordance with U.D.O *Section 3.15 T 3*
  2. Decommissioning Cost Estimate:
    - a. The applicant shall submit a decommissioning cost estimate for the gross estimated cost to decommission the CSES in accordance with the decommissioning plan.

- b. The cost estimate shall be prepared by a State licensed professional engineer chosen by the County.
  - c. The cost estimate shall be submitted in conjunction with the TAC Site Plan application and updated every three years by a State licensed professional engineer chosen by the County.
  - d. The applicant or its successor shall reimburse the County for any analysis by the State licensed engineer and any other third party of the initial and updated decommissioning cost estimates.
  - e. The decommissioning cost estimate shall not include any estimates or offsets for the resale or salvage values of the CSES equipment and materials.
3. Financial Assurance for Decommissioning:
- a. The applicant shall provide financial assurance for the total estimated cost of decommissioning, in accordance with *U.D.O Section 3.15 T 2*
  - b. The financial assurance shall be in the form of a performance bond or a surety bond issued by an AM Best Company having an A or A+ rating reviewed and approved by County Plan Commission legal counsel.
  - c. The bond shall name the Shelby County Commissioners as the beneficiary, and default to the applicable municipality should the CSES become annexed.
  - d. The bond shall be in place prior to issuance of an ILP and the applicant or its successor shall submit an updated bond to the County every three years.
4. Partial Decommissioning: If decommissioning is triggered for a portion, but not the entire CSES, then the applicant or its successor will commence and complete decommissioning, in accordance with the decommissioning plan, for the applicable portion of the CSES; the remaining portion of the CSES would continue to be subject to the decommissioning plan. Decommissioning Plan shall define the circumstances which would trigger partial decommissioning.
5. Amendments to the Decommissioning Plan: Any amendment to an approved decommissioning plan shall comply with all standards of this ordinance and shall be approved at the discretion of the Zoning Administrator.

## 3.16 CSES District Size

The cumulative area of all land within the CSES Overlay District shall be limited to one percent (1%) of the total acres of cropland in Shelby County, Indiana as determined by the latest available data provided by the Census of Agriculture, which is conducted by law under the “Census of Agriculture Act of 1997,” Public Law 105- 113 (Title 7, United States Code, Section 2204g). Additionally, only one (1) individual CSES projects shall be permitted within a ten (10) year period, beginning at the date of final CSES Overlay District approval of the first project.

### Definitions:

Commercial Solar Energy Systems (CSES): An area of land or other area used by a property owner and/or corporate entity for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily or solely for off-site utility grid use, and consisting of one or more free-standing, ground-mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce offsite consumption of utility power and/or fuels. CSES are a minimum of  $\frac{1}{4}$  acre in total area.

Private Residential Solar Energy Systems (PRSES): An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily or solely for on-site residential use, and consisting of one or more free-standing, ground or roof mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce on-site consumption of utility power and/or fuels. PRSES shall be permitted in all zoning districts and shall be treated as accessory structures in each zoning district they are erected in. The maximum size of a PRSES is limited to the maximum size allowed for an accessory structure in each zoning district (other accessory structures shall not be included in maximum size calculations).

Non-participating Property: A lot or parcel of real property that is not owned by a project owner:

1. On which the project owner does not seek to:
  - a. install or locate one (1) or more CSES systems or other facilities related to a CSES system project (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure); or
  - b. otherwise enter into a lease or any other agreement with the owner of the property for use of all or part of the property in connection with a CSES system project.
2. On which the owner of the property does not:
  - a. consent to having one or more CSES systems or other facilities related to a CSES system project (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure) installed or located; or
  - b. otherwise enter into a lease or any other agreement with the project owner for use of all or part of the property in connection with a CSES system project.

The term does not include a lot or parcel of real property if the owner of the lot or parcel consents to participate in a CSES system project through a neighbor agreement, a participation agreement, or another similar arrangement or agreement with a project owner.

**Article**

**04**

## Planned Development Districts

---

*Shelby County  
Unified Development  
Ordinance*

© 2008, Bradley E. Johnson, ACP

# Planned Development (PD) District

## 4.01 PD District Intent, Regulations, and Prerequisites

District Intent	Regulations	Prerequisites
<p><b>The PD (Planned Development) District is intended to provide flexible design standards and development standards for medium to large scale developments that do not easily comply to zoning district standards due to any of the following:</b></p> <ul style="list-style-type: none"> <li>• Interest in an integrated mixed use development</li> <li>• Existence of unique geological or natural features</li> <li>• Interest in unique or innovative development design</li> <li>• The need for waivers or variances shall not by itself justify the pursuit of a Planned Development</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Should be used for innovative developments with unique features that will enhance not only the development but the entire County</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Any parcel that meets the prerequisites specified herein may be rezoned to a Planned Development District after Plan Commission review and approval, and after the County Commissioners reviews and adopts the Planned Development Ordinance in accordance with the Shelby County Comprehensive Plan and <i>Article 04: Planned Development Districts</i></li> <li>• Under no circumstances are the Plan Commission or County Commissioners required to rezone a property to a PD District.</li> </ul>	<p><b>Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• Predominantly in line with the permitted uses in the original zoning district</li> <li>• Predominantly in line with the Shelby County Comprehensive Plan</li> <li>• Compatible with surrounding land uses and adjacent zoning districts</li> <li>• Flexible only to the extent permitted in <i>Article 04: Planned Development Districts</i></li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Generally in line with the intent of the original zoning district</li> <li>• Predominantly in line with the Shelby County Comprehensive Plan</li> <li>• Compatible with surrounding land uses and adjacent zoning districts</li> <li>• Flexible only to the extent permitted in <i>Article 04: Planned Development Districts</i></li> </ul> <p><b>Design Standards</b></p> <ul style="list-style-type: none"> <li>• Predominantly in compliance with the design standards of a Planned Development in <i>Article 07: Design Standards</i></li> <li>• Flexible only to the extent permitted in <i>Article 04: Planned Development (PD) Districts</i></li> </ul> <p><b>Construction Standards</b></p> <ul style="list-style-type: none"> <li>• Fully in compliance with Shelby County's construction and engineering standards</li> </ul>	<p><b>Ownership</b></p> <ul style="list-style-type: none"> <li>• The site proposed for a Planned Development shall be under single ownership, or if multiple owners exist a legal document, legal partnership, or corporation shall be provided indicating that all owners of property support and desire to develop the land. Said legal document shall also indicate who the owners appoint as their representative.</li> </ul> <p><b>Site Area</b></p> <ul style="list-style-type: none"> <li>• The minimum site area required for a Planned Development is 5 acres</li> </ul>

# Planned Development (PD) District

## 4.02 General

- A. Description: A Planned Development (PD) District is a special district that can be pursued by an applicant in which a stand alone ordinance regulating the development is drafted and which binds the development to its unique language.
- B. Creation: The procedure for the creation of a PD District shall be consistent with the process set forth in *Article 09: Processes* of the Unified Development Ordinance.
- C. Maps: PD Districts shall be identified as such on the Official Zoning Map.
- D. Regulations:
  1. *Development Standards and Design Standards*: The requirements of *Article 05: Development Standards* and *Article 07: Design Standards* of the Unified Development Ordinance shall apply to Planned Developments unless alternate standards are deemed appropriate by the Plan Commission in order to accomplish the intent of the Planned Development. Any lessening of the required standards of the Unified Development Ordinance shall be directly linked to the intent of the Planned Development to provide a mixed use development, accommodate a creative and unique design not otherwise achievable using standard zoning districts and subdivision control regulations, or address unusual physical conditions.
  2. *Preliminary Plan*: The Preliminary Plan shall indicate the proposed land uses, location of all proposed improvements, and a proposed ordinance that includes development standards, design standards, and other specifications which shall govern the Planned Development. If the Preliminary Plan is silent or does not address a particular land use, development standard, design standard, or other specification, the standard of the base zoning district or other applicable regulations shall apply.
  3. *Open Space*: Open space shall either be:
    - a. Conveyed to a municipal or public corporation if it is willing to accept it; or
    - b. Conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and tenants of the Planned Development.

## 4.03 Origination of Proposals

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

## 4.04 Rules of Procedure

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

## 4.05 Limitation of Revisions to the Unified Development Ordinance

- A. Public Health and Safety: Changes to the Unified Development Ordinance that directly affect public health and safety shall apply to any Planned Development whether prior to or during development.
- B. Failure to Comply: If a Planned Development is no longer proceeding in accordance with its ordinance, the commitments, or time requirements imposed by its ordinance, the County may follow the process for violations outlined in *Article 10: Enforcement and Penalties*.
- C. Rezoning to Standard District: All Planned Developments or subdistricts thereof, once 90% built-out are subject to being rezoned into an appropriate standard zoning district if the County deems it necessary to better administer the development.

## 4.06 Designation of Permanent Open Space

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



**Article**

**05**

## Development Standards

---

*Shelby County  
Unified Development  
Ordinance*

© 2008, Bradley E. Johnson, ACP

# Development Standards Overview

## 5.01 Introduction

All structures, buildings, land uses, land use changes, structural alterations, structural relocations, demolitions, structural additions, and structural enlargements that are constructed, created, established, or occur after the effective date of this Unified Development Ordinance (except as may otherwise be provided within this Unified Development Ordinance) are subject to all development standards and regulations for the applicable zoning district.

## 5.02 How to Use this Article

This Article contains development standards that are arranged by category. There are two ways to determine which development standards apply to a specific zoning district. They are:

- A. **Blue Boxes:** Refer to the two-page layouts in *Article 02: Zoning Districts* for a specific zoning district. In the “Additional Development Standards that Apply” box for that specific zoning district are listed four-digit codes that determine which development standards apply. Only the four-digit codes noted in the “Additional Development Standards that Apply” section apply to that zoning district.

[**Example:** On page 2-5, the four digit code “AS-01” can be found under the “Additional Development Standards that Apply” section in the Conservation Agricultural (A1) zoning district. Therefore, the Development Standards in the section labeled “AS-01” (on page 5-4) would apply to the Conservation Agricultural (A1) zoning district.]

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

[**Example:** On page 5-5, the R1 icon **R1** can be found under the AS-04 development standard section. Therefore the language in the AS-04 section would apply to the R1 zoning district.]
















SCF-01 Small Cell Facilities and Associated Wireless Support Structures added per Ord. 2019-09 (see Appendix B.09)

DPI-01 Dedication of Right-of-Way Standards added per Ord. 2021-26 (see Appendix B.27)

Section Name	Page Number	Section Name	Page Number
Accessory Structure Standards (AS)	5-4	Manufactured Housing (MH)	5-44
Architectural Standards (AR)	5-7	Outdoor Storage Standards (OS)	5-45
Confined Feeding Standards (CF)	5-9	Parking Standards (PK)	5-47
Density and Intensity Standards (DI)	5-10	Performance Standards (PF)	5-55
Driveway Standards (DW)	5-11	Public Improvement Standards (PI)	5-56
Environmental Standards (EN)	5-16	Pond Standards (PN)	5-57
Fence and Wall Standards (FW)	5-17	Rural Residential (RL)	5-58
Floodplain Standards (FP)	5-20	Setback Standards (SB)	5-59
Floor Area Standards (FA)	5-26	Sewer and Water Standards (SW)	5-61
Height Standards (HT)	5-27	Sexually Oriented Business Standards (SX)	5-62
Home Business Standards (HB)	5-28	Sign Standards (SI)	5-64
Kennel Standards (KL)	5-32	Storage Tank Standards (ST)	5-71
Keeping of Animals standards (KA)	5-34	Structure Standards (SR)	5-72
Landscaping Standards (LA)	5-36	Telecommunication Facility Standards (TC)	5-73
Lighting Standards (LT)	5-41	Temporary Use and Structure Standards (TU)	5-75
Loading Standards (LD)	5-42	Vision Clearance Standards (VC)	5-76
Lot Standards (LO)	5-43		

# District Icons

## 5.03 Icon Key

-  Open Space and Parks District
-  Conservation Agricultural District
-  Agricultural District
-  Intense Agricultural District
-  Agricultural Commercial District
-  Residential Estate District
-  Single-family Residential
-  Single-family Residential
-  Village Residential
-  Multiple-family Residential District
-  Multiple-family Residential District
-  Manufactured Home Park District
-  Village Mixed Use District
-  Institutional District
-  Neighborhood Commercial District
-  Highway Commercial District
-  Low Intensity Industrial District
-  High Intensity Industrial District
-  High Impact District

# Accessory Structure Standards (AS)

## 5.04 AS-01: General Accessory Structure Standards 5.04 F Exemptions added per Ord. 2019-10 (see Appendix B 10)

This Accessory Structure Standards section applies to the following zoning districts:

OP A1 A2 A3 A4 RE R1 R2 VR M1 M2 MP VM IS C1 C2 I1 I2 HI

The intent of the Accessory Structure Standards is to ensure the placement and use of accessory structures protects the health, safety, and welfare of the residents of the County. The following standards apply:

- A. Permit Required: An Improvement Location Permit is required for the construction of any accessory structure greater than 200 square feet in size.
- B. Zoning District Standards: A permitted accessory structure shall comply with all development standards for the applicable zoning district.
- ~~C. Placement: A permitted accessory structures shall not be placed in the front yard of any lot.~~ Amended per Ord. 2021-21. See Appendix B.13
- D. Prohibited for Occupancy: A permitted accessory structure shall not be utilized for human occupancy.
- E. Swimming Pools: Swimming pools shall be subject to both the Unified Development Ordinance and the Indiana Administrative Code (675 IAC 20: Swimming Pool Code).

## 5.05 AS-02: Open Space and Parks and Agricultural Accessory Structure Standards 5.05 D Placement Exemption added per Ord. 2021-21.

This Accessory Structure Standards section applies to the following zoning districts: See Appendix B.14

OP A1 A2 A3

The following standards apply:

- A. Permitted Types: Accessory structures shall relate to the primary use of the lot or the district's permitted uses. For example a barn, silo, stable, detached garage, fruit/vegetable stand, swimming pools, storage shed, gazebo, or semi-tractor trailer used for fertilizer, pesticide, herbicide or fungicide storage if located on a concrete pad.
- B. Prohibited Types: A mobile home, school bus, motor coach, bus, motor home, manufactured home, recreational vehicle, boat, motor vehicle, trailer, or any part or section of an item on this list or the like shall not be used as an accessory structure.
- C. Accessory Structures Without Primary Structures: Accessory Structures are permitted on a property when the lot area is at least five (5) acres.

## 5.06 AS-03: Rural Estate Residential Accessory Structure Standards 5.06 E Placement Exemption added per Ord. 2021-21.

This Accessory Structure Standards section applies to the following zoning districts: See Appendix B.15

RE

The following standards apply:

- A. Permitted Types: Accessory structures shall relate to the primary use of the lot or the district's permitted uses. For example a detached garage, swimming pools, storage shed or gazebo.
- B. Timing of Installation: Accessory structures shall not be permitted prior to the erection of a primary structure.
- C. Maximum Number: Up to two (2) enclosed accessory structures (not including pools, decks and open-sided gazebos) shall be permitted on a lot.
- D. Maximum Size: The total area of all enclosed accessory structures on a lot shall not exceed two times (2X) the footprint of the primary structure.

# Accessory Structure Standards (AS)

## 5.07 AS-04: Single-family Residential Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning districts:



The following standards apply:

- A. Permitted Types: Accessory structures shall relate to the primary use of the lot. For example a detached garage, swimming pools, storage shed or gazebo.
- B. Timing of Installation: Accessory structures shall not be permitted prior to the erection of a primary structure. However, they may be built and completed simultaneously.
- C. Maximum Number: Up to two (2) accessory structures (not including pools, decks and open-sided gazebos) shall be permitted on a lot.
- D. Appearance: The exterior finish and facade of any enclosed accessory structure over 400 square feet in area shall match, closely resemble or significantly complement:
  - 1. Materials: The finish and facade materials used on the primary structure,
  - 2. Roof: The dominant roof pitch and roof style of the primary structure, and
  - 3. Color: The color choices of similar exterior materials on the primary structure.
- E. Prohibited Types: Post frame buildings are not permitted, unless it has a concrete floor and perimeter foundation.
- F. ~~Maximum Size: The total area of all enclosed accessory structures on a lot shall not exceed fifty percent (50%) of the footprint of the primary structure.~~ Amended per Ord. 2019-10. See Appendix B.11

## 5.08 AS-05: Multiple-family Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning district:



The following standards apply:

- A. Permitted Types: Accessory structures shall relate to the primary use of the lot. For example a management office, sales office, clubhouse, swimming pool, sport courts, carports, storage facility, laundry facility, or other structures customarily incidental to a multiple-family development.
- B. Timing of Installation: A sales office, management office, clubhouse, and swimming pool may be constructed prior to a primary structure. All other types of accessory structures shall be permitted to be constructed concurrent to the erection of the primary structure to which it relates.
- C. Maximum Number: Up to two (2) accessory structures are permitted per primary structure (i.e. multiple family building) on the lot.
- D. Appearance: The exterior finish and facade of any enclosed accessory structure over 400 square feet in area shall match, closely resemble or significantly complement:
  - 1. Materials: The finish and facade materials used on the primary structure,
  - 2. Roof: The dominant roof pitch and roof style of the primary structure, and
  - 3. Color: The color choices of similar exterior materials on the primary structure.
  - 4. Off-site Visibility: The accessory structure shall present no visible evidence of its nature to areas outside the development.

# Accessory Structure Standards (AS)

## 5.09 AS-06: Manufactured Home Park Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning district:

**MP**

The following standards apply:

A. Permitted Types:

1. Common Area: Accessory structures shall relate to the primary use of the lot. Accessory structures may include a sales office, management office, caretakers residence, clubhouse, swimming pool, storm shelter, sport court, storage facility, laundry facility, or other "community" structures that are incidental to a manufactured home park or lease lot development.
2. Dwelling Sites: Accessory structures shall relate to the primary use of the dwelling site. Accessory structures may include a carport, detached garage, or storage shed.

B. Timing of Installation:

1. Common Area: A sales office, management office, caretakers residence, clubhouse, swimming pool and storm shelter may be constructed prior to the first primary structure is installed. All other types of accessory structures may be permitted to be constructed or installed concurrent to the installation of the primary structure to which it relates.
2. Dwelling Sites: Accessory structures shall not be permitted on a dwelling site prior to the installation of a primary structure.

C. Maximum Number:

1. Common Area: Up to four (4) accessory structures are permitted in developments with fewer than eighty (80) dwelling sites. For each additional forty (40) dwelling sites, an additional one (1) accessory structure is permitted.
2. Dwelling Sites: Up to two (2) accessory structures are permitted on each dwelling site. Any carport, storage shed, or detached garage, whether connected to the primary structure or not, shall be considered an accessory structure.

D. Appearance: The exterior finish and facade of any enclosed accessory structure, over 400 square feet in area, and located in the common area shall:

1. Roof: Have at least a 5:12 pitched roof, and
2. Off-site Visibility: The accessory structure shall present no visible evidence of its nature to areas outside the development.

E. Maximum Size:

1. Common Area: The total area of all enclosed accessory structures in the common area shall not exceed 3,000 square feet.
2. Dwelling Sites: The total area of all enclosed accessory structures on an individual dwelling site shall not exceed twenty-five percent (25%) of the dwelling site or 600 square feet, whichever is less.

## 5.10 AS-07: Non-residential Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning districts:

**A4 VM IS C1 C2 I1 I2 HI**

The following standards apply:

A. Permitted Types: Accessory structures shall relate to the primary use of the lot and be solely used in connection with the primary use. For example a storage building.

B. Timing of Installation: Accessory structures shall not be permitted prior to the erection of a primary structure. However, they may be built and completed simultaneously.

C. Appearance: The exterior finish and facade of any enclosed accessory structure over 400 square feet in area shall match, closely resemble or significantly complement:

1. Materials: The finish and facade materials used on the primary structure, and
2. Color: The color choices of similar exterior materials on the primary structure.

# Architectural Standards (AR)

## 5.11 AR-01: Residential and Neighborhood Commercial Architectural Standards

This Architectural Standards section applies to the following districts:



The intent of the Architectural Standards is to ensure protect the health, safety, and welfare of the residents of the County by maintaining the community's character and improving the quality of life within the County. The following standards apply:

- ~~A. Facade: The front facade of all primary structures shall face the public or private street to which the building gains primary access, except as described below: Amended per Ord. 2021-21. See Appendix B.16~~
  1. Corner Lots: On corner lots, the front facade may face either street.
  2. Large Setbacks: Buildings that are setback at least 200 from the public right-of-way that it gains primary access to may orient the front facade up to ninety degrees (90) from parallel to that public right-of-way.
- B. Roof:
  1. Minimum Pitch: 4 (vertical units):12 (horizontal units)
  2. Minimum Eave/Overhang: All dwellings shall have eaves or overhangs a minimum of twelve (12) inches from the facade's siding material on at least eighty percent (80%) of the roofline. The eave/overhang shall be determined after the installation of masonry.
- C. Mechanical Equipment: All mechanical equipment, air conditioner units, propane tanks, and the like shall not be located forward of the front facade. On corner lots this standard applies to each facade that faces the public right-of-way.
- D. Architectural Features:
  1. Minimum Garage Capacity: Minimum two-car, attached garage required for all single-family detached and two-family buildings.
  2. Garage-forward Design: Front-loading garages shall not be located forward of the main living area by more than eight (8) feet.

## 5.12 AR-02: Residential and Neighborhood Commercial Architectural Standards

This Architectural Standards section applies to the following district:



The intent of the Architectural Standards is to ensure protect the health, safety, and welfare of the residents of the County by maintaining the community's character and improving the quality of life within the County. The following standards apply:

- ~~A. Facade: The front facade of all primary structures shall face the public or private street to which the home gains primary access, except on corner lots, the front facade may face either street. If infill, the home shall face the direction consistent with neighboring properties: Amended per Ord. 2021-21. See Appendix B.17~~
- B. Roof:
  1. Minimum Pitch: 4 (vertical units):12 (horizontal units)
  2. Minimum Eave/Overhang: All dwellings shall have eaves or overhangs a minimum of twelve (12) inches from the facade's siding material on at least eighty percent (80%) of the roofline. The eave/overhang shall be determined after the installation of masonry.
- C. Mechanical Equipment: All mechanical equipment, air conditioner units, propane tanks, and the like shall not be located forward of the front facade. On corner lots this standard applies to each facade that faces the public right-of-way.
- D. Architectural Features:
  1. Minimum Garage Capacity: Minimum two-car, attached or detached garage is required for all single-family detached and two-family buildings.
  2. Garage-forward Design:
    - a. Front-loading garages shall not be located forward of the main living area.
  3. Carport:
    - a. Carports shall be attached and integrally designed with the primary structure, and the carport's materials and finish shall be complementary to those of the primary structure.



## 5.13 AR-03: Commercial Architectural Standards

This Architectural Standards section applies to the following districts:

**C1 C2**

### A. Facade:

1. **Front Facade:** The front facade shall face the public or private street to which the business gains primary access, except as described below.
  - a. **Corner Lots:** On corner lots, the front facade may face either street.
2. **Other Facades:** Any facade that faces a public or private street shall be finished to a standard similar to the architectural quality of the front facade, including: building materials, architectural detail, windows, or faux windows. Long facades (30 feet or greater) or large areas (420 square feet) of a facade without visual relief shall not be permitted

### B. Site Planning and Layout: Lineal/strip development shall incorporate variation in structure height, building mass, roof forms and changes in wall planes.

### C. Entries: A building greater than 15,000 square feet shall have clearly defined, highly visible customer entrances featuring no less than two (2) of the following:

1. Canopies or porticos;
2. Overhangs;
3. Arcades;
4. Raised corniced parapets over the door;
5. Peaked roof forms;
6. Arches;
7. Outdoor patios;
8. Architectural details such as tile work and moldings that are integrated into the building structure and design;
9. Two or more notable, permanent or portable planters that incorporate landscaping or flowers;
10. Wing walls;
11. Columns;
12. A notable wall sign is mount above or beside the entrance; or
13. Awnings.

### D. Sprinkler System: A building shall not have more than two (2) stories above ground. However, taller buildings may be permitted if a sprinkler system is installed and if the Fire Department with jurisdiction reviews and approves the design with written letter indicating the maximum height in which they can comfortably suppress a fire. This section shall not supersede the applicable maximum structure height.

## 5.14 AR-04: Institutional Architectural Standards

This Architectural Standards section applies to the following districts:

**IS**

### A. Sprinkler System: A building shall not have more than two (2) stories above ground. However, taller buildings may be permitted if a sprinkler system is installed and if the Fire Department with jurisdiction provides a written letter indicating the maximum height in which they can comfortably suppress a fire. This section shall not supersede the applicable maximum structure height.



# Confined Feeding Standards (CF)

## 5.15 CF-01: General Confined Feeding Standards

This Confined Feeding Standards section applies to the following districts:



The intent of the Confined Feeding Standards is to protect the health, safety, and welfare of residents in the County by regulating the placement and operation of confined feeding beyond standards required by State and Federal agencies. The following standards apply:

- A. Minimum Distance from Existing Uses: All confined feeding facilities shall meet the following standards:
  - 1. Residential: The minimum separation to an existing residential use shall be 1,300 feet measured from foundation to foundation.
  - 2. Institutional: The minimum separation to an existing institutional use shall be 1,300 feet measured from foundation to foundation.
  - 3. Retail, Restaurant, or Entertainment Related Businesses: The minimum separation to an existing retail, restaurant, or entertainment business use shall be 1,200 feet measured from foundation to property line.
- B. Exemption for Setbacks: The 750 foot required front, side and rear setbacks for confined feeding facilities may be reduced if the surrounding land is restricted from residential, institutional, and retail, restaurant and entertainment related businesses, resulting in an equivalent setback of 750 feet. The specific regulations are as follows:
  - 1. Minimum Reduction of Setbacks:
    - a. Distance to public right-of-way: Under no circumstances shall the confined feeding facility be closer than 300 feet from a public right-of-way, when measured from building to right-of-way.
    - b. Front yard setback: The minimum front yard setback is 100 feet.
    - c. Side yard setback: The minimum side yard setback is 100 feet.
    - d. Rear yard setback: The minimum rear yard setback is 100 feet.
  - 2. Condition for Allowing Reduced Setbacks: The owner shall secure one (1) or more the following options for the area off-site, from the adjacent property owners to, in effect, meet the 750 feet minimum:
    - a. Deed restriction: The adjacent property shall be restricted by deed and recorded at the County Recorders office. The deed restriction shall only be able to be removed by demolition of the confined feeding operation or conversion to a non-restricted use; and by majority vote of the Shelby County Plan Commission.
    - b. Conservation Easement: The adjacent property shall be restricted through conservation easement in perpetuity. The conservation easement shall only be able to be removed by demolition of the confined feeding operation or conversion to a non-restricted use; and by majority vote of the Shelby County Plan Commission to vacate the conservation easement.
- C. Animal Mortalities: Animal mortalities are subject to the following standards.
  - 1. Disallowed Methods: Animal landfills are not permitted.
  - 2. Allowed Methods: On-site incineration, composting, rendering, and disposal pits (in accordance with the Indiana State Board of Animal Health) are permissible. Transporting animal mortalities to an off-site incinerator, composting facility or rendering plant is also permissible.
  - 3. Storage for removal to off-site facility: All animal mortalities shall be stored in a leak-proof container or facility, and be fully enclosed with an opaque fence at least six (6) feet in height with a gate to gain access.
  - 4. Frequency of Removal: All animal mortalities shall be removed from the site frequently to assure the on-site storage container of facility does not exceed its designed capacity, or cause significant odor at any point along the property line with adjacent lots.

# Density and Intensity Standards (DI)

## 5.16 DI-01: General Density and Intensity Standards

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



The intent of the Density and Intensity Standards is to ensure the protection of the health, safety, and welfare of the residents of the County by limiting the buildable area on a lot. The following standards apply:

- A. Applicability: If a density or intensity standard does not appear on the two-page layout for a zoning district, then no density or intensity standard applies to that particular zoning district.
  1. Maximum Density: The maximum density shall be as indicated on the applicable two-page layout in *Article 02: Zoning Districts*.
  2. Maximum Lot Coverage: The maximum lot coverage shall be as indicated on the applicable two-page layout in *Article 02: Zoning Districts*.
  3. Maximum Primary Structures: The maximum number of primary structures on one lot shall be as indicated on the applicable two-page layout in *Article 02: Zoning Districts*.

# Driveway Standards (DW)

**5.17 DW-01: General Driveway Standards** 5.17 H Existing Driveways added per Ord. 2021-21. See Appendix B.20

This Driveway Standards section applies to the following zoning districts:



The intent of the Driveway Standards is to ensure the placement of driveways protects the health, safety, and welfare of the residents of the County. The following standards apply:

- A. Cross Reference: All classification of streets shall be based on the Thoroughfare Plan as found and maintained in the Shelby County Comprehensive Plan.
- ~~B. Permits: An Improvement Location Permit shall be required for all driveway cuts onto public streets. State Department of Transportation permits do not override local approvals. Therefore, any driveway access from a State Highway shall require two permits prior to construction. Amended per Ord. 2021-21. See Appendix B.18~~
- C. Qualification as a Driveway: Any access facility used to convey motor vehicles, construction equipment, or farm equipment from a lot to a public street shall be considered a driveway except as described:
  - 1. Manufactured Home Parks: The access to a manufactured home park which has three (3) or more dwelling sites shall not be considered a driveway. These access facilities shall be established according to the regulations for a public street.
  - 2. Single-Family Residential Developments: The access to three (3) or more single-family lots using a shared easement or similar legal arrangement shall not be considered a driveway. These access facilities shall be established according to the regulations for a public street.
  - 3. Multiple-Family Residential and Condominium Developments: The access to two (2) or more multiple-family buildings on the same lot using a shared easement or common area. These access facilities shall be established according to the regulations for a public street.
  - ~~4. Excessive Vehicle Use: Any access that is used by one (1) or more lots and that conveys over 200 vehicle per day shall not be considered a driveway. These access facilities shall be established according to the regulations for a public street. Amended per Ord. 2021-26. See Appendix B.25~~
  - 5. Public Right of Way: Any access that is established as public right-of-way shall be considered a public street and regulated as such.
  - 6. Access to Undeveloped Land: Access to fields, natural areas, and forested areas.
- ~~D. Measurement Rules:
 
  - ~~1. Between Driveways and Street Intersection: The distances shall be determined by measuring from the intersection right-of-way line to the edge of pavement of the driveway.~~
  - ~~2. Between Multiple Driveways: The distances shall be determined by measuring from the edge of pavement to the edge of pavement (whichever is less) of each driveway.~~
  - ~~3. Driveway Width: The distances shall be determined by measuring from the edge of pavement to the edge of pavement (whichever is more) of each driveway. Amended per Ord. 2021-21. See Appendix B.19~~~~
- E. Positioning: The centerline of two (2) driveways accessing an arterial or collector street from opposite sides of the street shall align with one another, or shall meet the minimum spacing requirements
- F. Clear Vision of Driveways: All driveways shall be located to reasonably prevent collisions with intersecting traffic. The following requirements apply in order to provide clear vision of the areas where driveways gain access to public streets.
  - 1. Speed Limits thirty (30) MPH or Less: Driveways gaining access to streets with a posted speed limit of thirty (30) MPH or less shall be located such that they are visible by a driver for at least 100 feet after cresting a hill, rounding a curve, or passing any other physical barriers that prevent clear vision.
  - 2. Speed Limits thirty-five (35) to forty-five (45) MPH: Driveways gaining access to streets with a posted speed limit of thirty-five (35) MPH to forty-five (45) MPH shall be located such that they are visible by a driver for at least 175 feet after cresting a hill, rounding a curve, or passing any other physical barriers that prevent clear vision.

# Driveway Standards (DW)

3. Speed Limits fifty (50) MPH or Higher: Driveways gaining access to streets with a posted speed limit of fifty (50) MPH or higher shall be located such that they are visible by a driver for at least 250 feet after cresting a hill, rounding a curve, or passing any other physical barriers that prevent clear vision.
  4. Discretion of the Zoning Administrator to Assure Clear Vision: The Zoning Administrator may deny a proposed driveway location or require additional separation due to other safety concerns, including but not limited to: width of the public street, condition of the public street, lack of shoulder, natural or man-made hazards, adverse shadowing from natural or man-made features, and adverse drainage on or around the public street.
- G. Discretion for Requiring Public Improvements: The Zoning Administrator shall determine if public improvements such as acceleration lanes, deceleration lanes, passing blisters, wider shoulders or approaches, frontage streets, or other improvements are necessary for each proposed driveway. For technical advice and input, the Zoning Administrator may consult with qualified county staff or officials, a consulting engineer, engineering manuals or publications, or qualified staff from other municipalities. This discretion shall only be exercised when public health and safety are clearly at risk according to qualified opinion, professional opinion, or published opinion.

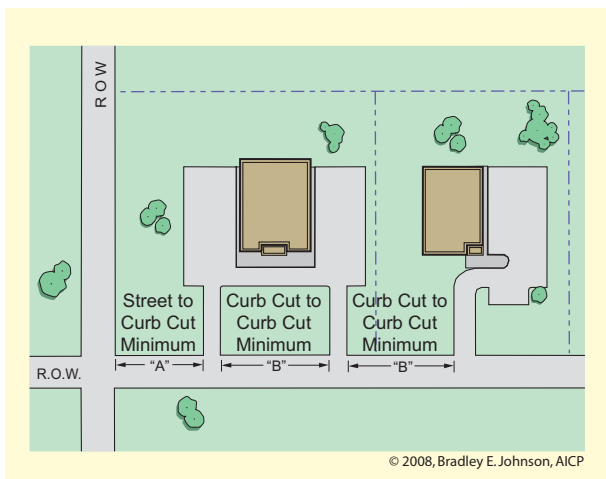
## 5.18 DW-02: Agricultural Driveway Standards

This Driveway Standards section applies to the following zoning districts:



### A. Separation:

1. From an Intersecting Street: No single driveway shall be permitted to be installed within 100 feet of any intersecting street (see “A” below).
2. From Another Driveway: A new driveway shall not be permitted to be installed within sixty (60) feet of another driveway (see “B” below). However, driveways may shared or located directly across from one another.



- B. Width: No driveway shall exceed forty (40) feet in width or be less than eleven (11) feet.
- C. Materials: Asphalt, concrete, or other non-porous materials, or gravel shall be acceptable driveway surface materials. The first twenty (20) feet directly in front of a single-family home's garage shall be paved with asphalt, concrete or other non-porous material.
- D. Distance to Property Line: All driveways shall be at least ten (10) feet from the side property line.

# Driveway Standards (DW)

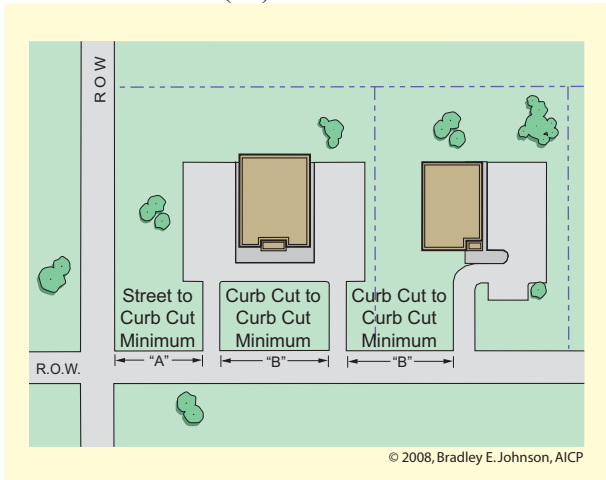
## 5.19 DW-03: Single-Family and Two-Family Residential Driveway Standards

This Driveway Standards section applies to the following zoning districts:



### A. Separation:

1. From a Street Intersection: No single driveway shall be permitted to be installed:
  - a. Within 150 feet of any intersecting street if access is along an arterial or collector street (see “A” below).
  - b. Within 100 feet of any intersecting street if access is along a local street (see “A” below).
  - c. If the parcel is not large enough to achieve the required separation, then the driveway shall be installed at a location farthest from the intersection.
  - d. Under no circumstances shall a driveway be allowed within sixty (60) feet of any intersection.
2. Multiple Entrance: Two or more driveways shall not be permitted to be installed:
  - a. Within 100 feet of one another if access is along an arterial (see “B” below).
  - b. Within fifty (50) feet of one another if access is along a collector street (see “B” below).
  - c. Within fifteen (15) feet of one another if access is along a local street (see “B” below).



### B. Width: No driveway shall exceed the following widths.

1. Onto an Arterial or Collector Street: Minimum of eleven (11) feet and a maximum of twenty-two (22) feet.
2. Onto a Local Street: Minimum of ten (10) feet and a maximum of twenty (20) feet.

~~C. Materials: All driveways shall consist of asphalt, concrete or other non-porous material approved by the Zoning Administrator.~~ Amended per Ord. 2021-21. See Appendix B.21

D. Distance to Property Line: All driveways shall be at least three (3) feet from the side property line.

E. Long Driveways: Any driveway greater than 250 feet shall meet the following standards:

1. Turn Around: A loop or turn-around designed for a thirty (30) foot long vehicle shall be constructed at a point at the end of the driveway closest to the primary structure.
2. Weight Bearing: The driveway surface and culverts and bridges the driveway crosses shall be constructed to safely convey a 30,000 pound vehicle.
3. Turning Radius: The driveway shall not have any curve or turn that restricts a forty-five (45) foot long vehicle, a minimum forty-five (45) foot turning radius.
4. Free of Obstacles: The driveway shall not have trees, canopies, sculpture, arches or similar natural or architectural features that would restrict a forty-five (45) foot long vehicle that is twelve (12) feet in height from being able to traverse the driveway from the public street to the turn-around or loop.

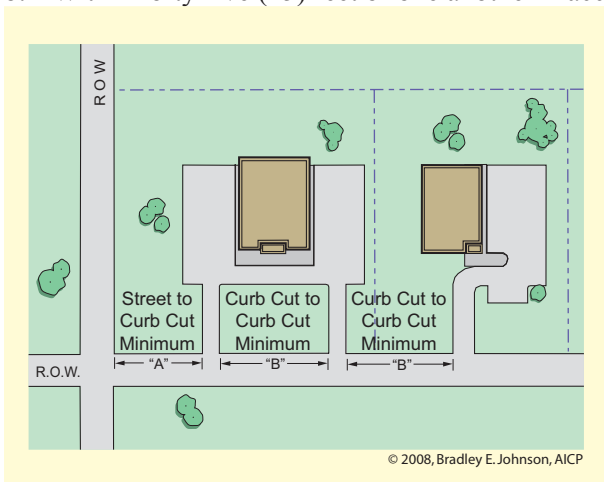
## 5.20 DW-04: Multiple Family Residential and Non-residential Driveway Standards

This Driveway Standards section applies to the following zoning districts:



### A. Separation:

1. From a Street Intersection: No single driveway shall be permitted to be installed:
  - a. Within 150 feet of any intersecting street if access is along an arterial or collector street (see “A” below).
  - b. Within 100 feet of any intersecting street if access is along a local street (see “A” below).
  - c. If the parcel is not large enough to achieve the required separation, then the driveway shall be installed at a location farthest from the intersection.
  - d. Under no circumstances shall a driveway be allowed within sixty (60) feet of any intersection.
2. Multiple Entrance: Two or more driveway shall not be permitted to be installed:
  - a. Within 100 feet of one another if access is along an arterial or collector street (see “B” below).
  - b. Within forty-five (45) feet of one another if access is along a local street (see “B” below).



- ~~B. Width: No driveway shall exceed the following widths. Amended per Ord. 2021-26. See Appendix B.26~~
- ~~1. Nonresidential Use onto Arterial or Collector: Maximum of ten and one half (10.5) feet per lane with a maximum overall width of thirty one and one half (31.5) feet.~~
  - ~~2. Nonresidential Use onto Local Street: Ten (10) feet per lane, with a maximum overall width of thirty (30) feet.~~
  - ~~3. Multiple family Use onto Any Street: Ten (10) feet per driving lane, with a maximum overall width of twenty (20) feet.~~
- C. Materials: All driveways shall consist of asphalt, concrete or other non-porous material approved by the Zoning Administrator.
- D. Distance to Property Line: All driveways shall be at least three (3) feet from the side property line.
- E. Turn-around: Any driveway with access to a State Road or Highway shall have an on-site means for turning around vehicles.

# Driveway Standards (DW)

## 5.21 DW-05 Manufactured Home Park Driveway Standards

This Driveway Standards section applies to the following zoning districts:

**MP**

The following standards apply:

A. Quantity:

1. **Main Driveway:** Manufactured home parks shall have no more than one (1) main driveway to access multiple dwelling sites when the development contains less than ten (10) dwelling units. A main driveway shall have a turn around, loop, or cul-de-sac, thus not creating a dead end. Any manufactured home park with ten (10) or more dwelling units shall construct a public or private street to provide access to dwelling sites according to the street standards in *Article 07: Design Standards*.
2. **Individual Driveways:** An individual dwelling site within a manufactured home park shall only have one (1) driveway which shall gain access from either a shared main driveway or interior street.

B. Width: No driveway shall exceed the following widths.

1. **Main Driveway onto Arterial or Collector:** Maximum overall width of twenty-two (22) feet.
2. **Main Driveway onto Local Street:** Maximum overall width of twenty (20) feet.
3. **Dwelling Site Driveway:** A driveway for a dwelling site shall not exceed ten (10) feet in overall width.

C. Materials: All main driveways shall consist of asphalt or concrete or other non-porous material approved by the Zoning Administrator. Dwelling site driveways may consist of asphalt, concrete or other non-porous material, or gravel.



# Environmental Standards (EN)

## 5.22 EN-01: General Environmental Standards

This Environmental Standards section applies to the following zoning districts:



The intent of the Environmental Standards is to protect people from inadvertently building on land that is not suitable, stable, or safe for structures or occupancy; and discourage alteration to environmentally significant or unique features. The intent is also to prevent water, air and soil pollution that could harm the public. The following standards apply:

- A. Cross Reference: Sections 5.76 thru 5.78 Storage Tank Standards.
- B. Prohibitive Geology: A lot or portions thereof shall be unsuitable for structures when it contains any of the characteristics listed below. Structures may be permitted if an engineered site plan is submitted and approved by the Technical Advisory Committee. Such engineered site plan shall show and commit to adequate measures for erosion control; minimum site disturbance; soil stability for structural load; storm water management; aesthetic treatment of engineered structures; and final landscaping.
  1. Slope: Pre-development or post development slopes greater than twenty-five percent (25%).
  2. Rock: Adverse rock formations.
  3. Soil: Adverse soils.
  4. Stability Limitations:
    - a. Has a low loading rate;
    - b. Has a low weight-bearing strength; or
    - c. Has any other feature which will significantly accelerate the deterioration of a structure or significantly reduce the structure's stability.
- C. Air Quality: No use shall discharge fly ash, dust, smoke, vapors, noxious toxic or corrosive matter, or other air pollutants in such concentration as to conflict with public air quality standards or be detrimental to humans, animals, vegetation, or property, except as allowed by open burning laws in the County and State of Indiana.
- D. Soil and Water Quality:
  1. Erosion Control:
    - a. Project Applicability: While the following standards apply to all development projects, those that involve the disturbance of one acre or more of land shall be required to submit an Erosion and Sediment Control Plan and obtain a Rule 5 Permit from the local soil and water conversation office.
    - b. Off-site: Sedimentation in adjoining surfaces, drainage systems, and watercourses caused from the development of a lot or use shall not be permitted. If such sedimentation occurs, it shall be the responsibility of the owner of the developed lot or use to remove the sedimentation.
  2. Fill: All fill materials shall be free of environmentally hazardous materials, and the Zoning Administrator may request representative samples of the fill for testing purposes.
  3. Production: No use shall produce pollutants in such a quantity as to pollute soils, water bodies, adjacent properties, or conflict with public water standards.
  4. Storage: No use shall accumulate within the lot or discharge beyond the lot lines any waste, debris, refuse, trash, discarded construction materials, discarded appliances, scrap metals, or rotting wood that are in conflict with applicable public health, safety, and welfare standards unless expressly permitted by the Unified Development Ordinance.
  5. Disposal: No waste materials such as garbage, rubbish, trash, construction material, gasoline, oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature that it may contaminate, pollute, or harm the waters or soils shall be deposited, located, stored, or discharged on any lot unless expressly permitted by the Unified Development Ordinance.
- E. Stormwater Management: Stormwater shall be subject to the Shelby County Stormwater Management Ordinance.



# Fence and Wall Standards (FW)

## B.22 FW-01 Fence & Wall Standards (Ord. 2021-21)

The Fence & Wall Standards section applies to the following zoning districts: **OP, A1, A2, A3, A4, RE, R1, R2, VR, M1, M2, MP, VM, IS, C1, C2, I1, I2, HI**

The intent of the Fence and Wall Standards is to ensure neighborliness, visibility, and aesthetic quality; and to protect the health, safety, and welfare of the residents in the County. The following standards apply:

### A. Cross Reference:

1. Vision Clearance: Fences and walls shall meet all vision clearance standards in *Section 5.85: General Vision Clearance Standards*.
2. Covenants: Property owners within subdivisions are advised to investigate applicable Declaration of Covenants which may impose greater restrictions than are found in the Unified Development Ordinance. The stricter standard of the two apply to lots with covenants.
3. Additional Standards: Additional standards that apply to fences and walls found in the Unified Development Ordinance may conflict with the standards of this section. In the case of conflicting restrictions, the standards that conflict in this section shall not apply.
  - a. Confined Feed Operations: Fences associated with the storage of animal mortalities shall comply with *Section 5.15: General Confined Feeding Standards*.
  - b. Type 3 Home Businesses: Fences associated with Type 3 Home Businesses shall comply with *Section 5.35: Type 3 Home Business Standards*.
  - c. Kennels: Fences associated with kennels shall comply with *Section 5.36: Commercial Kennel Standards* and *Section 5.37: Home Enterprise Kennel Standards*.
  - d. Buffer Yards: Fences installed in required buffer yards shall comply with *Section 5.49: Buffer Yard Landscaping Standards*.
  - e. Outdoor Storage: Fences used to screen or enclose materials stored outdoors shall comply with *Section 5.54: General Outdoor Storage Standards*, *Section 5.55: Trash Storage Standards*, *Section 5.56: Trash Storage Standards*, and *Section 5.59: Industrial & High Impact Storage Standards*.
  - f. Rural Residential Fences: Fences on property zoned RE, R1, R2, or MP shall comply with *Section 5.67: Rural Residential; General*.
  - g. Telecommunications Facilities: Security fences associated with telecommunications facilities shall comply with *Section 5.80: General Telecommunication Facility Standards*.
  - h. Subdivisions: Fences in subdivisions seeking density and/or intensity bonuses shall comply with *Section 7.08: Anti-monotony Standards; General*.
  - i. Subdivisions, Perimeter Landscaping: Fences installed in required landscaping areas shall comply with *Section 7.22: Perimeter Landscaping Standards; General*.
  - j. Commercial Solar Energy System: Fences associated with commercial solar energy systems shall comply with *Section SES-01: Commercial Solar Energy System*.

B. Permits: No permit shall be required for the installation of a fence or wall. However, all fences shall still be required to meet all fence and wall standards in *Article 05: Development Standards*.

### C. Positioning:

1. Presentation: Fences and walls shall present the non-structural face outward, except when used for containment of pastured animals.
2. Property Line: Fences and walls shall be permitted on the property line.
3. Easement: No fence or wall shall be located within a public or private easement unless written permission from the easement holder has been granted.

D. Maintenance: All fences and walls are required to be properly maintained and kept in good condition.

E. Materials:

1. Permitted Materials: Wood, composite outdoor wood, stone, masonry, wrought iron, and decorative metal, shall be permitted fence and wall materials.
2. Prohibited Materials: Fences and walls shall not incorporate metal or plastic slats in chain link fences; and barbed wire, above ground electrified wires, razor wire, broken glass, sharpened top spikes, or similarly hazardous fence material; and vinyl, zinc or powder coated chain link are prohibited.
3. Material Exemptions:
  - a. Additional Permitted Materials in Side and Rear Yards: Vinyl and zinc or powder coated chain link are permitted.
  - b. Additional Permitted Materials for Livestock or Exotic Animal Containment Purposes: Galvanized chain link, chicken wire, wire mesh, agricultural wire, barbed wire, and PVC.
  - c. Security Fences: Wrought iron, decorative metal, and vinyl and zinc or powder coated chain link are permitted. Sight obscuring materials are prohibited.
  - d. Barbed wire and razor wire are prohibited unless granted permission from the Zoning Administrator upon providing acceptable proof that an extraordinary need exists.

F. Height:

1. Maximum Height: Walls and fences shall not exceed the maximum height indicated in Table FW-A.
2. Height Exemptions: Fences used in the following circumstances shall be exempt from the height requirements indicated in Table FW-A and shall comply with the height requirements listed below:
  - a. Fences that surround swimming pools shall not exceed eight (8) feet in height.
  - b. Containment fences for livestock or fences around farm fields shall not exceed six (6) feet in height. Containment fences for livestock or exotic animals that are at least fifty (50) feet from all property lines shall not exceed ten (10) feet in height
  - c. Fences and walls around the perimeter of a manufactured home park shall not exceed four (4) feet in height when installed along a frontage street and six (6) feet in height with located within ten (10) feet of the property line.
  - d. Fences that surround sport courts, sport fields and similar amenities that are also located within the building envelope, and in the side or rear yard, are allowed to be any height deemed necessary by the Zoning Administrator to protect players, spectators, vehicles, and adjacent property; or deemed an essential facility by the Zoning Administrator to conduct the sport, recreation or game (e.g. a backstop behind home plate in a baseball field or a wall for solo tennis practice).
  - e. Security fences in the IS, C1, C2, I1, I2, and HI Districts shall not exceed six (6) feet in height in the front yard and eight (8) feet in height in the side and rear yards. Security fences shall not encroach into any front yard setback and shall be non-sight obscuring.

**Table FW-A: Maximum Height for Walls & Fences**

Yard	Zoning District of Subject Property																		
	OP	A1	A2	A3	A4	RE	R1	R2	M1	M2	MP	VR	VM	IS	C1	C2	I1	I2	HI
Front Yard	6 ft	5 ft	5 ft	5 ft	5 ft	5 ft	4 ft	4 ft	4 ft	4 ft	3.5 ft	3 ft	3 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft
Side Yard	6 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	3.5 ft	3 ft	3 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft
Rear Yard	6 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	3.5 ft	6 ft	6 ft	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft

## Section 5.30 FP-01: FLOOD DAMAGE PREVENTION

### ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND METHODS

- Section A. Statutory Authorization
- Section B. Findings of Fact
- Section C. Statement of Purpose
- Section D. Methods of Reducing Flood Loss

### ARTICLE 2. Definitions

### ARTICLE 3. General Provisions

- Section A. Lands to Which This Ordinance Applies
- Section B. Basis for Establishing the Areas of Special Flood Hazard
- Section C. Establishment of Floodplain Development Permit
- Section D. Compliance
- Section E. Abrogation and Greater Restrictions
- Section F. Discrepancy between Mapped Floodplain and Actual Ground Elevations
- Section G. Interpretation
- Section H. Warning and Disclaimer of Liability
- Section I. Penalties for Violation

### ARTICLE 4. ADMINISTRATION

- Section A. Designation of Administrator
- Section B. Floodplain Development Permit and Certification Requirements
- Section C. Duties and Responsibilities of the Administrator
- Section D. Administrative Procedures
- Section E. Map Maintenance Activities
- Section F. Variance Procedures

### ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

- Section A. Floodplain Status Standards
  - 1. Standards for Identified Floodways
  - 2. Standards for Identified Fringe
  - 3. Standards for SFHAs without Established Base Flood Elevation and/or Floodways/Fringe
  - 4. Standards for SFHAs not Identified on a Map
- Section B. General Standards
- Section C. Specific Standards
  - 1. Building Protection Requirement
  - 2. Residential Construction (excluding manufactured homes)
  - 3. Non-Residential Construction
  - 4. Manufactured Homes and Recreational Vehicles
  - 5. Accessory Structures
  - 6. Pavilions, Gazebos, Decks, Carports, and Similar Development
  - 7. Above Ground Gas or Liquid Storage Tanks
- Section D. Standards for Subdivision Proposals
- Section E. Standards for Critical Facilities

### ARTICLE 6. LEGAL STATUS PROVISIONS

- Section A. Severability
- Section B. Effective Date

This Flood Damage Prevention Section applies to the following zoning districts:  
OP, A1, A2, A3, A4, RE, R1, R2, VR, M1, M2, MP, VM, IS, C1, C2, I1, I2, HI

The intent of the Flood Damage Prevention standards is to protect the health, safety, and welfare of the residents of the County by regulating development in and near the floodplains. The following standards apply:

## **Article 1. Statutory Authorization, Findings of Fact, Purpose, and Methods**

### **Section A. Statutory Authorization**

The Indiana Legislature has in IC 36-1-4-11 granted the power to local government units to control land use within their jurisdictions. Therefore, the Shelby County Board of Commissioners does hereby adopt the following floodplain management regulations.

### **Section B. Findings of Fact**

The flood hazard areas of Shelby County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

### **Section C. Statement of Purpose**

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health.
- (2) Minimize expenditure of public money for costly flood control projects.
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- (4) Minimize prolonged business interruptions.
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.
- (6) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight area.
- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- (8) Minimize the impact of development on adjacent properties within and near flood prone areas.
- (9) Ensure that the flood storage and conveyance functions of the floodplain are maintained.
- (10) Minimize the impact of development on the natural, beneficial values of the floodplain.
- (11) Prevent floodplain uses that are either hazardous or environmentally incompatible.
- (12) Meet community participation requirements of the National Flood Insurance Program.

### **Section D. Methods of Reducing Flood Loss**

In order to accomplish its purposes, these regulations include methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities.
- (2) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction.
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.
- (4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage.
- (5) Preventing or regulating the construction of flood barriers, which will unnaturally divert floodwaters, or which may increase flood hazards in other areas.

## **Article 2. Definitions**

The definitions listed below only apply to Section 5.30 FP-01. In the case that definitions listed in Section 11.02 of the Unified Development Ordinance conflict with the definitions listed below, the definitions listed below shall apply.

Unless specifically defined below, words or phrases used in shall be interpreted so as to give them meaning they have in common usage and to give these regulations the most reasonable application.

**Accessory Structure** means a structure with a floor area of 400 square feet or less that is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure; an accessory structure specifically excludes structures used for human habitation.

- (1) Accessory structures are considered walled and roofed where the structure includes at least two outside rigid walls and a fully secured roof.
- (2) Examples of accessory structures include but are not necessarily limited to two-car detached garages (or smaller), carports, storage and tool sheds, and small boathouses.
- (3) The following may have uses that are incidental or accessory to the principal structure on a parcel but are generally not considered to be accessory structures by the NFIP:
  - a. Structures in which any portion is used for human habitation, whether as a permanent residence or as temporary or seasonal living quarters, such as a detached garage or carriage house that includes an apartment or guest quarters, or a detached guest house on the same parcel as a principal residence.
  - b. Structures used by the public, such as a place of employment or entertainment.
  - c. Development that does not meet the NFIP definition of a structure for floodplain management purposes. Examples include, but are not necessarily limited to, a gazebo, pavilion, picnic shelter, or carport that is open on all sides (roofed but not walled).

**Addition** (to an existing structure) means 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.

**Alteration of a watercourse** means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other modification which may alter, impede, retard, or change the direction and/or velocity of the flow of water during conditions of the base flood.

**Appeal** means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance, a request for a variance, or a challenge of a board decision.

**Area of special flood hazard** is the land within a community subject to a one percent (1%) or greater chance of being flooded in any given year.

**Base flood** means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% annual chance flood or one hundred (100) year flood.

**Base Flood Elevation (BFE)** means the water surface elevation of the base flood in relation to a specified datum, usually the North American Vertical Datum of 1988.

**Basement** means that portion of a structure having its floor sub-grade (below ground level) on all sides.

**Best Available Flood Layer (BAFL)** means floodplain studies and any corresponding floodplain maps prepared and/or approved by the Indiana Department of Natural Resources which provide base flood elevation information, floodplain limits, and/or floodway delineations for flood hazards identified by approximate studies on the currently effective FIRM (Zone A) and/or for waterways where the flood hazard is not identified on available floodplain mapping.

**Building** – See "Structure."

**Community** means a political entity that has the authority to adopt and enforce floodplain ordinances for the areas within its jurisdiction.

**Critical facility** means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

**Development** means, for floodplain management purposes, 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 a 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 boat lifts, docks, piers, and seawalls;
- (7) construction and/or reconstruction of bridges or culverts;
- (8) storage of materials; or
- (9) 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; re-roofing; resurfacing roads; or, gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

**Elevation Certificate** means a FEMA form that is routinely reviewed and approved by the White House Office of Management and Budget under the Paperwork Reduction Act, that is encouraged to be used to collect certified elevation information.

**Enclosed area** (enclosure) is an area of a structure enclosed by walls on all sides.

**Enclosure below the lowest floor.** See "Lowest Floor" and "Enclosed Area."

**Existing manufactured home park or subdivision** means 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.

**Expansion to an existing manufactured home park or subdivision** means 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).

**FEMA** means the Federal Emergency Management Agency.

**Fill** for floodplain management purposes, means any material deposited or placed which has the effect of raising the level of the ground surface above the natural grade elevation. Fill material includes but is not limited to consolidated material such as concrete and brick and unconsolidated material such as soil, sand, gravel, and stone.

**Flood or Flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (3) Mudslides (i.e., mudflows) which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

Flood or flooding also includes the collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or current of water exceeding anticipated cyclical levels that result in a flood as defined above.

**Flood hazard area** means areas subject to the one percent (1%) annual chance flood. (See "Special Flood Hazard Area")

**Flood Insurance Rate Map (FIRM)** means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

**Flood Insurance Study (FIS)** means the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM and the water surface elevation of the base flood.

**Flood prone area** means any land area acknowledged by a community as being susceptible to inundation by water from any source. (See "Floodplain")

**Flood Protection Grade (FPG)** is the BFE plus two (2) feet at any given location in the SFHA. (See “Freeboard”)

**Floodplain or flood prone area** means any land area susceptible to being inundated by water from any source. (See “Flood”)

**Floodplain management** means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

**Floodplain management regulations** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power which control development in flood-prone areas. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Floodproofing (dry floodproofing)** is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

**Floodproofing certificate** is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG.

**Floodway** is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulative increasing the water surface elevation more than a designated height.

**Freeboard** means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

**Fringe or Flood Fringe** is the portion of the floodplain lying outside the floodway.

**Functionally dependent use** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Hardship** (as related to variances of this ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. The County requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**Highest adjacent grade** means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

**Historic structure** means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;



- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by (a) an approved state program as determined by the Secretary of Interior, or (b) directly by the Secretary of Interior in states without approved programs.

**Hydrologic and hydraulic engineering analysis** means analyses performed by a professional engineer licensed by the State of Indiana, in accordance with standard engineering practices that are accepted by the Indiana Department of Natural Resources and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

**International Code Council-Evaluation Service (ICC-ES) Report** means a document that presents the findings, conclusions, and recommendations from a particular evaluation. ICC-ES reports provide information about what code requirements or acceptance criteria were used to evaluate a product, and how the product should be identified, installed.

**Letter of Final Determination (LFD)** means a letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during this six-month period unless the community has previously incorporated an automatic adoption clause.

**Letter of Map Change (LOMC)** is a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They are broken down into the following categories:

- (1) **Conditional Letter of Map Revision (CLOMR)** means FEMA’s comment on a proposed project that would, upon construction, result in modification of the SFHA through the placement of fill outside the existing regulatory floodway.
- (2) **Conditional Letter of Map Revision Based on Fill (CLOMR-F)** means a letter from FEMA stating that a proposed structure that will be elevated by fill would not be inundated by the base flood.
- (3) **Letter of Map Amendment (LOMA)** means an amendment by letter to the currently effective FEMA map that establishes that a building or area of land is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.
- (4) **Letter of Map Amendment Out as Shown (LOMA-OAS)** means an official determination by FEMA that states the property or building is correctly shown outside the SFHA as shown on an effective NFIP map. Therefore, the mandatory flood insurance requirement does not apply. An out-as-shown determination does not require elevations.
- (5) **Letter of Map Revision (LOMR)** means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.
- (6) **Letter of Map Revision Based on Fill (LOMR-F)** means FEMA’s modification of the SFHA shown on the FIRM based on the placement of fill outside the existing regulatory floodway.

**Lowest adjacent grade** means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

**Lowest floor** means, for floodplain management purposes, the lowest elevation described among the following:

- (1) The lowest floor of a building.

- (2) The basement floor.
- (3) The garage floor if the garage is connected to the building.
- (4) The first floor of a structure elevated on pilings or pillars.
- (5) The floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of floodwaters. Designs for meeting the flood opening requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:
  - a. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of floodwaters.
  - b. At least two (2) openings are designed and maintained for the entry and exit of floodwater; and these openings provide a total net area of at least one (1) square inch for every one (1) square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher. Doorways and windows do not qualify as openings.
- (6) The first floor of a building elevated on pilings or columns in a coastal high hazard area (as that term is defined in 44 CFR 59.1), as long as it meets the requirements of 44 CFR 60.3.

**Manufactured home** means a structure, transportable in one or more sections, which is built on a permanent chassis and is 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."

**Manufactured home park or subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

**Natural grade** for floodplain management purposes means the elevation of the undisturbed natural surface of the ground. Fill placed prior to the date of the initial identification of the flood hazard on a FEMA map is also considered natural grade.

**New construction** for floodplain management purposes means any structure for which the "start of construction" commenced on or after the effective date of a floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

**New manufactured home park or subdivision** means 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.

**North American Vertical Datum of 1988 (NAVD 88)** as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

**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.

**One-percent annual chance flood** is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. See “Regulatory Flood”.

**Physical Map Revision (PMR)** is an official republication of a community’s FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

**Prefabricated Building** is a building that is manufactured and constructed using prefabrication. It consists of factory-made components or units that are transported and assembled on-site to form the complete building.

**Principally above ground** means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

**Recreational vehicle** means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and
- (4) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

**Regulatory flood** means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Section 5.30 Article 3, B of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", “One-Percent Annual Chance Flood”, and “100-Year Flood”.

**Repetitive loss** means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before the damage occurred.

**Riverine** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Solid waste disposal facility** means any facility involved in the storage or disposal of non-liquid, non-soluble materials ranging from municipal garbage to industrial wastes that contain complex and sometimes hazardous substances. Solid waste also includes sewage sludge, agricultural refuse, demolition wastes, mining wastes, and liquids and gases stored in containers.

**Special Flood Hazard Area (SFHA)**, synonymous with “areas of special flood hazard” and floodplain, means those lands within the jurisdiction of the County subject to a one percent (1%) or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, A99, or VE. The SFHA includes areas that are flood prone and designated from other federal, state or local sources of data including but not limited to best available flood layer maps provided by or approved by the Indiana Department of Natural Resources, historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

**Start of construction** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground. The term includes a manufactured home, as well as a prefabricated building. It also includes recreational vehicles installed on a site for more than 180 consecutive days.

**Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

**Variance** is a grant of relief from the requirements of this ordinance consistent with the variance conditions herein.

**Violation** means the failure of a structure or other development to be fully compliant with this ordinance.

**Walled and roofed** means a building that has two or more exterior rigid walls and a fully secured roof and is affixed to a permanent site.

**Watercourse** means a lake, river, creek, stream, wash, 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.

## **Article 3. General Provisions**

### **Section A. Lands to Which This Ordinance Applies**

This ordinance shall apply to all areas of special flood hazard (SFHAs) within the jurisdiction of Shelby County, Indiana as identified in Section 5.30 Article 3, Section B, including any additional areas of special flood hazard annexed by Shelby County, Indiana.

### **Section B. Basis for Establishing the Areas of Special Flood Hazard**

- (1) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of Shelby County, delineated as an "AE Zone" on the Shelby County, Indiana and Incorporated Areas Flood Insurance Rate Map dated November 5, 2014 shall be determined from the one-percent annual chance flood profiles in the Flood Insurance Study of Shelby County, Indiana and Incorporated Areas and the corresponding Flood Insurance Rate Maps (FIRM) dated November 5, 2014 as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. Should the floodway limits not be

delineated on the Flood Insurance Rate Map for a studied SFHA designated as an “AE Zone”, the limits of the floodway will be according to the best available flood layer as provided by the Indiana Department of Natural Resources.

- (2) The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of Shelby County delineated as an "A Zone" on the Shelby County, Indiana and Incorporated Areas Flood Insurance Rate Map, dated November 5, 2014, as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best available flood layer provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available flood layer data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.
- (3) In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community’s known flood prone areas shall be according to the best available flood layer as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile.
- (4) Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.

### **Section C. Establishment of Floodplain Development Permit**

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard.

### **Section D. Compliance**

- (1) No structure shall hereafter be located, extended, converted, or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations.
- (2) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the most conservative (highest) base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.
- (3) No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

### **Section E. Abrogation and Greater Restrictions**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### **Section F. Discrepancy between Mapped Floodplain and Actual Ground Elevations**

- (1) In cases where there is a discrepancy between the mapped floodplain (SFHA) with base flood elevations provided (riverine or lacustrine Zone AE) on the FIRM and the actual ground elevations, the elevation provided on the profiles or table of still water elevations shall govern.
  - a. If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
  - b. If the natural grade elevation of the site in question is at or above the base flood elevation and a LOMA or LOMR-FW is obtained, the floodplain regulations will not be applied provided the LOMA or LOMR-FW is not subsequently superseded or invalidated.
- (2) In cases where there is a discrepancy between the mapped floodplain (SFHA) with base flood elevations provided on the BAFL for property not located on the FIRM (riverine or lacustrine Zone A or AE) and the actual ground elevations, the elevation provided on the FARA or provided by DNR shall govern.
  - a. If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
  - b. If the natural grade elevation of the site in question is at or above the base flood elevation the floodplain regulations will not be applied.

### **Section G. Interpretation**

In the interpretation and application of this ordinance all provisions shall be:

- (1) Considered as minimum requirements.
- (2) Liberally construed in favor of the governing body.
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

### **Section H. Warning and Disclaimer of Liability**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of Shelby County, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance, or any administrative decision made lawfully thereunder.

### **Section I. Penalties for Violation**

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Unified Development Ordinance.

- (1) A separate offense shall be deemed to occur for each day the violation continues to exist.
- (2) The Floodplain Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

- (3) Nothing herein shall prevent the County from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

## **Article 4. Administration.**

### **Section A. Designation of Administrator**

The Shelby County Board of Commissioners hereby appoints the Planning Director of the Shelby County Plan Commission to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

### **Section B. Floodplain Development Permit and Certification Requirements**

An application for a floodplain development permit shall be made to the Floodplain Administrator for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Such applications shall include, but not be limited to plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(1) Application Stage.

- a. A description of the proposed development.
- b. Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams.
- c. A legal description of the property site.
- d. For the reconstruction, rehabilitation, or improvement of an existing structure, or an addition to an existing building, a detailed quote and description of the total work to be completed including but not limited to interior work, exterior work, and labor as well as a certified valuation of the existing (pre-improved or pre-damaged) structure.
- e. A site development plan showing existing and proposed development locations and existing and proposed land grades.
- f. Verification that connection to either a public sewer system or to an approved on-site septic system is available and approved by the respective regulatory agency for proposed structures to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater.
- g. Plans showing elevation of the top of the planned lowest floor (including basement) of all proposed structures in Zones A, AH, and AE. Elevation should be in NAVD 88.
- h. Plans showing elevation (in NAVD 88) to which any non-residential structure will be floodproofed.
- i. Plans showing location and specifications for flood openings for any proposed structure with enclosed areas below the flood protection grade.
- j. Plans showing materials to be used below the flood protection grade for any proposed structure are flood resistant.

- k. Plans showing how any proposed structure will be anchored to resist flotation or collapse.
- l. Plans showing how any electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed and/or located. Elevation should be in NAVD 88.
- m. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering analysis is required, and any watercourse changes submitted to DNR for approval. Once DNR approval is obtained, a FEMA Conditional Letter of Map Revision must be obtained prior to construction. (See Section 5.30 Article 4, Section C (8) and Article 4, Section D for additional information.)
- n. Any additional information, as requested by the Floodplain Administrator, which may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this ordinance.

(2) Fill Stage (only applies to structures constructed on fill)

- a. Upon placement of fill, it shall be the duty of the applicant to submit to the Floodplain Administrator a fill report to verify the required standards are met, including compaction, and a LOMR-F removing the area of fill from the regulated floodplain. Removal of the area from the floodplain does not exempt the project from the permitting process described in Section 5.30 Article 4, Section B (3) and Section B (4). Failure to submit the Standard or Modified Proctor Test or LOMR-F required hereby shall be cause to issue a stop-work order for the project.

(3) Construction Stage.

- a. Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the applicant to submit to the Floodplain Administrator an elevation certificate for the building under construction. The Floodplain Administrator shall review the elevation certificate. Any deficiencies detected during the review shall be corrected by the applicant before work is allowed to continue. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

(4) Finished Construction.

- a. Upon completion of construction of any structure requiring certification of elevation, an elevation certificate which depicts the “as-built” lowest floor elevation and other applicable elevation data is required to be submitted by the applicant to the Floodplain Administrator. The elevation certificate shall be prepared by or under the direct supervision of a registered land surveyor and certified by the same.
- b. Upon completion of construction of a floodproofing measure, a floodproofing certificate is required to be submitted by the applicant to the Floodplain Administrator. The floodproofing certificate shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by same.

### **Section C. Duties and Responsibilities of the Floodplain Administrator**

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but are not limited to:



- (1) Enforce the provisions of this ordinance.
- (2) Evaluate application for permits to develop in special flood hazard areas to assure that the permit requirements of this ordinance have been satisfied.
- (3) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- (4) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met or refuse to issue the same in the event of noncompliance.
- (5) Advise permittee that additional Federal, State and/or local permits may be required. If specific Federal, State and/or local permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit.
- (6) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas, must meet the development standards of these regulations.
- (7) For applications to improve structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator shall:
  - a. Verify and document the market value of the pre-damaged or pre-improved structure.
  - b. Compare the cost to perform the improvement; or the cost to repair a damaged building to its pre-damaged condition; or, the combined costs of improvements and repair, if applicable, to the market value of the pre-damaged or pre-improved structure. The cost of all work must be included in the project costs, including work that might otherwise be considered routine maintenance. Items/activities that must be included in the cost shall be in keeping with guidance published by FEMA to ensure compliance with the NFIP and to avoid any conflict with future flood insurance claims of policyholders within the community.
  - c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement" for proposed work to repair damage caused by flood, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of substantial damage.
  - d. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the applicable general and specific standards in Section 5.30 Article 5 of this ordinance are required.
- (8) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse and submit copies of such notifications to FEMA.
- (9) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Section 5.30 Article 5, Section A (1), Section A (3) (a) and Section A (4) of this ordinance. Maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).
- (10) Verify the upstream drainage area of any proposed development site near any watercourse not identified on a FEMA map to determine if Section 5.30 Article 4, Section C (9) is applicable.
- (11) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

- (12) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Section 5.30 Article 4, Section B.
- (13) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with Section 5.30 Article 4, Section B.
- (14) Make on-site inspections of projects in accordance with Section 5.30 Article 4, Section D.
- (15) Coordinate with insurance adjusters prior to permitting any proposed work to bring any flood-damaged structure covered by a standard flood insurance policy into compliance (either a substantially damaged structure or a repetitive loss structure) to ensure eligibility for ICC funds.
- (16) Ensure that an approved connection to a public sewer system or an approved on-site septic system is planned for any structures (residential or non-residential) to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater.
- (17) Provide information, testimony, or other evidence as needed during variance hearings.
- (18) Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with Section 5.30 Article 4, Section D.
- (19) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and “as-built” elevation and floodproofing data for all buildings constructed subject to this ordinance in accordance with Section 5.30 Article 4, Section D.
- (20) Coordinate map maintenance activities and associated FEMA follow-up in accordance with Section 5.30 Article 4, Section E.
- (21) Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
- (22) Request any additional information which may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this ordinance.

#### **Section D. Administrative Procedures**

- (1) Inspections of Work in Progress. As the work pursuant to a permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
- (2) Stop Work Orders.
  - a. Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease.
  - b. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(3) Revocation of Permits.

- a. The floodplain administrator may revoke a permit or approval, issued under the provisions of the ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
- b. The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

(4) Floodplain Management Records.

- a. Regardless of any limitation on the period required for retention of public records, records of actions associated with the administration of this ordinance shall be kept on file and maintained under the direction of the Floodplain Administrator in perpetuity. These records include permit applications, plans, certifications, Flood Insurance Rate Maps; Letter of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations required by this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance.
- b. These records shall be available for public inspection at the Shelby County Plan Commission Office, 25 West Polk Street #201, Shelbyville, Indiana 46176.

- (5) Periodic Inspection. Once a project is completed, periodic inspections may be conducted by the Floodplain Administrator to ensure compliance. The Floodplain Administrator shall have a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

## **Section E. Map Maintenance Activities**

To meet NFIP minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the Shelby County, Indiana and Incorporated Areas flood maps, studies and other data identified in Section 5.30 Article 3, Section B accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

(1) Requirement to Submit New Technical Data

- a. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
  - i. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries.
  - ii. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area.
  - iii. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and Subdivision or large-scale development proposals requiring the establishment of base flood elevations.

- b. It is the responsibility of the applicant to have required technical data for a Conditional Letter of Map Revision or Letter of Map Revision and submitted to FEMA. The Indiana Department of Natural Resources will review the submittals as part of a partnership with FEMA. The submittal should be mailed to the Indiana Department of Natural Resources at the address provided on the FEMA form (MT-2) or submitted through the online Letter of Map Change website. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
- c. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for proposed floodway encroachments that increase the base flood elevation.
- d. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to this section.

(2) Right to Submit New Technical Data

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the President of the Shelby County Board of Commissioners and may be submitted to FEMA at any time.

(3) Annexation / Detachment

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of Shelby County have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Shelby County, Indiana and Incorporated Areas Flood Insurance Rate Map accurately represent Shelby County boundaries, include within such notification a copy of a map of Shelby County suitable for reproduction, clearly showing the new corporate limits or the new area for which Shelby County has assumed or relinquished floodplain management regulatory authority.

**Section F. Variance Procedures**

- (1) The Board of Zoning Appeals shall hear and decide appeals and requests for variances from requirements of this ordinance.
- (2) The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Shelby County Circuit Court.
- (3) In considering such applications, the board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
  - a. the danger to life and property due to flooding or erosion damage.
  - b. the danger that materials may be swept onto other lands to the injury of others.
  - c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - d. the importance of the services provided by the proposed facility to the community.
  - e. the necessity to the facility of a waterfront location, where applicable.
  - f. the compatibility of the proposed use with existing and anticipated development.

- g. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
  - h. the safety of access to the property in times of flood for ordinary and emergency vehicles.
  - i. the expected height, velocity, duration, rate of rise, and sediment transport of the floodwaters at the site.
  - j. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (4) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (5) Variances from the provisions of this ordinance shall only be granted when the board can make positive findings of fact based on evidence submitted at the hearing for the following:
- a. A showing of good and sufficient cause.
  - b. A determination that failure to grant the variance would result in exceptional hardship as defined in Section 5.30 Article 2.
  - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- (6) No variance for a residential use within a floodway subject to Section 5.30 Article 5, Section A (1), Section A (3) (a) or Section A (4) of this ordinance may be granted.
- (7) Any variance granted in a floodway subject to Section 5.30 Article 5, Section A (1), Section A (3) (a) or Section A (4) will require a permit from the Indiana Department of Natural Resources. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- (8) Variances to the Provisions for Flood Hazard Reduction of Section 5.30 Article 5 may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
- (9) Variances may be issued for the repair or rehabilitation of “historic structures” upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a “historic structure” and the variance is the minimum to preserve the historic character and design of the structure.
- (10) Variances may be issued for new construction, substantial improvements, and other development necessary for the conduct of a functionally dependent use.
- (11) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (12) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (13) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Flood Protection Grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (14) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request.

## **Article 5. Provisions for Flood Hazard Reduction**

### **Section A. Floodplain Status Standards**

#### **(1) Floodways (Riverine)**

Located within SFHAs, established in Section 5.30 Article 3, Section B, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. Under the provisions of the Flood Control Act (IC 14-28-1) a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing, and paving undertaken before the actual start of construction of the structure. General licenses and exemptions to the requirements of the Flood Control Act (IC 14-28-1 and 312 IAC 10) may apply to qualified additions/improvements to existing lawful residential structures, rural bridges, logjam removals, wetland restoration, utility line crossings, outfall projects, creek rock removal, and prospecting.

- a. If the site is in a regulatory floodway as established in Section 5.30 Article 3, Section B, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for approval for construction in a floodway, provided the activity does not qualify for a general license or exemption (IC 14-28-1 or 312 IAC 10).
- b. No action shall be taken by the Floodplain Administrator until approval has been granted by the Indiana Department of Natural Resources for construction in the floodway, or evidence provided by an applicant that the development meets specified criteria to qualify for a general license or exemption to the requirement of the Flood Control Act. The Floodplain Development Permit shall meet the provisions contained in this article.
- c. The Floodplain Development Permit cannot be less restrictive than an approval issued for construction in a floodway issued by the Indiana Department of Natural Resources, or the specified criteria used to qualify for a general license or exemption to the Flood Control Act for a specific site/project. However, a community's more restrictive regulations (if any) shall take precedence.
- d. In floodway areas identified on the FIRM, development shall cause no increase in flood levels during the occurrence of the base flood discharge without first obtaining a Conditional Letter of Map Revision and meeting requirements of Section 5.30 Article 4, Section E (1). A Conditional Letter of Map Revision cannot be issued for development that would cause an increase in flood levels affecting a structure and such development should not be permitted.
- e. In floodway areas identified by the Indiana Department of Natural Resources through detailed or approximate studies but not yet identified on the effective FIRM as floodway areas, the total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.
- f. For all projects involving channel modifications or fill (including levees) Shelby County shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

#### **(2) Fringe (Riverine)**

If the site is in the fringe (either identified on the FIRM or identified by the Indiana Department of Natural Resources through detailed or approximate studies and not identified on a FIRM), the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Section 5.30 have been met.

**(3) SFHAs without Established Base Flood Elevation and/or Floodways/Fringes (Riverine)**

- a. Drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a Floodplain Development Permit may be issued, provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this section have been met.

- b. Drainage area upstream of the site is less than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Section 5.30 have been met.

**(4) SFHAs not Identified on a Map**

- a. If a proposed development site is near a waterway with no SFHA identified on a map, the Floodplain Administrator shall verify the drainage area upstream of the site. If the drainage area upstream of the site is verified as being greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.
- b. No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.
- c. Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a Floodplain Development Permit may be issued, provided the

conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Section 5.30 have been met.

## **Section B. General Standards**

In all areas of special flood hazard, the following provisions are required:

- (1) All new construction, reconstruction or repairs made to a repetitive loss structure, and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.
- (3) New construction and substantial improvements must incorporate methods and practices that minimize flood damage.
- (4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG for residential structures. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG for non-residential structures. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.
- (5) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Any alteration, repair, reconstruction, or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of “new construction” as contained in this ordinance.
- (9) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than fifty (50) lots or five (5) acres, whichever is less.
- (10) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.
- (11) Fill projects that do not involve a structure must be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3’ horizontal to 1’ vertical.
- (12) Construction of new solid waste disposal facilities, hazard waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in areas of special flood hazard.

## **Section C. Specific Standards**



In all areas of special flood hazard where base flood elevation data or flood depths have been provided, as set forth in Section 5.30 Article 3, Section B, the following provisions are required:

(1) **Building Protection Requirement.** In addition to the general standards described in Section 5.30 Article 5, Section B, structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

- a. Construction or placement of a residential structure.
- b. Construction or placement of a non-residential structure.
- c. Addition or improvement made to an existing structure where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land). An addition and/or improvement project that is continuous in scope or time is considered as one project for permitting purposes.
- d. Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred (the costs of any proposed additions or improvements beyond restoring the damaged structure to its before damaged condition must be included in the cost).
- e. Installing a manufactured home on a new site or a new manufactured home on an existing site.
- f. Installing a travel trailer or recreational vehicle on a site for more than 180 days.
- g. Reconstruction or repairs made to a repetitive loss structure.
- h. Addition or improvement made to any existing structure with a previous repair, addition or improvement constructed since the community's first floodplain ordinance.

(2) **Residential Construction.**

- a. New construction or substantial improvement of any residential structures shall meet provisions described in Section 5.30 Article 5, Section A and applicable general standards described in Section 5.30 Article 5, Section B.
- b. In **Zone A and Zone AE**, new construction or substantial improvement of any residential structure shall have the lowest floor; including basement, at or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 5.30 Article 5, Section C (2) (c). Should fill be used to elevate a structure, the standards of Section 5.30 Article 5, Section C (2) (d) must be met.
- c. **Fully enclosed areas** formed by foundation and other exterior walls below the flood protection grade shall meet the following requirement:
  - i. Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Engineered flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:
    - A. Provide a minimum of two openings on different sides of an enclosure. If there are multiple enclosed areas, each is required to meet the requirements for enclosures, including the requirement for flood

openings in exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).

- B. The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening.
  - C. If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE.
  - D. If the floor of the enclosure is at or above the BFE, but below the FPG, the openings must be located wholly below the FPG.
  - E. Doors and windows do not qualify as openings.
  - F. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- ii. The floor of such enclosed area must be at or above grade on at least one side.
- d. A residential structure may be constructed on a **fill** in accordance with the following:
    - i. Fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file.
    - ii. Fill shall extend 10 feet beyond the foundation of the structure before sloping below the BFE.
    - iii. Fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical.
    - iv. Fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
    - v. Fill shall be composed of clean granular or earthen material.
  - e. A residential structure may be constructed using a **stem wall foundation** (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill) must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

### (3) **Non-Residential Construction.**

- a. New construction or substantial improvement of any non-residential structures, including agricultural structures, (excludes accessory structures) shall meet provisions described in Section 5.30 Article 5, Section A and applicable general standards described in Section 5.30 Article 5, Section B.
- b. In **Zone A and Zone AE**, new construction, or substantial improvement of any commercial, industrial, or non-residential structure (excludes accessory structures) shall either have the lowest floor, including basement and, elevated to or above the FPG or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 5.30 Article 5, Section C (3) (c). Should fill be used to elevate a structure, the standards of Section 5.30 Article 5, Section C (3) (d) must be met.

- c. **Fully enclosed areas** formed by foundation and other exterior walls below the flood protection grade shall meet the following requirement:
- i. Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Engineered flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:
    - A. Provide a minimum of two openings on different sides of an enclosure. If more than one enclosed area is present, each must have openings on exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).
    - B. The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening.
    - C. If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE.
    - D. If the floor of the enclosure is at or above the BFE, but below the FPG, the openings must be located wholly below the FPG.
    - E. Doors and windows do not qualify as openings.
    - F. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
  - ii. The floor of such enclosed area must be at or above grade on at least one side.
- d. A nonresidential structure may be constructed on **fill** in accordance with the following:
- i. Shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file.
  - ii. Shall extend 10 feet beyond the foundation of the structure before sloping below the BFE.
  - iii. Shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical.
  - iv. Shall not adversely affect the flow of surface drainage from or onto neighboring properties.
  - v. Shall be composed of clean granular or earthen material.
- e. A nonresidential structure may be **floodproofed** in accordance with the following:
- i. A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the Floodplain Administrator.
  - ii. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

- f. A nonresidential structure may be constructed using a **stem wall foundation** (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

#### (4) **Manufactured Homes and Recreational Vehicles.**

- a. These requirements apply to all manufactured homes to be placed on a site in the SFHA:
  - i. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  - ii. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 5.30 Article 5, Section C (2) (c).
  - iii. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
- b. Recreational vehicles placed on a site in the SFHA shall either:
  - i. Be on site for less than 180 days and be fully licensed and ready for use on a public highway (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions), or
  - ii. Meet the requirements for “manufactured homes” as stated earlier in this section.

#### (5) **Accessory Structures**

Within SFHAs, new construction or placement of an accessory structure must meet the following standards:

- a. Shall have a floor area of 400 square feet or less.
- b. Use shall be limited to parking of vehicles and limited storage.
- c. Shall not be used for human habitation.
- d. Shall be constructed of flood resistant materials.
- e. Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.
- f. Shall be firmly anchored to prevent flotation.
- g. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG.
- h. Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 5.30 Article 5, Section C (3) (c).

- i. Shall not have subsequent additions or improvements that would preclude the structure from its continued designation as an accessory structure.

**(6) Free-standing Pavilions, Gazebos, Decks, Carports, and Similar Development.**

Within SFHAs, new construction or placement of free-standing pavilions, gazebos, decks, carports, and similar development must meet the following standards:

- a. Shall have open sides (having not more than one rigid wall).
- b. Shall be anchored to prevent flotation or lateral movement.
- c. Shall be constructed of flood resistant materials below the FPG.
- d. Any electrical, heating, plumbing and other service facilities shall be located at/above the FPG.
- e. Shall not have subsequent additions or improvements that would preclude the development from its continued designation as a free-standing pavilion, gazebo, carport, or similar open-sided development.

**(7) Above Ground Gas or Liquid Storage Tanks.**

Within SFHAs, all newly placed aboveground gas or liquid storage tanks shall meet the requirements for a non-residential structure as required in Section 5.30 Article 5, Section C (3).

**Section D. Standards for Subdivision and Other New Developments**

- (1) All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals and all other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood hazards.
- (4) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and all other proposed new development (including manufactured home parks and subdivisions), which is greater than fifty (50) lots or five (5) acres, whichever is less.
- (5) All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.
- (6) All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).
- (7) Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds

**Section E. Standards for Critical Facilities**

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

## **Article 6. Legal Status Provisions**

### **Section A. Severability.**

If any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

### **Section B. Effective Date.**

This ordinance shall be in full force and effect upon adoption.

Passed by the Board of Commissioners of Shelby County, Indiana on the 10<sup>th</sup> day of June, 2024.

# Floor Area Standards (FA)

## 5.31 FA-01: General Floor Area

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



The intent of Floor Area Standards is to ensure the protection of the health, safety, and welfare of the residents of the County by maintaining the minimum size of living spaces and a maximum size of buildings. The following standards apply:

The following standards apply:

- A. Applicability: If a floor area standard does not appear on the two-page layout for a zoning district, then the standard does not apply to that particular zoning district.
  1. Minimum Main Floor Area: The minimum main floor area shall be per each two-page layout in *Article 02: Zoning Districts*.
  2. Maximum Main Floor Area: The maximum main floor area shall be per each two-page layout in *Article 02: Zoning Districts*.
  3. Minimum Dwelling Unit Size: The minimum dwelling unit size shall be per each two-page layout in *Article 02: Zoning Districts*.

# Height Standards (HT)

## 5.32 HT-01: General Height Standards

This Height Standards section applies to the following zoning districts:



The intent of the Height Standards is to ensure adequate fire and life safety protection for taller structures, and to protect the health, safety, and welfare of the residents in the County. The following standards apply:

- A. Cross Reference: See *Section 5.80: General Telecommunication Facility Standards*.
- B. Applicability: If a height standard does not appear on the two-page layout for a zoning district, then the standard does not apply to that particular zoning district.
  - 1. **Maximum Primary Structure Height**: The maximum primary structure height shall be per each two-page layout in *Article 02: Zoning Districts*.
  - 2. **Maximum Accessory Structure Height**: The maximum accessory structure height shall be per each two-page layout in *Article 02: Zoning Districts*.
  - 3. **Exceptions**: The following types of structures or features shall be exempt or partially exempt from the maximum structure height standards, assuming they are permitted uses or structural features, as stated:
    - a. Grain elevators, barns and grain silos used for general agricultural purposes may exceed the maximum structure height but shall not exceed 150 feet in height.
    - b. Mechanical equipment used for confined feeding operations may exceed the maximum structure height but shall not exceed 100 feet in height.
    - c. Church steeples, bell towers, and religious symbols may exceed the maximum structure height but shall not exceed two hundred percent (200%) of the height of the primary structure.
    - d. Functional chimneys may exceed the maximum structure height but shall not extend more than ten (10) feet above the roof's highest point.
    - e. Public utility structures and private water towers may exceed the maximum structure height but shall not exceed 150 feet.
    - f. Roof-mounted antennas may exceed the maximum structure height but shall not exceed five (5) feet over the maximum primary structure height or ten (10) feet above the primary structures height, whichever is less; as long as the antenna is not located on the front roof plane.
    - g. Pole-mounted antennas may exceed the maximum structure height but shall not exceed twenty (20) feet over the maximum primary structure height or thirty (30) feet above the primary structures height, whichever is less; as long as the pole is located in the rear yard.
    - h. Roof-mounted mechanical equipment, including elevator bulkheads, may exceed the maximum structure height but shall not extend any more than fifteen (15) feet above the roof's highest point; provided that it is architecturally integrated into the building's features or is generally screened from view by an architectural enclosure, parapet or similar feature.
    - i. Mechanical equipment and utility structures associated with an industrial use on land zoned for industrial uses may exceed the maximum primary structure height by up to fifty percent (50%).
    - j. Telecommunication towers may exceed the maximum structure height as allowed in *Section 5.80: General Telecommunication Facility Standards*.



# Home Business Standards (HB)

## 5.33 HB-01: Type 1 Home Business Standards

This Home Business Standards section applies to the following zoning districts:



The intent of the Type 1 Home Business Standards is to ensure the protection of the health, safety, and welfare of the residents in the County by allowing and regulating home-based businesses that have minimal impact on the residential character of the rural county or neighborhoods. The following standards apply:

- A. Permits: A permit for a Type 1 Home Business is not required.
- B. Personnel:
  - 1. Residency: The operator of the Type 1 Home Business shall reside in the house.
  - 2. Employees: Only family members of the operator living in the house shall be employed by the Type 1 Home Business.
- C. Operations:
  - 1. Nuisance: The Type 1 Home Business shall not generate offensive noise, vibration, smoke, odors, dust, heat, glare, or electrical disturbances.
  - 2. Traffic: The Type 1 Home Business shall not generate vehicular traffic in greater volumes than would normally be expected in the rural area or neighborhood in which it is located.
  - 3. Large Vehicles: The Type 1 Home Business shall not necessitate or utilize large vehicles that will regularly or periodically be parked on the driveway or on the street, including a box truck, construction trucks, construction equipment, oversized pick-up truck, dually pick-up truck, full-sized van, delivery truck, bus, semi-tractor trailer, and the like.
  - 4. Branded Vehicles: The Type 1 Home Business shall not necessitate or utilize branded vehicles that will regularly or periodically be parked on the driveway or on the street, including passenger vehicles, vans, motorcycles, or the like that have super-graphics or branding colors or designs that advertise or draw attention to the Type 1 Home Business.
  - 5. Customers: The Type 1 Home Business shall not have patrons or customers visit the home.
  - 6. Hours: The hours of operation of the Type 1 Home Business shall not interfere with the use and enjoyment of adjacent rural or residential properties.
- D. Design:
  - 1. Primary Structure:
    - a. The Type 1 Home Business shall be conducted entirely within the primary structure.
    - b. The Type 1 Home Business shall not exceed fifteen percent (15%) of the square footage of the structure.
    - c. There shall be no visible evidence of the Type 1 Home Business, including but not limited to alterations to the exterior of the residence which change the character of the residence, exterior displays, or the outdoor storage of materials or equipment used in the home business.
  - 2. Accessory Structure: No accessory structure shall be utilized for any part of the Type 1 Home Business.
  - 3. Parking and Loading:
    - a. No off-street parking or loading facilities, other than facilities meeting the requirements of the applicable zoning district, shall be permitted.
    - b. No part of a minimum required yard shall be used for off-street parking or loading purposes.
  - 4. Mechanical Equipment: The Type 1 Home Business shall not require the installation of mechanical equipment other than that which is common in a residential structure.
  - 5. Utility Service: The Type 1 Home Business shall not require the installation of a sewer, water, or electrical utility service that is beyond what is common in a residential structure. Exceeding typical phone, cable or internet services for residential property is permitted.
  - 6. Signs: Signs are prohibited.

# Home Business Standards (HB)

## 5.34 HB-02: Type 2 Home Business Standards

This Home Business Standards section applies to the following zoning districts:



The following standards apply:

- A. Permits: All Type 2 Home Businesses shall obtain a Land Use Certificate.
- B. Personnel:
  1. Residency: The operator of the Type 2 Home Business shall reside in the house.
  2. Employees: One employee who does not reside in the house may be employed in the home business.
- C. Operations:
  1. Nuisance: The Type 2 Home Business shall not generate offensive noise, vibration, smoke, odors, dust, heat, glare, or electrical disturbances.
  2. Traffic: The Type 2 Home Business shall not generate vehicular traffic in greater volumes than would normally be expected in the rural area or neighborhood in which it is located.
  3. Customers: The Type 2 Home Business shall not generate customers in greater volumes than would normally be expected in the neighborhood.
  4. Hours: The hours of operation of the Type 2 Home Business shall not interfere with the use and enjoyment of adjacent residential properties; and shall be strictly restricted to the hours of 7:00 a.m. to 9:00 p.m. EST.
- D. Design:
  1. Primary Structure:
    - a. The Type 2 Home Business shall be conducted entirely within the primary structure.
    - b. The Type 2 Home Business shall not exceed twenty-five percent (25%) of the square footage of the primary structure.
    - c. There shall be no visible evidence of the Type 2 Home Business, including but not limited to alterations to the exterior of the residence which change the character of the residence, exterior displays, or the outdoor storage of materials or equipment used in the home business.
  2. Accessory Structure: No accessory structure shall be utilized for any part of the home business.
  3. Parking and Loading:
    - a. No off-street parking or loading facilities, other than facilities meeting the requirements of the applicable zoning district, shall be permitted.
    - b. No part of a minimum required yard shall be used for off-street parking or loading purposes.
  4. Mechanical Equipment: The Type 2 Home Business shall not require the installation of mechanical equipment other than that which is common in a residential structure.
  5. Utility Service: The Type 2 Home Business shall not require the installation of a utility service that is beyond what is common in a residential structure.
  6. Signs: One (1) wall sign is permitted on the primary structure and it shall not exceed three (3) square feet in sign area. The wall sign shall be fully located within five (5) feet of either the front door or side door of the primary structure. Materials shall be aesthetically compatible and complementary to the primary structure, specifically to make sure the sign is subtle and consistent with residential and neighborhood character. No special lighting shall be permitted to illuminate the sign.

# Home Business Standards (HB)

## 5.35 HB-03: Type 3 Home Business Standards

This Home Business Standards section applies to the following zoning districts:

**A1** **A2** **A3**

The following standards apply:

- A. Permits: All Type 3 Home Businesses shall obtain a Land Use Certificate.
- B. Permissible Home Businesses:
  1. Permitted: The Type 3 Home Business shall be limited to woodworking, small engine repair, lawn service, assembly of products, automobile repair, welding, contracting business, landscaping business, light manufacturing or a similar use as determined by the Zoning Administrator. Use of the property or home for permitted agricultural land uses shall not be considered a Type 3 Home Business.
  2. Prohibited: The Type 3 Home Business shall not include any kind of direct retail sales.
  3. Discretion: Businesses not specifically listed above shall be interpreted by the Zoning Administrator as to whether the business is permitted as a home business or not.
- C. Personnel:
  1. Residency: The operator of the Type 3 Home Business shall reside in the house.
  2. Employees: Up to ten (10) employees may be employed by and work on site.
- D. Operations:
  1. Nuisance: The Type 3 Home Business shall not generate offensive noise, vibration, smoke, odors, dust, heat, glare, or electrical disturbances.
  2. Hours: The hours of operation of the Type 3 Home Business shall not interfere with the use and enjoyment of the rural area in which it is located.
- E. Design:
  1. Primary Structure:
    - a. The office component of the Type 3 Home Business may be operated in the primary structure (the home).
    - b. The Type 3 Home Business shall not exceed five percent (5%) of the square footage of the primary structure.
    - c. There shall be no evidence of the Type 3 Home Business from alterations to the exterior of the residence. However, the character of the property may show minimum evidence of its business use, including: exterior storage of materials, vehicles or equipment used in the Type 3 Home Business.
  2. Accessory Structure:
    - a. The Type 3 Home Business shall be primarily conducted within an accessory structure
    - b. The Type 3 Home Business may consume one hundred percent (100%) of the square footage of the accessory structure.
  3. Parking and Loading:
    - a. All off-street parking or loading facilities shall meet the requirements of the applicable zoning district.
    - b. No part of a minimum required yard shall be used for off-street parking or loading purposes.
    - c. There shall be no more than fourteen (14) operable vehicles parked on the site at any time, including the vehicles used by residents of the home.

# Home Business Standards (HB)

---

4. Outdoor Storage:
  - a. No commercial vehicles shall be parked or stored outside between 9:00 p.m. and 5:00 a.m. unless parked or stored behind the accessory structure use for the Type 3 Home Business.
  - b. No outdoor storage of products, materials, supplies, waste, scrap, or the like shall be permitted unless fully within an opaque fence enclosure with gate tall enough to screen the outdoor storage. Fences used for screening shall not exceed eight (8) feet in height. The fenced enclosure shall not exceed 1,000 square feet in area and shall meet all setback requirements for an accessory structure. A fenced enclosure for outdoor storage shall not be located forward of the accessory structure used for the Type 3 Home Business.
5. Signs: One (1) wall sign is permitted on the accessory structure and it shall not exceed ten (10) square feet in sign area. The wall sign shall be fully located within ten (10) feet above ground level. Materials shall be aesthetically compatible and complementary to the accessory structure, specifically to make sure the sign is subtle and consistent with residential and neighborhood character. No special lighting shall be permitted to illuminate the sign.

# Kennel Standards (KL)

## 5.36 KL-01 Commercial Kennel Standards

This Kennel Standards section applies to the following zoning districts:

**A1** **A2** **A3** **A4**

The following standards apply:

- A. **Prerequisites:**
  1. **Minimum Lot Area:** All commercial kennels shall be located on a lot with a minimum of two (2) acres.
  2. **Minimum Fenced Yard:** All commercial kennels shall maintain a minimum 1/80 acre (544 1/2 square feet) of outdoor fenced area for each boarding unit for dogs on premises (i.e. the commercial kennel's dog capacity). As a minimum, all commercial kennels that provide services for dogs shall have a one-quarter (1/4) acre fenced area.
- B. **Minimum Main Floor Area:** The commercial kennel shall have a building with a minimum main floor area of fifty (50) square feet per one (1) domestic pet, with an prerequisite minimum of 1,000 square feet. Newly constructed commercial kennels, as well as commercial kennels to be located in an existing building shall, have a minimum capacity of fifty (50) square feet of main floor area per one (1) domestic pet.
- C. **Commercial Kennel Building:** The building required in *Section 5.36(B) Minimum Main Floor Area* shall be mechanically air conditioned and ventilated to eliminate the need to open windows or doors during warm or hot days. Only the building used to board or predominantly keep animals shall be subject to this requirement.
- D. **Hours of Operation:** The commercial kennel may be staffed twenty-four (24) hours per day. The use of outdoor areas shall be limited to eight (8) hours between which must be allocated between the hours of 8:00am and 8:00pm daily.
- E. **Setback Standards:** All buildings and outdoor containment areas used by the commercial kennel shall be a minimum of 100 feet from all property lines.
- F. **Noise Containment:** The commercial kennel shall keep all windows closed ninety-nine percent (99%) of each day and doors closed ninety percent (90%) of each day.
- G. **Fence Enclosures:** All outdoor facilities for domestic pets shall be fully fenced-in with vinyl, zinc or powder coated chain link fence, or similar quality product. Invisible fences shall not constitute a sufficient barrier to keep domestic pets contained or to prevent intrusion by other animals.
- H. **Waste Management:** The animal waste shall be managed either by composting, septic system, sanitary sewer or other method approved by the County Health Department. The commercial kennel shall submit a waste management plan to the County Health Department for consideration and determination of waste management options.

# Kennel Standards (KL)

## 5.37 KL-02 Home Enterprise Kennel Standards

This Kennel Standards section applies to the following zoning districts:

**A1** **A2**

The following standards apply:

A. Prerequisites:

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

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

C. Kennel Building Standards:

1. **Kennel Location:** The kennel shall be fully contained in a dedicated space within the home, or in one (1) accessory structure.
2. **Minimum Floor Area:** The kennel shall have a minimum floor area of fifty (50) square feet per one (1) domestic pet, with a prerequisite minimum of 200 square feet.
3. **Kennel Facility:** The kennel facility shall be mechanically air conditioned and ventilated to eliminate the need to open windows or doors during warm or hot days. Only the building used to board or predominantly keep animals shall be subject to this requirement.
4. **Noise Containment:** The kennel shall keep all windows closed ninety-nine percent (99%) of each day and doors closed ninety percent (90%) of each day.

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

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

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

# Keeping of Animals Standards (KA)

## 5.38 KA-01 Rural Keeping of Household Pets and Outdoor Pets Standards

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

**A1** **A2** **A3** **RE**

The following standards apply:

- A. Household Pets (Indoor): Any number of household pets are permitted as defined.
- B. Outdoor Pets: Outdoor pets are permitted as defined.
  1. Minimum Lot Area: one-quarter (1/4) acre per outdoor pet.
  2. Maximum Number: Four (4) outdoor pets.

## 5.39 KA-02 Single-family Residential Keeping of Household and Outdoor Pets Standards

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

**R1** **R2** **VR** **M1**

The following standards apply:

- A. Household Pets (Indoor): Any number of household pets are permitted as defined.
- B. Outdoor Pets: Outdoor pets are permitted as defined.
  1. Minimum Lot Area: one-quarter (1/4) acre per outdoor pet.
  2. Maximum Number: One (1) outdoor pet.
  3. Minimum Fenced Area: one-eighth (1/8) acre which may include "invisible fence" areas.

## 5.40 KA-03 Multiple Family Residential Keeping of Household and Outdoor Pets Standards

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

**M2** **MP** **VM**

The following standards apply:

- A. Household Pets (Indoor): Any number of household pets are permitted as defined.
- B. Outdoor Pets: Outdoor pets are not permitted.

## 5.41 KA-04 Agricultural Keeping of Farm Animals Standards

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

**A1** **A2** **A3** **A4**

The following standards apply:

- A. Exotic Animals: One (1) exotic animal is permitted per twenty-five (25) acres.
- B. Pastured Farm Animals: Farm Animals are permitted as follows:
  1. Minimum Lot Area: Two (2) acres
  2. Minimum Pasturage Area: Two (2) acres
  3. Maximum Animal Units: One (1) animal unit per fenced acre.
  4. Determination of Animal Units: See table below

Animal Type	Animals Per Animal Unit
Cattle, Buffalo, and similar	2
Horse, Mule, Donkey, Camel, and similar	1
Horse (34 inches or less at withers)	5
Swine, Ostrich, Emu, and similar	5
Goat, Sheep, Llama, Alpaca, and similar	5
Deer and Elk	5
Chicken, Turkey, Pheasant, and similar	25
Mink and other similar fur-bearing animals	25

# Keeping of Animals Standards (KA)

## 5.42 KA-05 Rural Keeping of Farm Animals Standards

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



The following standards apply:

- A. Pastured Farm Animals: Farm Animals are permitted as follows:
  1. Minimum Lot Area: Six (6) acres
  2. Minimum Pasturage Area: Three (3) acres
  3. Maximum Animal Units: One (1) animal unit per two (2) acres that are fenced.
  4. Determination of Animal Units: See table below

Animal Type	Animals Per Animal Unit
Cattle, Buffalo, and similar	2
Horse, Mule, Donkey, Camel, and similar	1
Horse (34 inches or less at withers)	5
Swine, Ostrich, Emu, and similar	5
Goat, Sheep, Llama, Alpaca, and similar	5
Chicken, Turkey, Pheasant, and similar	25
Mink and other similar fur-bearing animals	25

5.43 KA-06 Keeping of Household Chickens added per Ord. 2015-41 (see Appendix B.02)

5.44 KA-07 Keeping of Stabled Horses added per Ord. 2015-41 (see Appendix B.03 & B.04)



# Landscaping Standards (LA)

## 5.43 LA-01: General Landscaping Standards

This Landscaping Standards section applies to the following zoning districts:



The intent of the Landscaping Standards is to ensure the protection of the health, safety, and welfare of the residents of the County by requiring a reasonable amount of plant materials to enhance the visual quality of developments, maintain community character, define the edges of streets for vehicular safety and flow, minimize storm runoff, and improve air quality. The following standards apply:

A. Cross Reference:

1. Vision Clearance Standards: All landscape materials shall be located to avoid interference with visibility per *Section 5.85: General Vision Clearance Standards*.

B. Project Applicability: Landscape materials consistent with the requirements of the Unified Development Ordinance shall be required when an Improvement Location Permit for a new primary structure is obtained. However in A1 and A2 zoning districts these standards shall only apply to new residential primary structures.

C. Positioning:

1. Easements: Landscape material shall not be planted in rights-of-way or easements without permission from the County Commissioners for rights-of-way or easement holder for easements. A tree canopy may project over a right-of-way or easement.
2. Infrastructure: Trees shall be located to avoid significant interference with overhead or underground utilities and shall maintain five (5) feet of horizontal clearance from sewer and water lines.
3. 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 eight (8) feet.
4. Streetscape: The unpaved portion of an abutting public or private right-of-way shall be fine-graded, planted and maintained with vegetative ground cover.

D. Maintenance: Trees, vegetation, irrigation systems, fences, walls, and other landscape material are essential elements of a project. Owners and their successors in title are responsible for the regular maintenance of all landscaping elements such that they are kept in good condition, including trees in the adjacent right-of-way. Failure to maintain landscaping is a violation of this Unified Development Ordinance.

1. Plant Health: All plant material shall be maintained alive, healthy, and free from disease and pests.
2. Structural Condition: All landscape structures such as fences and walls shall be repaired or replaced periodically to maintain a structurally sound and aesthetic condition.

E. Tree Preservation Credits: The preservation of an existing healthy tree shall constitute an in-kind credit toward meeting the landscape requirements in the Unified Development Ordinance. A credit shall be granted per tree that contributes to or fulfills any landscaping standard.

1. Preservation Plan: If tree preservation credits are desired, a Tree Preservation Plan shall be submitted prior to construction activity. The Tree Preservation Plan shall identify the trees intended to be saved and a strategy for retaining and protecting the trees and their existing root systems.
2. Credits for Deciduous Trees:
  - a. For each preserved deciduous tree with caliper measurement of over four (4) inches but less than twelve (12) inches, a credit for two (2) deciduous trees shall be granted.
  - b. For each preserved deciduous tree with caliper measurement of over twelve (12) inches a credit for four (4) deciduous trees shall be granted.
3. Credits for Evergreen Trees:
  - a. For each preserved evergreen tree over six (6) feet tall but less than ten (10) feet tall, a credit for two (2) evergreen trees shall be granted.
  - b. For each preserved evergreen tree over ten (10) feet tall, a credit for three (3) evergreen trees shall be granted.

# Landscaping Standards (LA)

- 4. **Damage:** If a tree is damaged, removed or killed that was intended to be preserved, the petitioner shall lose their credits for that tree, thus necessitating planting new trees equal to the failed credit.
- F. **Minimum Tree Size:**
  - 1. **Deciduous Trees:** All required deciduous trees shall be at least one and three-quarter (1 3/4) inch DBH at the time of planting.
  - 2. **Evergreen Trees:** All required evergreen trees shall be at least five (5) feet in height at the time of planting.
- G. **Restricted Trees:** Any tree designated by the Zoning Administrator as an invasive specie or with poor characteristics for a location shall not be allowed. For example a Willow tree would not be permitted near a septic system, well or regulated drain.

## 5.44 LA-02: Street Buffering Landscaping Standards

This Landscaping Standards section applies to the following zoning districts:



The following standards apply:

- A. **Quantity Requirements:** Lots that have frontage along a street shall install the following minimum number and type of street trees. The required trees shall be installed along the length of the property that abuts the street. The street classification shall be determined using the Shelby County Thoroughfare Plan.
  - 1. **Interstate and State Highways:** One (1) canopy tree and one (1) ornamental or evergreen tree per sixty (60) lineal feet of frontage
  - 2. **Primary and Secondary Arterials:** One (1) canopy tree per fifty (50) lineal feet of frontage.
- B. **Location:**
  - 1. **Distance from Sidewalk and Curb:** Street trees should be planted at least five (5) feet from any sidewalk, curb or paved surface.
  - 2. **Separation from Agricultural Areas:** Street trees shall be located at least twenty (20) feet from any agricultural land.
  - 3. **Separation from Overhead Power Lines:** Street trees shall not be located directly under overhead power lines. Street trees may be located outside the sidewalk or outside the right-of-way to avoid power lines. Only when there is not viable location may this requirement be waived by the Zoning Administrator.

## 5.45 LA-03: Residential Lot Planting Landscaping Standards

This Landscaping Standards section applies to the following zoning districts:



The following standards apply:

- A. **Quantity Requirements:** The following minimum number and type of trees shall be planted in the lot planting area.
  - 1. **Lots with Less than 10,000 Square Feet:** One (1) deciduous tree.
  - 2. **Lots Between 10,000 and 25,000 Square Feet:** Two (2) deciduous trees.
  - 3. **Lots Over 25,000 Square Feet:** Three (3) deciduous trees plus one (1) additional deciduous tree per every 20,000 square feet over the initial 25,000 square feet. The maximum number of trees required in the yard planting area shall be five (5).

## 5.46 LA-04 Multiple-family and Manufactured Home Park Lot Planting Landscaping Standards

This Landscaping Standards section applies to the following districts:



The following standards apply:

- A. **Quantity Requirements:** The following minimum number and type of trees shall be planted in the lot planting area.
  - 1. **Overall Development:** Two (2) deciduous trees for every 15,000 square feet shall be located on dwelling sites or in common area.
  - 2. **Additional Trees:** For every ten (10) dwelling sites in a manufactured home park, one (1) deciduous tree shall be planted on dwelling sites or in common area.

# Landscaping Standards (LA)

## 5.47 LA-05 Non-residential Lot Planting Landscaping Standards

This Landscaping Standards section applies to the following districts:



The following standards apply:

- A. Quantity Requirements: The following minimum number and type of trees shall be planted in the lot planting area.
1. Lots with Less Than 25,000 Square Feet: Two (2) deciduous tree.
  2. Lots Between 25,000 and 45,000 Square Feet: Three (3) deciduous trees.
  3. Lots Over 45,000 Square Feet: Four (4) deciduous trees plus one (1) deciduous tree for every 15,000 square feet above the initial 45,000 square feet. The absolute maximum number of trees required for any large lot shall be ten (10).

## 5.48 LA-06: Parking Lot Landscaping Standards

This Landscaping Standards section applies to the following zoning districts:



The following standards apply:

- A. Parking Lot Perimeter Landscaping: Parking lots shall be screened from streets and adjacent uses using a combination of plant materials, decorative walls, and/or mounds. Parking lots with thirty (30) or more parking spaces shall have the following:
1. Trees: One (1) canopy tree per thirty-five (35) feet of parking lot perimeter planted within ten (10) feet of the parking lot edge.
  2. Shrubs: One (1) shrub per ten (10) lineal feet of parking lot perimeter planted within five (5) feet of the parking lot edge. Minimum size at time of planting shall be eighteen (18) inches in height. A minimum of fifty percent (50%) of the shrubs shall be evergreen. The row of shrubs may have openings for pedestrian movement.
  3. Decorative Walls or Mounds: A decorative wall or mound may be installed in lieu of shrubs for all or portions of the parking lot perimeter. Walls or mounds, if used, shall be a minimum of thirty inches tall. The decorative walls or mounds may have openings for pedestrian movement.
- B. Interior Landscaping: Parking lots shall have landscape islands and/or peninsulas. Parking lots with forty (40) or more parking spaces shall have the following:
1. Quantity: One (1) landscape island or peninsula shall be provided for every forty (40) spaces. If more than one island is required they each shall be distributed equally throughout the parking lot.
  2. Size: Islands and peninsulas shall be at least 180 square feet in area.
  3. Curb: Islands and peninsulas shall be bordered by a four-inch (4") or higher curb above the surface of the parking lot.
  4. Plant Materials: Each island or peninsula shall contain at least one (1) deciduous tree. One-half (½) of the trees planted in islands or peninsulas shall be canopy trees.
  5. Ground Cover: Islands and peninsulas shall have mulch, grass, or other low profile plant material. Gravel or impervious surfaces shall be prohibited.

# Landscaping Standards (LA)

## 5.49 LA-07: Buffer Yard Landscaping Standards

This Landscaping Standards section applies to the following zoning districts:



The following standards apply:

- A. **Applicability:** Buffer yard standards shall apply along the front, side, and rear property lines where conflicting zoning districts meet, as indicated on *Table LA-A: Buffer Yards Required*.
- B. **Arrangement:** Plant material shall be installed within the buffer yard such that views between two differing intensity land uses are disrupted. A natural pattern or irregular row of trees is preferred in the buffer yard.
- C. **Responsibility:**
  1. Higher Intensity Use: The property which is zoned for higher intensity uses at the time of application for an Improvement Location Permit or subdivision approval is responsible for installing the buffer yard as indicated in *Table LA-A: Buffer Yards Required*.
  2. Developed Property: Any previously developed lot shall not be required to install a buffer yard when any adjacent property is developed.
  3. New Lower Intensity Use: If a property is being developed adjacent to an existing more intense land use the new lower intense land use shall install at a minimum a Buffer Yard "A" or elect to install a greater buffer. This requirement shall not be required if the higher intense use has a buffer yard or equivalent screening in place.
- D. **Substitution:** 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 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.
- E. **Buffer Yard "A":** One (1) canopy tree and one (1) ornamental or evergreen tree shall be planted for every seventy (70) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within twenty (20) feet of the property line, but no closer than five (5) feet to the property line.
- F. **Buffer Yard "B":** One (1) canopy tree and two (2) ornamental or evergreen trees shall be planted for every sixty (60) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within fifteen (15) feet of the property line, but no closer than five (5) feet to the property line.
- G. **Buffer Yard "C":**
  1. Canopy Tree: One (1) canopy tree shall be planted for every forty-five (45) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within twenty-five (25) feet of the property line; and
  2. Ornamental or Evergreen Tree: Two (2) ornamental or evergreen trees shall be planted for every fifty (50) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within fifteen (15) feet of the property line.
  3. Substitution: A six (6) foot tall opaque fence or four (4) foot tall undulating mound may be installed along seventy-five percent (75%) of the contiguous lot in substitution for twenty-five percent (25%) of the canopy trees and fifty percent (50%) of the ornamental or evergreen trees required.

# Landscaping Standards (LA)

## H. Buffer Yard "D":

1. Canopy Tree: One (1) canopy tree shall be planted for every forty (40) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within twenty (20) feet of the property line; and
2. Ornamental or Evergreen Tree: Two (2) ornamental or evergreens tree shall be planted for every fifty (50) feet of contiguous boundary with the adjacent lot. Each tree shall be planted within twenty (20) feet of the property line; and
3. Row of Evergreens: One (1) evergreen tree shall be planted for every twelve (12) feet of contiguous boundary with the adjacent lot. The evergreen trees shall be planted in an irregular row spaced no closer than nine (9) feet apart or more than fifteen (15) feet apart. The irregular row shall be planted at least twenty-five (25) feet from the property line; and
4. Fence or Mound: A minimum six (6) foot tall opaque fence or a minimum five (5) foot tall undulating mound shall be installed roughly parallel to the property line. The fence or undulating mound shall be installed at least twenty-five (25) feet from the property line.

**Table LA-A: Buffer Yards Required**

Adjacent District	Zoning District of Subject Property											
	A3	A4	M1	M2	MP	VM	IS	C1	C2	I1	I2	HI
OP				A	A	A	A	A	B	B	C	D
A1	A	A	A	A	B	B	B	B	B	B	B	C
A2	A	A	A	A	B	B	B	B	B	B	B	C
A3	A		A	B	A	B	B	B	B	B	B	C
A4	B		A	B	A	B	B	B	B	B	B	C
RE	B	B	A	B	C	B	B	C	C	C	D	D
R1	D	B	B	C	C	B	B	C	C	C	D	D
R2	D	B	B	C	C	B	B	C	C	C	D	D
VR	D	B			B	A	B	C	C	C	C	D
M1	D	B			B		B	B	C	C	C	D
M2	C	B			B		B	B	C	C	C	D
MP	C	B					B	B	C	C	C	D
VM	B	A					A	B	B	B	B	D
IS	B							A	B	B	B	D
C1	B								A	A	B	C
C2	B									A	B	C
I1	A											B
I2	A											B
HI	A											B

# Lighting Standards (LT)

## 5.50 LT-01: General Lighting Standards

This Lighting Standards section applies to the following zoning districts:



The intent of the Lighting Standards is to ensure the protection of the health, safety, and welfare of the residents of the County by limiting the amount of glare and light trespass caused by light fixtures. The following standards apply:

A. Cross Reference:

1. Parking Lot Lighting: Reference *Sections 5.60 thru 5.73 Parking Standards* for parking lot lighting requirements.
2. Sign Lighting: Reference *Sections 5.73 thru 5.75 Sign Standards* for standards for the internal and external illumination of signs.

B. Measurement Rules: Measurements of light readings shall be taken at any point along the property line of the subject property with a light meter facing the center of the property at any height from zero (0) feet to thirty-five (35) feet above the ground.

C. Types:

1. Permitted:
  - a. Site Lighting: Pole, wall or ground mounted fixtures shall be full-cutoff fixtures.
  - b. Facade Highlighting: Modest intensity up-lighting of structure facades and landscaping from ground-mounted fixtures shall be permitted.
2. Prohibited: Non-cutoff fixtures.
3. Exemptions: Sport field and sport court lights shall be semi-cutoff or cutoff fixtures, shall not exceed 100 feet in height, and shall be shut-off by 10:00 p.m. Sunday through Thursday and 11:00 p.m. Friday through Saturday.

D. Glare: Light fixtures shall be fully shielded to prevent direct lighting on streets, alleys, and adjacent properties. Any structural part of the light fixture providing this shielding shall be permanently affixed.

E. Light Trespass: The maximum allowable light at a property line is five (5) lux, with the following exceptions:

1. Commercial Zoning Districts: When the subject property is located within a commercial zoning district and the adjacent property is a commercial or industrial zoning district, then the allowable light at the property line is twenty (20) lux, but only along the sides of the property that are adjacent to those specified zoning districts. However, no light shall cross an adjacent commercial or industrial property and reach a property line with a non-commercial or non-industrial district with greater than five (5) lux.
2. Industrial Zoning Districts: When the subject property is located within an industrial zoning district and the adjacent property is an industrial zoning district, then the allowable light at the property line is thirty (30) lux, but only along the sides of the property that are adjacent to that specific zoning district. However, no light shall cross an adjacent industrial property and reach a property line with a non-commercial or non-industrial district with greater than five (5) lux.

## 5.51 LD-01: General Loading Standards

This Loading Standards section applies to the following zoning districts:



The intent of the Loading Standards is to control the location of deliveries to protect the health, safety, and welfare of the residents of the County. The following standards apply:

A. Design:

1. Location:

- a. For new construction, loading berths shall not be located on the front of the building. Loading berths shall not face an interstate unless obscured with masonry walls or landscaping.
- b. When retrofitting an existing building, the installation of new loading berths shall only be permitted on the least conspicuous facade or on the same facade loading berths already exist.
- c. Loading berths shall have adequate area for trucks to maneuver in and out of the facility. Trucks shall not block public right-of-way or private streets, alleys, aisles, or other internal circulation when maneuvering into or docked at loading berths

2. Surface: Loading berths shall be paved with asphalt or concrete.

B. Screening: Loading berths shall be screened by solid masonry walls and/or landscape buffers if not located in an inconspicuous location.

C. Drainage: Loading berths shall be constructed to allow proper drainage.



# Lot Standards (LO)

## 5.52 LO-01: General Lot Standards

This Lot Standards section applies to the following zoning districts:



The intent of the Lot Standards is to ensure the protection of the health, safety, and welfare of the residents of the County by requiring a reasonable amount of land for each buildable lot within the County. The following standards apply:

- A. **Applicability:** If a lot standard does not appear on the two-page layout for a zoning district, then the standard does not apply to that particular zoning district.
  - 1. **Minimum Dwelling Site Area:** The minimum dwelling site area shall be per each two-page layout in *Article 02: Zoning Districts*.
  - 2. **Minimum Dwelling Site Width:** The minimum dwelling site width shall be per each two-page layout in *Article 02: Zoning Districts*.
  - 3. **Minimum Lot Area:** The minimum lot area shall be per each two-page layout in *Article 02: Zoning Districts*.
  - 4. **Maximum Lot Area:** The maximum lot area shall be per each two-page layout in *Article 02: Zoning Districts*.
  - 5. **Minimum Lot Width:** The minimum lot width shall be per each two-page layout in *Article 02: Zoning Districts*.
- B. **Minimum Lot Frontage:** The minimum lot frontage shall be two-thirds ( $\frac{2}{3}$ ) of the Minimum Lot Width per each two-page layout in *Article 02: Zoning Districts* with the following exceptions:
  - 1. **Cul-de-sac Lots:** Lots established along a cul-de-sac bulb shall only be required to be one-fifth ( $\frac{1}{5}$ ) the Minimum Lot Width. However, under no circumstances shall the lot frontage be less than twenty-five (25) feet in residential districts or thirty-five (35) feet in all other districts.
  - 2. **Shared Driveway Lots:** Lots established along a shared driveway or easement that do not have frontage shall have at least two-thirds ( $\frac{2}{3}$ ) the minimum lot width of adjacency along the shared driveway or easement. There shall be no exceptions for shared driveways or easements that terminate in a cul-de-sac.



## 5.53 MH-01: Lease-lot Developments Manufactured Housing Standards

This Manufactured Housing Standards section applies to the following district:



The following standards apply:

- A. Intent: This section is designed to promote quality and safe lease-lot developments.
- B. Permits: An Improvement Location Permit shall be required for each dwelling unit prior to installation on a dwelling site, and for all other primary or accessory structures on the lot or dwelling sites.
- C. Placement:
  1. Dwelling Sites
    - a. Each dwelling site within a lease-lot development shall have a separate concrete pad, concrete foundation, or cinder block foundation for mobile homes; or concrete or cinder block foundation for manufactured homes. Then same standards for manufactured homes shall apply to any other habitable structure in the manufactured home park.
    - b. Each dwelling site within a lease-lot development shall have separate utilities.
    - c. Each dwelling site within a lease-lot development with three (3) or more dwelling sites shall have direct access onto a paved internal street.
    - d. No more than one (1) dwelling unit shall be placed on a dwelling site.
  2. Dwelling Units
    - a. Each dwelling unit within a lease-lot development shall be tied down, and shall have a permanent perimeter enclosure or permanent foundation.
    - b. Each dwelling unit within a lease-lot development shall be considered a separate residence for all purposes such as taxing, assessing of improvements, garbage pickup, and public utilities.
    - c. Dwelling units shall not be covered with a secondary roof.
- D. Storm Shelter and Warning Signal: Any development with ten (10) or more leased-lot dwelling sites shall install a storm shelter within 500 feet proximity to each leased-lot dwelling site and a storm warning siren (or by lease require each home to have a weather radio).

# Outdoor Storage Standards (OS)

## 5.54 OS-01: General Outdoor Storage Standards

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



- A. Prohibited: The outdoor storage of equipment, machinery, building materials, waste or scrap materials, pallets, inoperable vehicles, and similar materials shall be prohibited.
- B. Stored or Parked Vehicles: Vehicles shall not encroach into a right-of-way or block or impede an aisle, internal sidewalk, or private street.
- C. Inoperable Vehicles: Inoperable vehicle shall be stored indoors or outdoors in an enclosed area in the rear yard. When stored outdoors the rear yard or the area in which the vehicle is stored shall be enclosed with a minimum six (6) foot tall privacy fence.

## 5.55 OS-02: Trash Storage Standards

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



- A. Prohibited: Uncontained collection of trash and debris shall be prohibited.
- B. Trash Containers and Enclosures: All outdoor trash shall be contained within trash receptacles, dumpsters, compactors, and similar containers, and shall meet the following standards.
  - 1. Enclosure Standards:
    - a. Trash receptacles, dumpsters, compactors, and similar containers shall be maintained indoors or outdoors on a paved surface.
    - b. Dumpsters, compactors, and similar containers shall be enclosed on all sides by a fence or wall constructed with brick, stone, aesthetic masonry, or similar exterior building materials as the primary structure. Gates shall be constructed from wood and/or metal and be opaque.
    - c. The enclosure shall be a minimum of six (6) feet or tall enough to hide all materials within the enclosure, whichever is taller.
    - d. All trash receptacles used for curb-side pickup are exempt from these standards on the scheduled day for trash pickup and the night before.
  - 2. Enclosure Setback: Container enclosures shall be considered an accessory structure and shall meet the setback requirements and placement requirements of accessory structures in the zoning district they are located.

## 5.56 OS-03: Trash Storage Standards

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



- A. Prohibited: Uncontained collection of trash and debris shall be prohibited. Trash in bags shall not be considered contained unless located in a fenced enclosure. Dumpsters and compactors shall be prohibited except during constructions projects which have been issued a Building Permit or Improvement Location Permit.
- B. Trash Containers: All outdoor trash shall be contained within trash receptacles and shall meet the following standards.
  - 1. General Standards:
    - a. Trash receptacles shall be maintained indoors or outdoors on a paved surface, but not forward of the front building line.
    - b. The enclosure shall be a minimum of six (6) feet or tall enough to hide all materials within the enclosure, whichever is taller.
  - 2. Exemptions: Trash receptacles and garbage used for curb-side pickup are exempt from these standards on the scheduled day for trash pickup and the night before.
  - 3. Enclosure Setback: Container enclosures shall be considered an accessory structure and shall meet the setback requirements and placement requirements of accessory structures in the zoning district they are located.

# Outdoor Storage Standards (OS)

## 5.57 OS-04: Recreational Vehicle Outdoor Storage Standards

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



The following standards apply:

- A. Storage or Parking: The storage or parking of recreational vehicles is subject to the following requirements:
  1. Quantity: No more than two (2) recreational vehicle shall be stored or parked outdoors on a lot at any one time.
  2. Location:
    - a. The vehicle shall be stored or parked behind or along side the primary structure, detached garage, or a barn in such a manner that no part of any such vehicle shall project beyond the front or side setback lines of the lot.
    - b. The vehicle shall not be parked on the street in front of any lot.
  3. Use: Parked or stored vehicles shall not be occupied or used for living, sleeping, or housekeeping purposes.

## 5.58 OS-05: Merchandising Outdoor Storage Standards

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



The following standards apply:

- A. Vehicle Dealership: The outdoor display, storage, and parking of vehicles for sale shall be permitted, provided that all vehicles are parked on either asphalt, concrete or on a special display approved by the Zoning Administrator; or enclosed within a structure. Parking cars in the right-of-way, within the setback for a parking lot, or on grass or gravel shall not be permitted.

## 5.59 OS-06: Industrial and High Impact Outdoor Storage Standards

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



The following standards apply:

- A. Industrial Outdoor Storage: When adjacent to a public street, outdoor storage of vehicles, equipment, product, supplies, materials, waste or scrap, pallets, and the like shall be effectively screened on all sides with a minimum six (6) foot privacy or security fence, at least ten (10) feet from the property line. The ten (10) foot area immediately outside the fence shall be landscaped with trees (one per fifty (50) lineal feet of fence) and shrubs (one per thirty (30) lineal feet of fence).

# Parking Standards (PK)

## 5.60 PK-01: General Parking Standards

This Parking Standards section applies to the following zoning districts:



The intent of the Parking Standards is to ensure the protection of the health, safety, and welfare of the residents of the County by requiring adequate parking for all uses. The following standards apply:

- A. **Surface:** All ingress/egress onto a driveway or parking area and required parking lots shall utilize a paved surface of concrete, asphalt, brick pavers, or the like. Gravel, stone, rock, dirt, sand, or grass shall not be permitted as parking surfaces, except the A4 zoning district which may use gravel. Parking of vehicles shall not be permitted on lawns or other pervious-surfaced areas of a lot.
- B. **Expansion:** Existing gravel, stone, or rock parking lots may be expanded one (1) time up to ten percent (10%) of its existing size and shall require an Improvement Location Permit. Upon expanding more than ten percent (10%), the entire parking lot (not including permitted outdoor storage or display areas) shall be paved with a durable material.
- C. **Dimensions:** Parking spaces shall be a minimum of nine (9) feet wide and eighteen (18) feet in length.
- D. **Right-of-way:** Parking spaces and parking lots shall not be located within a public or private right-of-way or access easement and shall be designed to prevent vehicles from maneuvering in the right-of-ways.
- E. **Display:** Parking spaces shall not be used for display or storage of merchandise.
- F. **Parking for the Disabled:**
  1. **Applicable Codes:** Accessible parking spaces shall be provided per the specifications of the Americans with Disabilities Act (ADA), the Fair Housing Act (FHA), and the Indiana Building Code (IBC).
  2. **Access Aisle:** Each accessible parking space shall be located adjacent to an access aisle a minimum of sixty (60) inches wide. One in every eight (8) accessible parking spaces shall be designated van accessible and shall be served by an access aisle a minimum of ninety-six (96) inches wide.
  3. **Location:** Accessible parking spaces shall be located in close proximity to the structure's main entrance.
  4. **Identification:** All accessible parking spaces shall be striped and have vertical signs identifying them as accessible parking spaces.
  5. **Required Number of Spaces:**

Total Number of Parking Spaces per Lot	Minimum Number of Accessible Parking Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total number of spaces
1,001 and over	20, plus 1 for each 100 spaces over 1,000

# Parking Standards (PK)

## 5.61 PK-02: Residential Parking Standards

This Parking Standards section applies to the following zoning districts:



The following standards apply:

- A. Minimum Number: A minimum of two (2) off-street parking spaces shall be required per dwelling unit, including accessory dwelling units, when permitted.
- B. Location:
  1. Same Lot: The parking spaces required shall be located on the same lot as the dwelling unit.
  2. Garages: The parking spaces shall not include spaces within car ports or garages.

## 5.62 PK-03: Multiple-family Residential and Manufactured Home Residential Parking Standards

This Parking Standards section applies to the following zoning districts:



The following standards apply:

- A. Minimum Number: A minimum of two (2) off-street parking spaces shall be required per dwelling unit.
- B. Location: The parking spaces required shall be located on the same dwelling unit site as the dwelling unit.
- C. Visitor Parking:
  1. Quantity: A minimum of one (1) off-street space per three (3) units is required for visitor parking and shall be spread evenly throughout the development.
  2. Garages: Visitor parking spaces may not include spaces in car ports or garages.

## 5.63 PK-04: Non-residential Parking Standards

This Parking Standards section applies to the following zoning districts:



The following standards apply:

- A. Parking Lot Standards:
  1. Setbacks:
    - a. Front, Side, and Rear: Parking lots may project into the front, side, and rear yard setback by fifty percent (50%) of the minimum front, side, or rear yard setback.
    - b. Entrance and exit drives may be located within the setback area.
  2. Parking Aisle Widths: Minimum parking aisle widths shall be as follows:
    - a. Ninety-degree (90°) angle space: twenty-four (24) feet wide parking aisle for one- or two-way traffic.
    - b. Sixty-degree (60°) angle space: eighteen (18) feet wide parking aisle for one-way traffic.
    - c. Forty-five-degree (45°) angle space: fourteen (14) feet wide parking aisle for one-way traffic.
  3. Parking Aisle Exits: All parking aisles shall have an outlet or turn around. Dead-end parking aisles shall not be permitted.
  4. Driving Lanes: Driving lanes in parking lots that provide access to parking aisles shall be clearly striped or be curbed.
  6. Drainage: Parking lots shall be constructed to allow proper drainage.
  7. Connectivity:
    - a. Where a parking lot abuts one (1) or more lots zoned for commercial use (including Planned Development zoning districts that allow commercial development), parking spaces, parking aisles, and driving lanes shall be laid out in a manner that will allow for the connection of the parking lots on the adjoining lots. The Zoning Administrator may waive this requirement when not significantly feasible.
    - b. Cross-access Easements:
      - i. Where parking lots connect or are laid out to be connected, a cross-access easement shall be established in accordance with the requirements of *Article 07: Design Standards*.
      - ii. Cross-access easements shall not be less than twenty (20) feet nor exceed thirty (30) feet in width.

# Parking Standards (PK)

8. Shared Parking Areas: A group of adjoining properties may provide a shared parking lot if the following standards are met:
  - a. The parking lot provides a minimum of seventy-five percent (75%) of the required spaces for each use.
  - b. The Zoning Administrator approves the shared parking lot.
  - c. All structures or uses utilizing the shared parking lot shall be located within 300 feet of the parking lot.
9. Cart Corrals: Cart corrals are required for all commercial uses with more than 20,000 square feet of floor area that provide shopping carts to customers. The cart corrals shall be made of durable, permanent materials and be permanently affixed to the surface of the parking lot. The cart corrals shall be kept in good condition and repair at all times. A single cart corral shall not exceed ten (10) feet in width by thirty-six (36) feet in length.
10. Minimum Number of Vehicle Spaces:
  - a. Off-street parking shall be required for all uses as shown in Table PK-A: Minimum Number Of Parking Spaces Per Use. The numbers do not guarantee the quantity needed per use, only minimums are expressed.
  - b. If a structure combines two (2) or more uses, the parking requirement is figured by taking seventy-five percent (75%) of the sum of the minimum number of spaces allowed for each use.
  - c. If a use is not clearly noted in Table PK-A, the Zoning Administrator shall determine into which land use the proposed development best fits, therefore determining the minimum number of parking spaces required.
11. Maximum Number of Vehicle Spaces: Uses are prohibited from providing more than one hundred twenty percent (120%) of required spaces unless more spaces are approved by the Zoning Administrator.
12. Reduced Parking Lot Area Standards: A parking lot may be built with fewer spaces than the required minimum of vehicular spaces identified in Table PK-A if the following standards are met.
  - a. Adequate and appropriate space shall be land-banked such that the full number of parking spaces required in Table PK-A can be built on-site at a later date, should the need arise.
  - b. The property owner shall record a site plan that clearly denotes the land-banked area, and that identifies the area as a “no-build area”. The no-build area shall only allow landscaping material and shall restrict any septic system, structure, foundation, change in topography, or any other permanent or temporary structure or alteration that would make it cost prohibitive or difficult to develop parking on that area in the future.
  - c. A design for a parking lot that accommodates all the required parking spaces and that abides by the on-site drainage standards shall be submitted for review. The reduced parking lot shall be a portion of the full parking lot. The full and partial parking lot designs shall be concurrently subjected to the same review process necessary to meet the applicable requirements of the Unified Development Ordinance. If both designs are approved, the smaller parking lot design may be constructed and the full parking lot design shall be recorded.
  - d. Under no circumstances may the smaller parking lot design accommodate less than forty percent (40%) of the required parking spaces in Table PK-A.
13. Bicycle Parking Areas:
  - a. Bicycle parking areas shall be provided to sites that have access to bike paths or trails.
  - b. The bicycle parking areas shall be located within sixty (60) feet of the main entryway into the primary structure or be located inside the primary structure.
  - c. A bicycle rack shall be installed in the bicycle parking area to secure the bicycles.
- B. Stacking Lanes: The following uses shall provide adequate stacking lane space to accommodate the number of vehicles specified as follows:
  - a. Bank machine/ATM: 2
  - b. Bank/credit union: 4
  - c. Church, Temple, or Mosque: 10
  - d. Day care: 6
  - e. Dry cleaner: 3
  - f. Pick-up windows on any unlisted use: 5
  - g. Restaurant with drive-up window: 7
  - h. School (P-12): 10



# Parking Standards (PK)

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

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
<b>Commercial Uses</b>		
amusement park	-	1 space per 3 capacity
automobile-oriented business:	See Specific Uses Below	See Specific Uses Below
<i>automobile accessory installation</i>	1 space per employee on the largest shift	2 spaces per bay
<i>automobile body shop</i>	1 space per employee on the largest shift	2 spaces per bay
<i>automobile gas station</i>	1 space per employee on the largest shift	3 spaces per double-sided pump for refueling and staging; and 1 space per 3 restaurant seats ; and 1 space per 200 gross sq. ft. of convenience store space
<i>automobile oil change facility</i>	1 space per employee on the largest shift	2 spaces per bay
<i>automobile parts sales</i>	-	1 space per 300 sq. ft. GFA
<i>automobile rental</i>	2 spaces per employee on the largest shift	-
<i>automobile repair/service station</i>	1 space per employee on the largest shift	2 spaces per bay
<i>automobile wash</i>	1 space per employee on the largest shift	2 spaces per bay (full or self-service)
bank machine/atm	-	2 spaces per ATM
banquet hall	-	1 space per 2.5 persons of maximum capacity
bar/tavern	-	1 space per 2.5 persons of maximum capacity
barber/beauty shop	-	3 spaces per chair
billiard/arcade room	-	1 space per 200 sq. ft. or 1 space per table, whichever results in the greater number of spaces
bowling alley	-	4 spaces per lane
campground	-	1 per designated campsite
club or lodge	-	1 space per 3 persons of maximum capacity
coffee shop	-	1 space per 2 seats
coin laundry	-	1 space per 3 washing machines
commercial training facility or school	-	1 space per student capacity
country club	-	1 space per 3 persons of maximum seating capacity
dance/night club	-	1 space per 2.5 persons of maximum capacity
day care	-	1 space per 4 persons of licensed capacity
delicatessen	-	1 space per 2 seats
driving range	-	2 spaces per 3 tee boxes
farm implement sales	1 space per employee on the largest shift	1 space per 500 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (vehicles) displayed
farmers market	-	1 space per 200 sq. ft. GFA
fitness center/health club	-	1 space per 300 sq. ft. GFA
funeral home or mortuary	-	1 space per 4 chapel or parlor seats
golf course	-	20 spaces per 9 holes
health spa/day spa	-	3 spaces per spa suite
hotel/motel	1 space per employee on the largest shift	1 space per unit
ice cream shop	-	1 space per 3 seats
kennel	-	1 space per 10 pet accommodation spaces
miniature golf	-	20 spaces per 18 hole course
movie theater	-	1 space per 4 seats
office, construction trade	See Specific Uses Below	See Specific Uses Below
<i>electrical contractor</i>	1 space per employee on the largest shift	-
<i>general contractor</i>	1 space per employee on the largest shift	-
<i>heating/cooling contractor</i>	1 space per employee on the largest shift	-
<i>landscape contractor</i>	1 space per employee on the largest shift	-
<i>plumbing contractor</i>	1 space per employee on the largest shift	-
office, design services	See Specific Uses Below	See Specific Uses Below
<i>architecture firm</i>	-	1 space per 300 sq. ft. GFA
<i>engineering firm</i>	-	1 space per 300 sq. ft. GFA
<i>graphic design firm</i>	-	1 space per 300 sq. ft. GFA
<i>planning firm</i>	-	1 space per 300 sq. ft. GFA
office, financial services	See Specific Uses Below	See Specific Uses Below
<i>accounting firm</i>	-	1 space per 300 sq. ft. GFA
<i>bank/credit union</i>	-	1 space per 250 sq. ft. GFA
<i>investment firm</i>	-	1 space per 300 sq. ft. GFA
office, general services	See Specific Uses Below	See Specific Uses Below
<i>employment service</i>	-	1 space per 300 sq. ft. GFA
<i>insurance office</i>	-	1 space per 300 sq. ft. GFA
<i>law office</i>	-	1 space per 300 sq. ft. GFA

# Parking Standards (PK)

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
<b>Commercial Uses</b>		
<i>membership associations</i>	-	1 space per 300 sq. ft. GFA
<i>publishing corporate office</i>	-	1 space per 300 sq. ft. GFA
<i>reading clinic</i>	-	1 space per 300 sq. ft. GFA
<i>real estate office</i>	-	1 space per 300 sq. ft. GFA
<i>secretarial service</i>	-	1 space per 300 sq. ft. GFA
<i>service organization</i>	-	1 space per 300 sq. ft. GFA
<i>temporary service agency</i>	-	1 space per 300 sq. ft. GFA
<i>title company</i>	-	1 space per 300 sq. ft. GFA
<i>trade office</i>	-	1 space per 300 sq. ft. GFA
<i>travel agency</i>	-	1 space per 300 sq. ft. GFA
office, medical	See Specific Uses Below	See Specific Uses Below
<i>emergency medical clinic</i>	-	4 spaces per treatment room
<i>dental clinic</i>	-	4 spaces per treatment room
<i>medical clinic</i>	-	4 spaces per treatment room
<i>optical clinic</i>	-	4 spaces per treatment room
<i>rehabilitation clinic</i>	-	4 spaces per treatment room
<i>veterinarian clinic/hospital</i>	-	4 spaces per treatment room
paintball facility	-	1 space per 3 person of maximum capacity
photographic studio	-	3 spaces per studio
race track	-	1 space per 4 seats
recreation center/play center	-	1 space per 3 persons of maximum capacity
restaurant	1 space for each employee of largest shift	1 per 3 seats
restaurant with drive-up window	-	1 space per 2 seats
retail (type 1), very low intensity:	See Specific Uses Below	See Specific Uses Below
<i>art and craft gallery</i>	-	1 space per 300 sq. ft. of GFA.
<i>flower shop</i>	-	1 space per 300 sq. ft. of GFA
<i>gift shop (small)</i>	-	1 space per 300 sq. ft. of GFA
<i>jewelry store</i>	-	1 space per 300 sq. ft. of GFA
<i>news dealer</i>	-	1 space per 300 sq. ft. of GFA
retail (type 2), low	See Specific Uses Below	See Specific Uses Below
<i>bakery</i>	-	1 space per 300 sq. ft. of GFA
<i>bookstore (small)</i>	-	1 space per 300 sq. ft. of GFA
<i>convenience store (small)</i>	-	1 space per 300 sq. ft. of GFA
<i>craft gallery (small)</i>	-	1 space per 300 sq. ft. of GFA
<i>drug store (small)</i>	-	1 space per 300 sq. ft. of GFA
<i>meat market</i>	-	1 space per 300 sq. ft. of GFA
retail (type 3), medium intensity	See Specific Uses Below	See Specific Uses Below
<i>antique shop</i>	-	1 space per 300 sq. ft. of GFA
<i>apparel shop</i>	-	1 space per 300 sq. ft. of GFA
<i>art and craft supplies</i>	-	1 space per 300 sq. ft. of GFA
<i>book store</i>	-	1 space per 300 sq. ft. of GFA
<i>boutique</i>	-	1 space per 300 sq. ft. of GFA
<i>building supply store (small)</i>	-	1 space per 300 sq. ft. of GFA
<i>convenience store (large)</i>	-	1 space per 300 sq. ft. of GFA
<i>department store (small)</i>	-	1 space per 300 sq. ft. of GFA
<i>drug store (large)</i>	-	1 space per 300 sq. ft. of GFA
<i>fabric shop</i>	-	1 space per 300 sq. ft. of GFA
<i>furniture store (small)</i>	-	1 space per 300 sq. ft. of GFA
<i>garden shop</i>	-	1 space per 300 sq. ft. of GFA
<i>gift shop (large)</i>	-	1 space per 300 sq. ft. of GFA
<i>grocery/supermarket (small)</i>	-	1 space per 300 sq. ft. of GFA
<i>home electronics/appliance (small)</i>	-	1 space per 300 sq. ft. of GFA
<i>liquor sales</i>	-	1 space per 300 sq. ft. of GFA
<i>music/media shop</i>	-	1 space per 300 sq. ft. of GFA
<i>office supply store (small)</i>	-	1 space per 300 sq. ft. of GFA
<i>party/event store (small)</i>	-	1 space per 300 sq. ft. of GFA
<i>print shop/copy center</i>	-	1 space per 300 sq. ft. of GFA
<i>pro shop</i>	-	1 space per 300 sq. ft. of GFA



# Parking Standards (PK)

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
<b>Commercial Uses</b>		
<i>quick cash/check cashing</i>	-	1 space per 300 sq. ft. of GFA
<i>shoe store/repair</i>	-	1 space per 300 sq. ft. of GFA
<i>sign shop</i>	-	1 space per 300 sq. ft. of GFA
<i>sporting goods (small)</i>	-	1 space per 300 sq. ft. of GFA
<i>variety store (small)</i>	-	1 space per 300 sq. ft. of GFA
<i>video/DVD rental</i>	-	1 space per 300 sq. ft. of GFA
retail (type 4) high intensity:	See Specific Uses Below	See Specific Uses Below
<i>automobile sales (small)</i>	1 space per employe on the largest shift	1 space per 500 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (vehicles) displayed
<i>boat sales (small)</i>	1 space per employe on the largest shift	1 space per 500 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (vehicles) displayed
<i>building supply store (large)</i>	-	1 space per 500 sq. ft. of GFA
<i>department store (large)</i>	-	1 space per 500 sq. ft. of GFA
<i>furniture store (large)</i>	-	1 space per 500 sq. ft. of GFA
<i>grocery/supermarket (large)</i>	-	1 space per 500 sq. ft. of GFA
<i>home electronics/appliance (large)</i>	-	1 space per 500 sq. ft. of GFA
<i>office supply store (large)</i>	-	1 space per 500 sq. ft. of GFA
<i>party/event store (large)</i>	-	1 space per 500 sq. ft. of GFA
<i>sportings good store (large)</i>	-	1 space per 500 sq. ft. of GFA
<i>superstore</i>	-	1 space per 500 sq. ft. of GFA
<i>variety store (large)</i>	-	1 space per 500 sq. ft. of GFA
retail (type 5), very high intensity	See Specific Uses Below	See Specific Uses Below
<i>automobile sales (large)</i>	1 space per employe on the largest shift	1 space per 500 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (vehicles) displayed
<i>boat sales (large)</i>	1 space per employe on the largest shift	1 space per 500 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (vehicles) displayed
<i>construction vehicle sales</i>	1 space per employe on the largest shift	1 space per 500 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (vehicles) displayed
<i>farm equipment sales</i>	1 space per employe on the largest shift	1 space per 500 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (vehicles) displayed
<i>manufactured home sales</i>	1 space per employe on the largest shift	1 space per 500 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (vehicles) displayed
<i>semi tractor-trailer sales</i>	1 space per employe on the largest shift	1 space per 500 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (vehicles) displayed
<i>too/equipment sales/rental</i>	1 space per employe on the largest shift	1 space per 500 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (vehicles) displayed
retail (type 6), special handling	See Specific Uses Below	See Specific Uses Below
<i>fireworks sales</i>	-	1 space per 300 sq. ft. of GFA
<i>gun sales</i>	-	1 space per 300 sq. ft. of GFA
<i>hunting store</i>	-	1 space per 300 sq. ft. of GFA
sexually oriented business	-	1 space per 300 sq. ft. of GFA
shooting range	-	1 space per station
skating rink	-	1 space per 250 sq. ft. of skating surface
sports complex (indoors)	1 space per employe on the largest shift	20 spaces per field or court
sports field	1 space per employe on the largest shift	20 spaces per field or court
stadium	-	4 spaces per seat
studio arts	-	1 space per 3 persons of maximum capacity
swimming pool	-	1 space per 75 sq. ft. of pool area
tailor/pressing shop	-	1 space per 300 sq. ft.
tanning salon	-	2 spaces per tanning room or station
tattoo/piercing parlor	-	3 spaces per chair or studio
watercraft rental	1 space per employe on the largest shift-	1 space per 500 sq. ft. of GFA; 1 space per 20 outdoor units (vehicles) displayed
winery	1 space per employe on the largest shift-	1 space per 300 sq. ft. of GFA

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
<b>Institutional Uses</b>		
bus station	-	8 spaces per bus bay
cemetery/mausoleum	-	1 space per 50 grave sites
child care instituion	1 space per employee on the largest shift	1 space per 3 persons client capacity
church, temple, or mosque	-	3 spaces per 7 seats
community center	-	1 space per 3 persons of maximum capacity
crematory	1 space per employee on the largest shift	5 visitor spaces
drug or alcohol rehabilitation clinic	1 space per employee on the largest shift	2 spaces per 3 persons client capacity
government office	-	1 space per 500 gross sq. ft. or 1 per 2 seats in the largest assembly space capacity, whichever results in the largest number
government operations (non-office)	1 space per employee on the largest shift	-

# Parking Standards (PK)

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
<b>Institutional Uses</b>		
hospital	-	2 spaces per 1 bed
jail	1 space per employee on the largest shift	1 visitor space per 8 cells
juvenile detention facility	1 space per employee on the largest shift	1 visitor space per 8 cells
library	-	1 space per 3 persons of maximum capacity
municipal airport	-	1 space per 2 explaining passengers
municipal heliport	-	1 space per 2 explaining passengers
museum	-	1 space per 2.5 persons of maximum capacity
nature center	-	1 space per 3 persons of maximum capacity
park	-	1 space per acre; 20 spaces per sport court or field; and 1 space per 75 sq. ft. of water surface of pools
police, fire, or rescue station	1 space per employee	-
pool, public	-	1 space per 75 sq. ft. of pool area
post office	1 space per employee on the largest shift	1 space per 150 sq. ft. accessible to the public
prison	1 space per employee on the largest shift	1 visitor space per 15 cells
recycling collection point	1 space per employee on the largest shift	1 space per collection bin
school (P-12)	1 space per teacher, staff, administrator	3 spaces per elementary or junior high classroom; 1 space per 10 high school student capacity; and 1 space per 4 seats in the largest assembly space in the school (based on occupancy)
trade or business school	1 space per teacher, staff, administrator	1 space per 3 students
university or college	1 space per teacher, staff, administrator	1 space per 3 students

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
<b>Industrial Uses</b>		
assembly	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
construction material landfill	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
distribution facility	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
electrical generation plant	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
flex-space	-	1 space per 350 sq. ft. of GFA
food processing	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
gravel/sand mining	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
heavy equipment repair	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
heavy manufacturing	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
incinerator	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
junk yard	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
light manufacturing	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
liquid fertilizer storage/distribution	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
outdoor storage	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
radio/tv station	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
recycling processing	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
rendering plant	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
research center	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
sanitary landfill/refuse dump	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
scrap metal yard	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
sewage treatment plant	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
sign painting/fabrication	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
storage tanks (hazardous)	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
storage tanks (nonhazardous)	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
telecommunication facility	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
testing lab	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
tool and dye shop	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
transfer station	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
utility facility, above ground	See Specific Uses Below	See Specific Uses Below
<i>electrical generator</i>	-	1 space per facility
<i>pipeline pumping station</i>	-	1 space per facility
<i>public well</i>	-	1 space per facility
<i>telephone exchange</i>	-	1 space per facility
<i>utility substation</i>	-	1 space per facility
warehouse	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
warehouse storage facility	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees

# Parking Standards (PK)

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
<b>Industrial Uses</b>		
water treatment plant	1.1 spaces per employee on the largest shift	1 visitor space per 10 employees
welding	1.1 spaces per employee on the largest shift	1 visitor space per 5 employees

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
<b>Residential Uses</b>		
assisted living facility	1 space per employee on the largest shift	1 space per 3 rooms
bed and breakfast	as per single-family standard	1 space per room
boarding house	1 space per employee on the largest shift	1 space per room
fair housing facility	as per single-family standard	1 space per 4 persons of client capacity
nursing home	1 space per employee on the largest shift	1 space per 3 rooms
retirement community	1 space per employee on the largest shift	1 space per non-assisted living room; 1 space per 3 assisted living rooms and/or nursing home rooms; and 1 visitor space per 8 rooms

# Performance Standards (PF)

## 5.64 PF-01: General Performance Standards

This Performance Standards section applies to the following zoning districts:



The intent of the Performance Standards is to ensure the protection of the health, safety, and welfare of the residents of the County. The following standards apply:

- A. Obnoxious Characteristics: No use shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance. No use in existence on the effective date of this Unified Development Ordinance shall be so altered or modified to conflict with these standards.
- B. Fire Protection: Fire fighting equipment and prevention measures acceptable to the Fire Department and any federal, State, County, City, and/or local authorities that may also have jurisdiction shall be readily available and apparent when any activity involving the handling or storage of flammable or explosive materials is conducted.
- C. Electrical Disturbance: No use shall cause electrical disturbance adversely affecting radio, television, or other equipment in the vicinity.
- D. Noise: No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness, or vibration. Said noise shall be muffled or otherwise controlled so as not to become detrimental. However, public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard. This provision does not apply to A1, A2, A3 or A4 zoning districts.
- E. Vibration: No use shall cause vibrations or concussions detectable beyond the lot lines without the aid of instruments.
- F. Odor: No use shall emit across the lot lines malodorous gas or matter in such quantity as to be detectable at any point along the lot lines. This provision does not apply to A1, A2, A3 or A4 zoning districts.
- G. Air Pollution: No use shall discharge across the lot lines fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter, or other air pollutants in such concentration as to be detrimental to health, animals, vegetation, or property, or conflict with public air quality standards. Outdoor furnaces, corn burners, and the like are not permitted. This provision does not apply to A1, A2, A3 or A4 zoning districts.
- H. Heat and Glare: No use shall produce heat or glare in such a manner as to be a nuisance or create a hazard perceptible from any point beyond the lot lines.
- I. Water and Solid Waste Pollution:
  - 1. Production: No use shall produce erosion or pollutants in such quantity as to be detrimental to adjacent properties or conflict with public water quality standards.
  - 2. Discharge: No authorization of a use under this Unified Development Ordinance includes the authority to discharge liquid or solid wastes into public waters except as permitted under the Stream Pollution Control Law (Acts 1943, Chapter 214, as amended). Plans and specifications for proposed sewage and other waste treatment and disposal facilities shall be approved by any federal, State, County, City, and/or local authorities that may also have jurisdiction.
  - 3. Limitations: No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in conflict with applicable public health, safety, and welfare standards and regulations.

# Public Improvement Standards (PI)

## 5.65 PI-01: General Public Improvement Standards

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



The intent of the Public Improvement Standards is to ensure the protection of the health, safety, and welfare of the residents of the County by requiring adequate public facilities to be installed and maintained. The following standards apply:

- A. Adequate Public Facilities: Developments are permitted only if the public streets, drainage facilities, and utilities are adequate to serve the proposed development.
  - 1. Public Streets:
    - a. Developments that generate more than 100 passenger vehicle/small truck trips, or fifty (50) large trucks/farm equipment trips (e.g. box trucks), or ten (10) semi tractor trailer trips to and from the site per day shall be required to finance a traffic and street impact study commissioned by Shelby County to determine the proposed development's impact to the public streets. When such developments are located on or within 1,260 feet of a highway or major arterial street (with access to that highway or major street) this provision shall not apply. The Plan Commission shall make a determination based on that study as to whether the public street(s) are designed to effectively and safely convey the existing and added traffic generated by the development, or whether the street will be prematurely degraded by the added traffic generated by the development.
    - b. If the public street(s) is (are) determined to not be able to handle the added traffic, the Plan Commission may deny the development or allow it with mitigating conditions. Mitigating conditions, if necessary, shall be determined by the Plan Commission and Technical Advisory Committee based on engineering practices.
- B. Guarantees: When mitigating conditions are required, the developer or authorized representative may be required to provide a surety that guarantees such improvements will be completed.

# Pond Standards (PN)

## 5.66 PN-01: Pond; General

This Pond Standards section applies to the following zoning districts:



The following pond standards apply:

- A. **Applicability:** Any man-made pond or water body not regulated as a retention or detention pond shall conform to the standards in this section, except if the pond is less than 200 square feet in surface area.
- B. **General Location:** It is encouraged to locate a pond where drainage tiles or swales will not have to be cut, modified or relocated. However, in the event a pond is located such that it interferes with drainage tiles or swales, those tiles or swales shall be rerouted or repaired if damaged or affected by the construction of the pond.
- C. **Setbacks:** The top of bank for all ponds shall be at least forty (40) feet from all property lines.
- D. **Pond Safety:**
  - 1. **Maximum Side Slope:** The side slope from the pre-existing average natural elevation of the property to the water's edge shall not exceed a 3:1 ratio (three (3) feet of run with one (1) foot of fall). This maximum slope shall also apply to the side slope to two (2) feet below the average water mark.
  - 2. **Safety Shelf:** The depth of the pond shall not exceed two (2) feet below the average water mark anywhere within ten (10) feet of the pond edge.
- E. **Dam Safety:** If the vertical distance between the high water mark and the downstream flow elevation exceeds ten (10) feet or the pond impounds more than fifty (50) acre-feet of water, then the property owner shall provide plans prepared by an engineer for review by the county drainage board and Zoning Administrator. If professional engineering services are determined to be necessary for the County Drainage Board or Zoning Administrator to review the plans, the property owner shall bear the cost of those services.
- F. **Maximum Outflow Rate:** As per the County Drainage Board.
- G. **Outlets:** All outlets shall include trash racks and anti-vortex devices. All pipe joints are to be watertight and installed according to the County Drainage Board.
- H. **Discharge:**
  - 1. **Adequate Discharge:** The County Drainage Board shall determine if an adequate discharge facility (e.g. tile or natural drain) exists, or will determine where and how the discharge will be directed.
  - 2. **Off-site Discharge:** Water discharge shall not flow onto or across a neighboring property, unless a drainage easement is established by all property owners and approved by the County Drainage Board; or unless said drainage already existed prior to building the pond as long as the volume and velocity of the water does not increase.

# Rural Residential (RL)

## 5.67 RL-01: Rural Residential; General

This Rural Residential Standards section applies to the following zoning districts:



The following standards apply to any residential property adjacent to an A1, A2 or A3 zoning district:

- A. Landscaping and Garden Setback: Any new tree, shrub, vegetable garden, flower garden, and other living landscaping, excluding lawn grasses, shall be located at least twenty (20) feet from any property line that is adjacent to land zoned as a A1, A2 or A3 zoning district.
- B. Fence or Wall: Any new fence or wall shall be located at least two (2) feet from any property line that is adjacent to land zoned as a A1, A2 or A3 zoning district. No opaque fence or wall shall be greater than four (4) feet in height unless located at least four (4) feet from any property line that is adjacent to land zoned as a A1, A2 or A3 zoning district.
- C. Placement of Mailbox: A mailbox shall not be placed in any location which constricts the width of the adjacent street to less than twenty-two (22) feet between it (the mailbox) and any other fixed object (e.g. tree, boulder, fence, or the like). A mailbox shall not be mounted on a structure or pole made from brick, masonry, cement, or high strength steel. Rather mailboxes shall be mounted to wood posts, plastic posts or light metal able to easily break or shear-off in the event a car were to hit it traveling at the posted speed limit. Under no circumstances shall any part of a mailbox or its mounting be located within two (2) feet from the edge of the pavement of any local street, collector street, or arterial street. Also, a shoulder of stone, concrete or asphalt shall be installed allowing postal vehicles to gain close access to the mailbox.
- D. Wellhead Setback: A new wellhead shall not be located any closer than 100 feet from any property line that is adjacent to land zoned as a A1, A2, A3 or A4 zoning district.
- E. Waiver of Right to Remonstrate: Any proposed primary structure intended to be used for a residence, when the property is adjacent to either an A1, A2 or A3 zoning district shall be required to sign an affidavit that indicated that they are aware that the adjacent land is zoned for agricultural purposes and that agricultural uses are permitted on the adjacent land, including: spraying manure from animal operations, operating large equipment late at night, application of approved pesticides, herbicides, fungicides, and the like, application of chemical fertilizers, potential for dust to drift onto and across the subject property, potential for debris to be cast onto the subject property, and similar agricultural practices. The owner of the proposed primary structure shall also declare in the affidavit that they will not remonstrate against any agricultural practices consistent with normal and common practice and that is operating within the law. Said affidavit shall be recorded with the County Recorder prior to issuance of any Zoning Compliance Permit and shall be binding on all future owners.



# Setback Standards (SB)

## 5.68 SB-01: General Setback Standards

This setback standards section applies to the following zoning districts:



The intent of the Setback Standards is to ensure the protection of the health, safety, and welfare of the residents of the County by requiring a reasonable amount of separation between structures. The following standards apply:

- A. Applicability: If a setback standard does not appear on the two-page layout for a zoning district, then the standard does not apply to that particular zoning district.
- B. Minimum Dwelling Site Front Setback: The minimum dwelling site front setback shall be per each two-page layout in *Article 02: Zoning Districts*.
- C. Minimum Dwelling Site Side Setback: The minimum dwelling site side setback shall be per each two-page layout in *Article 02: Zoning Districts*.
- D. Minimum Dwelling Site Rear Setback: The minimum dwelling site rear setback shall be per each two-page layout in *Article 02: Zoning Districts*.
- E. Minimum Front Setback:
  - 1. Generally: The minimum front setback shall be as per each two-page layout in *Article 02: Zoning Districts*.
  - 2. Established Setback: Where a subdivision has been platted and substantially built-out utilizing a front setback standard less than that required by *Article 02: Zoning Districts*, an infill lot may utilize the established setback as defined in *Article 11: Definitions*.
  - 3. *Measurement*: All front yard setbacks shall be measured from the proposed right-of-way line as shown on the Shelby County Thoroughfare Plan.
- F. Minimum Side Setback:
  - 1. Generally: The minimum side setback shall be as per each two-page layout in *Article 02: Zoning Districts*.
  - 2. Established Setback: Where a subdivision has been platted and substantially built-out utilizing a side setback standard less than that required by *Article 02: Zoning Districts*, an infill lot may utilize the established setback as defined in *Article 11: Definitions*, thus allowing consistent setbacks.
  - 3. When Six (6) Feet or Less: When a primary structure is proposed to be six (6) feet or less from a side property line, the exterior building materials on the side elevation of the primary structure shall be comprised of at least ninety-five percent (95%) non-combustible material (e.g. brick, fiber-cement, stone, or masonry).
- G. Minimum Rear Setback:
  - 1. Generally: The minimum rear setback shall be as per each two-page layout in *Article 02: Zoning Districts*.
  - 2. Established Setback: Where a subdivision has been platted and substantially built-out utilizing a rear setback standard less than that required by *Article 02: Zoning Districts*, an infill lot may utilize the established setback as defined in *Article 11: Definitions*.
- H. Features:
  - 1. Water Bodies: The following structures shall be set back from the water's edge of natural water bodies (e.g. streams and rivers) by the following distances:
    - a. Paved Parking Lots: 100 feet.
    - b. Non-residential Primary Structures: Seventy-five (75) feet.
    - c. Residential Single-family and Multiple-family Primary Structures: Seventy-five (75) feet.
    - d. Filtration Strip: A thirty-five (35) foot no disturb/no till/no structures zone shall be established along the water's edge.
    - e. Wetlands: All structures shall be set back from the delineated boundary of a wetland a minimum of fifteen (15) feet.
    - f. ~~Floodplain: All structures shall be set back from the delineated boundary of a floodplain a minimum of fifteen (25) feet.~~ Deleted per per Ord. 2021-21.



# Setback Standards (SB)

- I. Exceptions: The following types of structures or building features are exempt or partially exempt from the setback standard as stated:
  1. **Architectural Features**: Architectural features (e.g. cornice, eave, sill, awning, canopy or similar feature) may extend into a required front, side, and/or rear setback by no more than three (3) feet. However, under no circumstance shall they be closer than three (3) feet to the property line.
  2. **Chimneys**: Chimneys may extend into a required setback by no more than two (2) feet. However, under no circumstance shall they be closer than three (3) feet to the property line.
  3. **Fences and Walls**: Fences and walls are exempt from the setbacks in this section, but shall abide by the fence and wall standards in *Article 05 Development Standards*.
  4. **Utility Poles, Lines, and Junction Boxes**: Utility poles, lines, and junction boxes are exempt from the setbacks in this section.
  5. **Stairs**: Stairs or an open platform or landing which does not extend above the level of the floor elevation of the first floor of the structure may extend into a required front, side, and/or rear setback not more than four (4) feet, however, they shall never be closer than three (3) feet to the property line.
  6. **Retaining Walls**: Retaining walls may extend into the required setback and be on the property line if no greater in height than four (4) feet. Retaining walls may extend into the required setback but shall be not closer to the property line than its height, except as described in the previous sentence.
  7. **HVAC Equipment**: Ground mounted heating, ventilation and air conditioning equipment may extend into a required rear setback by up to three (3) feet. However, under no circumstance shall they be closer than four (4) feet to the property line.
  8. **Satellite Dishes**: A facade-mounted satellite dish may extend into a required side or rear setback by up to two (2) feet. However, under no circumstance shall it be closer than four (4) feet to the property line.
  9. **Parking Lots**: See the *Sections 5.60 thru 5.63: Parking Standards* for special setback standards.

# Sewer and Water Standards (SW)

**5.69 SW-01: General Sewer and Water Standards** 5.69 A 3 Exemptions added per Ord. 2021-21. See Appendix B.23

This sewer and water standards section applies to the following zoning districts:



The intent of the Sewer and Water Standards is to ensure the protection of the health, safety, and welfare of the residents of the County by requiring connections be made to public utilities. The following standards apply:

- A. Applicability: If a sewer and water standard does not appear on the two-page layout for a zoning district, then a sewer and water standard does not apply to that particular zoning district.
  1. Sewer: Connection to a sanitary sewer shall be per each two-page layout in *Article 02: Zoning Districts*.
  2. Water: Connection to a water utility shall be per each two-page layout in *Article 02: Zoning Districts*.

**5.70 SW-02: Standards for Allowing Septic Systems**

This sewer standards section applies to the following zoning districts:



The intent of the Sewer Standards is to ensure the protection of the health, safety, and welfare of the residents of the County by requiring sewer connections be made to public utilities when practicable. The following standards apply:

- A. Requirement for Connecting to Sewer System: A septic system (i.e. on-site treatment system) shall not be permitted if either of the conditions exist in relation to the subject property:
  1. Proximity to Gravity Sewer Line: If a property is located within 300 feet of a gravity sewer line, any new primary structure located on that property shall connect to that sewer.
  2. Proximity to Pressurized Sewer Line: If a property is located within 200 feet of a pressurized (forced) sewer line, any new primary structure located on that property shall connect to that sewer.
  3. Two-Times Rule: If the cost of connecting to any type of sewer line any distance from the subject property is two-times the cost of installing a septic system (i.e. on-site treatment system) or less, any new primary structure located on that property shall connect to that sewer. For developments with two or more lots or primary structures, the cumulative cost of installing septic systems for each lot shall be used in comparison to connecting to a sewer system.
- B. Subsidy: Any municipality or sewer utility may bridge the financial gap on a project where the cost of connecting to a sewer system will exceed the two times (2X) the cost of a septic system (i.e. on-site treatment system) in order to require the development to connect to the sewer system. The financial contribution only needs to lower the cost of the connection to a sewer system to an amount that makes the project have to abide by the 2X rule.

## 5.71 SX-01: Accessory Retail Sexually Oriented Business Standards

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

**C2**

The intent of the Sexually Oriented Business Standards is to ensure the protection of the health, safety, and welfare of the residents of the County by restricting access to the business to under age residents. The following standards apply:

- A. Accessory Sexually Oriented Retail Business: Any business with at least five percent (5%) but less than thirty percent (30%) of either its annual gross revenue derived from; or stock in trade (e.g. merchandise) or gross public floor area devoted to the sale, rental, or display of sexually oriented merchandise or material shall restrict access to any person under the age of eighteen (18) to either the entire business or to a separate room containing all of the sexually oriented merchandise or material.
  1. Restricting Access to the Entire Business: If restricting access to the entire business, then the business:
    - a. Age Restriction: Shall not be open to any person under the age of eighteen (18).
    - b. Warning Sign: Shall install and maintain a sign one-half (1/2) square foot in area on each entrance or within two (2) feet of each entrance that communicates that persons under eighteen (18) are not permitted inside by law.
    - c. Display: Shall not display sexually oriented merchandise or material in storefront windows. Any existing windows shall be covered from the inside with an opaque and aesthetically neutral material, or the glass shall be replaced with textured glass or similar to completely obscure vision into the business (e.g. bathroom glass), or maintained with non-explicit displays. Any sexually oriented merchandise or material, on display within the store, shall also be screened so they are not visible to persons looking at window displays.
  2. Restricting Access to a Separate Room: If restricting access to a separate room or section, then the room or section:
    - a. Age Restriction: Shall not be open to any person under the age of 18.
    - b. Warning Sign: Shall install and maintain a sign one-quarter (1/4) square foot in area on each door leading into the room within one (1) foot of the door knob or handle that communicates that persons under eighteen (18) are not permitted inside by law.
    - c. Physical Separation: Shall be physically and visually separated from the remainder of the business by an opaque wall made from durable material, reaching at least eight (8) feet high or to the ceiling, which ever is less. All doors leading into the room from public spaces shall be self-closing and latching doors
    - d. Location: Shall be located so that the entrance to it is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children.
    - e. Access Management: The business shall have access managed by electronic device, key, or other means to provide assurance that persons under age eighteen (18) or the general public will not easily or accidentally enter such a room.
    - f. Display: Shall not display sexually oriented merchandise or material in any storefront windows or area outside the separate room.

# Sexually Oriented Business Standards (SX)

## 5.72 SX-02: Retail and Entertainment Sexually Oriented Business Standards

This Sexually Oriented Business Standards section applies to the following districts:

**C2**

The following standards apply:

- A. **Sexually Oriented Retail Business:** Any business with at least thirty percent (30%) of either its annual gross revenue derived from; or stock in trade (e.g. merchandise) or gross public floor area devoted to the sale, rental, or display of sexually oriented merchandise or material shall abide by the following regulations.
  - 1. Location: The business shall not locate within 1,000 feet of an institutional zoning district (IS), open space and parks district (OP), a church, temple, mosque, school (P-12), park, plaza, playground, day-care, child care institution, library, nature center, community center, public swimming pool, museum, or sexually oriented entertainment business; or within 500 feet of a single-family residential zoning district (ER, R1, R2, and VR). The distance shall be measured in a straight line from the property line of the sexually oriented retail business to the property line of the above listed land uses or zoning districts.
  - 2. Age Restriction: The business shall not be open to any person under the age of 18.
  - 3. Warning Sign: Shall install and maintain a sign one-half (1/2) square foot in area on each entrance or within two (2) feet of each entrance that communicates that persons under eighteen (18) are not permitted inside by law.
  - 4. Access Management: The business shall have access managed by electronic device, key, or other means to provide assurance that persons under age eighteen (18) or the general public will not easily or accidentally enter such a room.
  - 5. Display: Shall not display sexually oriented merchandise or material in storefront windows. Any existing windows shall be covered from the inside with opaque material, or the glass shall be textured to obscure vision into the business (e.g. bathroom glass), or maintained as visually “neutral” in the store facade with non-explicit displays. Any sexually oriented merchandise or material, on display within the store, shall also be screened so they are not visible to persons looking at window displays.
  - 6. Services: The business shall not offer on-site entertainment.
- B. **Sexually Oriented Entertainment Business:** A Sexually oriented entertainment business shall abide by the following regulations.
  - 1. Location: The business shall not locate within 1,320 feet of the institutional zoning district (IS), open space and parks district (OP), a church, temple, mosque, school (P-12), park, plaza, playground, day-care, child care institution, library, nature center, community center, public swimming pool, museum, sexually oriented retail business, or another sexually oriented entertainment business; or within 500 feet of a single-family residential zoning district (ER, R1, R2, and VR). The distance shall be measured in a straight line from the property line of the sexually oriented entertainment business to the property line of the above listed land uses or zoning districts.
  - 2. Age Restriction: The business shall not be open to any person under the age of 21.
  - 3. Access Management: The business shall have access managed by personnel who will check each patron's State issued identification prior to admittance, or other equally secure means to provide assurance that persons under age eighteen (18) will not enter such business.
  - 4. Warning Sign: Shall install and maintain a sign one-half (1/2) square foot in area on each entrance or within two (2) feet of each entrance that communicates that persons under eighteen (18) are not permitted inside by law.
  - 5. Display: Any exterior windows shall be covered from the inside with an opaque and aesthetically neutral material, or the glass shall be replaced with textured glass or similar to completely obscure vision into the business (e.g. bathroom glass).
  - 6. Services: The business shall offer sexually oriented entertainment only in rooms or spaces with a minimum floor area of 1,000 square feet. Such rooms or spaces shall not be subdivided by temporary or permanent walls, dividers, or the like.

## 5.73 SI-01: General Sign Standards

This Sign Standards section applies to the following zoning districts:



The intent of the Sign Standards is to ensure the protection of the health, safety, and welfare of the residents of the County by controlling the placement and overall size of signs. The following standards apply:

### A. Permits Required:

1. **County Permit:** An Improvement Location Permit is required for all signs located, erected, constructed, reconstructed, moved, and altered unless otherwise stated in this section.
2. **State Permit:** All signs proposed for state-owned interstates, highways, and streets shall obtain the proper state sign permit or written authorization from the Indiana Department of Transportation prior to seeking a local Improvement Location Permit.

### B. Landscaping: The base of all ground signs shall be landscaped with living plant material to soften the base of the sign at a rate of one (1) square foot of plant material for every two (2) square foot of sign area.

### C. Illumination: All illuminated signs shall comply with the following standards:

1. **Movement:** No sign shall have blinking, flashing, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness of color, or give such illusion.
2. **Condition:** All illuminating elements shall be kept in working condition and repaired or replaced if damaged or inoperable.
3. **Intensity:** The light from any illuminated sign shall be shaded, shielded, or directed such that the light intensity or brightness does not interfere with safety or visibility and does not project onto any adjacent property or right-of-way.
4. **Neon Light:** Neon light elements may be used for internal illumination and/or when permitted otherwise in this Unified Development Ordinance.
5. **Cross-Reference:** When lighting for signs is permitted, said lighting shall abide by the same light trespass regulations as indicated in *Section 5.50: Lighting Standards*.

### D. Prohibited Locations: Signs shall not be installed at any of the following locations:

1. **Rights-of-way:** In any public right-of-way, unless specifically authorized by the Zoning Administrator.
2. **Easements:** In any utility easement unless authorized by the Zoning Administrator and easement holder.
3. **Poles:** On any traffic control sign, street construction sign, fence, utility pole, street sign, tree, or other natural object.
4. **Obstructing Locations:**
  - a. On any door, fire escape, stairway, or any opening intended to provide access for any structure.
  - b. In a manner that obstructs or interferes with safe movement of vehicular or pedestrian traffic.
  - c. Within the areas prohibited by *Section 5.85: Vision Clearance Standards*.

### E. Prohibited Signs: The signs listed in this section are prohibited.

1. **Animated Signs:** Signs that gain attention through animation, including:
  - a. Signs that utilize any motion picture, laser, or visual projection of images or copy.
  - b. Signs that emit audible sound, odor, or visible matter.
  - c. LED or similar sign boards, except when LED elements are used for static messages.
  - d. Signs that have blinking, flashing, or fluttering lights or which have changing light intensity, brightness, or color, or give such illusion.
2. **Roof Signs:** Signs to be placed on the roofs of structures and signs that extend above the roof line or parapet of a structure.

# Sign Standards (SI)

3. **Vehicle Signs:** Vehicle signs are prohibited when the vehicle is parked on public or private property for the primary purpose of displaying the sign. Prohibited vehicle signs are not to be construed as vehicles with signs on them that:
  - a. Are lawfully parked overnight or during non business hours for that operation in a discreet location, on public or private property;
  - b. Are making deliveries, sales calls, or customary practices relating to doing business;
  - c. Are making trips to transport persons or property; or
  - d. Are in conjunction with customary construction operations on a construction site.
4. **Miscellaneous Signs:**
  - a. Search lights.
  - b. Pennants, streamers, and/or spinners, except as permitted in the Unified Development Ordinance.
  - c. Bench signs, except as permitted in the Unified Development Ordinance.
  - e. Signs with moving or movable parts.
  - f. Signs that contain profane language, male genitalia, or female genitalia are prohibited as a common nuisance.
- F. **Inspection Provisions:** Signs for which an Improvement Location Permit shall be required may be inspected periodically by the County for compliance with the Unified Development Ordinance.
- G. **Maintenance:** All signs and sign components shall be kept in good repair and in safe, clean, and working condition.
- H. **Noncommercial Message:** Noncommercial messages are permitted on all signs permitted in this section.
- I. **Government Flags:** The flag, pennant, or insignia of any nation, state, city, or other political unit are exempt from needing an Improvement Location Permit.
- J. **Religious Symbols:** Religious symbols incorporated into the architecture on places of worship or structures owned and operated by religious organizations shall not be considered a sign unless accompanied with text.
- K. **Scoreboards:** Scoreboards are exempt from needing an Improvement Location Permit as follows:
  1. Use: When used in conjunction with a legally established sport field.
  2. Height: When the scoreboard does not exceed twenty (20) feet in height above the ground.
  3. Area: When the scoreboard is single-side and the total area does not exceed 100 square feet.
- L. **Holiday Decorations:** Holiday decorations with noncommercial messages shall not be considered a sign.
- M. **Murals:** Murals without a commercial message shall be exempt from this section and do not require an Improvement Location Permit.
- N. **Street Addresses:** Every building is required to post its numerical street address, and address numbers shall be exempt from an Improvement Location Permit. All street addresses shall contrast to the color of the surface on which they are mounted, and shall be clearly visible and identifiable from the street.
- O. **Political Signs:**
  1. Permit: An Improvement Location Permit is not required for political signs.
  2. Timing: Political signs may be erected forty-five (45) days prior to an election and should be removed within ten (10) days after the election.
  3. Lighting: Political signs shall not be lighted.
  4. Location: Political signs are subject to the requirements of SI-01(D) Prohibited Locations.
  5. Height: Political signs shall not exceed six (6) feet in height.
  6. Area: Thirty-two (32) square feet.



- P. Directional Devices: Directional devices are exempt from needing a Sign Location Permit if installed as follows:
1. Use: Directional devices shall be used to indicate points of entry or exit for a business, public amenity, or off-street parking area.
  2. Area: Directional devices are limited to a maximum of four (4) square feet in area per entrance, and may be double-sided.
  3. Height: Directional devices are limited to a maximum of forty-two (42) inches in height above the ground.
  4. Placement: Directional devices shall not interfere with safe vehicular or pedestrian traffic circulations, obstruct the view of drivers entering or exiting the lot, or be placed within a public right-of-way.
  5. Quantity: No more than two (2) directional devices shall be used per street frontage, with a maximum of four (4) directional devices per lot.
  6. Message: Directional devices may contain information such as “in,” “enter,” “entrance,” “out,” “exit,” “do not enter,” or directional arrows indicating desired traffic movement. Directional devices may display a logo on up to forty percent (40%) of the total sign area, but shall not contain a commercial message or advertising.
- Q. Private Property Signs: Private property signs are exempt from needing a Sign Location Permit if installed as follows:
1. Use: Information signs are allowed only when they display a non-commercial message, either information necessary for the safety and convenience of residents and visitors. For example, “beware of dog,” “no trespassing,” or information about a security system.
  2. Area: Private property signs may not exceed two (2) square feet in area.
  3. Quantity: No more than one (1) private property sign is permitted per lot with less than 100 feet of street frontage. One (1) additional private property sign is permitted per 100 feet of additional street frontage over the initial 100 feet.
- R. Ground Level: The ground shall not be raised or lowered to artificially change the point at which a sign height is measured.

# Sign Standards (SI)

## 5.74 SI-02: Agricultural Commercial, Institutional, and Neighborhood Commercial Signs.

This Sign Standards section applies to the following zoning districts:



The following standards shall apply:

- A. Wall Signs: Wall signs for stand-alone uses or uses within a multi-tenant center shall be permitted when all of the following standards are met.
  - 1. Prerequisite Criteria: Wall signs shall only be permitted for non-residential uses.
  - 2. Allotment:
    - a. Stand-alone Uses: The cumulative square footage of all wall signs shall not exceed one (1) square foot per lineal foot of primary structure that fronts a public or private street.
    - b. Uses in Multi-tenant Centers: The cumulative square footage of all wall signs for any use within a multi-tenant center shall not exceed one (1) square foot per lineal foot of the use's façade width.
    - c. Thresholds:
      - i. No stand-alone use or use within a multi-tenant center shall be limited to less than twenty (20) square feet of wall sign.
      - ii. No stand-alone use or use within a multi-tenant center shall exceed 100 square feet of wall sign.
  - 3. Location: No wall sign shall be located on a side or rear façade.
  - 4. Design:
    - a. No part of a wall sign, other than an awning sign, shall protrude more than twelve (12) inches from the wall or face of the structure to which it is attached.
    - b. Wall signs may be illuminated with internal lights and or externally-mounted lights as long as the following conditions are met.
      - i. The minimum amount of light necessary to illuminate the sign shall be used.
      - ii. The light from any illuminated sign shall be shaded, shielded, or directed such that the light intensity or brightness does not interfere with safety or visibility and does not project onto any adjacent property or right-of-way.
      - iii. Externally-mounted lights used to cast light on the sign shall have shields to assure that light does not project beyond the sign. Bulbs used in externally-mounted lights shall be shielded from view of any street, public sidewalk, parking lot, or adjacent property.
- B. Ground Signs: Ground signs for stand-alone uses or multi-tenant centers shall be permitted when all of the following standards are met.
  - 1. Prerequisite Criteria: The lot of the stand-alone use or multi-tenant center shall have at least thirty (30) feet of frontage on a single public street.
  - 2. Quantity:
    - a. Each stand-alone use shall be permitted to have one (1) ground sign.
    - b. Each multi-tenant center shall be permitted to have one (1) ground sign.
  - 3. Location: Ground signs shall be setback a minimum of five (5) feet from public right-of-ways.
  - 4. Design:
    - a. Ground signs shall not exceed forty (40) square feet in area per side.
    - b. Ground signs shall not exceed six (6) feet in height.
    - c. Ground signs may be illuminated with internal lights and or externally-mounted lights as long as the following conditions are met.
      - i. The minimum amount of light necessary to illuminate the sign shall be used.
      - ii. The light from any illuminated sign shall be shaded, shielded, or directed such that the light intensity or brightness does not interfere with safety or visibility and does not project onto any adjacent property or right-of-way.
      - iii. Externally-mounted lights used to cast light on the sign shall have shields to assure that light does not project beyond the sign. Bulbs used in externally-mounted lights shall be shielded from view of any street, public sidewalk, parking lot, or adjacent property.



## 5.75 SI-03: Commercial, Industrial, and High Impact Signs

This Sign Standards section applies to the following zoning districts:



The following sign standards shall apply:

- A. **Wall Signs:** Wall signs for stand-alone uses or uses within a multi-tenant center shall be permitted when all of the following standards are met.
  - 1. Prerequisite Criteria: Wall signs shall only be permitted for non-residential uses.
  - 2. Allotment:
    - a. Stand-alone Uses: The cumulative square footage of all wall signs shall not exceed one and one-half (1.5) square foot per lineal foot of primary structure that fronts a public or private street.
    - b. Uses in Multi-tenant Centers: The cumulative square footage of all wall signs for any use within a multi-tenant center shall not exceed one and one-half (1.5) square foot per lineal foot of the use's façade width.
    - c. Thresholds:
      - i. No stand-alone use or use within a multi-tenant center shall be limited to less than thirty (30) square feet of wall sign.
      - ii. No stand-alone use or use within a multi-tenant center shall exceed 300 square feet of wall sign.
  - 3. Location: No wall sign shall be located on a side or rear façade.
  - 4. Design:
    - a. No part of a wall sign, other than an awning sign, shall protrude more than twelve (12) inches from the wall or face of the structure to which it is attached.
    - b. Wall signs may be illuminated with internal lights and or externally-mounted lights as long as the following conditions are met.
      - i. The minimum amount of light necessary to illuminate the sign shall be used.
      - ii. The light from any illuminated sign shall be shaded, shielded, or directed such that the light intensity or brightness does not interfere with safety or visibility and does not project onto any adjacent property or right-of-way.
      - iii. Externally-mounted lights used to cast light on the sign shall have shields to assure that light does not project beyond the sign. Bulbs used in externally-mounted lights shall be shielded from view of any street, public sidewalk, parking lot, or adjacent property.
- B. **Ground Signs:** Ground signs for stand-alone uses or multi-tenant centers shall be permitted when all of the following standards are met.
  - 1. Prerequisite Criteria: The lot of a stand-alone use or multi-tenant center shall have a minimum of thirty (30) feet of frontage on a single public street.
  - 2. Quantity:
    - a. Lots with frontage on a single public street that exceeds thirty (30) feet, but is less than 250 feet shall be permitted one (1) ground sign or one (1) pole sign.
    - b. Lots with frontage on a single public street that exceeds 250 feet shall be permitted one (1) additional ground sign or pole sign per 250 feet of additional frontage.
    - c. When a lot has frontage on more than one (1) public street, each street frontage shall be regulated independently.
    - d. In no case shall any lot have more than four (4) signs that are either ground signs or pole signs.
  - 3. Location:
    - a. A ground sign shall be setback a minimum of five (5) feet from all public right-of-ways. The measurement shall be taken from the edge of the sign that is closest to the right-of-way.
    - b. Separation: Where a lot is permitted multiple signs by this section, no two (2) signs shall be within 100 feet of each other, as measured along the public right-of-way.

# Sign Standards (SI)

4. Design:
  - a. Area for Stand-alone Uses:
    - i. Ground signs on lots with at least thirty (30) feet and less than fifty (50) feet of frontage on a public street shall not exceed twenty (20) square feet in area per side.
    - ii. Ground signs on lots with at least fifty (50) feet and less than seventy-five (75) feet of frontage on a public street shall not exceed thirty (30) square feet in area per side.
    - iii. Ground signs on lots with at least seventy-five (75) feet of frontage on a public street shall not exceed forty-five (45) square feet in area per side.
    - iv. Where a lot has more than one (1) public street frontage, each street frontage shall be regulated independently.
  - b. Area for Multi-tenant Centers:
    - i. Ground signs for centers with less than 20,000 square feet of gross floor area shall not exceed forty (40) square feet in area per side.
    - ii. Ground signs for centers with at least 20,000 and less than 35,000 square feet of gross floor area shall not exceed sixty (60) square feet in area per side.
    - iii. Ground signs for centers with at least 35,000 and less than 50,000 square feet of gross floor area shall not exceed seventy-five (75) square feet in area per side.
    - iv. Ground signs for centers with at least 50,000 square feet of gross floor area shall not exceed 125 square feet in area per side.
    - v. Outlots that are not counted toward multi-tenant center square footages shall be permitted ground signs based on individual uses in *Section 5.75(B)(4)(a) Area for Stand-alone Uses*.
    - vi. Replacement or switch-out of individual tenant panels on a multi-tenant center sign shall not require compliance of the entire ground sign.
  - c. Height: Ground Signs shall not exceed six (6) feet in height.
  - d. Changeable Copy: A maximum of eighty percent (80%) of any ground sign may be dedicated to changeable copy.
  - e. Illumination:
    - i. Ground signs may be illuminated with internal lights as long as the following conditions are met.
      - [a] The minimum amount of light necessary to illuminate the sign shall be used.
      - [b] The light from any illuminated sign shall be shaded, shielded, or directed such that the light intensity or brightness does not interfere with safety or visibility and does not project onto any adjacent property or right-of-way.
    - ii. Ground signs may be illuminated with externally-mounted lights as long as the externally-mounted lights used to cast light on the sign shall have shields to assure that light does not project beyond the sign. Bulbs used in externally-mounted lights shall be shielded from view of any street, public sidewalk, parking lot, or adjacent property.

- C. Drive-up Menu Signs: The following standards apply to drive-up menu signs:
1. Quantity: Two (2) drive-up menu signs shall be permitted per drive-through lane.
  2. Design:
    - a. Drive-up menu signs shall not exceed thirty-six (36) square feet in area and shall be single-sided.
    - b. No part of a drive-up menu sign shall be more than six (6) feet in height.
  3. Area:
    - a. Individual Uses:
      - i. Freestanding signs on lots with greater than thirty (30) feet and less than fifty (50) feet of public street frontage shall not exceed twenty (20) square feet in area per side.
      - ii. Freestanding signs on lots with at least fifty (50) feet and less than seventy-five (75) feet of public street frontage shall not exceed thirty (30) square feet in area per side.
      - iii. Freestanding signs on lots with at least seventy-five (75) feet of public street frontage shall not exceed forty-five (45) square feet in area per side.
      - iv. Where a lot has more than one (1) public street frontage, each street frontage shall be regulated independently.
    - b. Multi-tenant Nonresidential Centers:
      - i. Freestanding signs for centers with less than 20,000 square feet of gross floor area shall not exceed forty (40) square feet in area per side.
      - ii. Freestanding signs for centers with at least 20,000 and less than 35,000 square feet of gross floor area shall not exceed sixty (60) square feet in area per side.
      - iii. Freestanding signs for centers with at least 35,000 and less than 50,000 square feet of gross floor area shall not exceed seventy-five (75) square feet in area per side.
      - iv. Freestanding signs for centers with at least 50,000 square feet of gross floor area shall not exceed 125 square feet in area per side.
      - v. Outlots that are not counted toward multi-tenant nonresidential center square footages shall be permitted freestanding signs based on individual uses in *Section 5.75(C)(3)(a) Individual Uses*.
      - vi. Replacement or switch-out of individual tenant panels on a multi-tenant sign shall not require compliance of the entire freestanding sign.
  4. Height:
    - a. Small centers: For nonresidential centers with less than 30,000 square feet of gross floor area, the maximum freestanding sign height shall be eight (8) feet.
    - b. Large Centers: For nonresidential centers with 30,000 square feet of gross floor area or more, the maximum sign height shall be fifteen (15) feet.
  5. Separation: Where a lot is permitted multiple freestanding signs, no two (2) freestanding signs shall be within 100 feet of each other, as measured along the public right-of-way.
  6. Changeable Copy: A maximum of eighty percent (80%) of any freestanding sign may be dedicated to changeable copy.
- D. Drive-up Menu Signs: The following standards apply to drive-up menu signs:
1. Sign Area: Drive-up menu signs shall not exceed thirty-six (36) square feet in area and shall be single-sided.
  2. Height: No part of a drive-up menu sign shall be more than six (6) feet above ground level.
  3. Number: Two (2) drive-up menu signs shall be permitted per drive-through lane.

# Storage Tank Standards (ST)

## 5.76 ST-01: General Storage Tank Standards

This Storage Tanks Standards section applies to the following zoning districts:



The intent of the Storage Tank Standards is to ensure the protection of the health, safety, and welfare of the residents of the County by regulating a potentially harmful item. The following standards apply:

- A. Applicability: Storage tanks installed after the effective date of this Unified Development Ordinance.
- B. Permits: An Improvement Location Permit shall be required prior to the installation of a storage tank.

## 5.77 ST-02: Residential Storage Tank Standards

This Storage Tanks Standards section applies to the following zoning districts:



The following standards apply:

- A. Prerequisite Criteria: No liquid or gas fuel shall be stored in bulk above ground, except storage tanks connected directly with energy generating devices or heating appliances located and operated on the same lot as the storage tanks.
- B. Location
  1. Front Yard: Storage tanks shall not be permitted in front yards.
  2. Side and Rear Yard: Storage tanks shall be setback a minimum of thirty (30) feet from side and rear property lines.
  3. Primary Structures: Storage tanks shall be setback a minimum of thirty (30) feet from primary structures.
  4. Accessory Structures: Storage tanks shall be setback a minimum of fifteen (15) feet from accessory structures.

## 5.78 ST-03: Agricultural, Industrial, and High Impact Storage Tanks Standards

This Storage Tanks Standards section applies to the following zoning districts:



The following standards apply

- A. Location
  1. Front Yard: Storage tanks shall not be permitted in front yards.
  2. Side and Rear Yard: Storage tanks shall be setback a minimum of thirty (30) feet from side and rear property lines.
  3. Primary Structures: Storage tanks shall be setback a minimum of thirty (30) feet from primary structures.
  4. Accessory Structures: Storage tanks shall be setback a minimum of five (5) feet from accessory structures.

## 5.79 SR-01: General Structure Standards

This Structure Standards section applies to the following zoning districts:



The intent of the Structure Standards is to ensure the protection of the health, safety, and welfare of the residents of the County by limiting the number of structures on a parcel. The following standards apply:

- A. Applicability: If a structure standard does not appear on the two-page layout for a zoning district, then the standard does not apply to that particular zoning district.
  - 1. Maximum Primary Structure: The maximum number of primary structures shall be per each two-page layout in *Article 02: Zoning Districts*.



# Telecommunication Facility Standards (TC)

## 5.80 TC-01: General Telecommunication Facility Standards

This Telecommunication Facilities Standards section applies to the following zoning districts:



The intent of the Telecommunication Facility Standards is to ensure the protection of the health, safety, and welfare of the residents of the County by regulating the height, location, design, and construction of telecommunication facilities. The following standards apply:

- A. Permits Required: Telecommunication facilities shall not be constructed, erected, placed, modified or altered until an Improvement Location Permit have been obtained.
- B. Location: Telecommunication facilities shall not be located within the boundaries of any recorded residential subdivision.
- C. Design Requirements: Proposed or modified telecommunication towers and antennas shall meet the following design requirements:
  1. Height:
    - a. Towers: Telecommunication towers shall not exceed 199 feet in height.
    - b. Other Structures: All other utility structures and antennas shall meet the height standards in appropriate two-page layouts in *Article 02: Zoning Districts* and in *Section 5.32 Height Standards*.
  2. Appearance: Towers and antennas shall be designed to blend into the natural surrounding environment through the use of color and camouflaging architectural treatment, except in an instance where the color is dictated by State or federal authorities such as the Federal Aviation Administration (FAA).
  3. Monopole Design: Towers shall be of a monopole design.
  4. Setbacks: Telecommunication facilities shall meet the following setback requirements:
    - a. All telecommunication facilities shall meet the setback requirements of the underlying zoning district; however, a telecommunication facility that is located in an industrial zoning district may encroach up to ten (10) feet into the required rear yard if the adjoining lot is also in an industrial zoning district.
    - b. Front Setback: Telecommunication towers shall be set back from any right-of-way a minimum distance equal to fifty percent (50%) of the tower height, including all antennas and attachments.
    - c. Side and Rear Setback: Telecommunication towers shall be set back from the side and rear property lines a minimum distance equal to sixty percent (60%) of the tower height, including all antennas and attachments.
    - d. Telecommunication towers shall not be located between the principal structure and a public street.
    - e. Telecommunication towers shall be set back from the boundaries of any recorded residential subdivision a minimum distance equal to one hundred ten percent (110%) of the tower height.
    - f. A telecommunication tower's setback may be reduced or its location varied at the sole discretion of the Board of Zoning Appeals to allow for the integration of the telecommunication facility into an existing or proposed structure, such as a church steeple, light standard, power line support device or similar structure.
  5. Co-location: Any proposed telecommunication tower shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for the following:
    - a. A minimum of one (1) additional user if the telecommunications tower is between sixty (60) and 100 feet in height.
    - b. A minimum of two (2) additional users if the telecommunications tower is 100 feet or more.
  6. Accessory Utility Structures: All utility structures needed to support a telecommunications tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district.
  7. Security Fence: Telecommunication facilities and all accessory utility structures shall be protected by a security fence at least six (6) feet tall.

8. **Screening:** A live evergreen screen consisting of a hedge, planted three (3) feet on-center maximum, or a row of evergreen trees planted a maximum of ten (10) feet on-center shall be planted around the entire telecommunication facility and each of the guy wires and anchors, if used. The height of all plants at the time of planting may be no less than five (5) feet.
  9. **Lighting:** Telecommunication facilities shall not be illuminated by artificial means and shall not display strobe lights, except when it is dictated by State or federal authorities such as the FAA.
  10. **Signs:** The use of any portion of a telecommunication facility for the posting of any signs or advertisements of any kind, other than warning or equipment information signs, shall be prohibited.
- D. **Construction Standards:** All telecommunication facilities are subject to inspection by the Building Inspector during the construction process.
1. **Easements:** If an easement is required for location of a telecommunication facility on the property, the easement shall be staked by a licensed and registered Indiana land surveyor so as to provide proof the facility has been constructed within the easement.
  2. **Footers:** Footing inspections may be required by the Building Inspector for all telecommunication facilities having footings.
  3. **Electrical Standards:** All telecommunication facilities containing electrical wiring shall be subject to the provisions of the National Electric Code, as amended.
- E. **Inspection of Towers:** The following shall apply to the inspection of telecommunications facilities:
1. **Frequency:** All towers may be inspected at least once every five (5) years, or more often as needed to respond to complaints received, by the Zoning Administrator and/or a registered, professional engineer to determine compliance with the original construction standards.
  2. **Investigation:** The Zoning Administrator and the Building Inspector may enter onto the property to investigate the matter and may order the appropriate action be taken to bring the facility into compliance.
  3. **Violations:** Notices of Violation will be sent for any known violation on the telecommunication facility.
- F. **Abandoned Towers:** Any tower unused or left abandoned for six (6) months shall be removed by the property owner at its expense. Should the property owner fail to remove the tower after thirty (30) days from the date a notice of violation is issued, the County may remove the tower and bill the property owner for the costs of removal and cleanup of the site.



# Temporary Use and Structure Standards (TU)

## 5.81 TU-01: General Temporary Use and Structure Standards

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



The intent of the Temporary Use and Structure Standards is to regulate the placement of temporary uses and structures to ensure the protection of the health, safety, and welfare of the residents of the County. The following standards apply:

- A. Permit Required: All temporary uses require a Land Use Permit except a yard or garage sale.
- B. Termination and Removal: Temporary uses and structures shall be terminated and removed at the end of the permitted event period.
- C. Parking:
  - 1. Off-Street Parking: In addition to the required parking for any use, adequate off-street parking is required for each temporary use and structure.
  - 2. Location: The temporary use and structure shall not block any existing drives or public rights-of-way.
- D. Signs: See *Sections 5.73 thru 5.75: Sign Standards*.
- E. Garage and Yard Sales:
  - 1. Frequency: Three (3) times per year per site.
  - 2. Duration: No more than ten (10) days.

## 5.82 TU-02: Agricultural Temporary Use and Structure Standards

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



The following standards apply:

- A. Seasonal Sale of Farm Produce: The seasonal sale of farm produce shall be permitted with the following requirements:
  - 1. Duration: The seasonal sale of farm produce shall be permitted up to six (6) months per calendar year.
  - 2. Space: The sales space may be permanent, portable, or seasonal construction.
  - 3. Temporary Stands: Any temporary stand shall be removed in off-seasons.

## 5.83 TU-03: Residential Temporary Use and Structure Standards

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



The following standards shall apply:

- A. Model Homes: Model homes, apartments, and condominiums are permitted with the following requirements:
  - 1. Permit Duration: The Temporary Use Permit shall be valid for a three (3) years and may be renewed annually after the initial three-year period if determined to be necessary by the Zoning Administrator.
  - 2. Location: Model homes, apartments, and condominiums shall be on the site of the development for which the sales are taking place.

## 5.84 TU-04: Non-residential Temporary Use and Structure Standards

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



The following standards shall apply:

- A. Sale of Seasonal Items: The sale of seasonal items such as Independence Day fireworks, Christmas trees, and Halloween pumpkins is permitted with the following requirements:
  - 1. Duration: The Temporary Use Permit is valid for forty-five (45) days. All unsold merchandise shall be removed within five (5) days after the holiday;
  - 2. Location: The lot shall front a collector or arterial street and the temporary use shall be located a minimum of fifty (50) feet from residential zoning districts.



# Vision Clearance Standards (VC)

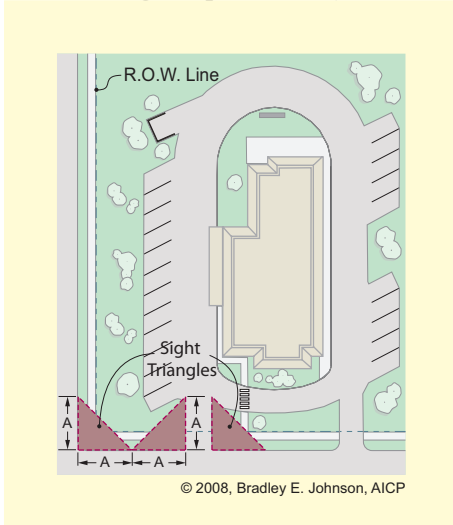
## 5.85 VC-01: General Vision Clearance Standards

This Vision Clearance Standards section applies to the following zoning districts:



The intent of the Vision Clearance Standards is to ensure the protection of the health, safety, and welfare of the residents of the County by requiring a clear view for pedestrians and drivers at intersections. The following standards apply:

- A. Vision Clearance Triangle: A vision clearance triangle shall be maintained at every intersection of two (2) or more streets, intersection of a street and alley, and intersection of a street and driveway.
  1. Horizontal Area: The vision clearance triangle leg lengths shall be twenty-five (25) feet as measured from the edge of pavement (see “A” below in the illustration).



2. Vertical Area: No primary structures, accessory structures, landscaping, fences or walls, or signs are allowed to be placed or to project into the vision clearance triangle between the heights of two and one-half (2.5) feet and nine (9) feet above the crown of the adjacent street.
3. Exceptions: Public signs and utility poles shall be exempt from the vision clearance standards.

**Article**

**06**

## Subdivision Types

---

*Shelby County  
Unified Development  
Ordinance*

© 2007, Bradley E. Johnson, ACP

# Simple Subdivision (SS)

## 6.01 Simple Subdivision Intent

**The Simple Subdivision type is intended to provide a development option with the following features:**

**Land Use**

- As per this Unified Development Ordinance

**Applicability**

- Lot splits creating up to 3 lots

**Pedestrian Network**

- Sidewalks and sidepaths along perimeter streets when required by the Plan Commission

**Vehicular Network**

- Connectivity to land behind frontage lots
- Assure separation of driveways

**Site Feature Preservation**

- Strive to save existing quality tree stands

**Incentives**

- n/a

## 6.02 Simple Subdivision Prerequisites

**Base Zoning or Commitment for Rezoning**

- A3, A4, or RE

**Minimum Parent Tract:**

- 6 acres

**Maximum Parent Tract:**

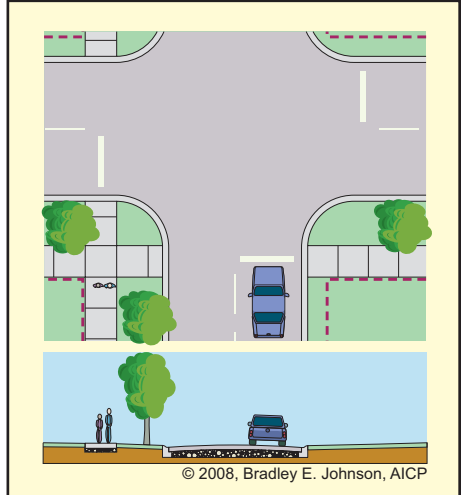
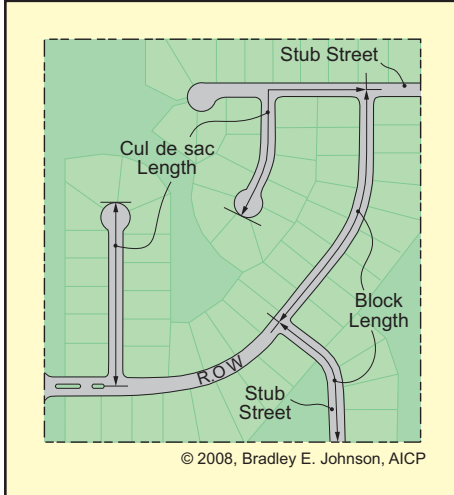
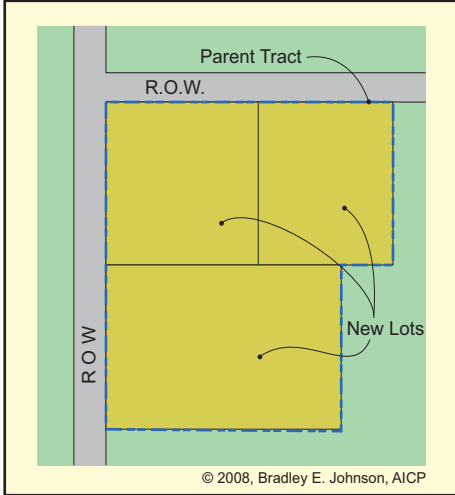
- No maximum

**Disqualification:**

- Any subdivision with internal streets or other public improvement, common area, or amenity center shall not qualify as a Simple Subdivision.

# Simple Subdivision (SS)

## 6.03 Simple Subdivision Standards



**Required Open Space**

- 0%

**Minimum Perimeter Landscaping**

- n/a

**Minimum Block Length**

- n/a

**Maximum Block Length**

- n/a

**Minimum Cul-de-sac Length**

- n/a

**Maximum Cul-de-sac Length**

- n/a

**Minimum ROW on Local Streets**

- n/a

**Design Speed**

- n/a

**Minimum Street Width**

- n/a

**Curb**

- n/a

**On-street Parking**

- n/a

**Minimum Tree Plot Width**

- 5 feet when applicable

**Minimum Sidewalk/Sidepath Width**

- 6 feet sidepaths or sidewalks along perimeter streets when applicable

**Additional Design Standards that Apply**



## 6.04 Standard Subdivision Intent

**The Standard Subdivision is intended to provide a development option with the following features:**

**Land Use**

- 100% residential

**Applicability**

- Residential subdivisions containing any number of lots with or without new streets

**Pedestrian Network**

- Sidewalks on both sides of internal streets
- Side paths along perimeter streets

**Vehicular Network**

- Connectivity to adjacent parcels and other residential developments
- Large radius corners and curves

**Site Feature Preservation**

- Strive to save existing quality tree stands

**Incentives**

- Density bonus for 4-sided architecture
- Density bonus for added open space

## 6.05 Standard Subdivision Prerequisites

**Prerequisite Base Zoning**

- RE, R1, R2, M1, M2, or MP

**Minimum Parent Tract:**

- No minimum

**Maximum Parent Tract:**

- No maximum

## 6.06 Standard Subdivision Density and Intensity Incentives

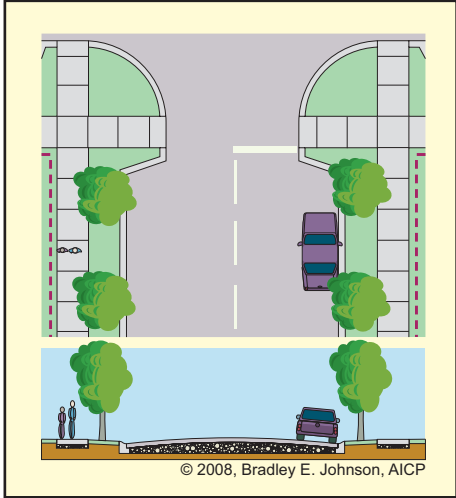
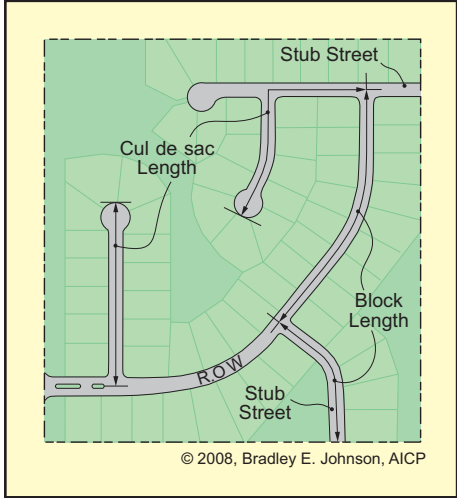
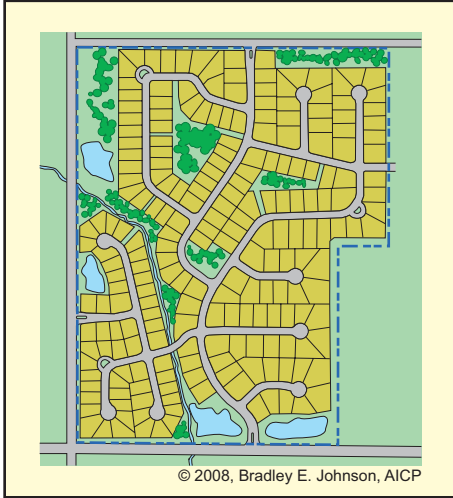
The Development Standards listed in the table to the right preempt the corresponding Development Standards listed for each standard zoning district in *Article 02: Zoning Districts*.

**All Development Standards not listed in the table shall be applicable to all Standard Subdivisions.**

<b>Standard Subdivision Intensity and Density Bonus for Anti-monotony Compliance</b>				
		Zoning District		
		RE	R1	R2
Lot Standards	Min. Lot Area	35,000 sq ft	16,000 sq ft	11,000 sq ft
	Min. Average Lot Area	1 acre	18,000 sq ft	12,500 sq ft
	Min. Lot Width	120 ft.	90 ft	72 ft
Setback Standards	Min. Front Setback	45 ft	30 ft	25 ft
	Min. Side Setback	25 ft	10 ft	7 ft
	Min. Rear Setback	25 ft	25 ft	20 ft
Other Standards	Max. Lot Coverage	30%	40%	45%
	Min. Dwelling Size	1,600	1,600 sq ft	1,400 sq ft
	Maximum Density	0.9 du/acre	2.2 du/acre	3.2 du/acre

# Standard Subdivision (ST)

## 6.07 Standard Subdivision Standards



**Required Open Space**

- 15%

**Minimum Perimeter Landscaping**

- 35 feet along all perimeter streets and shall be established as common area
- 0 feet when abutting another ST, CS or TD subdivision with vehicular and pedestrian access between the two subdivisions
- 10 feet along all other property lines

**Minimum Block Length**

- 140 feet

**Maximum Block Length**

- 1,200 feet

**Minimum Cul-de-sac Length**

- 140 feet

**Maximum Cul-de-sac Length**

- 600 feet

**Sidewalks/Perimeter Paths**

- Sidewalks are required on both sides of local and collector streets
- Perimeter paths or sidewalks are required along perimeter streets

**Minimum ROW on Local Streets**

- 60 feet

**Design Speed**

- 20 to 30 mph

**Minimum Street Width**

- 30 feet

**On-street Parking**

- Required on at least one side of street

**Minimum Tree Plot Width**

- 5 feet

**Minimum Sidewalk/Sidepath Width**

- 4 feet along internal streets
- 6 feet along perimeter streets

**Additional Design Standards that Apply**

<ul style="list-style-type: none"> <li>• <b>Access Standards (AC)</b></li> <li>• AC-01 ..... Page 7-3</li> <li>• <b>Alley Standards (AL)</b></li> <li>• AL-02 ..... Page 7-5</li> <li>• <b>Anti-monotony Standards (AM)</b></li> <li>• AM-01 ..... Page 7-6</li> <li>• <b>Dedication of Public Improv. Standards (DD)</b></li> <li>• DD-01 ..... Page 7-12</li> <li>• <b>Development Name Standards (DN)</b></li> <li>• DN-01 ..... Page 7-13</li> <li>• <b>Easement Standards (EA)</b></li> <li>• EA-01 ..... Page 7-14</li> <li>• <b>Entryway Feature Standards (EF)</b></li> <li>• EF-01 ..... Page 7-18</li> <li>• <b>Erosion Control Standards (EC)</b></li> <li>• EC-01 ..... Page 7-19</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Floodplain Standards (FL)</b></li> <li>• FL-01 ..... Page 7-20</li> <li>• <b>Lot Establishment Standards (LT)</b></li> <li>• LE-01 ..... Page 7-21</li> <li>• <b>Monument &amp; Marker Standards (MM)</b></li> <li>• MM-01 ..... Page 7-24</li> <li>• <b>Open Space Standards (OP)</b></li> <li>• OP-01 ..... Page 7-25</li> <li>• <b>Owner Association Standards (OA)</b></li> <li>• OA-01 ..... Page 7-26</li> <li>• <b>Pedestrian Network Standards (PN)</b></li> <li>• PN-01 ..... Page 7-28</li> <li>• <b>Perimeter Landscaping Standards (PL)</b></li> <li>• PL-01 ..... Page 7-29</li> <li>• <b>Prerequisite Standards (PQ)</b></li> <li>• PQ-01 ..... Page 7-30</li> <li>• <b>Storm Water Standards (SM)</b></li> <li>• SM-01 ..... Page 7-31</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Street and Right-of-way Standards (SR)</b></li> <li>• SR-01 ..... Page 7-32</li> <li>• <b>Street Lighting Standards (SL)</b></li> <li>• SL-01 ..... Page 7-35</li> <li>• <b>Street Name Standards (SN)</b></li> <li>• SN-01 ..... Page 7-38</li> <li>• <b>Street Sign Standards (SS)</b></li> <li>• SS-01 ..... Page 7-39</li> <li>• <b>Surety Standards (SY)</b></li> <li>• SY-01 ..... Page 7-40</li> <li>• <b>Utility Standards (UT)</b></li> <li>• UT-01 ..... Page 7-42</li> </ul>
--	--	---

## 6.08 Coved Subdivision Intent

**The Coved Subdivision is intended to provide a development option with the following features:**

**Land Use**

- 100% residential

**Applicability**

- Subdivisions containing a medium to large number of lots and new streets

**Pedestrian Network**

- Sidewalks along both sides of local and collector streets
- Perimeter paths along arterial and collector streets

**Vehicular Network**

- Connectivity to adjacent parcels and other residential developments
- Streets are characterized by sweeping curves
- Minimal use of cul-de-sacs

**Site Feature Preservation**

- Strive to save quality existing tree stands

**Incentives**

- Density bonus for 4-sided architecture

## 6.09 Coved Subdivision Prerequisites

**Prerequisite Base Zoning**

- R1, R2, or M1

**Minimum Parent Tract**

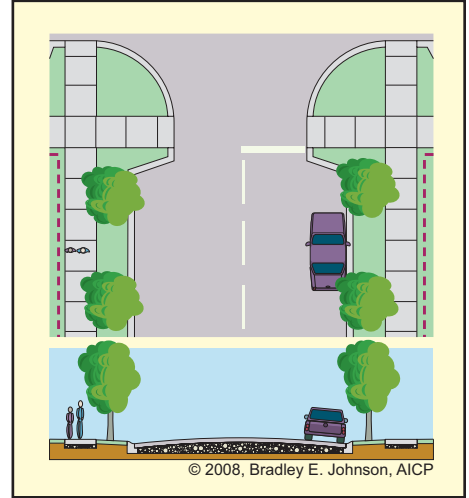
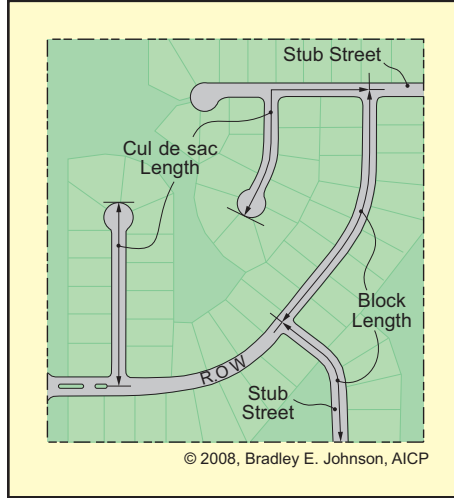
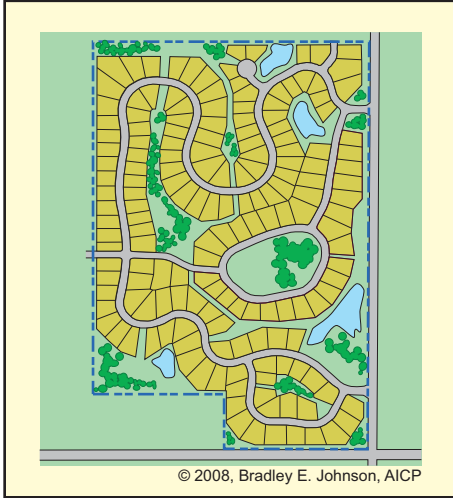
- 5 acres (217,800 square feet)

**Maximum Parent Tract**

- No maximum

# Coved Subdivision (CV)

## 6.10 Coved Subdivision Standards



**Required Open Space**

- 20%

**Minimum Perimeter Landscaping**

- 35 feet along all perimeter streets and shall be established as common area
- 0 feet when abutting another CV subdivision with vehicular and pedestrian access between the two subdivisions
- 10 feet along all other property lines

**Minimum Block Length**

- 140 feet

**Maximum Block Length**

- 1,200 feet

**Minimum Cul-de-sac Length**

- 140 feet

**Maximum Cul-de-sac Length**

- 600 feet

**Sidewalks/Perimeter Paths**

- Sidewalks required on both sides of local streets
- Perimeter paths or sidewalks are required along perimeter streets

**Minimum ROW on Local Streets**

- 60 feet

**Design Speed**

- 20 to 30 mph

**Minimum Street Width**

- 32 feet

**On-street Parking**

- Required on at least one side of street

**Minimum Tree Plot Width**

- 5 feet

**Minimum Sidewalk/Sidepath Width**

- 5 feet along internal streets
- 6 feet along perimeter streets

### Additional Design Standards that Apply

**Access Standards (AC)**

- AC-01..... Page 7-3

**Anti-monotony Standards (AM)**

- AM-01..... Page 7-6

**Dedication of Public Improv. Standards (DD)**

- DD-01..... Page 7-12

**Development Name Standards (DN)**

- DN-01..... Page 7-13

**Easement Standards (EA)**

- EA-01..... Page 7-14

**Entryway Feature Standards (EF)**

- EF-01..... Page 7-18

**Erosion Control Standards (EC)**

- EC-01..... Page 7-19

**Floodplain Standards (FL)**

- FL-01..... Page 7-20

**Lot Establishment Standards (LT)**

- LE-01..... Page 7-21

**Monument & Marker Standards (MM)**

- MM-01..... Page 7-24

**Open Space Standards (OP)**

- OP-01..... Page 7-25

**Owner Association Standards (OA)**

- OA-01..... Page 7-26

**Pedestrian Network Standards (PN)**

- PN-01..... Page 7-28

**Perimeter Landscaping Standards (PL)**

- PL-01..... Page 7-29

**Prerequisite Standards (PQ)**

- PQ-01..... Page 7-30

**Storm Water Standards (SM)**

- SM-01..... Page 7-31

**Street and Right-of-way Standards (SR)**

- SR-01..... Page 7-32

**Street Lighting Standards (SL)**

- SL-01..... Page 7-35

**Street Name Standards (SN)**

- SN-01..... Page 7-38

**Street Sign Standards (SS)**

- SS-01..... Page 7-39

**Surety Standards (SY)**

- SY-01..... Page 7-40

**Utility Standards (UT)**

- UT-01..... Page 7-42



# Conservation Subdivision (CS)

## 6.11 Conservation Subdivision Intent

**The Conservation Subdivision is intended to provide a development option with the following features:**

**Land Use**

- 100% residential

**Applicability**

- Subdivisions containing a medium to large number of lots and new streets

**Pedestrian Network**

- Sidewalks along one side of local and collector streets
- Unimproved paths in conservation areas

**Vehicular Network**

- Provide connectivity to adjoining street systems for adequate access for emergency services
- Low to moderate use of cul-de-sacs
- Narrow streets without curb

**Site Feature Preservation**

- Shall preserve existing quality tree stands
- Shall preserve other existing natural amenities

**Incentives**

- Narrow local streets without curb
- Minimal street lights required
- Sidewalks only required on one side of the street

## 6.12 Conservation Subdivision Prerequisites

**Prerequisite Base Zoning**

- RE, R1, R2, or M1

**Minimum Parent Tract**

- 5 acres (217,800 square feet)

**Maximum Parent Tract**

- No maximum

**Special Qualifications**

- The parent tract shall have a quality natural amenity covering at least 20% of the parent tract
- Subdivision shall facilitate clustered development that ensures the preservation of natural amenities on the site and significant common open space

## 6.13 Conservation Subdivision Density and Intensity Incentives

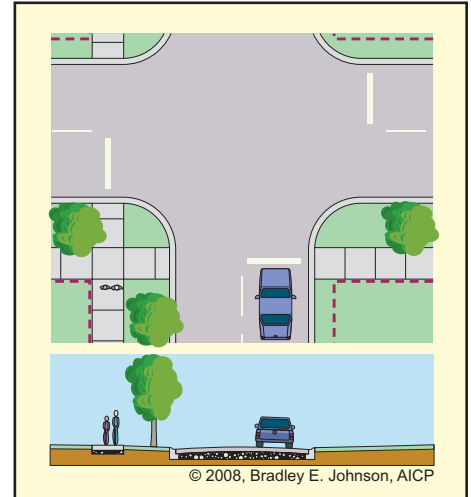
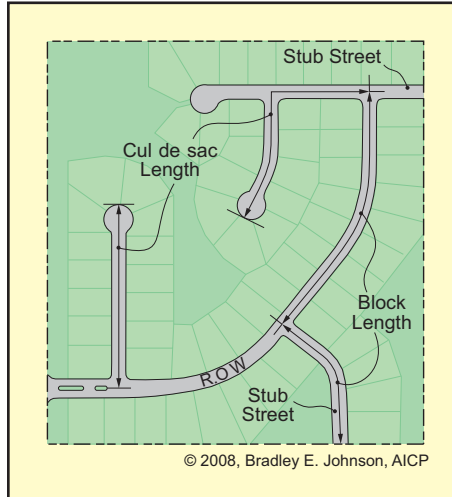
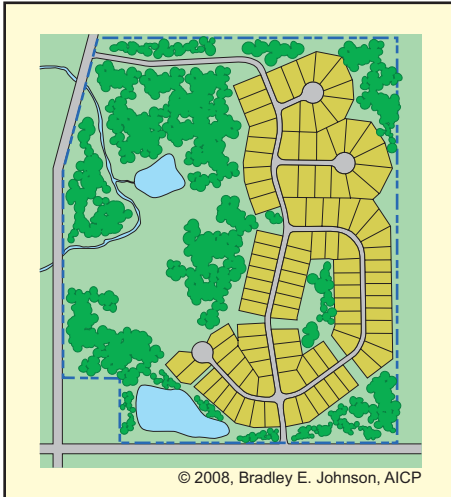
The Development Standards listed in the table to the right preempt the corresponding Development Standards listed for each standard zoning district in *Article 02: Zoning Districts*.

All Development Standards not listed in the table shall be applicable to all Conservation Subdivisions.

<b>Conservation Subdivision Intensity and Density Bonus for Anti-monotony Compliance</b>				
		Zoning District		
		RE	R1	R2
Lot Standards	Min. Lot Area	32,000 sq ft	15,000 sq ft	10,000 sq ft
	Min. Average Lot Area	38,000 sq. ft.	17,000 sq ft	12,000 sq ft
	Min. Lot Width	110 ft.	85 ft	70 ft
Setback Standards	Min. Front Setback	40 ft	30 ft	25 ft
	Min. Side Setback	20 ft	10 ft	10 ft
	Min. Rear Setback	25 ft	25 ft	20 ft
Other Standards	Max. Lot Coverage	35%	40%	45%
	Min. Dwelling Size	1,600	1,600 sq ft	1,400 sq ft
	Maximum Density	0.7 du/acre	1.4 du/acre	2.0 du/acre

# Conservation Subdivision (CS)

## 6.14 Conservation Subdivision Standards



### Required Open Space

- 40%

### Minimum Perimeter Landscaping

- 35 feet along all perimeter streets and shall be established as common area
- 0 feet when abutting another ST or CS subdivision with vehicular and pedestrian access between the two subdivisions
- 10 feet along all other property lines

### Minimum Block Length

- 100 feet

### Maximum Block Length

- 1,760 feet (1/3 mile)

### Minimum Cul-de-sac Length

- 100 feet

### Maximum Cul-de-sac Length

- 880 feet

### Sidewalks/Perimeter Paths

- Sidewalks are required to connect each lot to the perimeter street and may only include sidewalks on one side of the street
- Sidewalks are required on both sides of the street on cul-de-sac streets
- Mulch or crushed limestone paths are required in conservation areas and shall be at least 1/4 of the required lineal feet of improved sidewalks installed in the development
- Perimeter paths or sidewalks are required along perimeter streets

### Minimum ROW on Local Streets

- 60 feet

### Design Speed

- 20 to 30 mph

### Minimum Street Width

- 22 feet (Two, 11 foot travel lanes) plus 18 inches of crushed limestone shoulder

### On-street Parking

- Not required and is discouraged

### Minimum Tree Plot Width

- 5 feet, if sidewalk is installed along street

### Minimum Sidewalk/Sidepath Width

- 4 feet along internal streets
- 6 feet along perimeter streets

## Additional Design Standards that Apply

### Access Standards (AC)

- AC-01 ..... Page 7-3

### Dedication of Public Improv. Standards (DD)

- DD-01 ..... Page 7-12

### Development Name Standards (DN)

- DN-01 ..... Page 7-13

### Easement Standards (EA)

- EA-01 ..... Page 7-14

### Entryway Feature Standards (EF)

- EF-01 ..... Page 7-18

### Erosion Control Standards (EC)

- EC-01 ..... Page 7-19

### Floodplain Standards (FL)

- FL-01 ..... Page 7-20

### Lot Establishment Standards (LT)

- LE-01 ..... Page 7-21

### Monument & Marker Standards (MM)

- MM-01 ..... Page 7-24

### Open Space Standards (OP)

- OP-01 ..... Page 7-25

### Owner Association Standards (OA)

- OA-01 ..... Page 7-26

### Pedestrian Network Standards (PN)

- PN-01 ..... Page 7-28

### Perimeter Landscaping Standards (PL)

- PL-01 ..... Page 7-29

### Prerequisite Standards (PQ)

- PQ-01 ..... Page 7-30

### Storm Water Standards (SM)

- SM-01 ..... Page 7-31

### Street and Right-of-way Standards (SR)

- SR-01 ..... Page 7-32

### Street Lighting Standards (SL)

- SL-01 ..... Page 7-35

### Street Name Standards (SN)

- SN-01 ..... Page 7-38

### Street Sign Standards (SS)

- SS-01 ..... Page 7-39

### Surety Standards (SY)

- SY-01 ..... Page 7-40

### Utility Standards (UT)

- UT-01 ..... Page 7-42

# Traditional Subdivision (TD)

## 6.15 Traditional Subdivision Intent

<p><b>The Traditional Subdivision is intended to provide a development option with the following features:</b></p> <p><b>Land Use</b></p> <ul style="list-style-type: none"> <li>Mixed use, with majority being residential</li> </ul> <p><b>Applicability</b></p> <ul style="list-style-type: none"> <li>Subdivisions containing a large number of lots with new streets and alleys</li> </ul>	<p><b>Pedestrian Network</b></p> <ul style="list-style-type: none"> <li>Sidewalks on both sides of local and collector streets</li> <li>Perimeter paths along arterial streets</li> </ul> <p><b>Vehicular Network</b></p> <ul style="list-style-type: none"> <li>Creation of grid-like street and alley system that allows for maximum connectivity to adjacent neighborhoods and nonresidential centers</li> <li>Frequent use of alleys with garage access via alleys</li> <li>On-street parking</li> </ul>	<p><b>Site Feature Preservation</b></p> <ul style="list-style-type: none"> <li>Strive to save existing quality tree stands</li> </ul> <p><b>Incentives</b></p> <ul style="list-style-type: none"> <li>Increased density for traditional subdivision design</li> <li>Density bonus for 4-sided architecture</li> <li>Density bonus for added open space</li> </ul>
---	--	---

## 6.16 Traditional Subdivision Prerequisites

<p><b>Prerequisite Base Zoning</b></p> <ul style="list-style-type: none"> <li>Minimum of 70% R2</li> <li>Minimum of 5% and maximum of 15% M1 or M2</li> <li>Minimum 10% and maximum of 20% IS, or C1</li> </ul> <p><b>Minimum Parent Tract</b></p> <ul style="list-style-type: none"> <li>40 acres</li> </ul>	<p><b>Maximum Parent Tract</b></p> <ul style="list-style-type: none"> <li>125 acres</li> </ul> <p><b>Special Qualifications</b></p> <ul style="list-style-type: none"> <li>Subdivision shall be designed around pedestrian-scale streetscape featuring narrow street profiles, on-street parking, building forward orientation, short blocks, and decorative design elements such as lighting and signs</li> </ul>
---	--

## 6.17 Traditional Subdivision Density and Intensity Incentives

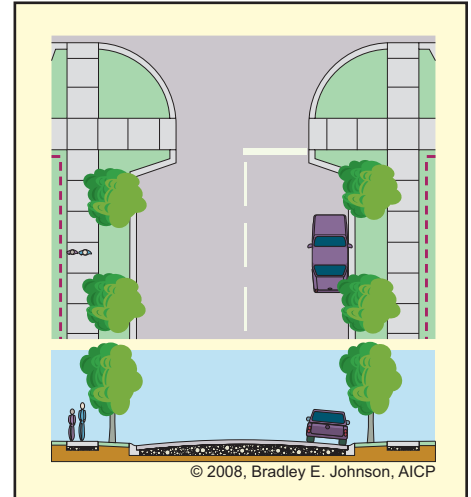
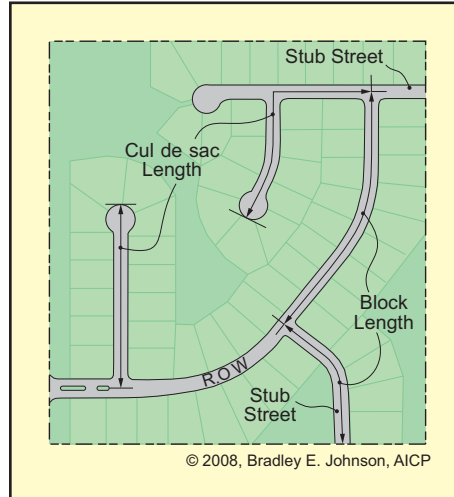
The Development Standards listed in the table to the right preempt the corresponding Development Standards listed for each standard zoning district in *Article 02: Zoning Districts*.

All Development Standards not listed in the table shall be applicable to all Traditional Subdivisions.

<b>Traditional Subdivision Intensity and Density Bonus for Anti-monotony Compliance</b>				
		Zoning District		
		R1	R2	VR
Lot Standards	Min. Lot Area	12,000 sq ft	10,000 sq ft	4,800 sq ft
	Min. Average Lot Area	15,000 sq. ft.	12,000 sq ft	6,000 sq ft
	Min. Lot Width	60 ft.	55 ft	50 ft
Setback Standards	Min. Front Setback	25 ft	20 ft	18 ft
	Min. Side Setback	8 ft	7 ft	6 ft
	Min. Rear Setback	20 ft	15 ft	12 ft
Other Standards	Max. Lot Coverage	35%	40%	45%
	Min. Dwelling Size	1,600	1,400 sq ft	1,200 sq ft
	Maximum Density	2.8 du/acre	3.5 du/acre	7.0 du/acre

# Traditional Subdivision (TD)

## 6.18 Traditional Subdivision Standards



### Required Open Space

- 15%

### Minimum Perimeter Landscaping

- 10 feet along all perimeter streets and shall be established as either a landscape easement or common area
- 0 feet when abutting another TD or ST subdivision with vehicular and pedestrian access between the two subdivisions
- 10 feet along all other property lines

### Minimum Block Length

- 200 feet

### Maximum Block Length

- 660 feet

### Average Block Length

- Between 200 and 400 feet

### Cul-de-sac Length

- Cul-de-sacs are not permitted

### Sidewalks/Perimeter Paths

- Sidewalks are required on both sides of local streets
- Perimeter paths or sidewalks are required along perimeter streets

### Minimum ROW on Local Streets

- 56 feet with one parking lane
- 62 feet with two parking lanes

### Design Speed

- 15 to 25 mph

### Minimum Street Width

- 30 feet

### On-street Parking

- Required on at least one side

### Minimum Tree Plot Width

- 7 feet in residential areas
- 0 feet in nonresidential areas

### Minimum Sidewalk/Sidepath Width

- 5 feet in residential areas
- 8 feet in nonresidential areas
- 6 feet along perimeter streets

## Additional Design Standards that Apply

### Access Standards (AC)

- AC-01 ..... Page 7-3

### Alley Standards (AL)

- AL-01 ..... Page 7-5

### Anti-monotony Standards (AM)

- AM-01 ..... Page 7-6

### Dedication of Public Improv. Standards (DD)

- DD-01 ..... Page 7-12

### Development Name Standards (DN)

- DN-01 ..... Page 7-13

### Easement Standards (EA)

- EA-01 ..... Page 7-14

### Entryway Feature Standards (EF)

- EF-01 ..... Page 7-18

### Erosion Control Standards (EC)

- EC-01 ..... Page 7-19

### Floodplain Standards (FL)

- FL-01 ..... Page 7-20

### Lot Establishment Standards (LT)

- LE-01 ..... Page 7-21

### Mixed-use Development Standards (MU)

- MU-01 ..... Page 7-23

### Monument & Marker Standards (MM)

- MM-01 ..... Page 7-24

### Open Space Standards (OP)

- OP-01 ..... Page 7-25

### Owner Association Standards (OA)

- OA-01 ..... Page 7-26

### Pedestrian Network Standards (PN)

- PN-01 ..... Page 7-28

### Perimeter Landscaping Standards (PL)

- PL-01 ..... Page 7-29

### Prerequisite Standards (PQ)

- PQ-01 ..... Page 7-30

### Storm Water Standards (SM)

- SM-01 ..... Page 7-31

### Street and Right-of-way Standards (SR)

- SR-01 ..... Page 7-32

### Street Lighting Standards (SL)

- SL-02 ..... Page 7-36

### Street Name Standards (SN)

- SN-01 ..... Page 7-38

### Street Sign Standards (SS)

- SS-01 ..... Page 7-39

### Surety Standards (SY)

- SY-01 ..... Page 7-40

### Utility Standards (UT)

- UT-01 ..... Page 7-42

## 6.19 Strip Commercial Subdivision Intent

**The Strip Commercial Subdivision is intended to provide a development option with the following features:**

**Land Use**

- 100% nonresidential
- Primarily commercial uses

**Applicability**

- Commercial subdivisions containing any number of lots with or without streets

**Pedestrian Network**

- Safe movement to primary structures from public streets
- Perimeter paths along arterial streets

**Vehicular Network**

- Connectivity to adjacent parcels
- Adequate accessibility for deliveries
- Use of frontage streets when necessary
- Minimal curb cuts

**Site Feature Preservation**

- Strive to save quality existing tree stands

**Incentives**

- None

## 6.20 Strip Commercial Subdivision Prerequisites

**Prerequisite Base Zoning**

- VM, IS, C1, or C2

**Minimum Parent Tract**

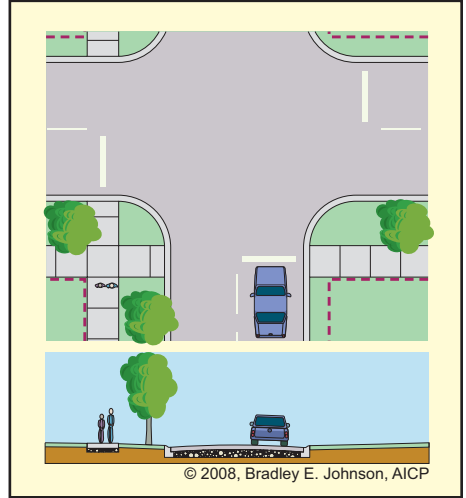
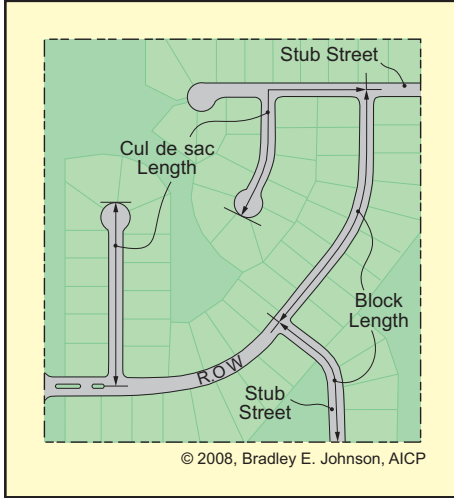
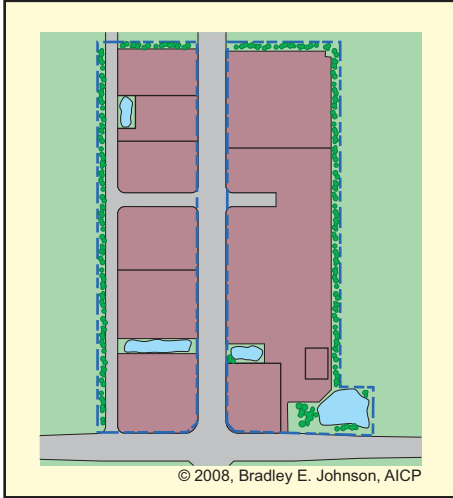
- 2 acres (87,120 square feet)

**Maximum Parent Tract**

- No maximum

# Strip Commercial Subdivision (SC)

## 6.21 Strip Commercial Subdivision Standards



**Required Open Space**

- 10%

**Minimum Perimeter Landscaping**

- 20 feet along perimeter streets and shall be established as common area or a landscape easement
- 0 feet if abutting a C1 District
- 30 feet along all other property lines

**Minimum Block Length**

- 140 feet

**Maximum Block Length**

- 1,000 feet

**Minimum Cul-de-sac Length**

- 140 feet

**Maximum Cul-de-sac Length**

- 600 feet

**Sidewalks/Perimeter Paths**

- Sidewalks are required on at least one side of all internal streets
- Perimeter paths or sidewalks are required along perimeter streets

**Minimum ROW on Local Streets**

- 60 feet

**Design Speed**

- 20 to 35 mph

**Minimum Street Width**

- 24 feet

**On-street Parking**

- Not permitted

**Minimum Tree Plot Width**

- 5 feet

**Minimum Sidewalk/Sidepath Width**

- 4 feet along internal streets
- 6 feet along perimeter streets

**Additional Design Standards that Apply**

<ul style="list-style-type: none"> <li>• <b>Access Standards (AC)</b></li> <li>• AC-02..... Page 7-4</li> <li>• <b>Dedication of Public Improv. Standards (DD)</b></li> <li>• DD-01..... Page 7-12</li> <li>• <b>Development Name Standards (DN)</b></li> <li>• DN-01..... Page 7-13</li> <li>• <b>Easement Standards (EA)</b></li> <li>• EA-01..... Page 7-14</li> <li>• <b>Entryway Feature Standards (EF)</b></li> <li>• EF-01..... Page 7-18</li> <li>• <b>Erosion Control Standards (EC)</b></li> <li>• EC-01..... Page 7-19</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Floodplain Standards (FL)</b></li> <li>• FL-01..... Page 7-20</li> <li>• <b>Lot Establishment Standards (LT)</b></li> <li>• LE-02..... Page 7-22</li> <li>• <b>Monument &amp; Marker Standards (MM)</b></li> <li>• MM-01..... Page 7-24</li> <li>• <b>Open Space Standards (OP)</b></li> <li>• OP-01..... Page 7-25</li> <li>• <b>Owner Association Standards (OA)</b></li> <li>• OA-01..... Page 7-26</li> <li>• <b>Pedestrian Network Standards (PN)</b></li> <li>• PN-01..... Page 7-28</li> <li>• <b>Perimeter Landscaping Standards (PL)</b></li> <li>• PL-01..... Page 7-29</li> <li>• <b>Prerequisite Standards (PQ)</b></li> <li>• PQ-01..... Page 7-30</li> <li>• <b>Storm Water Standards (SM)</b></li> <li>• SM-01..... Page 7-31</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Street and Right-of-way Standards (SR)</b></li> <li>• SR-01..... Page 7-32</li> <li>• <b>Street Lighting Standards (SL)</b></li> <li>• SL-03..... Page 7-37</li> <li>• <b>Street Name Standards (SN)</b></li> <li>• SN-01..... Page 7-38</li> <li>• <b>Street Sign Standards (SS)</b></li> <li>• SS-01..... Page 7-39</li> <li>• <b>Surety Standards (SY)</b></li> <li>• SY-01..... Page 7-40</li> <li>• <b>Utility Standards (UT)</b></li> <li>• UT-01..... Page 7-42</li> </ul>
--	---	---

## 6.22 Commercial District Subdivision Intent

**The Commercial District Subdivision is intended to provide a development option with the following features:**

**Land Use**

- 100% nonresidential
- Primarily commercial uses

**Applicability**

- Commercial subdivisions containing any number of lots with or without new streets

**Pedestrian Network**

- Safe movement to primary structures from public streets
- Safe movement between primary structures
- Perimeter paths along arterial streets

**Vehicular Network**

- Connectivity to adjacent parcels
- Adequate accessibility for deliveries
- Use of frontage streets when necessary
- Minimal curb cuts

**Site Feature Preservation**

- Strive to save quality existing tree stands

**Incentives**

- None

## 6.23 Commercial District Subdivision Prerequisites

**Prerequisite Base Zoning**

- VM, IS, or C1

**Minimum Parent Tract**

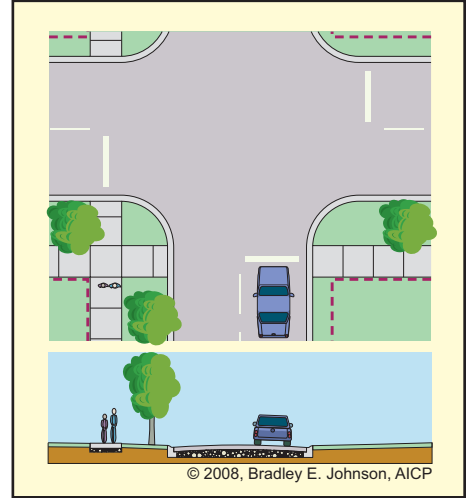
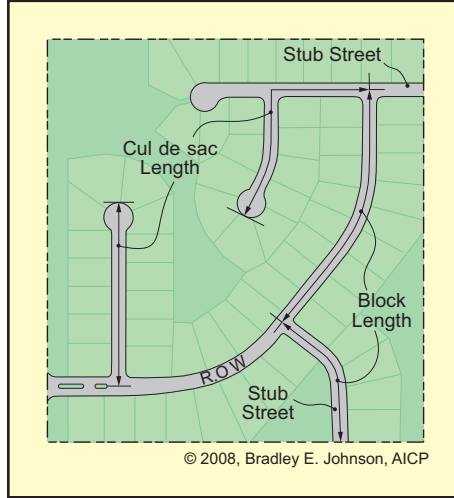
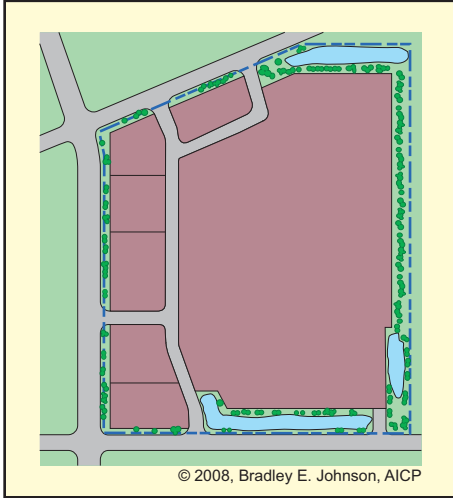
- 2 acres (87,120 square feet)

**Maximum Parent Tract**

- No maximum

# Commercial District Subdivision (CD)

## 6.24 Commercial District Subdivision Standards



**Required Open Space**

- 10%

**Minimum Perimeter Landscaping**

- 20 feet along perimeter streets and shall be established as common area or a landscape easement
- 0 feet if abutting a C1 District
- 30 feet along all other property lines

**Minimum Block Length**

- 140 feet

**Maximum Block Length**

- 800 feet

**Minimum Cul-de-sac Length**

- 140 feet

**Maximum Cul-de-sac Length**

- 600 feet

**Sidewalks/Perimeter Paths**

- Sidewalks are required on at least one side of all internal streets
- Perimeter paths or sidewalks are required along perimeter streets

**Minimum ROW on Local Streets**

- 60 feet

**Design Speed:**

- 20 to 35 mph

**Minimum Street Width:**

- 24 feet

**On-street Parking:**

- Not permitted

**Minimum Tree Plot Width:**

- 5 feet

**Minimum Sidewalk/Sidepath Width:**

- 4 feet along internal streets
- 6 feet along perimeter streets

### Additional Design Standards that Apply

<ul style="list-style-type: none"> <li>• <b>Access Standards (AC)</b></li> <li>• AC-02..... Page 7-4</li> <li>• <b>Dedication of Public Improv. Standards (DD)</b></li> <li>• DD-01..... Page 7-12</li> <li>• <b>Development Name Standards (DN)</b></li> <li>• DN-01..... Page 7-13</li> <li>• <b>Easement Standards (EA)</b></li> <li>• EA-01..... Page 7-14</li> <li>• <b>Entryway Feature Standards (EF)</b></li> <li>• EF-01..... Page 7-18</li> <li>• <b>Erosion Control Standards (EC)</b></li> <li>• EC-01..... Page 7-19</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Floodplain Standards (FL)</b></li> <li>• FL-01..... Page 7-20</li> <li>• <b>Lot Establishment Standards (LT)</b></li> <li>• LE-02..... Page 7-22</li> <li>• <b>Monument &amp; Marker Standards (MM)</b></li> <li>• MM-01..... Page 7-24</li> <li>• <b>Open Space Standards (OP)</b></li> <li>• OP-01..... Page 7-25</li> <li>• <b>Owner Association Standards (OA)</b></li> <li>• OA-01..... Page 7-26</li> <li>• <b>Pedestrian Network Standards (PN)</b></li> <li>• PN-01..... Page 7-28</li> <li>• <b>Perimeter Landscaping Standards (PL)</b></li> <li>• PL-01..... Page 7-29</li> <li>• <b>Prerequisite Standards (PQ)</b></li> <li>• PQ-01..... Page 7-30</li> <li>• <b>Storm Water Standards (SM)</b></li> <li>• SM-01..... Page 7-31</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Street and Right-of-way Standards (SR)</b></li> <li>• SR-01..... Page 7-32</li> <li>• <b>Street Lighting Standards (SL)</b></li> <li>• SL-03..... Page 7-37</li> <li>• <b>Street Name Standards (SN)</b></li> <li>• SN-01..... Page 7-38</li> <li>• <b>Street Sign Standards (SS)</b></li> <li>• SS-01..... Page 7-39</li> <li>• <b>Surety Standards (SY)</b></li> <li>• SY-01..... Page 7-40</li> <li>• <b>Utility Standards (UT)</b></li> <li>• UT-01..... Page 7-42</li> </ul>
--	---	---



## 6.25 Industrial Park Subdivision Intent

**The Industrial Park Subdivision is intended to provide a development option with the following features:**

**Land Use**

- 100% nonresidential
- Primarily industrial uses

**Applicability**

- Industrial subdivisions containing any number of lots with or without new streets

**Pedestrian Network**

- Safe movement to primary structures from public streets
- Perimeter paths along arterial streets

**Vehicular Network**

- Connectivity to adjacent parcels
- Use of frontage streets when necessary
- Safe and efficient integration of vehicular and truck traffic
- Minimal curb cuts

**Site Feature Preservation**

- Strive to save quality existing tree stands

**Incentives**

- None

## 6.26 Industrial Park Subdivision Prerequisites

**Prerequisite Base Zoning**

- I1 or I2

**Minimum Parent Tract**

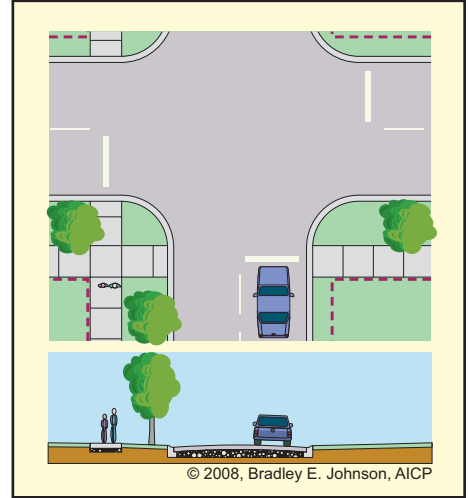
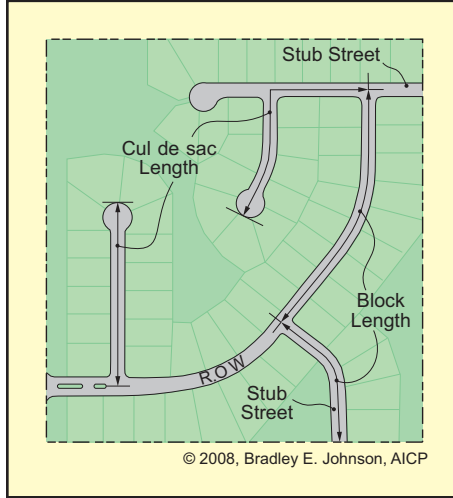
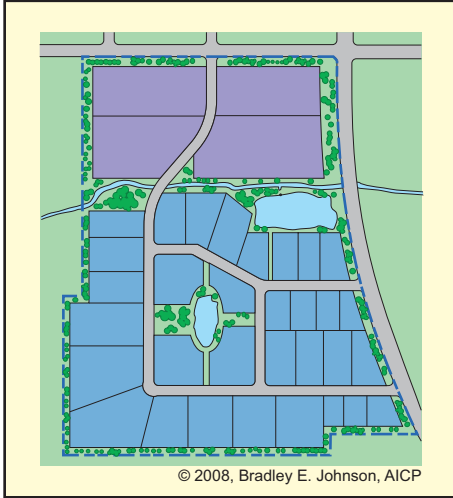
- No minimum

**Maximum Parent Tract**

- No maximum

# Industrial Park Subdivision (IP)

## 6.27 Industrial Park Subdivision Standards



**Minimum Open Space**

- 10%

**Minimum Perimeter Landscaping**

- 30 feet along perimeter streets and shall be established as common area or a landscape easement
- 0 feet if abutting a I1 or I2 District
- 35 feet along all other property lines

**Minimum Block Length**

- No minimum

**Maximum Block Length**

- No maximum

**Cul-de-sac Length**

- Cul-de-sacs are not permitted

**Sidewalks/Perimeter Paths**

- Sidewalks required on at least one side of internal streets
- Perimeter paths or sidewalks are required along perimeter streets

**Minimum ROW on Local Streets**

- 60 feet

**Design Speed**

- 25 to 35 mph

**Minimum Street Width**

- 24 feet

**On-street Parking**

- Not permitted

**Minimum Tree Plot Width**

- 5 feet

**Minimum Sidewalk/Sidepath Width**

- 4 feet along internal streets
- 6 feet along perimeter streets

### Additional Design Standards that Apply

**Access Standards (AC)**

- AC-02..... Page 7-4

**Dedication of Public Improv. Standards (DD)**

- DD-01..... Page 7-12

**Development Name Standards (DN)**

- DN-01..... Page 7-13

**Easement Standards (EA)**

- EA-01..... Page 7-14

**Entryway Feature Standards (EF)**

- EF-01..... Page 7-18

**Erosion Control Standards (EC)**

- EC-01..... Page 7-19

**Floodplain Standards (FL)**

- FL-01..... Page 7-20

**Lot Establishment Standards (LT)**

- LE-02..... Page 7-22

**Monument & Marker Standards (MM)**

- MM-01..... Page 7-24

**Open Space Standards (OP)**

- OP-01..... Page 7-25

**Owner Association Standards (OA)**

- OA-01..... Page 7-26

**Pedestrian Network Standards (PN)**

- PN-01..... Page 7-28

**Perimeter Landscaping Standards (PL)**

- PL-01..... Page 7-29

**Prerequisite Standards (PQ)**

- PQ-01..... Page 7-30

**Storm Water Standards (SM)**

- SM-01..... Page 7-31

**Street and Right-of-way Standards (SR)**

- SR-01..... Page 7-32

**Street Lighting Standards (SL)**

- SL-03..... Page 7-37

**Street Name Standards (SN)**

- SN-01..... Page 7-38

**Street Sign Standards (SS)**

- SS-01..... Page 7-39

**Surety Standards (SY)**

- SY-01..... Page 7-40

**Utility Standards (UT)**

- UT-01..... Page 7-42



**Article**

**07**

**Design Standards**

---

*Shelby County  
Unified Development  
Ordinance*

© 2008, Bradley E. Johnson, ACP

# Design Standards

## 7.01 Purpose of Design Standards

- A. Intent: It is the purpose of *Article 07: Design Standards* to establish and define the design standards that shall be required by Shelby County for any subdivision of land, development plan approval, and Planned Development.


## 7.02 Using This Section

The following pages contain the design standards for developments which will result in new buildable lots, public infrastructure (e.g. water or sewer), public or private streets, multiple primary structures, common area, or easements. These developments typically are processed as subdivisions, planned developments, or development plans.

There are two ways to determine which design standards apply to a specific type of petition. They are:

- A. Using Two-Page Layouts: Refer to the two-page layouts in *Article 06: Subdivision Types* for a specific subdivision type. Applicable design standards for that specific subdivision type are identified by four-digit codes in the "Additional Design Standards that Apply." Only the four-digit codes noted in the "Additional Design Standards that Apply" section apply to that subdivision type.
- B. Using Icons: Refer to the project icons used at the top of each design standards section in *Article 07: Design Standards*. Each design standard section begins with a four-digit code and introductory sentence followed by square icons that stand for subdivision or project type. These project icons note that the design standards written in that section applies to that type of petition.

## 7.03 Icon Key

-  - Simple Subdivision
-  - Standard Subdivision
-  - Conservation Subdivision
-  - Coved Subdivision
-  - Traditional Subdivision
-  - Strip Commercial Subdivision
-  - Commercial District Subdivision
-  - Industrial Park Subdivision

Section Name	Page Number	Section Name	Page Number
Design Standards Overview	7-2	Open Space Standards (OP)	7-25
Access Standards (AC)	7-3	Owner Association (OA)	7-26
Alley Standards (AL)	7-5	Pedestrian Network Standards (PN)	7-28
Anti-monotony Standards (AM)	7-6	Perimeter Landscaping Standards (PL)	7-29
Dedication of Public Improvement Standards (DD)	7-12	Prerequisite Standards (PQ)	7-30
Development Name Standards (DN)	7-13	Storm Water Standards (SM)	7-31
Easement Standards (EA)	7-14	Street and Right-of-way Standards (SR)	7-32
Entryway Feature Standards (EF)	7-18	Street Lighting Standards (SL)	7-35
Erosion Control Standards (EC)	7-19	Street Name Standards (SN)	7-38
Floodplain Standards (FL)	7-20	Street Sign Standards (SS)	7-39
Lot Establishment Standards (LE)	7-21	Surety Standards (SY)	7-40
Mixed-use Development Standards (MU)	7-23	Utility Standards (UT)	7-42
Monument and Marker Standards (MM)	7-24		

# Access Standards (AC)

## 7.04 AC-01: Access Standards; Residential Developments

This Access Street Standards section applies to the following types of development:



### A. Driveway Access onto a Perimeter Street:

1. *Driveway Access onto a Collector or Arterial Street:* Any lot adjacent to a perimeter street classified as a collector or an arterial street shall not have driveway access onto the perimeter street. These lots shall gain access from an internal street.
2. *Driveway Access onto a Local Street:* Any lot adjacent to a perimeter street classified as a local street shall not have driveway access onto the perimeter street unless the lot width and lot frontage are 500 feet or greater, and the building setback is 200 feet or greater according to the recorded plat. If these standards cannot be met, the lot shall gain access from an internal street.
3. *Driveway Standards:*
  - a. *Materials:* All driveways shall consist of asphalt, concrete, or other non-porous material approved by the Zoning Administrator.
  - b. *Width:* No driveway shall exceed the following widths.
    - i. *Onto an Arterial Street or Collector Street:* Minimum of eleven (11) feet and a maximum of twenty-four (24) feet.
    - ii. *Onto a Local Street:* Minimum of ten (10) feet and a maximum of twenty (20) feet.
  - c. *Long Driveways:* Any driveway greater than 250 feet shall meet the following standards:
    - i. *Turn Around:* A loop or turn-around designed for a thirty (30) foot long vehicle shall be constructed at a point at the end of the driveway closest to the primary structure.
    - ii. *Weight Bearing:* The driveway surface and culverts and bridges the driveway crosses shall be constructed to safely convey a 30,000 pound vehicle.
    - iii. *Turning Radius:* The driveway shall not have any curve or turn that restricts a forty-five (45) foot long vehicle, a minimum forty-five (45) foot turning radius.
    - iv. *Free of Obstacles:* The driveway shall not have trees, canopies, sculpture, arches, or similar natural or architectural features that would restrict a forty-five (45) foot long vehicle that is twelve (12) feet in height from being able to traverse the driveway from the public street to the turn-around or loop.

### B. Maximum Driveway Access onto a Perimeter Street: When driveway access is permissive, only one (1) driveway access is permitted onto a perimeter street.

### C. Internal Street Connection to a Perimeter Street:

1. *Maximum Number:*
  - a. Developments with ten (10) lots or less shall be limited to one (1) internal street connection to a perimeter street.
  - b. Developments with ten (10) to ninety-nine (99) lots shall be limited to two (2) internal street connections to a perimeter street.
  - c. Developments with 100 to 399 lots shall be required to have at least two (2) internal street connections to a perimeter street, but shall not exceed three (3) total connections.
  - d. Developments with 400 or more lots shall be required to have at least three (3) internal street connections to a perimeter street, but shall not exceed four (4) total connections.
2. *Safe Location:* All internal street connections to a perimeter street shall be at a safe location where the following requirements are met.
  - a. The vertical alignment (i.e. hills) or horizontal alignment (i.e. curves) of the perimeter street shall not prevent clear view of the internal street's connection for:
    - i. 450 feet if the perimeter street is an arterial.
    - ii. 300 feet if the perimeter street is a collector.
    - iii. 150 feet if the perimeter street is a local street.
  - b. Vegetation or other physical condition shall not prevent clear view of the internal street's connection for:
    - i. 450 feet if the perimeter street is an arterial.
    - ii. 300 feet if the perimeter street is a collector.
    - iii. 150 feet if the perimeter street is a local street.
  - c. The distance between the internal street's connection with the perimeter street to any other street that intersects with the same perimeter street shall not be:
    - i. Less than 600 feet if the perimeter street is an arterial street.
    - ii. Less than 400 feet if the perimeter street is classified as a collector street.
    - iii. Less than 200 feet if the perimeter street is classified as a local street.

## 7.05 AC-02: Access Standards; Nonresidential Developments

This Access Streets Standards section applies to the following types of development:



### A. Driveway Access onto a Perimeter Street:

1. *Driveway Access onto an Arterial Street:* Any lot adjacent to a perimeter street classified as an arterial street shall not have driveway access onto the perimeter street unless the lot width and lot frontage are wide enough to maintain at least thirty-five (35) feet of separation from the side yard and at least 75 feet of separation from any intersecting right-of-way. If these standards cannot be met, the lot shall gain access from an internal street.
2. *Driveway Access onto a Collector Street:* Any lot adjacent to a perimeter street classified as a collector street shall not have driveway access onto the perimeter street unless the lot width and lot frontage are wide enough to maintain at least twenty-five (25) feet of separation from the side yard and at least sixty (60) feet of separation from any intersecting right-of-way. If these standards cannot be met, the lot shall gain access from an internal street.
3. *Driveway Access onto a Local Street:* Any lot adjacent to a perimeter street classified as a local street shall not have driveway access onto the perimeter street unless the lot width and lot frontage are wide enough to maintain at least fifteen (15) feet of separation from the side yard and at least forty-five (45) feet of separation from any intersecting right-of-way. If these standards cannot be met, the lot shall gain access from an internal street.

### B. Maximum Driveway Access onto a Perimeter Street: When driveway access is permissive, only one (1) driveway access is permitted onto a perimeter street per qualifying frontage.

### C. Internal Street Connection to a Perimeter Street:

1. *Maximum Number:*
  - a. Developments with twenty (20) lots or less shall be limited to two (2) internal street connections to a perimeter street.
  - b. Developments with more than twenty (20) lots shall be required to have at least two (2) internal street connections to a perimeter street, but shall not exceed three (3) total connections.
2. *Safe Location:* All internal street connections to a perimeter street shall be at a safe location where the following requirements are met.
  - a. The vertical alignment (i.e. hills) or horizontal alignment (i.e. curves) of the perimeter street shall not prevent clear view of the internal street's connection for:
    - i. 450 feet if the perimeter street is an arterial.
    - ii. 300 feet if the perimeter street is a collector.
    - iii. 150 feet if the perimeter street is a local street.
  - b. Vegetation or other physical condition shall not prevent clear view of the internal street's connection for:
    - i. 450 feet if the perimeter street is an arterial.
    - ii. 300 feet if the perimeter street is a collector.
    - iii. 150 feet if the perimeter street is a local street.
  - c. The distance between the internal street's connection to the perimeter street to any other street that intersects with the same perimeter street shall not be:
    - i. Less than 600 feet if the perimeter street is an arterial street.
    - ii. Less than 400 feet if the perimeter street is classified as a collector or local street.

# Alley Standards (AL)

## 7.06 AL-01: Alley Standards; Traditional Subdivisions

This Alley Standards section applies to the following types of development:



- A. General: Alleys are considered an essential part of a traditional neighborhood design; therefore, they shall be integrated into the overall design of such a development.
- B. Use of Alleys:
  - 1. *Traditional Subdivision*:
    - a. Single-family Residential: Alleys are required to provide access to rear loading or detached garages for at least eighty-five percent (85%) of all single-family dwelling lots.
    - b. Multiple-family Residential and Commercial: Alleys are required to provide access to at least seventy-five percent (75%) of all off street parking spaces associated with multiple-family and commercial land uses within the development.
- C. Minimum Right-of-way or Easement Width: Alleys shall be located in a right-of-way or easement and be a minimum of sixteen and one-half (16.5) feet in width.
- D. Minimum Pavement Width: Twelve (12) feet.
- E. Curb Requirements:
  - 1. *Along the Alley*: Alleys are not required to have a curb outside the street right-of-way.
  - 2. *At Intersections with Streets*: Straight-back curbs are required along the transitional radius between the alley and intersecting street.
  - 3. *Transition Radius*: The minimum transitional radius shall be eight (8) feet.
- F. Intersections: An alley intersection with a street or other alley shall not exceed twenty degrees (20°) from perpendicular.
- G. Construction: All alleys are to be constructed per Shelby County's Construction Standards.

## 7.07 AL-02: Alley Standards; Standard Subdivisions

This Alley Standards section applies to the following types of development:



- A. General: Alleys may be integrated into a standard subdivision in order to better allow design flexibility.
- B. Use of Alleys: Alleys may be used to provide access to side-loading, rear-loading, or detached garages for up to fifteen percent (15%) of all lots.
- C. Minimum Right-of-way or Easement Width: Alleys shall be located in a right-of-way or easement and be a minimum of sixteen and one-half (16.5) feet in width.
- D. Minimum Pavement Width: Twelve (12) feet.
- E. Curb Requirements:
  - 1. *Along the Alley*: Alleys are not required to have a curb outside the street right-of-way.
  - 2. *At Intersections with Streets*: Curbs are required along the transitional radius between the alley and intersecting street.
  - 3. *Transition Radius*: The minimum transitional radius shall be eight (8) feet.
- F. Intersections: An alley intersection with a street or other alley shall not exceed twenty degrees (20°) from perpendicular.



## 7.08 AM-01: Anti-monotony Standards; General

This Anti-monotony Standards section applies to the following types of development:



- A. **Applicability:** Only subdivisions that are seeking density and/or intensity bonuses as allowed in *Article 06: Subdivision Types* are required to follow the regulations in the Anti-monotony Standards section.
- B. **Architectural Design Standards:**
1. **Front Door:** The front door of each single-family detached residential dwelling shall be located on the elevation of the dwelling which faces the street to which the home gains access.
  2. **Automobile Storage:**
    - a. **Garage Width:** Front-loading garages shall not exceed forty percent (40%) of the overall width of the primary structure's front elevation.
    - b. **Garage Setback:**
      - i. **Front-loading Garage:** A front-loading garage shall not be more than six (6) feet forward of the plane that the front door is located.
      - ii. **Side- or Rear-loading Garage:** A side- or rear-loading garage may encroach up to four (4) feet over the minimum front setback line.
  3. **Perimeter Lots:**
    - a. **Rear Facade:** Any rear facade that faces a perimeter street shall be required to have one (1) of the following:
      - i. A four-season sunroom at least eleven (11) feet by eleven (11) feet;
      - ii. An all-brick functional chimney at least two (2) feet offset from the façade and at least four (4) feet in width;
      - iii. A minimum four-foot (4') offset from the rear facade over the course of fifty percent (50%) of the rear facade;
      - iv. An over-sized deck at least twelve (12) feet deep by eighteen (18) feet wide, and be decked with a composite wood product;
      - v. A brick paver patio at least twelve (12) feet deep by fourteen (14) feet wide; or
      - vi. A minimum of forty-five percent (45%) brick on the rear elevation.
    - b. **Rear Facade Variation:** No single option listed above shall be utilized on more than forty percent (40%) of all perimeter lots.
    - c. **Windows:** Eighty percent (80%) of all windows on the rear and side facades shall be required to have at least one (1) of the following window treatments (or combinations thereof):
      - i. Shutters;
      - ii. Masonry lintel or brick arch and sill (only an option for brick or stone facades);
      - iii. Decorative head (pediment-shaped, eyebrow, arch, or cornice) and projecting sill; or
      - iv. Window trim that is at least three and one-half-inch (3½") in width, projecting out from the plane of the siding by at least one-half (½) of an inch.
  4. **Elective Architectural Element:**
    - a. At least seventy percent (70%) of all primary structures within a subdivision shall have at least one (1) of the following:
      - i. An all-season sunroom at least eleven (11) feet by eleven (11) feet;
      - ii. An all-brick functional chimney at least two (2) feet offset from the façade;
      - iii. A minimum four-foot (4') offset from the rear façade over the course of sixty percent (60%) of the rear façade;
      - iv. A minimum of fifty percent (50%) brick on the entire rear elevation; or
      - v. A screened-in porch at least nine (9) feet deep and twelve (12) feet wide.
    - b. Perimeter lots which meet these standards shall count toward the requirement in *Section 7.10(B)(4)(a)*.

# Anti-monotony Standards (AM)

5. *Floor Plan and Elevations:*

- a. Minimum Number: On average, at least seven (7) significantly unique floor plans, or at least twenty (20) significantly unique architectural front and rear elevations, shall be utilized within each phase or subdistrict within the subdivision.
- b. Adjacency: No significantly similar floor plans shall be utilized contiguous to, directly across the street from, or directly behind any given lot. Significantly similar shall include mirror images, reversed, any minor variation in wall configuration or room use, and the like.
- c. Proximity: No significantly similar elevation shall be utilized within two (2) properties of any given lot. At least five (5) variations of the following shall exist: roof systems, mix of exterior wall materials, siding color, brick color, architectural features, accents, garage door location, window treatments, window type, window quantity, window location, or reversed floor plans.

6. *Windows:*

- a. Minimum Number: At least two (2) windows per front and rear elevation per floor, and one (1) window per side elevation per floor are required.
- b. Minimum Area: A window shall only be counted toward this requirement if the transparent area is at least eight (8) square feet.

7. *Roof:*

- a. Pitch: At least eighty percent (80%) of all roof planes on the primary structure shall have a minimum 5/12 roof pitch.
- b. Design: No single roof plane on the primary structure shall comprise more than forty percent (40%) of the overall roof area. Roof variations like cross-gables, multiple gables, dormers, hips or similar variation are encouraged.
- c. Eaves: At least eighty percent (80%) of all roofs shall have a minimum twelve-inch (12”) deep eaves (i.e. soffits). The twelve-inch (12”) dimension of eaves shall not include the projection of a gutter.
- d. Shingles: Require a three-dimensional shingle to be installed on all homes.

8. *Siding:*

- a. Brick or Fiber-cement Siding: Brick, stone, fiber-cement siding, or any combination of the three siding materials is required on all elevations if the minimum allowable side setbacks are six (6) feet or less (whether built to that standard or not).
- b. Vinyl Siding: All vinyl siding used in the development shall be at least seventy-five percent (75%) virgin resin and have a minimum 0.046-inch gauge. All vinyl siding shall be fastened to the exterior per the manufacturer’s specifications to minimize warping. Also, all outside corners shall utilize at least a three-inch (3”) wide corner trim piece.

C. Fence and Wall Standards:

- 1. *Perimeter Lots:* Perimeter lots shall not establish a fence in any yard facing a perimeter street except when it is a single fence type, color, height, and setback from the property line determined by the developer and written into the restrictive covenants. Essentially, all fences for these properties shall be the same and located on the same plane. The structural side of such fences or walls shall be oriented inward toward the subdivision. Under no circumstances shall the fences be chain link, wire, privacy fences, or the like.

D. Landscaping Standards:

1. *Perimeter Landscaping:*

- a. Common area shall be established between the perimeter street's rights-of-way and all subdivision lots. Common area widths shall be as follows:

Perimeter Street's Designation on Thoroughfare Plan Map	Minimum Common Area Width
Interstate	150 feet
Arterial	80 feet
Collector Street	65 feet
Local Street	50 feet

- b. Trees shall be planted in the common area. The required quantity of trees per 100 lineal feet of common area along the perimeter street shall be calculated as follows:
  - i. Seven (7) small canopy trees (minimum 1.5 inch caliper);
  - ii. One (1) large canopy tree (minimum 3 inch caliper);
  - iii. Four (4) under-story or ornamental trees (minimum 1.25 inch caliper); and
  - iv. Two (2) evergreen trees (minimum 4 feet in height). One (1) small canopy tree may be substituted for every one (1) evergreen tree.
- c. Required trees shall be installed in uneven intervals and clusters, but shall meet the following maximum and minimum separation:

Type of Tree	Minimum Spacing	Maximum Spacing
Canopy tree to canopy tree	15 feet	50 feet
Under-story tree to under-story tree	8 feet	N/A
Ornamental tree to ornamental tree	15 feet	N/A
Evergreen tree to evergreen tree	8 feet	N/A
Under-story tree to canopy tree	8 feet	15 feet
Ornamental tree to canopy tree	30 feet	N/A
Ornamental tree to under-story tree	25 feet	N/A
Evergreen trees to canopy trees	30 feet	N/A
Evergreen trees to under-story trees	30 feet	N/A
Evergreen trees to ornamental trees	20 feet	N/A

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

**E. Lot Standards:**

- 1. *Corner Lots*: Each corner lot shall be thirty percent (30%) larger in lot area and have thirty percent (30%) more lot frontage than the average lot in the subdivision, or subdistrict of the subdivision.
- 2. *Contiguous Lots*: One (1) of every ten (10) contiguous lots shall be thirty percent (30%) larger in lot area and have thirty percent more lot frontage than the average lot in the subdivision, or subdistrict of the subdivision.

**F. Setback Standards:**

- 1. *Front Setback*:
  - a. *Variation*: All subdivisions shall have variation in established front setback for primary structures to avoid a monotonous streetscape. No more than five (5) primary structures in a row shall have the same established front setback. Variations in established front setback shall be by at least one and one-half (1 ½) feet.
  - b. *Patterns*: Irregular patterns of established front setbacks are encouraged. Additionally, front porches (allowed projections into the front setback) and variations in roof lines should be used to create the illusion of variations in established front setback.
- 2. *Side Setback*: If ninety percent (90%) or more of the primary structures in the development will have side- or rear-load garages, then the development may be a zero lot line development so long as the primary structure separation is equal to the aggregate of the required side setback. For example, if the minimum side setback in the Zoning Ordinance is eight (8) feet, then the minimum primary structure separation shall be sixteen (16) feet.

**G. Street and Right-of-way Standards:**

- 1. *Tree Plot*: Tree plots between the curb and sidewalk shall be at least six (6) feet deep.
- 2. *Street Trees*:
  - a. *Type*: Street trees shall be canopy trees.
  - b. *Quantity*: A minimum of one (1) tree per forty-five (45) lineal feet of lot frontage.
  - c. *Spacing*:
    - i. *Minimum*: Twenty (20) feet on-center.
    - ii. *Maximum*: Fifty-five (55) feet on-center.

# Anti-monotony Standards (AM)

## H. Amenity Center Standards:

1. *Required Amenity Centers:* The following requirements are cumulative.
  - a. **Core Amenity Center:** A neighborhood park is required in any residential subdivision with a parent tract greater than sixty (60) acres or with over 120 dwelling units. An additional neighborhood park is required per additional seventy (70) acres or 140 dwelling units. A sport court may be substituted for a core amenity center; or expanding the first required neighborhood park by the minimum standards for a neighborhood park is permitted.
  - b. **Minor Amenity Center:** A standard clubhouse is required in any residential subdivision with a parent tract greater than 120 acres or with over 220 dwelling units. An additional standard clubhouse is required for every additional 120 acres or 240 dwelling units. A nature center may be substituted for an additional standard clubhouse; or expanding the standard clubhouse to an enhanced clubhouse is permitted.
  - c. **Major Amenity Center:** A swimming pool, skate park, indoor playground or equivalent is required in any residential subdivision with a parent tract greater than 250 acres or with over 460 dwelling units. An additional, but different than the first, swimming pool, skate park, or indoor playground or the equivalent is required for every 200 acres or 400 dwelling units. A doubling of the minimum standards for a swimming pool may be substituted for a second major amenity center.
2. *Neighborhood Park:* The minimum standards for a neighborhood park include one of the following.
  - a. **Passive:**
    - i. A minimum of one (1) acre;
    - ii. At least fifty percent (50%) of the lot shall have mature trees or eighty percent (80%) of the lot shall be planted with canopy trees and under-story trees under the guidance of a certified arborist and a landscape architect;
    - iii. A minimum of a small open shelter 200 square feet in area; and
    - iv. A minimum of 300 feet of trails with two (2) inches of crushed limestone or 500 feet of trails with three (3) inches of mulch.
  - b. **Active:**
    - i. A minimum of 18,000 square feet;
    - ii. A decorative metal fence no more than four (4) feet in height surrounding the lot, and with at least two (2) entrances;
    - iii. Playground equipment with at least two (2) slides, four (4) swings, three (3) climbing apparatus, and three (3) additional optional apparatus. All playground equipment shall be commercial grade and permanently affixed to the ground. Further, at least one-third (1/3) of all apparatus shall be designed for toddler; and
    - iv. A safe surface shall be installed below each apparatus. A safe surface may include, but is not limited to eight (8) inches of mulch or four (4) inches of recycled tires.
3. *Sport Court:* The minimum standards for a sport court include one of the following.
  - a. **Tennis:**
    - i. A single regulation-sized tennis court;
    - ii. Minimum sixteen (16) feet of hard surface at each end of the court and twelve (12) feet of hard surface on each side for comfortable play;
    - iii. Minimum of eight-foot (8') tall fence enclosure with at least two (2) entrances shall be installed; and
    - iv. A commercial quality net and court striping.
  - b. **Basketball:**
    - i. A minimum three-quarter regulation sized court;
    - ii. A minimum of eight (8) feet of hard surface from all edges of the court for comfortable play;
    - iii. A minimum of two (2) commercial quality goals opposite of one another and court striping; and
    - iv. A minimum of six-foot (6') tall side fences and eight-foot (8') tall end fences with at least four (4) entrances.

- c. Volleyball:
  - i. A single regulation-sized sand volleyball court;
  - ii. A minimum of four (4) feet of additional sand area at each end of the court and three (3) feet of additional sand area on each side shall be installed for comfortable and safe play;
  - iii. A minimum of six-foot (6') tall fence enclosure with one (1) gated entrance on each side shall be installed, but shall be at least eight (8) feet from the sand's edge. The fence installation shall preclude animals from entering the sand volleyball court;
  - iv. A commercial quality net, poles, and boundary tapes; and
  - v. At least eight (8) inches of very fine sand.
4. *Clubhouse*: The minimum standards for a clubhouse include all of the following:
  - a. Standard Clubhouse:
    - i. Four Seasons: The clubhouse shall be fully enclosed, heated and air-conditioned.
    - ii. Architecture: The clubhouse shall be designed to reflect the best residential characteristics in the neighborhood.
    - iii. Square Footage: The clubhouse shall be at least 800 square feet in floor area.
    - iv. Indoor Facilities: The clubhouse shall have at least a men's and women's restroom, kitchenette, and a minimum of fifty (50) square feet of lockable storage.
    - v. Outdoor Facilities: A minimum of 300 square feet of patio space plus sidewalks leading to and from the clubhouse.
    - vi. Furnishings: The clubhouse shall have commercial grade chairs, tables and other furnishings for small parties, small gatherings and small meetings.
  - b. Enhanced Clubhouse:
    - i. Four Seasons: The clubhouse shall be fully enclosed, heated and air-conditioned.
    - ii. Architecture: The clubhouse shall be designed to reflect the best residential characteristics in the neighborhood, and have a brick or stone chimney.
    - iii. Square Footage: The clubhouse shall be at least 1,600 square feet in floor area.
    - iv. Indoor Facilities: The clubhouse shall have at least a men's and women's restroom, a full kitchen, gas or wood burning fireplace, and a minimum of 100 square feet of lockable storage.
    - v. Outdoor Facilities: A minimum of 600 square feet of patio space plus sidewalks leading to and from the clubhouse.
    - vi. Furnishings: The clubhouse shall have commercial grade chairs, tables and other furnishings for large parties, large gatherings and large meetings. It should also have two (2) pieces of indoor play sets for children.
5. *Nature Center*: The minimum standards for a nature center includes all of the following:
  - a. Location/Area: The nature center shall be located adjacent to or on a wooded lot, and shall be located on a minimum of a one-half acre (½-ac.) parcel.
  - b. Four Seasons: The nature center shall be fully enclosed and heated and air-conditioned. All mechanical equipment shall be substantially screened.
  - c. Architecture: The nature center shall be designed to blend into the natural area and be complementary to the neighborhood.
  - d. Square Footage: The nature center shall be at least 500 square feet in floor area.
  - e. Indoor Facilities: The nature center shall have at least a men's and women's restroom, and twenty (20) educational displays, and a minimum of fifty (50) square feet of lockable storage.
  - f. Outdoor Facilities: A minimum of 300 square feet of gathering space plus sidewalks leading to and from the clubhouse. The gathering space and sidewalks leading to the nature center do not have to be concrete. They may be wood, stone, crushed limestone or similar natural material.
  - g. Furnishings: The nature center shall have commercial grade chairs, tables and other furnishings for small parties, small gatherings and small meetings.
  - h. Landscaping: The nature center shall have at least five (5) canopy trees planted around the facility if it is located adjacent to a wooded lot.



# Anti-monotony Standards (AM)

6. *Swimming Pool*: The minimum standard for a swimming pool includes all of the following:
    - a. Area: The pool shall be at least 1,200 square feet in area.
    - b. Fencing: A decorative, non-privacy, metal fence shall be installed as per the height required per code.
    - c. Indoor Facilities: An enclosed men's and women's restroom/changing room are required in proximity to the pool.
    - d. Patio: A hard surface area shall extend at least twelve (12) feet from the edge of the pool on all sides.
    - e. Landscaping: Landscaping shall be installed around the facility and reflect the best characteristics of the neighborhood.
  7. *Skate Park*: The minimum standard for a skate park includes all of the following:
    - a. Area: The skate park shall be at least 800 square feet in area and comprised of appropriate hard surfaces.
    - b. Fencing: A decorative, non-privacy, minimum four-foot (4') tall metal fence shall be installed around the facility with at least four (4) entrances.
    - c. Features: A series of ramps, edges, half-pipes, and the like shall be designed by an experienced skate park designer.
  8. *Indoor Playground*: The minimum standard for an indoor playground includes all of the following:
    - a. Four Seasons: The facility shall be fully enclosed, heated and air-conditioned.
    - b. Square Footage: The facility shall be at least 700 square feet in area.
    - c. Architecture: The facility shall be designed to reflect the best residential characteristics in the neighborhood.
    - d. Indoor Play Features: The indoor playground shall have at least two (2) slides, four (4) climbing apparatus, and two (2) additional optional apparatus. The ceiling height shall be at least fourteen (14) feet and the floor shall be effectively padded with a foam or rubber covering where appropriate.
    - e. Other Indoor Features: The indoor playground shall have a men's and women's restroom and a minimum of fifty (50) square feet of lockable storage.
  9. *Alternative Proposal*: The Plan Commission shall have the authority to accept an equivalent or greater equivalent amenity center in-lieu-of what is required. The developer shall provide plan view drawings, elevation drawings, supportive illustrations, and a description of the facility and products proposed to be used for the Plan Commission to determine equivalency. Further, a developer can meld together and locate multiple required amenity centers in a single area, so long as the intent of this ordinance provision is clearly met.
  10. *Installation Time Frame*: Amenity center facilities shall be installed prior to the sale of seventy-five percent (75%) of the subdivision lots, upon construction of fifty percent (50%) of the primary structures, or upon construction of ninety-five percent (95%) of the primary structures within the first phase of the subdivision, whichever is less.
- I. Contiguity: If two or more subdivisions are:
- contiguous;
  - separated by a right-of-way;
  - separated by an easement; or
  - within 200 feet of the boundary of one another;
- and are:
- platted by the same developer or his partner or associate organization; or
  - built-out by the same builder or dominantly built-out by the same builder,
- then the subdivisions shall aggregately be subjected to the amenity center standards. For example, if a subdivision with 110 lots is separated from a subdivision with 350 lots by a collector street, and both subdivisions were platted by the same developer, then the two (2) subdivisions would be regulated as if they were a single subdivision with 460 lots.

# Dedication of Public Improvement Standards (DD)

## 7.09 DD-01: Dedication of Public Improvement Standards; General

This Dedication of Public Improvement Standards section applies to the following types of development:



- A. Cross Reference: See *Sections 5.31: Surety Standards* for standards relating to Public Improvements.
- B. Dedication of Right-of-way: All right-of-way on an approved final plat shall be considered dedicated upon its approval. Improvements within the right-of-way shall be subject to the Surety Standards in *Section 7.31: Surety Standards; General*.
- C. Dedication of Streets and Sidewalks: The intent of the County is to take ownership of all improvements within the right-of-way if the following criteria is met:
  - 1. *Construction Standards*: All improvements have been constructed as per the County's engineering and construction standards.
  - 2. *Maintenance Bond*: A five-year maintenance bond shall be required by the County at the time of dedication.
- D. Dedication of Other Facilities: Other infrastructure or facilities may, at the election of the County Commissioners, be dedicated to the County. These facilities may include parks, open space, retention ponds, drainage facilities, utilities, street lighting, or other facilities that the County may have interest. If dedicated, the operation and maintenance costs shall be transferred to the County. A five-year maintenance bond for any improvement may be required by the County at the time of dedication.

# Development Name Standards (DN)

## 7.10 DN-01: Development Name Standards; General

This Development Name Standards section applies to the following types of development:



- A. Proposed Development Name: The petitioner shall propose a unique name for the development to the Plan Commission.
- B. Approval Authority: While development names proposed by petitioners shall be considered, the approval of development names is hereby delegated to the Plan Commission. Existing development names and development names that have been approved by the Plan Commission shall not be changed without the approval of the Plan Commission.
- C. Authority to Rename a Proposed Development: The Plan Commission shall have authority to require a new unique name for the development if the name proposed by the petitioner is found to be too similar to that of another development. If an acceptable and unique development name is not proposed by the petitioner, the Plan Commission shall rename the development prior to final approval.
- D. Development Name Criteria: Within the jurisdiction of the Plan Commission, the following standards shall apply:
  - 1. *Root Name*: The proposed root name of the development shall not duplicate, or closely approximate phonetically, the name of any other development.
  - 2. *Suffix Name*: Deviations in suffix names (e.g. Place, Woods, Glen, or Creek) shall not constitute a unique name and shall be prohibited except as described below (for example, if Sutton Woods exists as a development name, the name Sutton Creek shall not be permitted).
  - 3. *Large Developments*: Unique subareas within a large development or separate developments within close geographic proximity shall be authorized to use the same root name if deemed not to be confusing or unsafe by the Plan Commission.



## 7.11 EA-01: Easement Standards; General

This Easement Standards section applies to the following types of development:



### A. Easements:

1. *Drainage and Utility Easements:* All proposed developments submitted for Plan Commission approval under the provisions of *Article 07: Design Standards* shall allocate areas of suitable size and location, wherever necessary, for drainage and/or utility easements. All easements and corresponding utility location plans shall be complete and approved prior to the final approval of any plan.
2. *Surface and Subsurface Drainage:* All development-serving drainage "infrastructure" including surface (e.g. drainage swales and creeks) and subsurface drainage (e.g. tile) shall be located in a drainage easement. The easement shall follow the centerline of the drainage facility. The width for a drainage facility that is or will be a regulated drain shall be determined by the Shelby County Surveyor. All other drainage facilities shall have a minimum easement width of twenty (20) feet (ten (10) feet per side from the centerline) or minimum of two (2) feet beyond the top of bank, whichever results in a larger easement. The easement shall allow access by the owner association, County Surveyor, County Drainage Board for the purpose of widening, deepening, sloping, improving, maintaining, replacing tile, or protecting said drainage swale or subsurface tile.

### B. Other Easements:

1. *Easement Instrument Specifications:* Where an easement is required by this Unified Development Ordinance but the standards for the easement type are not specified, or an easement is required per a commitment or condition of approval, the property owner of record ("grantor") shall execute the easement instrument in favor of the appropriate grantee. Said instrument shall:
  - a. Specify the docket numbers of the petitions with which the easement is associated.
  - b. Specify those activities the grantee is authorized to perform in the easement.
  - c. Specify those activities the grantor is prohibited from performing in the easement.
  - d. Be binding on all heirs, successors, and assigns to the property on which the easement is located.
  - e. Be enforceable by the grantee and the County.
  - f. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement.
  - g. Provide for modification in the manner stipulated in the Unified Development Ordinance.
  - h. Be cross-referenced to the most recently recorded deed to the property on which the easement is to be established.
  - i. Include a metes and bounds description of the easement.
  - j. Be signed by an authorized representative of the property owner of record granting the easement and by an authorized representative of the grantee accepting the easement.
2. *Easement Certificate:*
  - a. When a plan (e.g. Secondary Plat, Development Plan, etc.) is being recorded, the petitioner may forego a separate easement instrument in favor of printing an easement certificate, the content of which has been approved by the Plan Commission Attorney, on the plan.
  - b. Declaration of Covenants: If the Declaration of Covenants is included on the plan (e.g. Secondary Plat, Development Plan, etc.), the easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.

# Easement Standards (EA)

## C. Cross-access Easements:

1. *Easement Instrument Specifications:* When required by this Unified Development Ordinance, each property owner of record (“grantor”) shall execute a cross-access easement instrument in favor of the adjoining property owner (“grantee”). Said instrument shall:
  - a. Specify the docket numbers of the petitions and/or the project numbers of the permits with which the easement is associated.
  - b. Grant the public the right to utilize the easement for purposes of accessing adjoining parking lots.
  - c. Prohibit any person from parking vehicles within the easement.
  - d. Prohibit the property owners or any other person from placing any obstruction within the easement.
  - e. Be binding on all heirs, successors, and assigns to the properties on which the easement is located.
  - f. Be enforceable by each party to the easement and by the County.
  - g. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement.
  - h. Provide for modification or termination in the manner stipulated in the Unified Development Ordinance.
  - i. Be cross-referenced to the most recently recorded deeds to the properties on which the easement is to be established.
  - j. Include a metes and bounds description of the easement.
  - k. Be signed by a duly authorized representative of each property owner of record granting the easement and by duly authorized representatives of each property owner accepting the easement.
2. *Cross-access Easement Certificate:*
  - a. When a plan (e.g. Secondary Plat, Development Plan, etc.) is being recorded, the petitioner may forego a separate easement instrument in favor of printing the following cross-access easement certificate on the plan: “There are shown on this instrument areas that are designated as ‘Cross-access Easement’ or abbreviated as ‘C-A.E.’ Such easements are hereby established in favor of the adjoining property owner (‘grantee’), and grant the public the right to enter the easement for purposes of accessing adjoining parking lots. These easements prohibit any person from parking vehicles within the easement, and prohibit the property owners or any other person from placing any obstruction within the easement. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The grantee or the County may enforce the provisions of the easement. [\_\_\_\_\_] is also entitled to enforce the provisions of the easement. The easement shall only be modified or vacated in the manner stipulated in the Unified Development Ordinance, or its successor ordinance.”
  - b. The dedication and acceptance of easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication signed by the property owner of record, and a Certificate of Acceptance signed by the grantee or its agent.
  - c. Declaration of Covenants: If the Declaration of Covenants is included on the plan (e.g. Secondary Plat, Development Plan, etc.), the cross-access easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.

## D. Private Street Easements:

1. *Easement Instrument Specifications:* When required by this Unified Development Ordinance, the property owner of record (“grantor”) shall execute a private street easement instrument in favor of the owner of the lot (“grantee”) to which the private street provides access. Said instrument shall:
  - a. Specify the docket numbers of the petitions and/or the project numbers of the permits with which the easement is associated.
  - b. Grant the grantee the right to access the easement for purposes of accessing their lot.
  - c. Specify the grantee’s financial responsibilities with respect to the alteration, repair, maintenance, and removal of the improvements.
  - d. Prohibit the grantee or any other person from placing any obstruction within the easement;
  - e. Require that the private street be built to the standards of the County.
  - f. Be binding on all heirs, successors, and assigns to the property on which the easement is located;
  - g. Be enforceable by the grantee and the County.
  - h. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement.
  - i. Provide for modification or termination in the manner stipulated in the Unified Development Ordinance.
  - j. Be cross-referenced to the most recently recorded deeds to the properties on which the easement is to be established.
  - k. Include a metes and bounds description of the easement.
  - l. Be signed by a duly authorized representative of each property owner of record granting the easement and by duly authorized representatives of each property owner accepting the easement.
2. *Private Street Easement Certificate:*
  - a. When a plan (e.g. Secondary Plat, Development Plan, etc.) is being recorded, the petitioner may forego a separate easement instrument in favor of printing the following private street easement certificate on the plan: “There are shown on this instrument areas that are designated as ‘Private Street Easement’ or abbreviated as ‘P.S.E.’ Such easements are hereby established in favor of the adjoining property owners (‘grantee’), and grant the grantee the right to enter the easement for purposes of accessing their lot. These easements prohibit the property owners or any other person from placing any obstruction within the easement. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The grantee or the County may enforce the provisions of the easement. [\_\_\_\_\_] is also entitled to enforce the provisions of the easement. The easement shall only be modified or vacated in the manner stipulated in the Unified Development Ordinance, or its successor ordinance.”
  - b. The dedication and acceptance of easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication signed by the property owner of record, and a Certificate of Acceptance signed by the grantee or its agent.
  - c. Declaration of Covenants: If the Declaration of Covenants is included on the plan (e.g. Secondary Plat, Development Plan, etc.), the private street easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.

## E. Temporary Turnaround Easements:

1. *Easement Instrument Specifications:* When a temporary turnaround is required by this Unified Development Ordinance, the property owner of record (“grantor”) shall execute a temporary turnaround easement instrument in favor of the general public through the County Commissioners (“grantee”). Said instrument shall:
  - a. Specify the docket numbers of the petitions and/or the project numbers of the permits with which the temporary turnaround easement is associated;
  - b. Grant the general public the right to access the easement for purposes of maneuvering vehicles;
  - c. Grant the County the right to alter, repair, maintain, or remove the improvements;
  - d. Prohibit any person from parking vehicles within the easement;
  - e. Prohibit the property owner or any other person from placing any obstruction within the easement;
  - f. Be binding on all heirs, successors, and assigns to the property on which the temporary turnaround easement is located;
  - g. Be enforceable by the County Commissioners, the Plan Commission, the Planning Department, and the County Attorney;
  - h. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the temporary turnaround easement;
  - i. Provide for modification or termination in the manner stipulated in the Unified Development Ordinance;
  - j. Provide for automatic termination upon the County’s acceptance of the reciprocal stub street;
  - k. Be cross-referenced to the most recently recorded deed to the property on which the temporary turnaround easement is to be established.
  - l. Include a metes and bounds description of the temporary turnaround easement.
  - m. Be signed by a duly authorized representative of the property owner of record granting the temporary turnaround easement and by duly authorized representatives of the County Commissioners accepting the easement.
2. *Temporary Turnaround Easement Certificate:*
  - a. When a plan (e.g. Secondary Plat, Development Plan, etc.) is being recorded, the petitioner may forego a separate easement instrument in favor of printing the following temporary turnaround easement certificate on the plan: “There are shown on this instrument areas that are designated as ‘Temporary Turnaround Easement’ or abbreviated as ‘T.T.E.’ Such easements are hereby established in favor of the general public (‘grantee’), and grant the grantee the right to enter the easement for purposes of maneuvering vehicles. The easement also grants the County the right to alter, repair, maintain, or remove the improvements. The easement prohibits any person from parking vehicles within the easement and prohibits the property owner or any other person from placing any obstruction within the easement. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The grantee or the County may enforce the provisions of the easement. [\_\_\_\_\_] is also entitled to enforce the provisions of the easement. The easement shall only be modified or vacated in the manner stipulated in the Unified Development Ordinance, or its successor ordinance.”
  - b. The dedication and acceptance of easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication signed by the property owner of record, and a Certificate of Acceptance signed by the grantee or its agent.
  - c. Declaration of Covenants: If the Declaration of Covenants is included on the plan (e.g. Secondary Plat, Development Plan, etc.), the subdivision sign easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.

## 7.12 EF-01: Entryway Feature Standards; General

This Entryway Feature Standards section applies to the following types of development:



- A. **General:** Where entryway features are established, they shall be attractive, eye-catching, and constructed of durable materials. Entryway features shall be designed, installed, and maintained to be safe and healthful environments. Entryway features shall not be located within the right-of-way.
- B. **Cross Reference:** Signs associated with entryway features are subject to additional standards pursuant to *Sections 5.73 thru 5.75: Sign Standards*.
- C. **Site Plan:** A Site Plan shall be submitted for consideration and approval for entryway features in all subdivisions, multiple-family developments and Planned Developments. This includes all signs that will be utilized on the site, including but not limited to project identification, project directory, individual occupancy (identification or advertisement).
- D. **Project Identification:** The number and size of signs shall depend on the number of entrances and scale of the street from which the entrance is located.
  1. **Main Entryway Feature:**
    - a. One (1) large entryway feature is permitted per development.
    - b. If the development has more than 100 dwelling units or the parent tract is greater than eighty (80) acres, and the development has primary entrances off of two (2) different arterial or collector streets, it shall be permitted to have two (2) large entryway features.
    - c. No single identification sign incorporated into a large entryway feature shall exceed forty (40) square feet.
  2. **Secondary Entryway Feature:**
    - a. One (1) small entryway feature is permitted for every secondary entrance.
    - b. This entryway feature shall be significantly smaller in scale than the large entryway feature.
    - c. No single identification sign incorporated into a small entryway feature shall exceed twenty (20) square feet.
- E. **Landscaping:** The sign portion of the entryway feature shall be significantly subordinate to the landscaping.

# Erosion Control Standards (EC)

## 7.13 EC-01: Erosion Control Standards; General

This Erosion Control Standards section applies to the following types of development:



- A. General: No changes shall be made in the contour of the land, nor shall grading, or excavating begin until an Erosion and Sedimentation Control Plan has been reviewed and approved by the Zoning Administrator. Any development over one (1) acre shall be reviewed by the Indiana Department of Environmental Management. A copy of the submittal for approval shall be held in the Planning Department.
- B. Off-site Sedimentation: Whenever sedimentation is caused by stripping of vegetation, regrading, or other development activities, it shall be the responsibility of the petitioner to remove it from all adjoining surfaces, drainage systems, and watercourses, and to repair any damage at the petitioner's expense.
- C. Off-site Fill: Off-site fill material shall be free of environmentally hazardous materials. The petitioner shall ensure to the County's satisfaction that fill material hauled from an off-site location is free of environmental contaminants. The source of fill material shall be identified prior to application for an Improvement Location Permit. If directed by the County, the petitioner shall have testing performed on representative samples of the fill material to determine if environmentally hazardous materials are present in the fill.
- D. Other Fill:
  1. *Organic Material*: Detrimental amounts of organic material shall not be permitted in fills.
  2. *Irreducible Material*: No rock or similar irreducible material with a maximum dimension greater than twelve (12) inches shall be buried or placed in fills unless included and approved as part of an Improvement Location Permit.
  3. *Compaction*: All fills shall be compacted per Shelby County's construction and engineering standards.
- E. Health, Safety and Welfare: If the County determines that any existing excavation or embankment or fill has become a hazard to life or limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the County, shall within the period specified therein repair or eliminate such excavation or embankment to eliminate the hazard.
- F. Disturbance of Protected Areas: If any "no disturb" areas are driven over, altered, disturbed, or damaged in any way, the petitioner or property owner shall be subject to *Article 10: Enforcement and Penalties* of the Unified Development Ordinance.

## 7.14 FL-01: Floodplain Standards; Provisions for Flood Hazard Reduction

This Floodplain Standards section applies to the following types of development:



### A. Standards for All Development Proposals:

#### 1. *Minimize Flood Damage:*

- a. All development proposals shall be consistent with the need to minimize flood damage.
- b. All development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- c. All development proposals shall maintain all public or private streets used for evacuation above the base flood elevation.

#### 2. *Drainage:* All development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

#### 3. *Base Flood Elevations:* Base flood elevation data shall be based on the best available data which shall be less than five (5) years old from its publication date. Any unstudied areas or areas with data greater than five (5) years old shall be required to provide a study (floodplain modeling) to determine the base flood elevation for the development site. The County Drainage Board may waive a study if clearly determined to not be necessary.

### B. Platting: The petitioner shall delineate the 100-year flood elevation on all Secondary Plats containing lands identified to be within a Special Flood Hazard Area (SFHA) prior to submitting the Secondary Plat for approval.

### C. Evacuation Plan: All owners of manufactured home parks or subdivisions located within the Special Flood Hazard Area (SFHA) identified as an "A Zone" on the Flood Insurance Rate Maps shall develop an evacuation plan for those lots located in the SFHA and have the evacuation plan filed with and approved by the appropriate community emergency management authorities.



# Lot Establishment Standards (LE)

## 7.15 LE-01: Lot Establishment Standards; Residential

This Lot Establishment Standards section applies to the following types of development:



- A. **General:** The shape, location, and orientation of all lots within a development shall be appropriate for the uses proposed and be in accordance with the zoning districts, except as allowed by *Article 06: Subdivision Types*.
- B. **Standards:** Every lot shall meet the following standards.
  1. *Street Frontage:* Residential lots shall be laid out to only have frontage on interior streets, including frontage streets. All residential lots shall have frontage on a public street built to the County street standards.
  2. *Side Lot Lines:* Residential lots shall have side lot lines that are within fifteen degrees (15°) of a right angle to the street and right-of-way.
  3. *Corner Lots:* Residential corner lots smaller than 20,000 square feet shall be twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district. This shall include lots at the corner of a development entrance and an exterior public street.
  4. *Through Lots:* Residential lots shall not be designed to be through lots, unless the lot does not establish access to the second frontage.
  5. *Special Lots:* Residential lots abutting a watercourse, drainage way, channel, or stream shall be twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district. This space shall be allocated on the side of the property that abuts the water feature as a “no-disturb” zone.
  6. *Property Line Corners:*
    - a. At intersections of streets and alleys, property line corners shall be rounded by arcs of at least fifteen (15) feet in radius or by chords of such arcs.
    - b. At intersections of streets the property line corners shall be rounded by arcs of at least twenty-five (25) feet in radius or by chords of such arcs.



## 7.16 LE-02: Lot Establishment Standards; Commercial and Industrial

This Lot Establishment Standards section applies to the following types of development:



- A. **General:** The shape, location, and orientation of all lots within a development shall be appropriate for the uses proposed and be in accordance with the zoning districts, except as allowed by *Article 06: Subdivision Types*.
- B. **Standards:** Every lot shall meet the following standards.
  1. **Interior Street Frontage:** Commercial lots shall be laid out to only have frontage on interior streets or access streets. Individual lots shall only be laid out to have direct access on public streets if expressly permitted to do so by the Zoning Administrator.
  2. **Side Lot Lines:** Commercial lots shall have side lot lines that are within fifteen degrees (15°) of a right angle to the street and right-of-way. Said side lot lines shall extend in a straight line from the street right-of-way for at least twenty percent (20%) of the property's depth.
  3. **Corner Lots:** Commercial corner lots shall be twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district. If there is a maximum lot area, that maximum shall also be increased by twenty-five percent (25%).
  4. **Special Lots:** Commercial lots abutting a watercourse, drainage way, channel, or stream shall be twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district. This space shall be allocated on the side of the property that abuts the water feature as a "no-disturb" zone.
  5. **Cohesive Design:** Commercial and industrial developments (e.g. shopping centers, commercial areas, and office parks) shall be designed holistically as a single project no matter how many lots are generated. All areas of the parent tract shall be shown as it is intended to be laid out and used.
  6. **Sensitivity to Context:** Commercial and industrial developments shall be laid out to be sensitive to neighboring developments (if built), or neighboring zoning districts if undeveloped.
  7. **Property Line Corners:**
    - a. At intersections of streets and alleys, property line corners shall be rounded by arcs of at least fifteen (15) feet in radius or by chords of such arcs.
    - b. At intersections of streets the property line corners shall be rounded by arcs of at least twenty-five (25) feet in radius or by chords of such arcs.

# Mixed-use Development Standards (MU)

## 7.17 MU-01: Mixed-use Development Standards; General

This Mixed Use Development Standards section applies to the following types of development:



- A. General: Any development that incorporates a mix of uses as a Traditional Neighborhood shall meet the standards in this section. A mix of uses may be proposed within the same structure or on the same parent tract.
- B. Traditional Neighborhoods:
  - 1. *Rezoning to Most Appropriate Zoning District*: Upon Primary Plat approval, the Plan Commission shall initiate the rezoning of each unique district within the development (e.g. single-family, townhouses, apartments, commercial center, park, or mixed use village) to the most appropriate zoning district for each subarea of the development to fulfill the petitioner's intention and forward a recommendation for zoning change to the County Commissioners. The petitioner may make a recommendation for those zoning districts, but the Plan Commission shall make the final determination. The petitioner shall bear the cost of notice to adjacent property owners and shall pay the fee for one (1) rezoning, even if the development will be rezoned into more than one (1) new classification.
- C. Site Plan:
  - 1. *Minimizing On-site Conflicts*: Mixed uses shall be arranged on the site to minimize conflicts between other uses on-site or off-site.
- D. Planned Development:
  - 1. *Minimizing On-site Conflicts*: Mixed uses shall be arranged on the site to minimize conflicts between other uses on-site or off-site.
  - 2. *Buffering Adjacent Properties*: Any land use within the development that borders a differing land use outside the development shall be reviewed to determine if a buffer yard is necessary. If a buffer yard is required, the Planned Development shall install the buffer yard to specifications in *Sections 5.43 thru 5.49: Landscape Standards*.

# Monument and Marker Standards (MM)

## 7.18 MM-01: Monument and Marker Standards; General

This Monument and Marker Standards section applies to the following types of development:



- A. Installation of Monuments and Markers: All monument and marker improvements shall be installed per 865 IAC 1-12-18 and Shelby County's construction and engineering standards.
- B. Centerline Monuments: Monuments conforming to 865 IAC 1-12-18(a)(2) shall be set on street centerlines at the beginning and end of curves and at the intersection of centerlines. When it is not practical to set a centerline monument in accordance with 865 IAC 1-12-18(a)(2), a centerline monument conforming to 865 IAC 1-12-18(a)(3) shall be set.
- C. Reporting: Upon completion of the development, as-built drawings shall be submitted showing where monuments and markers were placed. This shall be accompanied by an affidavit by the surveyor certifying that the monuments, markers, and corner pins are still accurately in place, and were not removed, moved, or buried such that they do not accurately denote surveyed lines or cannot be easily located.

# Open Space Standards (OP)

## 7.19 OP-01: Open Space Standards; General

This Open Space Standards section applies to the following types of development:



- A. **Minimum Open Space:** The minimum open space required for each development shall be as indicated on the two-page layouts for each type of subdivision in *Article 06: Subdivision Types*.
- B. **Qualifying Areas:** The following features count toward the minimum open space requirements as described:
  1. **Conservation Areas:** Any required preservation/conservation area shall count one hundred percent (100%) toward open space requirements.
  2. **Man-made Water Features:** Any man-made water feature (including retention facilities) over 1/4 acre in area shall count fifty percent (50%) toward the minimum open space requirements. However, it shall count one hundred percent (100%) toward minimum open space if it supports aquatic life and provides native habitat as follows:
    - a. **Surface Area:** A surface area at normal pool elevation of at least 32,670 square feet (¾ acre); and
    - b. **Perimeter Access:**
      - i. **Width:** A buffer area around the full circumference of the water feature of at least fifty (50) feet from the top of bank shall be available as open space.
      - ii. **Plantings:** This open space shall be planted and maintained as wildlife habitat. This includes use of native (no more than twenty percent (20%) lawn grass) species including prairie grasses and/or tree planting.
      - iii. **Minimum Depth:** The pool depth shall be at least 15 feet (15') under at least ten percent (10%) of the overall pool area.
      - iv. A fountain or other means to mitigate algae growth shall be utilized.
  3. **Dry Detention Facilities:** Man-made storm water detention facilities (dry) shall count seventy-five percent (75%) toward open space if they meet the following standards:
    - a. **Area:** The facility shall have at least 10,890 square feet of flat bottom (¼ acre).
    - b. **Depth:** The man-made depth of the detention facility shall not exceed four (4) feet from top of bank.
    - c. **Slope:** Man-made slopes within the detention facility shall not exceed a 4:1 ratio.
    - d. **Perimeter Access:**
      - i. **Width:** A buffer area around the full circumference of the facility of at least twenty-five (25) feet from the top of bank shall be available as open space.
      - ii. **Plantings:** This open space (facility and buffer area) shall be planted and maintained as usable area. This includes use of prairie grasses, native species, native ground cover, or lawn grass. Tree planting shall not be within the basin area or on the slopes of the bank.
  4. **Floodplain:** The floodplain area of any natural stream, regulated drain, or natural river shall count toward the open space requirements.
  5. **Required Perimeter Landscaping:** Fifty percent (50%) of the perimeter landscaping areas required in *Section PL-01: Perimeter Landscaping Standards; General* shall count towards the required open space.
  6. **Other:** Other common areas set aside to meet open space requirements.

## 7.20 OA-01: Owner Association Standards

This Owner Association Standards section applies to the following types of development:



- A. **Applicability:** The following regulations apply to any development with common area, private streets, shared parking, amenity centers, shared or private utilities, community retention pond, and the like.
- B. **Legal Mechanism for Long-term Maintenance:**
  1. *Perpetuity:* An owners association shall be created in perpetuity in order to make decisions about and to maintain all common property or facilities.
  2. *Organization Options:* An owners association may be a legally incorporated entity or other legal mechanism which provides shared ownership or shared responsibility in common property or facilities. A board of directors or other means for representation in decision making shall be established.
  3. *Recording of Legal Mechanism:* The legal mechanism binding all property owners or vested parties shall be recorded with the County Recorder as being assigned to each applicable property.
  4. *Declaration of Covenants:* Covenants may be utilized to further restrict improvements and uses in the development. The Declaration of Covenants shall be recorded in the Office of the County Recorder following final approval of the development and prior to selling a lot, parcel or condominium unit. A cross-reference to the recorded Declaration of Covenants instrument shall be recorded on the deed for every lot, parcel, condominium unit, or other applicable division of ownership within the development.
  5. *Commitments or Conditions of Approval:* Any covenant language that resulted as a developer commitment or condition of approval by the County shall be included in the covenants or other legal document, and shall be clearly denoted as non-amendable by the owner association.
  6. *Association Fee:* An association fee or other financial mechanism shall be included in the legal mechanism and be equal to the financial needs of the owner association to maintain common property or facilities, and to accumulate a reserve account for long-term large expenditures, emergencies, and contingencies.
- C. **Contractual Obligation:** Prior to the developer transitioning control of the owners association to the property owners, The developer shall not enter into any contractual relationship on behalf of the owners association prior to transitioning control to local lot or unit owners that exceeds a period of one (1) year. Once the owners association is under the lot or unit owners' control, the renewal of such a contract shall be at the discretion of the owners association.
- D. **Required Language:** The following language is required in the legal mechanism when applicable:
  1. *Street Lighting:* When street lighting is voluntarily installed or required to be installed, the County shall not now or in the future be obligated to accept the lights as public property, nor shall the County bear any financial responsibility for operation or maintenance.
  2. *Snow Removal:* When public streets are installed, the County shall not now or in the future be obligated to provide snow removal service on streets within the development. If snow removal is desired, the owners association shall use its own resources to maintain streets free from snow.
  3. *Retention Pond and Drainage Systems:* When a retention pond and/or other drainage system is required or otherwise installed, the County shall not now or in the future be obligated to accept it as public infrastructure. The owners association shall bear the cost of the retention pond and/or drainage system maintenance. In the event the owners association fails to maintain the retention pond and/or other drainage facilities, the County may make the improvements and assess each property for the project cost plus administration costs.
  4. *Private Streets:* When private streets are voluntarily installed or required to be installed, the County shall not now or in the future be obligated to accept the private streets as public property, nor shall the County bear any financial responsibility for maintenance or replacement.
  5. *Private Sidewalks:* When sidewalks are voluntarily installed or required to be installed outside of a right-of-way, the County shall not now or in the future be obligated to accept the sidewalks as public property, nor shall the County bear any financial responsibility for maintenance or replacement.

# Owner Association Standards (OA)

---

6. *Landscaping*: When landscaping is voluntarily installed or required to be installed in common area, easements, or right-of-way, the owners association shall be responsible for maintaining the plant material in healthy condition, removing dead or diseased vegetation, and/or replacing landscaping, as necessary.
  7. *Vegetation in Right-of-way*: Once right-of-way is platted, the County gains ownership of the area within the right-of-way and retains the right to reasonably trim or remove any tree or shrub impeding vehicular or pedestrian flow, or that is diseased, or that is necessary in order to perform public improvements within the right-of-way, regardless if the owners association is assigned financial, maintenance, or replacement responsibility.
- E. Enforcement: Failure of the owners association to maintain an effective legal mechanism for maintaining common property or facilities shall be subject to *Article 10: Enforcement and Penalties*.

## 7.21 PN-01: Pedestrian Network Standards; General

This Pedestrian Network Standards section applies to the following types of development:



- A. **General:** All developments shall integrate an interior and exterior pedestrian network comprised of concrete sidewalks or asphalt paths for pedestrian transportation and recreation. This network shall include pedestrian facilities along street frontages and pedestrian connector paths between developments and public destinations (e.g. schools, parks, hospitals), nearby trails, other developments, and vacant land.
- B. **Width:** The minimum width of required pedestrian facilities shall be as indicated on the two-page layouts for each subdivision type in *Article 06: Subdivision Types*.
- C. **Location:** Except as provided below, all streets shall require pedestrian facilities on both sides of the street:
  - 1. **Exception:** Cul-de-sacs less than 300 feet in length and providing access to less than ten (10) residential units shall only be required to install pedestrian facilities on one (1) side of the street. All other required trails and connector paths shall still be required.
- D. **Placement:** To the extent possible, all required sidewalks shall be located one (1) foot inside the right-of-way to be dedicated to the County. If utility poles, trees, or other physical characteristics complicate installation, then the sidewalk or path may extend into individual lots or common area if the area of encroachment is placed within a pedestrian easement.
- E. **Minimum Tree Plot Width:** All sidewalks shall be spaced away from the back of curb to provide a tree plot and to provide pedestrian separation from vehicles. Except as specified elsewhere in this Unified Development Ordinance, tree plots may shall be a minimum of five (5) feet and shall be planted with grass.
- F. **Administrative Waiver:** When the petitioner can demonstrate the acceptability of waiving or altering certain design standards relating to pedestrian facilities, it may be the ruling of the Zoning Administrator, after consultation by Technical Advisory Committee, that such standards be altered.
- G. **Sidewalk or Path Construction:** All concrete sidewalk and asphalt path improvements are to be constructed as in accordance with the Shelby County construction and engineering standards.

# Perimeter Landscaping Standards (PL)

## 7.22 PL-01: Perimeter Landscaping Standards; General

This Perimeter Landscaping Standards section applies to the following types of development:



- A. Applicability: This section shall apply to any portion of a development that abuts an expressway, interstate highway, arterial street, or collector street.
- B. General:
  1. *Plan*: A Landscape Plan showing perimeter landscaping shall be presented to the Plan Commission for approval as part of the project submittal.
  2. *Ownership*: Perimeter landscaping areas shall retain private ownership whether that be a single land owner or a homeowners association.
- C. Standards:
  1. *Minimum Depth*: Twenty-five (25) feet.
  2. *Minimum Length*: The perimeter landscape area shall extend the entire length of the frontage.
  3. *Plant Materials*: Trees shall be provided at a combined rate of ten (10) per 100 lineal feet of perimeter planting. The required trees shall be a minimum of sixty percent (60%) canopy trees and minimum of twenty-five percent (25%) ornamental or under-story trees. The trees shall be planted in a natural manner, in clusters or irregular, nonlinear patterns.
  4. *Fencing or Mounding*: Where used, fencing or mounding as described below may be integrated with the required trees and shrubs.
    - a. *Perimeter Fences*: A high quality perimeter fence similar to the development's character may be combined with the required plant materials. Said fence shall be constructed of masonry, stone, wood, or metal; and be at least thirty-six (36) inches in height, but not over seventy-two (72) inches in height.
    - b. *Mounds*: Mounds may be combined with the required plant material and may include fencing. If used, mounds shall be a minimum of three (3) feet in height. Maximum side slope shall not exceed a three to one (3:1) ratio. Continuous mounds shall not be permitted (i.e. levee-like mounds).



## 7.23 PQ-01: Prerequisite Standards; General

This Prerequisite Standards section applies to the following types of development:



- A. General: All developments shall meet the prerequisites as indicated on the two-page layouts for each type of subdivision in *Article 06: Subdivision Types*.
- B. Types of Prerequisites: To qualify for a type of subdivision the following prerequisites apply:
  - 1. *Prerequisite Base Zoning*: The prerequisite base zoning shall be as indicated on the two-page layout for each type of subdivision in *Article 06: Subdivision Types*.
  - 2. *Minimum Parent Tract*: The minimum parent tract area shall be as indicated on the two-page layout for each type of subdivision in *Article 06: Subdivision Types*.
- C. Unlisted Types of Prerequisites: If any the above listed prerequisite standards do not appear for a particular type of subdivision in *Article 06: Subdivision Types*, then it does not apply to that particular subdivision type.

# Storm Water Standards (SM)

## 7.24 SM-01 Storm Water Standards; General

This Storm Water Standards section applies to the following types of development



- A. General: All proposed subdivisions submitted to the Plan Commission for approval shall provide for the collection and management of storm and surface water drainage.
- B. Cross Reference: See Shelby County Storm Water Management Ordinance, as amended, for additional storm water requirements within the County.
- C. Drainage Facility Requirements: A drainage facility shall be provided to allow drainage of water runoff from all of the upstream drainage area and from all areas within the proposed subdivision or development to a place adequate to receive such runoff.
  1. *Standards*: Drainage facilities shall meet all of the following standards:
    - a. Be designed and constructed in accordance with the Shelby County construction and engineering standards.
    - b. Be durable, easily maintained, retard sedimentation, and retard erosion.
    - c. Shall not endanger the public health and safety, or cause significant damage to property.
    - d. Be sufficient to accept the water runoff from the site after development and the present water runoff from all areas upstream.
    - e. Consideration shall be given to water runoff from future developments in undeveloped areas upstream which cannot reasonably be accommodated in the upstream area. The types of consideration should include, but need not be limited to, retention-detention systems, over-sizing with fifteen-year law cost recovery, and granting of adequate easements for future construction. The type of future development shall be in accordance with the uses indicated in the Shelby County Comprehensive Plan or the use allowed in current zoning district, whichever reflects the most intense use.
    - f. Be designed such that there will be no increase in the peak discharge runoff rate as a result of the proposed development unless the existing or improved downstream drainage facilities are adequate to accept:
      - i. The water runoff from the site after development;
      - ii. The present water runoff from developed and undeveloped areas upstream; and
      - iii. The present water runoff of downstream areas contributory to the downstream drainage facility beyond the limits of the site.
    - g. Be designed such that the low points of entry for residential, commercial and industrial structures are two (2) feet above and free from a 100-year flood. In addition, avenues of ingress-egress shall also be free from the 100-year flood.
  2. *Inspection*: Be inspected during construction by a professional engineer or land surveyor registered in the State at the expense of the petitioner and certified in accordance with this ordinance. This is in addition to the inspection provided by the County.
- D. Restoration of Drainage: It is the responsibility of the petitioner to restore any stream, watercourse, swale, floodplain, or floodway that is disturbed during the period of development, to return these areas to their original or equal condition upon completion.
- E. Obstruction of Drainage: The petitioner shall not block, impede the flow of, alter, construct any structure, deposit any material or object, or commit any act which will affect normal or flood flow in any ditch, stream, or watercourse without having obtained prior approval from the Zoning Administrator, Shelby County Drainage Board, Indiana Department of Natural Resources, Indiana Department of Environmental Management, and/or Army Corps of Engineers, whichever entity has jurisdiction.

## 7.25 SR-01: Street and Right-of-way Standards; General

This Street and Right-of-way Standards section applies to the following types of development:



- A. **General:** All developments shall allocate adequate areas for new streets in conformity with the Shelby County construction and engineering standards, the Unified Development Ordinance, the Shelby County Comprehensive Plan, and the Thoroughfare Plan.
- B. **Private Streets:**
  1. *Cross Reference:* See Section 7.11: *Easement Standards; General* for additional information.
  2. *Standards:* Private streets are permitted, but shall conform to all construction and right-of-way standards within the Unified Development Ordinance and the Shelby County construction and engineering standards.
  3. *Private Street Easements:* Private streets shall be established in access easements that may be placed in common area, rather than rights-of-way.
  4. *Required Language:* When a private street easement appears on a plat, the following language shall be printed on the plat, “The Owner/Developer expressly covenants and warrants on behalf of itself and all future owners of lots within this subdivision that because the streets are private, all maintenance, repairs, and replacement now and forever shall be undertaken at the expense of the lot owners in accordance with the terms and conditions set forth in the owners association bylaws and articles. No governmental entity has any duty or responsibility to maintain, repair, or replace any private street.”
  5. *Usage:* When the term right-of-way is used in this section, it shall also apply to private street easements.
- C. **Street Design Principles:**
  1. *General Street Layout:* Streets laid out on the parent tract shall meet all of the following standards:
    - a. Shall create conditions favorable to health, safety, convenience, and the harmonious development of the community;
    - b. Shall be orderly and logical manner;
    - c. Shall give consideration to connectivity to adjacent parcels;
    - d. Shall give consideration to pedestrian and vehicular safety; and
    - e. Shall provide reasonably direct access to the primary circulation system.
  2. *Regard to Contour of the Land:* Streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
  3. *Connectivity:* All developments shall provide stub streets to connect to adjacent properties.
    - a. Where the development abuts undeveloped land, stub streets may be proposed by the petitioner. However, the final number and location of stub streets shall be determined by the Zoning Administrator and concurred with by Technical Advisory Committee.
    - b. Where the development abuts land that has established stub streets, built or platted, the petitioner shall design the street system to connect to those stub streets.
    - c. As a general rule, each side of the development that does not border a public street shall have at least one (1) stub street. In large developments, two (2) or more stub streets may be determined necessary to provide adequate connectivity to developed or undeveloped abutting properties.
    - d. Regard shall be given to the Thoroughfare Plan and Shelby County Comprehensive Plan.
  4. *Stub Streets:* Stub streets shall be constructed at the same time other streets are built within the development. Temporary easements shall be established to provide for turnarounds, but they shall be released to the neighboring properties when the reciprocal stub street is constructed.
  5. *Gated Entrances:* Gated development entrances shall have apparatus installed such that emergency vehicles (e.g. fire trucks, police cars, and ambulances) can quickly and easily gain access to the development. Further, the gates shall be sized to allow the largest fire truck in service in the County to easily turn into the development.

# Street and Right-of-way Standards (SR)

6. *Boulevard Entrances*: Developments may have a boulevard entrance, but such entrance shall extend at least fifty (50) feet from the perimeter street's right-of-way. The width of the center planting strip shall be at least ten (10) feet.
  7. *Intersections*:
    - a. All intersections of two (2) streets shall be within fifteen degrees (15°) of right angles to each other as measured at the street center lines.
    - b. Intersections of more than two (2) streets at one (1) point shall not be permitted.
    - c. Where ever possible, new local streets shall be aligned with existing local streets. Local street intersection with center line offsets of less than 125 feet shall not be permitted.
  8. *Pavement Width*:
    - a. The minimum street pavement width shall be as indicated on the two-page layout for each type of subdivision in *Article 06: Subdivision Types*; or as indicated in *Article 04: Planned Development Districts* for Planned Developments.
    - b. If not indicated, the Zoning Administrator shall utilize the Thoroughfare Plan to determine the appropriate pavement width for each development. Street width shall be determined by measuring from back of curb to back of curb.
  9. *Curb Type*: Rolled or vertical curbs are permitted. In Traditional Subdivisions, only vertical curbs are permitted.
  10. *Block Length*: The maximum block length shall be as indicated on the two-page layout for each type of subdivision in *Article 06: Subdivision Types*; or as indicated in *Article 04: Planned Development Districts* for Planned Developments. If not indicated, the Zoning Administrator shall determine the appropriate maximum length.
  11. *Cul-de-sac Length*: The maximum cul-de-sac length shall be as indicated on the two-page layout for each type of subdivision in *Article 06: Subdivision Types*; or as indicated in *Article 04: Planned Development Districts* for Planned Developments. If not indicated, cul-de-sacs are not permitted in that type of development.
  12. *Cul-de-sac Terminus*: A cul-de-sac shall have a minimum outside radius of forty-five (45) feet and be designed in accordance with the Shelby County construction and engineering standards. A "hammer head" turn around may be substituted for a cul-de-sac if sized to allow a forty-five (45) foot long vehicle to turn around.
  13. *Dead-end Streets*: Permanent dead-end streets shall be prohibited. Dead-end streets do not include cul-de-sacs or stub streets.
  14. *Eyebrows*: Eyebrow street designs shall be permitted but shall be placed in common area and outside of the public rights-of-way.
  15. *Passing Blisters, Acceleration Lanes, and Deceleration Lanes*: Passing blisters, acceleration lanes, and deceleration lanes shall be constructed in accordance with the Shelby County construction and engineering standards.
  16. *Right-of-way Width*: The minimum right-of-way width shall be as indicated on the two-page layout for each type of subdivision in *Article 06: Subdivision Types*; or as indicated in *Article 04: Planned Development Districts* for Planned Developments. If not indicated, the Zoning Administrator shall utilize the Thoroughfare Plan to determine the appropriate width for each development.
- D. Dedication of Right-of-way: In developments that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions established in the Thoroughfare Plan, the petitioner shall dedicate additional width along either one or both sides of such streets sufficient to meet the requirements of the Transportation Plan. If the petitioner only controls the property on one side of the street, sufficient right-of-way shall be dedicated to bring the half right-of-way up to the dimensions required in the Thoroughfare Plan.
1. *Passing Blister*: Where a passing blister is required and inadequate right-of-way exists to install the passing blister, the petitioner shall make a good faith effort to acquire property sufficient for the installation of the passing blister. If the owner of the property on which the passing blister is to be installed refuses to sell the property to the petitioner, the petitioner shall provide the Planning Department copies of all surveys; appraisals; written offers made by the petitioner to the property owner; and correspondence from the property owner.

2. *Acceleration and Deceleration Lanes:* Where an acceleration lane and/or deceleration lane is required and the petitioner does not control street frontage adequate to install the lane, the petitioner shall make a good faith effort to acquire property sufficient for the installation of the acceleration lane and/or deceleration lane. If the owner of the property on which the acceleration lane and/or a deceleration lane is to be installed refuses to sell the property to the petitioner, the petitioner shall provide the Planning Department copies of all: surveys; appraisals; written offers made by the petitioner to the property owner; and correspondence from the property owner.
  3. *Eminent Domain:* Whereas the installation of passing blisters, acceleration lanes, and deceleration lanes is vital to the health, safety, and welfare of the motoring public, the County may begin eminent domain proceedings in accordance with IC 32-24: Eminent Domain for the acquisition of public right-of-way sufficient for the installation of the passing blister, acceleration lane, and/or deceleration lane upon receipt of the aforementioned documentation illustrating the petitioner's failure to acquire the needed property. Upon completion of the eminent domain proceedings, the petitioner shall reimburse the County in an amount equal to the price paid by the County for the public right-of-way, anything that had to be condemned within the acquired right-of-way, and anything for which the County paid the price of relocation.
  4. *Installation of Improvements:* The petitioner shall then install the passing blister, acceleration lane, and/or deceleration lane per the Shelby County construction and engineering standards.
- E. Construction and Installation Standards for Streets: All street improvements, private or public, are to be designed, constructed and installed per the Shelby County construction and engineering standards.

## 7.26 SL-01: Street Lighting Standards; Residential Development

This Street Lighting Standards section applies to the following types of development:



### A. General:

1. *Installation:* The petitioner shall install, or cause to be installed, street lights at all major intersections, development entrances, and along internal streets as required by the provisions of this section.
2. *Ownership:* All street lighting fixtures shall retain private ownership by the petitioner and/or applicable homeowners association. The County shall not be responsible for any operation or maintenance costs associated with street lighting.

### B. Street Lights at Intersections:

1. *Design:* The petitioner shall propose a lighting design that provides the minimum amount of light necessary for vehicular and pedestrian safety at all major intersections within the development.
2. *Height:* Fixtures installed in these areas shall not exceed twenty (20) feet in height.
3. *Energy Conservation:* All street lights shall be on photocells that only turn on the lights when it is dark and off when light outside. All street lights shall also be on a timer that shuts off the street lights between midnight and 5:00 A.M. Sunday through Thursday and between 1:00 A.M. and 5:00 A.M. on Friday and Saturdays. Lighting elements and fixtures shall be energy efficient.

### C. Lighting between Intersections: Unless street lights are no greater than 800 feet from one another, a dusk-to-dawn light that operates on a photo cell shall be installed on each home site. This lighting shall be provided by the builder and maintained by the owner in perpetuity.

### D. Street Lights at Entrances:

1. *Existing Standard:* If a street light standard exists along the street on which the entrance is located, the petitioner shall install the same lighting standard.
2. *No Standard:* If there is no established street light standard along the corridor, the petitioner shall propose a lighting design that provides the minimum amount of light necessary for vehicular and pedestrian safety.

### E. Shielding: Luminaires mounted greater than ten feet (10') from ground level shall be shielded to prevent glare and light trespass onto neighboring properties.

## 7.27 SL-02: Street Lighting Standards; Traditional Development

This Street Lighting Standards section applies to the following type of development:



### A. General:

1. *Installation*: The petitioner shall install, or cause to be installed, street lights at all major intersections, development entrances, and along internal streets as required by the provisions of this section.
2. *Ownership*: All street lighting fixtures shall retain private ownership by the petitioners and/or applicable homeowners association. The County shall not be responsible for any operation or maintenance costs associated with street lighting.

### B. Street Lights at Intersections: The petitioner shall propose a lighting design that provides the minimum amount of light necessary for vehicular and pedestrian safety at all major intersections within the development as follows:

1. *Residential*: In residential areas, using a pedestrian-scale vintage-style lighting fixture not exceeding fifteen (15) feet in height. Cutoff, semi-cutoff, or full cutoff luminaires shall be used.
2. *Commercial*: In commercial areas, using a vintage-style lighting fixture not exceeding twenty (20) feet in height.

### C. Street Lights at Entrances:

1. *Existing Standard*: If a street light standard exists along the street on which the entrance is located, the petitioner shall install the same lighting standard.
2. *No Standard*: If there is no established street light standard along the corridor, the petitioner shall propose a lighting design that provides the minimum amount of light necessary for vehicular and pedestrian safety.

### D. Street Lights along Internal Streets:

1. *Maximum Height*: Pedestrian-scale vintage-style lighting fixture not exceeding twelve (12) feet in height, are required between street intersections.
2. *Spacing*: The interval between these lighting fixtures shall be adequate to provide uniform lighting of the right-of-way.
3. *Luminaire Design*:
  - a. *Cutoff*: Luminaires shall be at least semi-cutoff.
  - b. *Glare*: Luminaires shall be fully shielded to prevent glare on residential properties.



# Street Lighting Standards (SL)

## 7.28 SL-03: Street Lighting Standards; Commercial and Industrial Development

This Street Lighting Standards section applies to the following type of development:



A. General:

1. *Installation*: The petitioner shall install, or cause to be installed, street lights at all major intersections, development entrances, and along internal streets as required by the provisions of this section.
2. *Ownership*: All street lighting fixtures shall retain private ownership by the property owner and/or applicable property owner's association. The County shall not be responsible for any operation or maintenance costs associated with street lighting.

B. Street Lights at Intersections:

1. *Design*: The petitioner shall propose a lighting design that provides the minimum amount of light necessary for vehicular and pedestrian safety at all intersections within the development, consistent with the Shelby County construction and design standards.
2. *Height*: Fixtures installed shall not exceed twenty-five (25) feet in height.

C. Street Lights at Entrances:

1. *Existing Standard*: If a street light standard exists along the street on which the entrance is located, the petitioner shall install the same lighting standard.
2. *No Standard*: If there is no established street light standard along the corridor, the petitioner shall propose a lighting design that provides the minimum amount of light necessary for vehicular and pedestrian safety.

D. Shielding: Luminaires shall be shielded to prevent glare on residential properties..



## 7.29 SN-01 Street Name Standards; General

This Street Name Standards section applies to the following types of development:



- A. Proposed Street Name: The petitioner shall propose a unique name for each street within the development at the time of initial application.
- B. Approval Authority: While street names proposed by petitioners shall generally be considered favorably, the approval of street names is hereby delegated to the Plan Commission. Existing street names and street names that have been approved by the Plan Commission shall not be changed without the approval of the Plan Commission.
- C. Authority to Rename a Proposed Street: The Plan Commission shall have the authority to require a new name to be chosen for any street. If an acceptable name is not proposed by the petitioner, the Plan Commission shall rename the street prior to final approval.
- D. Street Name Standards: Within the jurisdiction of the Plan Commission the following standards shall apply:
  1. *Street Extensions*: Streets which are extensions or continuations of, or obviously in alignment with, any existing streets, either constructed or appearing on any validly recorded plat or survey, or valid plat previously approved by the Plan Commission, shall bear the names of such existing streets.
  2. *Root Name*: The proposed root name shall not duplicate or closely approximate phonetically, the name of an existing street.
  3. *Suffix Name*: Deviations in suffix names (e.g. Street, Court, Avenue, or Lane) shall not constitute a unique name and shall be prohibited except as described below (for example, if Elm Avenue exists as a street name, the name Maple Lane shall not be permitted).
  4. *Large Developments*: Streets within a large development or separate developments within close geographic proximity shall be authorized to use the same root name if deemed not to be confusing or unsafe by the Plan Commission.
  5. *Address Numbers*: Street address numbers for all lots shall be assigned by the Zoning Administrator.

# Street Sign Standards (SS)

## 7.30 SS-01: Street Sign Standards; General

This Street Sign Standards section applies to the following types of development:



- A. **General:** Each street within a residential, commercial, or industrial development shall have signs necessary to:
  1. *Safety:* Provide a safe environment for drivers and pedestrians.
  2. *Information:* Provide information so that a visitor can efficiently find a certain street, address, or development amenity.
- B. **County's Responsibilities:** The County's policies and the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways (current version adopted by the Indiana Department of Transportation) shall be used to determine the type, size, height, and location of each of these signs. Each sign's location and height shall be communicated to the petitioner at the time they are received by the petitioner.
- C. **Petitioner's Responsibilities:**
  1. *Public Safety Related Street Signs:* The petitioner shall be required to install the public safety related street signs prior to any street being opened to public. These signs shall be installed in the location and to the height determined by the Zoning Administrator.
  2. *Street Name Signs:* The petitioner shall install a minimum of one (1) street name sign at each street intersection within the subdivision and on all perimeter intersections. At least one (1) sign shall be set on the most conspicuous corner of the intersections, at a point approximately six (6) inches from the sidewalk intersection (on the street side).
  3. *Way-finding/Directional Signs:* The petitioner shall provide for review all proposed way-finding and directional signs along internal streets for consideration. Each sign's design, size, and proposed location shall be submitted. These signs shall meet the design standards in this section.
  4. *Multiple-family Structure or Development Amenity Identification:* The petitioner shall provide for review all proposed signs to be used for structure identification. These sign shall meet the design standards in this section.
  5. *Installation:* The petitioner is responsible for purchasing and installing all public safety related street signs in consultation with the County Highway Department.
  6. *Temporary Signage during Construction:* Temporary signs for street name, address, and/or regulatory signs may be required by the Zoning Administrator for public safety reasons.
- D. **Internal Way-finding/Directional Signs:**
  1. *Prerequisites:* The development shall have an amenity that necessitates a way-finding or directional sign.
  2. *Maximum Number of Signs:* The minimum number of signs necessary to locate the amenity shall be allowed to provide directional assistance for drivers to find any single development amenity. If deemed unnecessary by the Plan Commission due to the conspicuousness of the development amenity, no way-finding or directional sign shall be permitted.
  3. *Maximum Sign Area:* Three (3) square feet.
  4. *Location:*
    - a. *Within the Right-of-way:* With the consent of the County Highway Department, stand-alone way-finding or directional signs may be located within the right-of-way, but not within the vision clearance triangle (See *Section 5.85: General Vision Clearance Standards*). However, the maintenance of stand-alone way-finding or directional signs shall not be the responsibility of the County Highway Department.
    - b. *Outside the Right-of-way:* Way-finding or directional signs shall not be located within a vision clearance triangle (see *Section 5.85: General Vision Clearance Standards*).
  5. *Maximum Height:* Any way-finding or directional sign shall not exceed five (5) feet in height above ground level.

## 7.31 SY-01: Surety Standards; General

This Surety Standards section applies to the following types of development:



### A. Construction/Performance Surety:

1. *Cross Reference:* See Section 7.09: *Dedication of Public Improvement Standards.*
2. *General:*
  - a. Neither the Plan Commission nor the Board of Zoning Appeals shall approve a development that includes public infrastructure without a bond or irrevocable letter of credit to cover the cost and installation of the proposed public improvements.
  - b. All petitioners shall provide a Performance Surety to the County for any street, sidewalk, path, utility, drainage facility, lighting, or any other facility that is intended or will be dedicated to the County. All such facilities on-site, any off-site improvements committed to by the petitioner, and any off-site improvements required as a condition of approval shall be covered by the performance surety.
3. *Requirements:* The bond or letter of credit shall:
  - a. Be in an amount of one hundred ten percent (110%) of the estimated construction cost to complete the improvements and installations in compliance with the Unified Development Ordinance and the Shelby County construction and engineering standards.
  - b. Provide surety satisfactory to the County.
  - c. Run to and be in favor of the County.
  - d. Specify the time for the completion of the improvements and installations (both on- and off-site).
  - e. Be on a form approved by the County Commissioners.
4. *Duration of Surety:* All Performance Sureties shall be effective from approval to begin construction of the project and shall not terminate until thirty (30) days after the final construction is approved by the County, and the maintenance bonds have been accepted. The Performance Surety shall not be released until the Zoning Administrator has certified the improvements have been inspected during construction, and after completion, and that they have been installed in accordance with the intent of the approved construction plans and specifications.
5. *Payment In-Lieu-Of:*
  - a. At the election of the County Commissioners, a dedicated account in a form acceptable to the State Board of Accounts which may be established to hold and accumulate funds paid pursuant to the provisions of this section and which shall not thereafter be appropriated for any use unless it is associated with the completion of infrastructure improvements which had been approved by the County and which had not been completed after having been initiated for any reason whatsoever. *See Article 09: Section Surety Standards.*
  - b. A developer may request that a payment in-lieu-of a bond or letter of credit be made to the county as a surety of completion or maintenance. The payment shall be no less than one and one tenth percent (1.1%) of the estimated construction cost for the improvement or installation and is non-refundable.
  - c. Nothing in this section shall in any way limit the ability of the County to give consideration to other alternative forms of insuring the proper completion of public improvement projects involving infrastructure which is to be dedicated to the County or for the benefit of the public.

# Surety Standards (SY)

## B. Maintenance Surety:

1. *Cross Reference:* See Article 09: Section Surety Standards; Maintenance.
2. *General:*
  - a. When the improvements covered by the Performance Surety have been completed, the petitioner shall apply for the release of the Performance Surety and for the improvement to be formally dedicated to the public. As a prerequisite for release of the Performance Surety and acceptance of the improvement, the petitioner shall commit to maintaining the improvements for a period of three (3) years in the event of premature failure due to improper materials, workmanship or design. The petitioner shall also provide a Maintenance Surety for the same period of three (3) years. However, the petitioner shall not be responsible for damage to said improvements and installations resulting from forces of nature or circumstances beyond the control of the petitioner.
  - b. The petitioner shall provide a Maintenance Surety to the County for any street, sidewalk, path, utility, drainage facility, lighting, or any other facility that has been dedicated to the County. All such facilities on-site, any off-site improvements to which the petitioner has committed, and any off-site improvements required as a condition of approval shall be covered by the Maintenance Surety.
3. *Requirements:* The maintenance bond shall:
  - a. Run to and be in favor of the County;
  - b. Be in a sum of not less than twenty percent (20%) of the total improvements construction cost of the development to assure and guarantee the maintenance of all improvements and installations, during such three-year period, including, but not limited to:
    - i. Streets to minimum specifications at the end of such period, sanitary sewers, storm sewers, including lift stations, pumps, motors, connections and main lines installed in the subdivision;
    - ii. Sidewalks, shoulders, side slopes and ditches, street signs and street lights;
  - c. Provide surety satisfactory to the County;
  - d. Warrant the workmanship and all materials used in the construction, installation and completion of said improvements and that the installations are of good quality and have been constructed and completed in a workmanlike manner in accordance with standards, specifications and requirements of the Unified Development Ordinance and the Shelby County construction and engineering standards;
  - e. Include a certification from the developer that all improvements and installations for the development required for compliance with the Unified Development Ordinance have been made or installed in accordance with the approved plans and specifications.
4. *Duration of Surety:* All Maintenance Sureties shall be effective from acceptance and shall not terminate until the Zoning Administrator has certified improvements have been inspected, and the Certificate of Final Acceptance has been issued.

## C. Certificate of Final Acceptance:

1. *Cross Reference:* See Article 09; Surety Standards; Certificate of Final Acceptance.
2. *General:* When the development has been completed, the petitioner shall apply for a Certificate of Final Acceptance.

## 7.32 UT-01: Utility Standards; General

This Utility Standards section applies to the following types of development:



- A. Location and Character: Utilities shall be installed underground in designated utility easements.
- B. Sanitary Sewer Standards: When required by the base zoning district, developments shall provide for the collection of all sanitary sewage discharges by the installation of sanitary sewers. These sewers shall be tied into a public sanitary sewer system and constructed within the street rights-of-way or within other dedicated sewer and utility easements.
- C. Water Service Standards:
  1. *General*: When required by the base zoning district, developments shall provide for the installation of a potable water and fire suppression (e.g. hydrants) system.
  2. *Private/Semi-public Systems*: Private or semi-public water supplies and distribution systems shall not be allowed, with the exception of single-family or single-owner systems. Should the petitioner wish to install individual wells for the potable water supplies on a per lot basis, the petitioner shall demonstrate that:
    - a. Adequate water supplies are available by test drilling and providing a report prepared by a certified ground water hydrologist.
      - i. The scope of the testing and report shall be determined by the hydrologist and the Zoning Administrator.
      - ii. The report shall specify the type of well to be constructed, the approximate depth, and expected quantity of water available for the area, consideration being given to the proposed density of the plat and/or demand placed upon the aquifer.
    - b. The cost of connecting to the public water system is prohibitive. This does not mean to show that it costs more than a private well system, but that the resulting cost would make the project unfeasible. The cost difference shall exceed two hundred percent (200%) before the Plan Commission shall make any consideration of private systems.
    - c. Further, the Plan Commission shall retain the authority to waive all considerations and only approve the installation of the public water supply system.
  3. *Private Wells*: Private wells and water systems shall be approved by the Shelby County Health Department, and be constructed in accordance with the rules, regulations, and approval of the Indiana State Board of Health.
  4. *Extension of Public Water Supplies*: The extension of public water supplies and distribution systems shall be made at the sole expense of the petitioner. The construction plans shall be approved by the Indiana Department of Environmental Management (IDEM) and shall be on file with the Zoning Administrator prior to Primary Plat approval.
  5. *Coordination of Installation*: The petitioner shall be responsible for coordinating the installation of the water system with other utilities. Conflicts with prior constructed utilities and damage to them shall not be allowed, the work shall be stopped, and damages repaired before allowing the work to continue.
- D. Construction Standards for Utilities: All utility improvements that are to be dedicated to the County are to be designed and installed as per the Shelby County construction and engineering standards.
- E. Up-sizing Utilities Policy: Certain public utilities constructed by the petitioner relative to the development of a particular subdivision may also be of benefit to other owners/petitioners relative to their respective developments. When this is the case, the County may, upon request of the petitioner, enter into contractual agreements which shall provide for proportional cost recovery of the installed utility. These agreements shall be in accordance with the appropriate Indiana Statutes; and the cost for preparing any and all exhibits, studies, and legal services shall be borne by the petitioner. The required exhibits and studies shall be prepared by a certified engineer. The County may direct the certified engineer to prepare the plans and specifications for certain sewer lines, and the petitioner shall reimburse the County for those engineering costs. In all cases, the appropriate agreements shall be prepared and executed prior to the start of construction of any utility that is eligible for this construction cost credit. This section does not apply to sanitary sewer systems constructed outside the County's jurisdiction.

**Article**

**08**

## Nonconformances

---

*Shelby County  
Unified Development  
Ordinance*

© 2008, Bradley E. Johnson, ACP



## 8.01 Intent

As new zoning regulations are adopted or zoning map changes are made, lots, structures, and uses that were previously compliant with zoning regulation are sometimes made noncompliant. *Article 08: Nonconformances* specifies the provisions that apply to these legal nonconforming (informally referred to as “grandfathered”) lots, structures, and uses.

## 8.02 Distinction Between Conforming, Illegal Nonconforming, and Legal Nonconforming

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

### A. Illegal Nonconforming:

1. *Structure*: A structure constructed in violation of the zoning ordinance that was in effect when the structure was constructed and which remains in violation of the current Unified Development Ordinance is an illegal nonconforming structure.
2. *Use*: A use that was in violation of the zoning ordinance that was in effect when the use was initiated and which remains in violation of the current Unified Development Ordinance is an illegal nonconforming use. In addition, a use that was legally established and is not permitted under the current Unified Development Ordinance, but has been abandoned or discontinued for a period of at least one (1) year, is an illegal nonconforming use.
3. *Lot*: A lot established in violation of the zoning or subdivision control ordinance that was in effect at the time of establishment and which remains in violation of the current Unified Development Ordinance is an illegal nonconforming lot.

### B. Legal Nonconforming

1. *Structure*: A structure that does not meet one (1) or more development standards of the Unified Development Ordinance, but was legally established prior to the effective date of the Unified Development Ordinance shall be deemed a legal nonconforming structure. Generally, a structure is rendered legal nonconforming by an amendment to the zoning regulations or a zoning map change. However, a legal nonconformity may be a result of government use of eminent domain or right-of-way acquisition.
2. *Use*: The use of a structure or land (or a structure and land in combination) that was legally established and has since been continuously operated, that is no longer permitted by the Unified Development Ordinance in the zoning district in which it is located, shall be deemed a legal nonconforming use. Generally, a use is rendered legal nonconforming by an amendment to the zoning regulations or a zoning map change.
3. *Lot*: A lot that does not meet one (1) or more lot standards of the Unified Development Ordinance, but was legally established and recorded prior to the effective date of the Unified Development Ordinance shall be deemed a legal nonconforming lot of record. Generally, a lot is rendered legal nonconforming by an amendment to the zoning regulations or a zoning map change. However, a legal nonconformity may be a result of government use of eminent domain or right-of-way acquisition.

## 8.03 Illegal Nonconforming Structures, Uses, and Lots

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

# Nonconforming Structures

## 8.04 Legal Nonconforming Structures

The following provisions apply to legal nonconforming structures, structures associated with legal nonconforming uses, and structures associated with legal nonconforming lots.

- A. Legal Nonconforming Building Provisions: The provisions for legal nonconforming buildings, a subcategory of structures, are as follows:
1. *Building Expansion*: A legal nonconforming building shall be permitted to expand in area and height as long as the nonconformity is not increased and the expansion otherwise meets the current Unified Development Ordinance. For example, if a building is in violation of the maximum height standard, it can be expanded in area as long as the new addition does not exceed the maximum height standard and is otherwise in compliance with current Unified Development Ordinance.
  2. *Building Exterior Alteration*: The exterior walls of a building shall not be moved except as provided in the previous clause. Otherwise, the roof and exterior walls may be maintained, repaired, re-faced, and modified, resulting in the original aesthetic character or an altered exterior character, as long as the building's nonconformity is not increased and the alteration otherwise meets the current Unified Development Ordinance.
  3. *Building Interior Alteration*: Ordinary repair and replacement of interior finishes, heating systems, fixtures, electrical systems, or plumbing systems; and interior wall modifications are not regulated by the Unified Development Ordinance.
  4. *Building Relocating*: A legal nonconforming building may be relocated if, by moving the building, it decreases the legal nonconformity and the relocation otherwise meets the current Unified Development Ordinance.
- B. Legal Nonconforming Structure Provisions: The provisions for legal nonconforming structures, excluding the subcategory of buildings, are as follows:
1. *Structure Alteration*: A legal nonconforming structure shall be permitted to be altered in height, area, mass, and time as long as the nonconformity is not increased and the alteration otherwise meets the current Unified Development Ordinance. For example, if a permanent sign is in violation of the maximum height standard, it can be altered as long as the alteration does not exceed the maximum height standard currently permitted and is otherwise in compliance with Unified Development Ordinance.
  2. *Structure Relocating*: A legal nonconforming structure may be relocated if, by moving the structure, it decreases the legal nonconformity and the relocation otherwise meets the current Unified Development Ordinance.
  3. *Conversion for Longevity*: Converting a structural component of a legal nonconforming structure to a more permanent material in order to prolong legal nonconformity shall not be permitted. For example, a legal nonconforming permanent pole sign would not be permitted to replace its existing wood posts with metal posts even if dimensionally the same size.
- C. Loss of Legal Nonconforming Structure Status: The following provisions apply to all types of structures:
1. *Condemned Structures*: If a structure, through lack of maintenance, is declared by an authorized official to be condemned due to its physical or unsafe condition, it shall lose its legal nonconforming status and become illegal nonconforming; unless the structure is restored or repaired within three (3) months of the declaration. The Zoning Administrator may grant an appropriate extension of time if work was started within the initial three (3) month period and reasonable attempts are being made by the owner to remedy the condemnation.
  2. *Removal of Permanent Structures*: If a permanent structure is fully or significantly removed or razed (e.g. eighty percent (80%) or more of the structure), the remaining permanent structure shall lose its legal nonconforming status and become illegal nonconforming; unless by significantly removing or razing the permanent structure the remaining permanent structure is in compliance or more in compliance with the current Unified Development Ordinance.
  3. *Removal of Temporary Structures*: If a temporary structure is removed (e.g. moved inside, taken off-site, or replaced by a new temporary structure), the temporary structure shall lose its legal nonconforming status and become illegal nonconforming.



4. *Flood*: If a structure is severely damaged from a flood, resulting in a loss of either fifty percent (50%) of its market value or fifty percent (50%) of its structure, all reconstruction shall be required to meet the current Unified Development Ordinance. All other flood damaged structures shall be allowed to rebuild the structure that previously existed.
  5. *Acts of God*: If a structure is severely damaged from an act of God, excluding flooding, resulting in a loss of either seventy percent (70%) of its market value or seventy percent (70%) of its structure, all reconstruction shall be required to meet the current Unified Development Ordinance. All other structures damaged by an act of God shall be allowed to rebuild the structure that previously existed.
- D. Maintenance and Repair: Nothing in this section shall be deemed to prevent the maintenance or repair of a structure to keep it in a safe, aesthetic, and functional condition.

# Nonconforming Lots

## 8.05 Legal Nonconforming Lots

The following provisions apply to legal nonconforming lots:

- A. Legal Nonconforming Lot Provisions: A legal nonconforming lot shall be permitted to be developed as long as the proposed structure(s) and use(s) meets the current Unified Development Ordinance. All standards other than the minimum lot area, maximum lot area, minimum lot width, and minimum frontage shall still apply. However, if applying the current Unified Development Ordinance renders the lot undevelopable (e.g. applying the current setbacks does not permit a reasonably developable building envelope), the Board of Zoning Appeals shall research the zoning ordinance that was in place at the time of the lot's establishment and shall consider all current circumstances and from that information shall set reasonable standards applicable to the lot, rendering it reasonably developable.
- B. Loss of Legal Nonconforming Lot Status:
  1. *Combining Lots Results in Conformity*: If a legal nonconforming lot is combined with an adjacent lot resulting in conformity with the current Unified Development Ordinance, it shall lose its legal nonconforming status. Therefore, future division of the combined lot shall conform to the current Unified Development Ordinance.
  2. *Lots in Combination*: If a legal nonconforming lot is owned by the same person as the adjacent lot, and the owner uses both lots in combination for a duration of more than five (5) years, the legal nonconforming lot shall lose its legal nonconforming status; provided the two (2) or more lots in combination would constitute a single conforming lot.
  3. *Permanent Structure Across Property Lines*: If a legal nonconforming lot is owned by the same person as the adjacent lot, and the owner constructs a permanent structure across the property line, thus permanently using two (2) lots in combination, the legal nonconforming lot shall lose its legal nonconforming status; provided the two (2) lots in combination would constitute a single conforming lot.

## 8.06 Legal Nonconforming Use

The following provisions apply to legal nonconforming uses:

### A. Cross Reference:

1. *Agricultural:* With respect to agricultural legal nonconforming uses, nothing in this section shall be interpreted in a manner that is inconsistent with IC 36-7-4-616: Zoning ordinance; agricultural nonconforming use.

### B. Legal Nonconforming Use Provisions: The provisions for legal nonconforming uses are as follows:

1. *Utilizing Existing, Enlarged, New, or Relocated Buildings:* A legal nonconforming use shall be permitted to occupy or use an existing building, enlarged existing building, newly constructed building, or relocated building, provided the building meets the current Unified Development Ordinance.
2. *Utilizing Existing, Altered, New, or Relocated Structures:* A legal nonconforming use shall be permitted to utilize an existing structure, altered existing structure, newly constructed structure, or relocated structure, provided the building meets the current Unified Development Ordinance.
3. *Utilizing Land:* Any legal nonconforming use shall be permitted to utilize its lot, or lots owned in combination upon the effective date of the Unified Development Ordinance, provided the utilization of land meets the current Unified Development Ordinance.
4. *Increase in Nonconformity:* No legal nonconforming use shall be permitted to increase its nonconformity. The size of operation, number of employees, increase to vehicular traffic and similar increases in size does not increase nonconformity of a use. For example, a five (5) acre legal nonconforming junkyard that expands its operations onto five (5) more acres of land it previously owned, does not qualify as an increase in nonconformity, it's still a junk yard. However, if the same junk yard adds a compactor facility which previously did not exist, that would qualify as an increase in nonconformity.

### C. Loss of Legal Nonconforming Use Status:

1. *Abandonment of Use:* If a legal nonconforming use is abandoned or is discontinued for six (6) or more months, except when a government action impedes access to the premises, it shall lose its legal nonconforming status. Any subsequent use shall conform to the provisions of the current Unified Development Ordinance.
2. *Change of Use:* When a legal nonconforming use is changed, altered, or evolves to be in compliance or more in compliance with the current Unified Development Ordinance, the legal nonconforming use status is lost or partially lost. The current use cannot revert back to the original legal nonconforming use or increments thereof.

# Article

# 09

## Processes

9.19 - Hearing Officer added per Ord. 2020-01 (see Appendix B.12)

### *Shelby County Unified Development Ordinance*

© 2008, Bradley E. Johnson, AICP

# Introduction to Processes

## 9.01 Improvement Location Permit Processes Applicable to a Parcel

This process section applies to the following zoning districts:



- A. Permanent Construction, Installation, Addition, Alteration, or Relocation of a Structure: A project that involves constructing, installing, adding onto, altering, or relocating a building or structure for a permanent duration shall have the project reviewed for compliance with the Unified Development Ordinance. Projects determined to be in full compliance with the applicable regulations shall be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.05: Improvement Location Permit* for details about this process.
- B. Permanent Alteration to the Land: A project that involves permanently altering the topography, drainage, floodplain, or significant environmental features shall have the project reviewed for compliance with the Unified Development Ordinance. Projects determined to be in full compliance with the applicable regulations will be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.05: Improvement Location Permit* for details about this process.
- C. Temporary Use of Land or Structure: A project that involves establishing a temporary use or installing a temporary structure shall have the project reviewed for compliance with the Unified Development Ordinance. Projects determined to be in full compliance with the applicable regulations shall be issued an improvement location permit authorizing the project to begin. See *Section 9.06: Temporary Improvement Location Permit* for details about this process.
- D. Establish a New Land Use or Change an Existing Land Use: A project that involves establishing a new land use on a parcel or in a structure, or changing an existing land use, shall have the project reviewed for compliance with the Unified Development Ordinance. Projects determined to be in full compliance with the applicable regulations shall be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.05: Improvement Location Permit* for details about this process.
- E. Special Exception: An Application for a Special Exception may be filed for a land use classified as a Special Exception in *Article 02: Zoning Districts* for the subject zoning district. The Board of Zoning Appeals shall utilize a specific public hearing and procedural findings to determine whether the land use is appropriate for the specific parcel named in the petition. See *Section 9.13: Special Exception* for details about this process.
- F. Change to a Different Zoning District: An Application for a Rezoning may be filed for a parcel to be changed from its existing zoning district to a different zoning district. The Plan Commission shall utilize a specific public hearing to review the proposed change in zoning. The Plan Commission shall then forward a recommendation to the County Commissioners for final action. Approval or denial is the full discretion of the County Commissioners. See *Section 9.18: Zoning Map Amendment* for details about this process.

# Introduction to Processes

## 9.02 Development Plan Approval Processes Applicable to a Parcel

This process section applies to the following zoning districts:



- A. Permanent Construction, Installation, Addition, Alteration, or Relocation of a New Structure: A project that involves constructing, installing, adding onto, altering, or relocating a structure (e.g. building) for a permanent duration shall be reviewed as a Development Plan by the Plan Commission. Projects determined to meet the Plan Commission's expectations and that are in full compliance with the applicable regulations shall be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.08: Development Plan* for details about this process.
- B. Permanent Alteration to the Land: A project that involves permanently altering the topography, drainage, floodplain, or significant environmental features shall be reviewed as a Development Plan by the Plan Commission. Projects determined to meet the Plan Commission's expectations and that are in full compliance with the applicable regulations shall be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.08: Development Plan* for details about this process.
- C. Temporary Use of Land or Structure: A project that involves establishing a temporary use or installing a temporary structure shall be reviewed as a Development Plan by the Plan Commission. Projects determined to meet the Plan Commission's expectations and that are in full compliance with the applicable regulations will be issued a Temporary Improvement Location Permit authorizing the project to begin. See *Section 9.06: Temporary Improvement Location Permit* for details about this process.
- D. Establish a New Land Use or Change an Existing Land Use: A project that involves establishing a new land use on a parcel or in a structure, or changing an existing land use, shall be reviewed as a Development Plan by the Plan Commission. Projects determined to meet the Plan Commission's expectations and that are in full compliance with the applicable regulations will be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.05: Improvement Location Permit* for details about this process.
- E. Special Exception: An Application for a Special Exception may be filed for a land use classified as a Special Exception in *Article 02: Zoning Districts* for the subject zoning district. The Board of Zoning Appeals shall utilize a specific public hearing and procedural findings to determine whether the land use is appropriate for the specific parcel named in the petition. See *Section 9.13: Special Exception* for details about this process.
- F. Change to a Different Zoning District: An Application for a Rezoning may be filed for a parcel to be changed from its existing zoning district to a different zoning district. The Plan Commission shall utilize a specific public hearing to review the proposed change in zoning. The Plan Commission shall then forward a recommendation to the County Commissioners for final action. Approval or denial is the full discretion of the County Commissioners. See *Section 9.18: Zoning Map Amendment* for details about this process.

# Introduction to Processes

## 9.03 Processes Applicable to Developments

This process section applies to the following zoning districts:



- A. **Planned Development:** An elective approval process for developments that involve mixed-use, for significantly unique development designs, and for land that has significantly unique geologic features. This process allows the developer to write a unique ordinance that partially replaces the Unified Development Ordinance to allow greater design flexibility. Applications for Planned Development are reviewed and approved by a combination of the Plan Commission and County Commissioners, and approval or denial is the full discretion of the Plan Commission and County Commissioners. See *Section 9.09: General Planned Development* for details about this process.
- B. **Subdivision of Land:** An Application for Primary Plat resulting in a parcel of land to be divided to create buildable lots shall be required to be reviewed and approved by the Plan Commission. This process also applies to any two (2) or more buildable lots being combined into a single buildable lot. Divisions of land recorded at the Office of the Shelby County Recorder without being approved by the Plan Commission shall not result in buildable lots. See *Section 9.14: Subdivision of Land; Primary Plat* for details.

## 9.04 Processes for Relief from Regulations

This process section applies to the following zoning districts:



- A. **Administrative Appeal:** An Application for Appeal for a decision, interpretation, order determination, or action of the Zoning Administrator to be overturned or corrected shall be reviewed by the Board of Zoning Appeals. The Board of Zoning Appeals may allow the Zoning Administrator's interpretation to stand or may overturn or correct any Zoning Administrator's decision, interpretation, order determination or action. See *Section 9.07: Administrative Appeal* for details about this process.
- B. **Variance from Development Standards:** An Application for a Variance may be filed so that a petition for an applicable development standard may be partially or fully waived by the Board of Zoning Appeals, or a use that is not permitted may be permitted. The Board of Zoning Appeals may grant a Variance of Development Standard or a Variance of Use upon making specific findings of fact, with or without conditions or commitments. See *Section 9.17: Variance* for details about this process.

# Improvement Location Permit

## 9.05 Improvement Location Permit

- A. Applicability: An Improvement Location Permit shall be required prior to permanent construction, installation, addition, alteration, or relocation of a structure; prior to permanent alteration to the land; and prior to establishment of a new land or change of an existing land use. The following are examples of projects necessitating an Improvement Location Permit process:
- Constructing a dwelling unit
  - Constructing an agricultural related primary or accessory structure
  - Constructing a detached garage/barn
  - Constructing a new (not replacement) public sidewalk
  - Constructing or modifying off-street parking
  - Room addition on a house
  - Installing a new driveway
  - Installation of a dwelling unit, manufactured
  - Installing a swimming pool
  - Constructing a pool house
  - Constructing a carport
  - Constructing a deck or patio over 200 square feet
  - Installing a permanent sign
  - Installing a well or septic system
  - Modifying a structure's height
  - Constructing a recreation pond
  - Adding impervious surface
  - Installation of an accessory structure over 200 square feet in area
- B. Exemption from Improvement Location Permit: This exemption is only from having to obtain an Improvement Location Permit. It is not an exemption from having to meet all applicable regulations in the Unified Development Ordinance. Any project exempt from having to acquire an Improvement Location Permit that is in violation of the Unified Development Ordinance is subject to *Article 10: Enforcement and Penalties*. The following projects are exempt from having to obtain an Improvement Location Permit.
1. *Small Structures*: An accessory structure that is not on a permanent foundation and is less than 200 square feet in area is exempt from obtaining an Improvement Location Permit.
  2. *Softscaping and Hardscaping*: Installing trees, shrubs, plants, and flowers; applying mulch or soil enhancers; raising of planting beds around foundations; and installing accent hardscaping (e.g. stone steps, stone edging, and small retaining walls) is exempt from obtaining an Improvement Location Permit as long as there is no adverse affect to drainage.
  3. *Deck or Patio*: A deck or patio installed individually or cumulatively that is less than 400 square feet in area over the entire lot is exempt from obtaining an Improvement Location Permit.
  4. *Sign Content Change*: Sign content may be changed without having to receive an Improvement Location Permit.
  5. *Flag Pole*: Flag poles may be installed without obtaining an Improvement Location Permit.
  6. *Play Set*: Play sets may be installed without obtaining an Improvement Location Permit.
  7. *Type 1 Home Business*: Type 1 home businesses may commence without obtaining an Improvement Location Permit.
  8. *Property Maintenance*: Maintenance and repairs to the existing structure or site features may commence without obtaining an Improvement Location Permit.
  9. *Replacing Light Fixtures*: Existing light fixtures and bulbs may be replaced without obtaining an Improvement Location Permit. However, replacement lighting fixtures shall not violate *Section 5.50: General Lighting Standards*, commitments, or conditions of the development's approval, or any other standards within the Unified Development Ordinance.



# Improvement Location Permit

## C. Cross Reference:

1. *Building Permit:* An Improvement Location Permit does not authorize compliance with building codes. Concurrent to having a project reviewed for compliance with the Unified Development Ordinance most projects with any type of building will also have to be reviewed for compliance with the Building Code. The review for compliance with the Building Code is conducted by the Building Official. See the *Shelby County Code Article 8 Chapter 4 through 6*
2. *Site Improvement Permit:* An Improvement Location Permit does not authorize compliance with the County's Stormwater Management Ordinances. Concurrent to having a project reviewed for compliance with the Unified Development Ordinance most projects will also have to be reviewed for compliance with the Stormwater Management Ordinance. The review for compliance with the Stormwater Management Ordinance is conducted by the Technical Advisory Committee or County's Engineer.
3. *Other Permits:* An Improvement Location Permit does not authorize compliance with any County, State or federal Permits. It is the responsibility of the property owner to acquire any other required permits prior to making any improvement.

## D. Filing Requirements:

1. *Application:* Application for an Improvement Location Permit shall be made on a form provided by the Zoning Administrator. The following information shall be provided on the application form.
  - a. Property owner's name, mailing address, phone number and/or email address.
  - b. Applicant's name, mailing address, phone number, and/or email address, if different than owner.
  - c. Written detailed description of the proposed project.
  - d. Date submitted and signed.
  - e. Signature of the applicant, testifying that they are authorized to represent the property.
  - f. Any other information requested on the application form.
2. *For Permanent Construction, Installation, Addition, Alteration, or Relocation of a Structure:* The following supporting information, as applicable, shall be provided on a site plan, application form, or as an attachment.
  - a. Projects involving non-inhabitable structures not mounted on a permanent foundation.
    - i. A drawing of the parcel with dimensions.
    - ii. The building envelope (i.e. the resulting developable area after applying setbacks).
    - iii. The location of existing structures (e.g. home, garage, sidewalk, driveway, etc.).
    - iv. The location of the proposed structure.
    - v. A calculation of the existing lot coverage, expressed in a percentage.
    - vi. A calculation of the lot coverage as it would be upon completing the project, expressed in a percentage.
    - vii. An affidavit stating the proposed project is not located within a floodplain or easement.
  - b. Projects involving non-inhabitable structures mounted on a permanent foundation.
    - i. All requirements of *Section 9.05(D)(2)(a) for structures not mounted on a permanent foundation*.
    - ii. A scale drawing of the parcel with dimensions.
    - iii. Existing adjacent right-of-ways, street easements or alley easements, and the name of the street or alley if applicable.
    - iv. Easements on the parcel or adjacent to the parcel, including the name of the easement holder and a description of the terms of the easement.
    - v. Denotation of any existing structure on adjacent parcels if within twenty (20) feet of the subject parcel's property line.

# Improvement Location Permit

- c. Projects involving inhabitable buildings.
    - i. All requirements of *Section 9.05(D)(2)(b)* for structures mounted on a permanent foundation.
    - ii. Denotation of the location of mature trees, greater than 9 inches in caliper.
    - iii. Elevation above sea level at the location of the project prior to alteration of land.
    - iv. Certification by a licensed engineer or surveyor that the proposed project is not on or within thirty (30) feet of a floodplain or wetland.
    - v. Denotation of adjacent zoning districts if different than the subject parcel.
    - vi. Certification by a licensed engineer or surveyor that the soils are suitable to support the weight of the structure, and any foundation modifications necessary to support the weight of the structure.
    - vii. Location of existing or proposed drainage tile.
    - viii. Denotation of where utilities lines will be run to the building and whether they are above or below grade.
    - ix. Location of a septic system, reserve area for a replacement septic system, well, geothermal loop, or other on-site utility system.
    - x. Denotation of any existing structure on adjacent parcels if within fifty (50) feet of the subject parcel's property line.
  - d. Complex or Unique Projects: The Zoning Administrator may require any additional information if reasonably necessary to determine if a project complies with the provisions of the Unified Development Ordinance. This may include the supporting information listed in *Section 9.11(D)(2)(i)*: *WPO District Requirements* for projects within the WPO District.
3. *For Permanent Alteration to the Land*: The following supporting information, as applicable, shall be provided on a site plan, application form, or as an attachment.
    - a. Projects that involve disturbing more than five percent (5%) of a parcel's area on a parcel less than five (5) acres in area, or disturbing any portion of a site greater than five (5) acres, or results in more than 9,000 cubic feet of soil being disturbed (cumulative of soil added from one area and soil removed from another, not the net of soil added and removed).
      - i. A scale drawing of the parcel with dimensions.
      - ii. The location of existing structures (e.g. building, sidewalk, driveway, etc.).
      - iii. Denotation of existing mature trees, greater than 9 inches in caliper.
      - iv. Denotation of floodplains, wetlands, rock formations, karst, natural lakes, streams, regulated drains, retention ponds, detention ponds, known drainage tile, inlets, outlets, monuments or markers, and drainage swales on the parcel and within 75 feet of the parcel's property lines.
      - v. Two-foot contour lines of the existing parcel.
      - vi. Two-foot contours showing the parcel's contours as it would be upon completing the proposed project.
      - vii. Erosion control methodology, devices, locations, and maintenance strategy.
      - viii. Drainage evaluation of the existing parcel and as it would be upon completion of the proposed project with a characterization of the change to drainage onto adjacent properties, into drainage tile, or into surface water ways.
      - ix. Design cross-section of recreational ponds.
  4. *For Establishment of a New Land Use or Change to an Existing Land Use*: The following supporting information shall be provided on a site plan, application form, or as an attachment.
    - a. Description of the proposed new land use or change to an existing land use.
    - b. Detailed description of how the new or changed land use will affect parking, average daily trips, courier service, building alterations inside and outside, use of outdoor areas, use of accessory structures, and number of employees.
  5. *Deadline*: Applications for an Improvement Location Permit may be filed any time.
  6. *Fees*: Applicable fees shall be paid at the time the application for an Improvement Location Permit is filed. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the planning staff's capabilities for review.

# Improvement Location Permit

## E. Permit Procedure:

1. *Substantially Complete Application:* An application for an Improvement Location Permit shall not be reviewed for approval until it is determined to be substantially complete by the Zoning Administrator. The Zoning Administrator must first verify that the application form and required supplemental information has been submitted correctly, and the applicable application fee is paid.
2. *Review the Project's Compliance:* After the application is verified as being substantially complete, the Zoning Administrator shall review the project to determine whether it complies with the Unified Development Ordinance. The Zoning Administrator may consult with the County Engineer, Building Commissioner, or any other person, department, or group to determine if the project complies with all of the provisions of the Unified Development Ordinance. During the review process, the Zoning Administrator may:
  - a. *Request Additional Information:* During the process of rendering a decision, the Zoning Administrator may request additional information to be added to the site plan, application form, or attachments.
  - b. *Exercise Discretion:* Some provisions within the Unified Development Ordinance allow the Zoning Administrator to apply discretion to a decision. If such discretion is exercised, the Zoning Administrator shall describe the decision and cite the authority for that discretion.
  - c. *Interpret the Unified Development Ordinance:* Because the Unified Development Ordinance cannot address every possible unique situation, project features, or land use, the Zoning Administrator shall interpret the intent of the Unified Development Ordinance when not specifically addressed.
3. *Render a Decision:* The Zoning Administrator shall render a "decision to deny" or "decision to approve" based on the information submitted, project review, discretion exercised, and interpretations made.
4. *Issuing an Improvement Location Permit:* If the proposed project complies with the Unified Development Ordinance, the Zoning Administrator shall render a decision to approve, document the terms of the approval on the permit, and then issue an Improvement Location Permit.
5. *Decision to Deny:* If the proposed project does not comply with the Unified Development Ordinance, the Zoning Administrator shall not issue an Improvement Location Permit. The Zoning Administrator shall internally document the reasons for not issuing an Improvement Location Permit and send that information to the applicant by email or U.S. Mail, or by telephone. If an email is used to communicate denial, documentation that the email was received shall be included in the file. Similarly, if a phone call is used to communicate denial, documentation of the phone call shall be included in the file. If a proposed project does not comply with the Unified Development Ordinance, the applicant may promptly revise the application, or may promptly pursue relief from the Unified Development Ordinance.
6. *Allowance for Revision Prior to a Decision:* At the discretion of the Zoning Administrator, the applicant may be permitted to modify the site plan, application form, or attachments prior to a decision by the Zoning Administrator.
7. *Allowance for Revision After a Decision:* After a decision to deny, the applicant may promptly revise the site plan, application form, or attachment in order to comply with the Unified Development Ordinance without terminating the process.
8. *Pursuit of Relief:* After a decision to deny, the applicant may promptly pursue an administrative appeal, variance from development standards, or variance of use. During an appeal for relief, the application for Improvement Location Permit shall be suspended until the Board of Zoning Appeals rules on the matter.

# Improvement Location Permit

## F. Duration:

1. *Procedural Expiration:* An application shall expire and be void after the applicant is notified of a decision to deny unless the applicant makes revisions to the application or pursues relief from the Board of Zoning Appeals within sixty (60) days from notification.
2. *Commencement:* After an Improvement Location Permit is issued, the project shall commence within six (6) months of the issuance date or shall become null and void.
3. *Expiration:* After an Improvement Location Permit is issued, the project shall be completed within 36 months of the issuance date or shall become null and void.
4. *Extensions:* Upon request by the applicant, an Improvement Location Permit may be extended one (1) time for up to 12 months. The Zoning Administrator may grant the requested extension. Both the request for the extension and the Zoning Administrator's decision concerning the extension shall be made part of the Improvement Location Permit file.

## G. Modification After Issuance of an Improvement Location Permit: At the discretion of the Zoning Administrator, an Improvement Location Permit may be modified if:

1. *Warranted:* Warranted due to discoveries during construction or other significant finding, and
2. *Requested Prior to Initiation:* Requested prior to permanent construction, installation, addition, alteration, or relocation of a structure; prior to permanent alteration to the land; and prior to establishment of a new land or change an existing land use.

or if:

3. *Warranted:* Warranted due to discoveries during construction or other significant finding, and
4. *Component is Not Completed:* Requested prior to the applicable component of the project has been completed, and
5. *Not Correcting a Violation:* The modification is not an attempt to correct a violation.

## H. If a modification is allowed, the Zoning Administrator shall request any necessary information, shall review the modification for its compliance to the Unified Development Ordinance, and then render a decision. If the proposed modification meets the provisions of the Unified Development Ordinance the Improvement Location Permit may be amended and filed. If denied to be considered or denied for non-compliance, the modification shall be disallowed.

# Temporary Improvement Location Permit

## 9.06 Temporary Improvement Location Permit

- A. Applicability: A Temporary Improvement Location Permit shall be required prior to establishment of a temporary use of land or structure. The following are examples of projects necessitating a Temporary Improvement Location Permit process:
- *Temporary sign*
  - *Tent sale*
  - *Sidewalk sale*
  - *Construction trailer*
  - *Model home*
- B. Filing Requirements:
1. *Application*: Application for a Temporary Improvement Location Permit shall be made on a form provided by the Zoning Administrator. Supporting information shall be submitted as per all applicable requirements described below.
  2. *Establishment of a Temporary Use of Land or Structure*: The following application and supporting information, when applicable, shall be provided on a site plan, application form, or as an attachment.
    - a. Property owner's name, mailing address, phone number and/or email address.
    - b. Applicant's name, mailing address, phone number, and/or email address, if different than owner.
    - c. Written detailed description of the proposed project.
    - d. Date submitted and signed.
    - e. Signature of the applicant, testifying that they are authorized to represent the property.
    - f. Any other information requested on the application form.
    - g. A drawing of the parcel with dimensions.
    - h. The location of existing structures (e.g. building, parking lot, sidewalk, driveway, etc.).
    - i. The location of the proposed temporary structure
    - j. The applicable setbacks shown on the parcel drawing.
    - k. Description of the proposed temporary land use.
    - l. Description of the desired duration of the temporary structure and/or land use.
    - m. An affidavit stating the proposed temporary structure does not impede drainage, sight visibility, vehicular circulation, pedestrian circulation, or emergency exit.
  3. *Deadline*: Applications for a Temporary Improvement Location Permit may be filed any time.
  4. *Fees*: The applicable fee shall be paid at the time the application for a Temporary Improvement Location Permit is filed. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the planning staff's capabilities for review.
- C. Permit Procedure:
1. *Substantially Complete Application*: An application for a Temporary Improvement Location Permit shall not be reviewed for approval until it is determined to be substantially complete by the Zoning Administrator. The Zoning Administrator shall first verify that the application form and required supplemental information has been submitted correctly, and the applicable application fee is paid.
  2. *Review the Project's Compliance*: After the application is verified as being substantially complete, the Zoning Administrator shall review the project to determine whether it complies with the Unified Development Ordinance. The Zoning Administrator may consult with the County Engineer, Building Commissioner, or any other person, department, or group to determine if the project complies with all of the provisions of the Unified Development Ordinance. During the review process, the Zoning Administrator may:
    - a. *Request Additional Information*: During the process of rendering a decision, the Zoning Administrator may request additional information to be added to the site plan, application form, or attachments.
    - b. *Exercise Discretion*: Some provisions within the Unified Development Ordinance allow the Zoning Administrator to apply discretion to a decision. If such discretion is exercised, the Zoning Administrator shall describe the decision and cite the authority for that discretion.

# Temporary Improvement Location Permit

- c. **Interpret the Unified Development Ordinance:** Because the Unified Development Ordinance cannot address every possible unique situation, project features, or land use, the Zoning Administrator shall interpret the intent of the Unified Development Ordinance when not specifically addressed
  3. **Render a Decision:** The Zoning Administrator shall render a "decision to deny" or "decision to approve" based on the information submitted, project review, discretion exercised, and interpretations made.
  4. **Issuing a Temporary Improvement Location Permit:** If the proposed project complies with the Unified Development Ordinance the Zoning Administrator shall render a decision to approve, then document the terms of the approval on the permit, and then issue a Temporary Improvement Location Permit.
  5. **Decision to Deny:** If the proposed project does not comply with the Unified Development Ordinance, the Zoning Administrator shall not issue a Temporary Improvement Location Permit. The Zoning Administrator shall internally document the reasons for not issuing a Temporary Improvement Location Permit and send that information to the applicant by email, U.S. Mail, or telephone. If an email is used to communicate denial, documentation that the email was received shall be included in the file. Similarly, if a phone call is used to communicate denial, documentation of the phone call shall be included in the file. If a proposed project does not comply with the Unified Development Ordinance, the applicant may promptly revise the application, or may promptly pursue relief from the Unified Development Ordinance.
  6. **Allowance for Revision Prior to a Decision:** Not applicable.
  7. **Allowance for Revision After a Decision to Deny:** After a decision to deny, the applicant may promptly revise the site plan, application form, or attachment in order to comply with the Unified Development Ordinance without terminating the process.
  8. **Pursuit of Relief:** After a decision to deny, the applicant may promptly pursue an administrative appeal or variance from development standards. During an appeal for relief, the application for Improvement Location Permit shall be suspended until the Board of Zoning Appeals rules on the matter.
- D. **Duration:**
1. **Procedural Expiration:** An application shall expire and be void after the applicant is notified of a decision to deny unless the applicant makes revisions to the application or pursues relief from the Board of Zoning Appeals within thirty (30) days from notification.
  2. **Commencement:** After a Temporary Improvement Location Permit is issued, the permit shall expire after the last approved date for the temporary use and/or structure.
  3. **Permit Expiration:** A Temporary Improvement Location Permit shall be issued for the dates requested by the applicant and within the ordinance limits as described in *Sections 5.81 through 5.84: Temporary Use and Structure Standards*. The permitted dates shall be displayed on the Temporary Improvement Location Permit.
  4. **Extensions:** Not applicable.
- E. **Modification After Issuance of a Temporary Improvement Location Permit:** Not applicable.



# Administrative Appeal

## 9.07 Administrative Appeal

- A. Applicability: An Administrative Appeal applies to an applicant or interested party that wants a decision, interpretation, order determination, or action of the Zoning Administrator and/or enforcement officer to be overturned or corrected by the Board of Zoning Appeals. Any decision, interpretation, order determination, or action of the Plan Commission shall not be the subject of an Administrative Appeal.
- B. Filing Requirements:
1. *Petition*: Petition for Administrative Appeal shall be made on a form provided by the Zoning Administrator. Supporting information shall be submitted as per the requirements described below.
  2. *Information to be Submitted*: The following information shall be provided on the petition form.
    - a. Petitioner's name, mailing address, phone number, and/or email address.
    - b. Petitioner's standing (i.e. legal right to initiate a petition).
    - c. The Zoning Administrator or Enforcement Official that rendered the decision, interpretation, order determination, or action.
    - d. Written statement describing the administrative decision, interpretation, order determination, or action; and the reason and facts supporting action by the Board of Zoning Appeals.
    - e. Date submitted and signed.
    - f. Signature of the applicant.
    - g. Any other information requested on the application form.
  3. *Deadline*: A petition for an Administrative Appeal shall be filed with the Board of Zoning Appeals within thirty (30) days of the decision, interpretation, order determination, or action that is the subject of the appeal.
  4. *Suspension of Work*: Work related to the decision, interpretation, order determination, or action being appealed shall be suspended until the Administrative Appeal is complete, or until the Board of Zoning Appeals authorizes full or partial work to resume prior to a Board of Zoning Appeals decision.
  5. *Fees*: The applicable fee shall be paid at the time the petition for Administrative Appeal is filed.
- C. Appeal Procedure:
1. *Substantially Complete Petition*: A petition for an Administrative Appeal shall not be issued a docket number or be scheduled for hearing by the Board of Zoning Appeals until it is determined to be substantially complete by the Zoning Administrator. The Zoning Administrator shall verify that the petition form and required supplemental information has been submitted correctly, and the applicable petition fee is paid.
  2. *Assignment*: Once a petition for an Administrative Appeal has been determined substantially complete, the Zoning Administrator shall assign a case number and place the appeal on the agenda of the Board of Zoning Appeals. The Zoning Administrator shall inform the petitioner, in writing, of the date and time of the Board of Zoning Appeals meeting at which the appeal is to be heard.
  3. *Public and Interested Party Notice*: The petitioner shall be responsible for providing public notice in accordance with the Board of Zoning Appeals Rules of Procedure. The applicant shall also be responsible for returning proof of required notice to the Zoning Administrator prior to the start of the Board of Zoning Appeals meeting at which the appeal is to be heard. Failure to submit proof of notice may result in the Administrative Appeal being continued to the following month's Board of Zoning Appeals meeting.
  4. *Transfer of Information*:
    - a. The Zoning Administrator shall provide the petitioner for an Administrative Appeal any additional information which is being conveyed to the Board of Zoning Appeals in preparation for the meeting.
    - b. The Zoning Administrator or Enforcement Official that is the subject of the appeal shall transmit the documents, plans, and papers constituting the record regarding the case to the Board of Zoning Appeals.
    - c. The Zoning Administrator or the Enforcement Official that is the subject of the appeal may provide a written report explaining the final decision or action on the case.
  5. *Review*: The Board of Zoning Appeals shall hear the Administrative Appeal at a regularly scheduled public meeting according to their Rules of Procedure. The Board of Zoning Appeals may consider information conveyed to them in writing and testimony during the hearing in making a decision.

6. *Decision:* Following the hearing and review, the Board of Zoning Appeals may reverse, affirm, or modify the decision, interpretation, order determination, or action from which the appeal stems. The Board of Zoning Appeals may also add conditions to its decision when warranted.
7. *Appeal:* Any person aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to the Circuit or Superior Court of Shelby County.



# Development Plan

## 9.08 Development Plan

This process applies to the following zoning districts:



### A. Prerequisite.

1. Development Plan Approval shall be required prior to an Improvement Location Permit being issued for:
  - a. Permanent Construction, Installation, Addition, Alteration, or Relocation of a New Structure, and
  - b. Permanent Alteration to the Land,
2. *Subdivisions:* For residential subdivisions, Development Plan Approval shall be reviewed concurrently with the final subdivision plat.

### B. Exemptions from Development Plan:

1. *Single-family detached residential:* Any lot being developed for a single-family detached residence or its accessory structures shall be exempt from Development Plan Approval. Only the Improvement Location Permit process shall apply.
2. *Agriculture Sites and Buildings:* Any lot being solely used for agricultural purposes shall be exempt from Development Plan Approval. Only the Temporary Improvement Location Permit process shall apply.
3. *Temporary Use of Land or Structure:* Any temporary use of land or structure shall be exempt from Development Plan Approval. Only the Improvement Location Permit process shall apply.
4. *Establish a New Land Use or Change an Existing Land Use:* Establishing a new land use or changing an existing land use shall be exempt from Development Plan Approval. Only the Improvement Location Permit process shall apply.

### C. Filing Requirements:

1. *Application:* Application for Development Plan Approval shall be made on a form provided by the Zoning Administrator. The following information shall be provided on the application form.
  - a. Property owner's name, mailing address, phone number and/or email address.
  - b. Applicant's name, mailing address, phone number, and/or email address, if different than owner.
  - c. Written detailed description of the proposed project.
  - d. Date submitted and signed.
  - e. Signature of the applicant, testifying that they are authorized to represent the property.
  - f. Any other information requested on the application form.
2. *Interested Parties:* A list of names and mailing addresses of all known property owners within 600 feet of the boundary of the proposed site shall be provided by the applicant. The measurement shall include any property that is wholly or partially within the 600 foot boundary regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Shelby County Auditor's Office.
3. *For Permanent Construction, Installation, Addition, Alteration, or Relocation of a Structure:* The following supporting information, as applicable, shall be provided on a site plan, application form, and/or as an attachment.
  - a. Projects involving non-inhabitable structures not mounted on a permanent foundation.
    - i. A drawing of the parcel with dimensions.
    - ii. The building envelope (i.e. the resulting developable area after applying setbacks).
    - iii. The location of existing structures (e.g. home, garage, sidewalk, driveway, etc.).
    - iv. The location of the proposed structure.
    - v. A calculation of the existing lot coverage, expressed in a percentage.
    - vi. A calculation of the lot coverage as it would be upon completing the project, expressed in a percentage.
    - vii. An affidavit stating the proposed project is not located within a floodplain or easement.

- b. Projects involving non-inhabitable structures mounted on a permanent foundation.
    - i. All requirements of *Section 9.08(C)(3)(a) for structures not on a permanent foundation*.
    - ii. A scale drawing of the parcel with dimensions.
    - iii. Existing adjacent right-of-ways, street easements or alley easements, and the name of the street or alley if applicable.
    - iv. Easements on the parcel or adjacent to the parcel, including the name of the easement holder and a description of the terms of the easement.
    - v. Denotation of any existing structure on adjacent parcels if within twenty (20) feet of the subject parcel's property line.
  - c. Projects involving inhabitable buildings.
    - i. All requirements of *Section 9.08(C)(3)(b) for structures on a permanent foundation*.
    - ii. Denotation of the location of mature trees, greater than 9 inches in caliper.
    - iii. Elevation above sea level at the location of the project prior to alteration of land.
    - iv. Certification by a licensed engineer or surveyor that the proposed project is not on or within thirty (30) feet of a floodplain or wetland.
    - v. Denotation of adjacent zoning districts if different than the subject parcel.
    - vi. Certification by a licensed engineer or surveyor that the soils are suitable to support the weight of the structure and any foundation modifications necessary to support the weight of the structure.
    - vii. Location of existing or proposed drainage tile.
    - viii. Denotation of where utility lines will be run to the building and whether they are above or below grade.
    - ix. Location of a septic system, reserve area for a replacement septic system, well, geothermal loop, or other on-site utility system.
    - x. Denotation of any existing structure on adjacent parcels if within fifty (50) feet of the subject parcel's property line.
  - d. Complex or Unique Projects: The Zoning Administrator may require any additional information if reasonably necessary to determine if a complex or unique project complies with the provisions of the Unified Development Ordinance. This may include the supporting information listed in *Section 9.11(D)(2)(i): WPO District Requirements*. for projects within the WPO District.
4. *For Permanent Alteration to the Land*: The following supporting information, as applicable, shall be provided on a site plan, application form, and/or as an attachment.
- a. Projects that involve disturbing more than five percent (5%) of a parcel's area on a parcel less than five (5) acres in area, or disturbing any portion of a site greater than five (5) acres, or that results in more than 9,000 cubic feet of soil being disturbed (cumulative amount of soil added from one area and soil removed from another, not the net of soil added and removed).
    - i. A scale drawing of the parcel with dimensions.
    - ii. The location of existing structures (e.g. building, sidewalk, driveway, etc.).
    - iii. Denotation of existing mature trees, greater than 9 inches in caliper.
    - iv. Denotation of floodplains, wetlands, rock formations, karst, natural lakes, streams, regulated drains, retention ponds, detention ponds, known drainage tile, inlets, outlets, monuments or markers, and drainage swales on the parcel and within 75 feet of the parcel's property lines.
    - v. Two-foot contour lines of the existing parcel.
    - vi. Two-foot contours showing the parcel's contours as it would be upon completing the proposed project.
    - vii. Erosion control methodology, devices, locations, and maintenance strategy.
    - viii. Drainage evaluation of the existing parcel and as it would be upon completion of the proposed project with a characterization of the change to drainage onto adjacent properties, into drainage tile, or into surface water ways.
    - ix. Design cross-section of recreational ponds.

# Development Plan

5. *Deadline:* Eleven (11) hard copies of the Application for Development Plan Approval; eleven (11) hard copies of all supporting information; one (1) digital copy of the Application for Development Plan Approval and supporting information in .pdf (portable document format); and one (1) digital copy of any drawings or plans in .dwg format shall be submitted to the Plan Commission at least twenty-eight (28) days prior to the public meeting at which it is first to be considered by the Plan Commission.
6. *Fees:* Applicable fees shall be paid at the time the Application for Development Plan Approval is filed. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the planning staff's capabilities for review.

## D. Review Procedure:

1. *Assignment:* Development Plans which are determined to be substantially complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first available Plan Commission agenda that occurs at least twenty-eight (28) days after the substantially complete application for Development Plan was submitted. The Zoning Administrator shall notify the applicant in writing of the date of the meeting and provide the applicant with a legal notice.
2. *Internal Review:* Upon assignment of a case number and hearing date, the Technical Advisory Committee and other applicable agencies will be notified of the proposed Development Plan and asked to review and comment. The Zoning Administrator may submit a written report to the Plan Commission stating any facts concerning the physical characteristics of the area involved in the Development Plan, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the Development Plan and information from the Technical Advisory Committee and/or other agencies that have reviewed the Development Plan. A copy of such report shall be made available to the applicant and all remonstrators.
3. *Public Notice:* The following public notice standards apply to an Application for Development Plan Approval. All costs associated with providing public notice shall be borne by the applicant.
  - a. The applicant shall notify all interested parties of the public hearing by regular US mail a minimum of ten (10) days before the public hearing.
  - b. The applicant shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
  - c. The applicant shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
4. *Attendance:* The applicant shall be present at the Plan Commission meeting to address and discuss comments and concerns posed by the Plan Commission. Failure to appear shall result in the dismissal of the Application for Development Plan Approval.
5. *Public Hearing:* A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
6. *Review:* At their regularly scheduled public meeting, the Plan Commission shall review:
  - a. The Application for Development Plan Approval.
  - b. All supporting information including the site plan, site access and circulation plan, elevations, etc.
  - c. The testimony of the applicant.
  - d. Information presented in writing or verbally by the Zoning Administrator, the Technical Advisory Committee, or other applicable department or agency.
  - e. Input from the public during the public hearing.
  - f. Any applicable provisions of the Unified Development Ordinance.
  - g. Any applicable requirements of the Shelby County's Construction Standards.
  - h. Any other information as may be required by the Plan Commission to evaluate the application.

# Development Plan

7. *Decision*: The Plan Commission shall make findings of fact and take final action or continue the Application for Development Plan Approval to a defined future meeting date.
  - a. *Findings of Fact*: The Plan Commission shall make the following findings of fact. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the portion of the Unified Development Ordinance or Shelby County's Construction Standards with which there is not compliance.
    - i. The development plan is consistent with the Shelby County Comprehensive Plan.
    - ii. The development plan satisfies the development requirements of *Article 02: Zoning Districts*.
    - iii. The development plan satisfies the standards of *Article 05: Development Standards*.
    - iv. The development plan satisfies any other applicable provisions of the Unified Development Ordinance.
    - v. The development plan satisfies the construction requirements of the Shelby County's Construction Standards.
  - b. *Final Action*: Based on the findings of fact, the Plan Commission shall approve, approve with conditions, or deny the Application for Development Plan Approval.
  - c. The findings of fact and final action shall be signed by the President of the Plan Commission.
  - d. The Zoning Administrator shall provide the applicant a copy of the decision.
- E. *Duration*: An approved Development Plan shall be valid for two (2) years from the date the Plan Commission granted approval. Approved minor amendments shall not reset the two-year time frame. The Zoning Administrator may grant one (1) six-month extension for cause. The applicant shall submit the request for extension in writing, and the Zoning Administrator shall make a written determination regarding the decision. Both the request and the determination shall be made part of the Development Plan record. If development of the project has not begun by the end of the two-year period (or by the end of the six-month extension), the approval expires and a new Application for Development Plan Approval shall be submitted.
- F. *Modification*:
  1. *Minor Amendments*: Minor amendments to approved Development Plans which do not involve an increase in height, area, bulk or intensity of land uses; the designation of additional land uses; a reduction in yards; the addition of driveways or access points; or a reduction in the amount of parking may be authorized by the Zoning Administrator without a public hearing, if the requested minor amendments do not adversely impact the purpose or intent of the overall development. Minor amendments authorized by the Zoning Administrator shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.
  2. *Major Amendments*: If the Zoning Administrator determines that the proposed modification may adversely impact the purpose or intent of the overall development; or if the proposed modification includes an increase in intensity of any land use; or if the proposed modification includes the designation of an additional land use, the applicant shall be required to file a new Application for Development Plan approval.

# Planned Development: General

## 9.09 General Planned Development

### A. Purpose and Intent:

1. *Generally:* A Planned Development zoning district may be used to provide for:
  - a. Greater flexibility in applying the ordinances to mixed zoning classifications.
  - b. Innovative approaches to meet the demands of the housing, commercial, and business markets.
  - c. The recognition of the interdependency of the housing, commercial, and business markets.
  - d. The establishment of creative and unique developments that would not otherwise be able to be developed under the provisions of the County's standard zoning district regulations.
  - e. The planning and development of mixed zoning classifications to be consistent with the best interest of the jurisdictional area of the Plan Commission, and the applicable ordinances.
2. *Process Outline:* The three (3) steps of the Planned Development process are listed below and explained in detail in the following sections.
  - a. *Section 9.10: Planned Development: District Ordinance and Establishment Plan.*
  - b. *Section 9.11: Planned Development: Detailed Development Plan.*
  - c. *Section 9.12: Planned Development: Final Development Plan.*

# Planned Development: Establishment Plan

## 9.10 Planned Development: District Ordinance and Establishment Plan

### A. Purpose and Intent:

1. *Planned Development District Ordinance:* The purpose of the Planned Development District Ordinance is to:
  - a. Designate, or rezone, a parcel of land as a Planned Development zoning district.
  - b. Specify uses or a range of uses permitted in the Planned Development zoning district.
  - c. Specify development requirements in the Planned Development zoning district.
  - d. Specify the plan documentation and supporting documentation that may be required.
  - e. Specify any limitation applicable to the Planned Development zoning district.
  - f. Meet the requirements of Indiana Code 36-7-4-1500 *et seq.*
2. *Establishment Plan:* The purpose of an Establishment Plan is to delineate basic elements such as land uses, vehicular and pedestrian traffic patterns, drainage, perimeter buffer yards, etc.

### B. Project Applicability: Proposals for new Planned Developments shall meet the standards of this section.

### C. Prerequisites:

1. *Ownership:* Planned Developments shall be initiated by the owners of the land involved in the development or the owner's authorized agent. If an authorized agent files an application, a signed and notarized consent form from all owners shall accompany the application.
2. *Pre-application Meeting:* Prior to submitting an Application for a Planned Development, the applicant shall meet with the Zoning Administrator to review the zoning classification of the site, review regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property.

### D. Filing Requirements:

1. *Application:* Application for a Planned Development shall be made on a form provided by the Zoning Administrator.
2. *Supporting Information:* The Application for a Planned Development shall be accompanied by the following information.
  - a. A list of names and mailing addresses of all known property owners within 600 feet of the boundary of the proposed site. The measurement shall include any property that is wholly or partially within the 600 foot boundary regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Shelby County Auditor's Office.
  - b. Survey and legal description of the proposed site of the Planned Development.
  - c. The Establishment Plan that conceptually delineates the basic physical elements of the Planned Developments including land use, circulation, and perimeter buffers.
  - d. A draft of the Planned Development District Ordinance that includes proposed development standards for all land uses within the Planned Development.
  - e. Any other information requested in writing by the Plan Commission or Zoning Administrator.
3. *Deadline:* Eleven (11) hard copies of the Application for a Planned Development; eleven (11) hard copies of all supporting information; one (1) digital copy of the Application for a Planned Development and all supporting information in .pdf (portable document format); and one (1) digital copy of any drawings in .dwg file format shall be submitted twenty-eight (28) days prior to the public meeting at which it is first to be heard by the Plan Commission.
4. *Fees:* Applicable fees shall be paid at the time the Application for a Planned Development is filed. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the planning staff's capabilities for review.
5. *Permission to Post:* The Plan Commission, Zoning Administrator, and other County officials and staff have the right to and shall be held harmless for printing, reproducing, or posting any information submitted as a requirement of *Section 9.10(D)(1): Application* and *Section 9.10(D)(2): Supporting Information*.



# Planned Development: Establishment Plan

## E. Formal Procedure:

1. *Assignment:* An Application for a Planned Development, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first Plan Commission agenda that occurs twenty-eight (28) days after the Planned Development was submitted in its entirety. The Zoning Administrator shall notify the applicant in writing of the date of the meeting.
2. *Internal Review:* Upon assignment of a case number and hearing date, the Zoning Administrator shall review the Application for a Planned Development and all supporting information. While the Establishment Plan is conceptual, the Zoning Administrator may forward the Establishment Plan and any other relevant information to the Technical Advisory Committee, or other applicable agencies. The Zoning Administrator may submit a written report to the Plan Commission stating facts concerning the physical characteristics of the area involved in the Planned Development, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the Planned Development and information from any other agencies that reviewed the Planned Development. A copy of such report shall be made available to the applicant and all remonstrators.
3. *Public Notice:* The following public notice standards apply to an Application for a Planned Development. All costs associated with providing public notice shall be borne by the applicant.
  - a. The applicant shall notify all interested parties of the public hearing by regular US mail a minimum of ten (10) days before the public hearing.
  - b. The applicant shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
  - c. The applicant shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
4. *Attendance:* The applicant shall be present at the Plan Commission meeting to explain the proposed Planned Development and address and discuss comments and concerns posed by the Plan Commission. Failure to appear shall result in the dismissal of the Application for a Planned Development.
5. *Public Hearing:* A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
6. *Review:* At their regularly scheduled public meeting, the Plan Commission shall review:
  - a. Application for a Planned Development.
  - b. Planned Development District Ordinance draft.
  - c. Establishment Plan.
  - d. The Shelby County Comprehensive Plan.
  - e. Current conditions and the character of current structures and uses in the area.
  - f. The most desirable use for which the land in the area is adapted.
  - g. The conservation of property values throughout the jurisdiction.
  - h. Responsible development and growth.
  - i. The testimony of the applicant.
  - j. Relevant evidence presented by other persons.
  - k. The limitations, standards, and requirements of *Article 04: Planned Development Districts*.
  - l. Any applicable provisions of the Unified Development Ordinance.
  - m. The Zoning Administrator's report or any other documents provided by other departments or agencies.
  - n. Any other additional information as may be required by the Plan Commission to evaluate the application.

# Planned Development: Establishment Plan

7. *Decision*: The Plan Commission shall take final action or continue the Application for a Planned Development to a defined future meeting date.
  - a. *Final Action*: The Plan Commission shall certify and forward the Application for a Planned Development to the County Commissioners with:
    - i. A favorable recommendation.
    - ii. A favorable recommendation and with recommendations for commitments and/or conditions.
    - iii. An unfavorable recommendation.
    - iv. No recommendation.
  - b. *Revisions*: If the certified version of the Planned Development District Ordinance or Establishment Plan was revised during the process of Plan Commission review, the Zoning Administrator shall make the revisions to the Planned Development District Ordinance and the applicant shall make the revisions to the Establishment Plan so the County Commissioners receives the certified versions of the Planned Development District Ordinance and Establishment Plan.
8. *Commitments and Conditions*: In conjunction with its recommendation to the County Commissioners, the Plan Commission may recommend written commitments and/or conditions for approval. Commitments and/or conditions shall be recorded in the Office of the Shelby County Recorder within thirty (30) days of the County Commissioners's approval of the Planned Development District Ordinance and Establishment Plan. The applicant shall deliver a copy of the recorded commitments and/or conditions to the Zoning Administrator before proceeding with Step 2 and filing a Planned Development Detailed Development Plan.
- F. *Duration*: If Step 2, a Planned Development Detailed Development Plan, has not been filed within one (1) year of the date the County Commissioners approved the Planned Development District Ordinance and the Establishment Plan, the approval expires and a new Application for a Planned Development shall be submitted.
- G. *Modification*:
  1. *Planned Development District Ordinance*: An amendment to the text of the Planned Development District Ordinance shall follow the process in *Section 9.16: Unified Development Ordinance: Text Amendment*.
  2. *Establishment Plan*: Modification to an Establishment Plan shall be explained and illustrated during a Planned Development Detailed Development Plan review and approval process, unless the Zoning Administrator determines the modification is significant enough to change the character and intent of the Planned Development. In such cases, a new Application for a Planned Development shall be required.
  3. *Commitments and Conditions*: Commitments and conditions associated with a Planned Development District Ordinance and Establishment Plan shall only be modified or terminated by a decision of the County Commissioners made at a public hearing.



# Planned Development: Detailed Development Plan

## 9.11 Planned Development: Detailed Development Plan

- A. Purpose and Intent: The Planned Development Detailed Development Plan shall provide the Plan Commission with the opportunity to review the details of the site plan and determine compliance with the Planned Development District Ordinance. If the Planned Development involves the subdivision of land, this step also serves as the Primary Plat.
- B. Project Applicability: Proposals for new Planned Developments shall meet the standards of this section.
- C. Prerequisites:
1. *Planned Development District Ordinance and Establishment Plan*: The Planned Development District Ordinance and Establishment Plan shall be approved by the County Commissioners prior to submitting a Planned Development Detailed Development Plan. If approval included commitments and/or conditions, those commitments and/or conditions shall be recorded in the Office of the Shelby County Recorder.
- D. Filing Requirements:
1. *Application*: Application for a Planned Development should be on file with the Zoning Administrator from the Planned Development District Ordinance and the Establishment Plan.
  2. *Supporting Information*: The following information shall be submitted for the Planned Development Detailed Development Plan review process.
    - a. An updated list of names and mailing addresses of all known property owners within 600 feet of the boundary of the proposed site. The measurement shall include any property that is wholly or partially within the 600 foot boundary regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Shelby County Auditor's Office.
    - b. A Site Plan, drawn to scale, that includes the following items:
      - i. North arrow.
      - ii. Graphic scale.
      - iii. Address of the site.
      - iv. Proposed name of the development.
      - v. Area map insert showing the general location of the site referenced to major streets.
      - vi. Boundary lines of the site including all dimensions of the site.
      - vii. Names, centerlines, and right-of-way widths of all streets, alleys, and easements.
      - viii. Layout, number, dimension, and area of all lots.
      - ix. Location and dimensions of all existing and proposed structures, including paved areas, entryway features, and signs.
      - x. Location of all floodway, floodway fringe areas, and wetlands within the boundaries of the site.
      - xi. Use of each structure by labeling including approximate density or size of all proposed uses and structures on the site (e.g. parking - number of parking spaces provided; office - floor area).
      - xii. Distance of all structures from front, rear, and side lot lines.
      - xiii. Areas reserved for park, recreation, conservation, wetland, common area, lake, trails, or other similar uses.
      - xiv. Proposed landscaping buffers or landscaped areas.
      - xv. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.
    - c. Representative building elevations for facades of residential and non-residential primary structures shall be drawn to scale and include the following items:
      - i. Proposed name of the development.
      - ii. Graphic scale.
      - iii. Specification of the type and color of building materials to be used for wall, window, roof, and other architectural features.
      - iv. Placement, size, color, and illumination details for any proposed wall sign.
      - v. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.

- d. A Site Access and Circulation Plan shall be required, but may be incorporated into the required Site Plan or may be submitted as a separate plan. It shall be drawn to scale.
  - i. North arrow.
  - ii. Graphic scale.
  - iii. Address of site.
  - iv. Proposed name of the development.
  - v. Names, centerlines, and right-of-way widths of all existing and proposed streets, alleys, and easements within 100 feet of the site.
  - vi. Location of any proposed or existing driveways onto a street or alley and its width at the lot line.
  - vii. All improvements to the street system on-site and off-site.
  - viii. Measurement of curb radius and/or flares.
  - ix. Location of proposed and existing sidewalk or sidepath.
  - x. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.
- e. A Utility Plan shall be drawn to scale and shall include the following items:
  - i. Location of all existing and proposed utility easements.
  - ii. Location and size of all existing and proposed utility components including, but not limited to sanitary sewer components, water components, storm water components, electric, gas, telephone, and cable.
  - iii. Location and illumination capacity of all lights.
  - iv. Names of legal ditches and streams in or adjacent to the site.
  - v. Contours sufficient to illustrate storm water runoff.
  - vi. Storm water drainage plan including estimated runoff.
  - vii. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.
- f. Traffic Impact Study.
  - i. A Traffic Impact Study shall be required when a proposed development meets or exceeds the warrants of the Indiana Department of Transportation Traffic Impact Study Guidelines (150 or more dwelling units; 15,000 square feet or more of retail space; 35,000 or more square feet of office space; 70,000 square feet or more square feet of industrial space; 30,000 square feet or more of educational space; 120 or more occupied rooms; 46,000 or more square feet of medical space; or any mixed use development which generates 100 or more peak hour trips in the peak direction).
  - ii. A registered professional engineer shall prepare and certify the Traffic Impact Study. The Traffic Impact Study shall evaluate the impact of present and future traffic generated by the proposed development on the adjacent roadway system. Prior to commencement, the applicant shall meet with the Zoning Administrator and County Engineer to determine an appropriate scope for the Traffic Impact Study.
- g. Statement of Development Build-Out: The applicant shall indicate, either on the required Site Plan or in writing, a statement of:
  - i. The order of development of the major infrastructure elements of the project.
  - ii. Project phase boundaries, if any.
  - iii. The order and content of each phase.
  - iv. An estimate of the time frame for build-out of the project.
- h. Landscape Plan: The applicant shall indicate, either on the required Site Plan or on a separate landscape plan, existing and proposed green space and landscaping on the site showing how the proposed landscaping meets or exceeds the standards detailed in *Section 7.22: Perimeter Landscaping Standards; General and Sections 5.43-5.49: Landscaping Standards*.

- i. WPO District Requirements. If the proposed development is in the WPO District, the applicant shall submit the following:
    - i. A narrative description of the site including any existing uses, setbacks, available sewage disposal facilities, and a brief history of the site (including any former uses, historical environmental concerns, abandoned wells, underground storage tanks, septic systems, etc.).
    - ii. Description of the proposed operations, including chemical/products used or generated, chemical/product storage area descriptions, waste generation quantities, equipment cleaning/maintenance procedures.
    - iii. Methods and locations of receiving, handling, storing and shipping chemicals/products and wastes.
    - iv. Spill or release response measures and reporting.
    - v. Description of slopes near containment vessels and waste storage areas.
    - vi. The following information shall also be included on the required Site Plan or an additional plan: all paved and non-paved areas; floor drain locations and outlets; chemical/product storage locations; waste storage locations; liquid transfer areas; underground storage tanks and associated piping; above ground storage tanks and associated piping; slope and contours of finished grade at two-foot intervals; and proposed containment area detail drawings, including area, heights, materials, specifications, if applicable.
  3. *Deadline*: Eleven (11) hard copies of the Application for a Planned Development; eleven (9) hard copies of all supporting information; one (1) digital copy of the Application for a Planned Development and all supporting information in .pdf (portable document format); and one (1) digital copy of any drawings in .dwg file format shall be submitted twenty-eight (28) days prior to the public meeting at which it is first to be heard by the Plan Commission.
  4. *Fees*: Applicable fees shall be paid at the time when the Planned Development Detailed Development Plan is filed. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the planning staff's capabilities for review.
- E. Formal Procedure:
1. *Assignment*: A Planned Development Detailed Development Plan, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first Plan Commission agenda that occurs twenty-eight (28) days after the Planned Development Detailed Development Plan was submitted in its entirety. The Zoning Administrator shall notify the applicant in writing of the meeting date.
  2. *Internal Review*: Upon assignment of a case number and hearing date, the Technical Advisory Committee and other applicable agencies will be notified of the proposed Planned Development Detailed Development Plan and asked to review and comment. The Zoning Administrator may request a formal meeting of the Technical Advisory Committee and request the applicant's presence at that meeting. Following a thorough review, the Zoning Administrator may submit a written report to the Plan Commission stating any facts concerning the physical characteristics of the area involved in the Planned Development Detailed Development Plan, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the Planned Development Detailed Development Plan and information from the Technical Advisory Committee and/or other agencies that have reviewed the Planned Development Detailed Development Plan. A copy of such report shall be made available to the applicant and all remonstrators.
  3. *Public Notice*: The following public notice standards apply to a Planned Development Detailed Development Plan. All costs associated with providing public notice shall be borne by the applicant.
    - a. The applicant shall notify all interested parties of the public hearing by regular US mail a minimum of ten (10) days before the public hearing.
    - b. The applicant shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
    - c. The applicant shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
  4. *Attendance*: The applicant shall be present at the Plan Commission meeting to address and discuss comments and concerns posed by the Plan Commission. Failure to appear may result in the dismissal of the Planned Development.

5. *Public Hearing*: A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
6. *Review*: At their regularly scheduled public meeting, the Plan Commission shall review:
  - a. The original Application for a Planned Development.
  - b. Approved Planned Development District Ordinance.
  - c. Approved Establishment Plan.
  - d. All supporting information including the site plan, site access and circulation plan, elevations, utility plan, statement of development build-out, landscape plan, and, if applicable, traffic impact study and WPO district requirements.
  - e. The testimony of the applicant.
  - f. Information presented in writing or verbally by the Zoning Administrator, the Technical Advisory Committee, or other applicable department or agency.
  - g. Input from the public during the public hearing.
  - h. Any applicable requirements of the Shelby County's Construction Standards.
  - i. The limitations, standards, and requirements of *Article 04: Planned Development Districts*.
  - j. Any applicable provisions of the Unified Development Ordinance.
  - k. The Zoning Administrator's report or any other documents provided by other departments or agencies.
  - l. Any other additional information as may be required by the Plan Commission to evaluate the application.
7. *Decision*: The Plan Commission shall make findings of fact and take final action or continue the Planned Development Detailed Development Plan to a defined future meeting date.
  - a. *Findings of Fact*: The Plan Commission shall make the following findings of fact. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the portion of the Planned Development District Ordinance, the Unified Development Ordinance, or Shelby County's Construction Standards with which there is not compliance.
    - i. The Planned Development Detailed Development Plan is consistent with the Shelby County Comprehensive Plan.
    - ii. The Planned Development Detailed Development Plan is consistent with *Article 04: Planned Development Districts*.
    - iii. The Planned Development Detailed Development Plan satisfies the development standards of the approved Planned Development District Ordinance.
    - iv. The Planned Development Detailed Development Plan satisfies the construction requirements of the Shelby County's Construction Standards.
  - b. *Final Action*: Based on the findings of fact, the Plan Commission shall approve, approve with conditions, or deny the Planned Development Detailed Development Plan. If conditions are required, the conditions shall be recorded in the Office of the Shelby County Recorder within thirty (30) days of the Plan Commission's approval of the Planned Development Detailed Development Plan. The applicant shall deliver a copy of the recorded conditions to the Zoning Administrator before filing a Planned Development Final Development Plan.
  - c. The findings and final decision shall be signed by the President of the Plan Commission.
  - d. The Zoning Administrator shall provide the applicant a copy of the final decision.
- F. *Duration*: An approved Planned Development Detailed Development Plan shall be valid for two (2) years from the date the Plan Commission granted approval. The Zoning Administrator may grant one (1) six-month extension. The applicant shall submit the request for extension in writing, and the Zoning Administrator shall make a written determination regarding the decision. Both the request and the determination shall be made part of the Planned Development record. If development of the project has not commenced by the end of the two (2) year period (or by the end of the six-month extension), the approval expires and an Application for a Planned Development (District Ordinance and Establishment Plan) shall be required.

G. Modification:

1. *Minor Amendments:* A minor amendment to an approved Planned Development Detailed Development Plan which does not involve an increase in height, area, bulk or intensity of land uses; the designation of additional land uses; a reduction in yards; the addition of driveways or access points; or a reduction in the amount of parking may be authorized by the Zoning Administrator without a public hearing, if the requested minor amendment does not adversely impact the purpose or intent of the overall development. Minor amendments authorized by the Zoning Administrator shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.
2. *Major Amendments:* If the Zoning Administrator determines that the proposed modification may adversely impact the purpose or intent of the overall development; or if the proposed modification includes an increase in intensity of any land use; or if the proposed modification includes the designation of an additional land use, the applicant shall be required to file a new Planned Development Detailed Development Plan.

# Planned Development: Final Development Plan

## 9.12 Planned Development: Final Development Plan

- A. Purpose and Intent: The Planned Development Final Development Plan shall clearly define all construction matters and special conditions such as construction techniques, materials and the like, as well as prepare the plans and documents for recording. If the Planned Development involves the subdivision of land, this step also serves as the Final Plat Approval.
- B. Project Applicability: Proposals for new Planned Developments shall meet the standards of this section.
- C. Prerequisites:
1. *Planned Development Detailed Development Plan*: The Planned Development Detailed Development Plan shall be approved by the Plan Commission prior to submitting a Planned Development Final Development Plan. If Planned Development Detailed Development Plan approval included conditions, those conditions shall be recorded in the Office of the Shelby County Recorder.
  2. *Infrastructure*: A Planned Development shall have all of the infrastructure improvements proposed in the Planned Development Detailed Development Plan that are intended to be dedicated to the County installed to meet the Shelby County's Construction Standards, or the applicant shall have financial security for the cost of the infrastructure improvements in compliance with *Section 7.31: Surety Standards; General*.
- D. Filing Requirements:
1. *Application*: The applicant shall submit a letter stating the status of infrastructure improvements and requesting Planned Development Final Development Plan Approval. The original Application for a Planned Development should be on file with the Zoning Administrator from the Planned Development District Ordinance and the Establishment Plan
  2. *Supporting Information*: The following information shall accompany the applicant's letter requesting Planned Development Final Development Plan Approval
    - a. Accurate location of all monumentation, if applicable.
    - b. If infrastructure improvements are complete, the supporting information shall include as-built drawings of each infrastructure system, and copies of any required inspections or certifications.
    - c. If infrastructure improvements intended to be dedicated to the County are not complete, the supporting information shall include detailed descriptions and locations of infrastructure to be installed, estimates from contractors for all infrastructure improvements, and a performance bond for the total amount of the infrastructure improvements.
    - d. Any other information necessary to support a thorough review of the project that is requested, in writing, by the Zoning Administrator or Plan Commission.
  3. *Deadline*: Planned Development Final Development Plan Approval shall be requested within two (2) years of the approval of Planned Development Detailed Development Plan by the Plan Commission.
  4. *Fees*: Applicable fees shall be paid at the time the request for Planned Development Final Development Approval is filed. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the planning staff's capabilities for review.



E. Formal Procedure:

1. *Assignment:* The Zoning Administrator shall review the letter requesting Planned Development Final Development Plan Approval and all supporting information. Based on the history and the complexity of the project, the Zoning Administrator shall determine if the Planned Development Final Development Plan should be presented to the Plan Commission. Should the Zoning Administrator determine Plan Commission review is necessary, the Zoning Administrator shall assign the Planned Development Final Development Plan a case number and place it on the first Plan Commission agenda that occurs twenty-eight (28) days after the request for Planned Development Final Development Plan approval was submitted in its entirety. The Zoning Administrator shall notify the applicant in writing if Plan Commission review is necessary and the date of the meeting, if applicable.
2. *Review:* The Zoning Administrator shall provide the letter requesting Planned Development Final Development Plan approval, the supporting information, and a comment sheet to all applicable departments and agencies. Each department shall determine if the infrastructure improvements installed or proposed to be installed meet the Shelby County's Construction Standards and establish adequate connection to the existing and future systems. If applicable, each department shall also review applicable cost estimates for reasonableness. Each department shall return the comment sheet with any comments or concerns concerning the infrastructure or the project. If it has been determined that Plan Commission review is required, the comment sheets shall be forwarded to the Plan Commission for review at the meeting.
3. *Public Notice:* Notice and public hearing shall not be required for Planned Development Final Development Plan.
4. *Decision:* Based on comments from departments, the Zoning Administrator or the Plan Commission shall approve, approve with conditions, or deny Planned Development Final Development Plan.

F. Duration: An approved Planned Development Final Development Plan and any conditions shall be recorded in the Office of the Shelby County Recorder within three (3) months of the date of approval or become null and void.

# Special Exception

## 9.13 Special Exception

- A. Purpose and Intent: A special exception use is a use for which certain conditions must be met before it can be established at a specific location. The use shall be permitted by the Board of Zoning Appeals if certain conditions are met.
- B. Project Applicability: Only uses listed as "special exceptions" in the two-page layouts in *Article 02: Zoning Districts* for the applicable zoning district shall be considered for approval by the Board of Zoning Appeals.
- C. Prerequisites: An Application for a Special Exception shall be filed by the owner, the owner's agent, or any person having a legal or equitable interest in the subject property, but the written authorization of any owner who is not an applicant shall be required.
- D. Filing Requirements:
  - 1. *Application*: An Application for a Special Exception shall be made on forms provided by the Zoning Administrator.
  - 2. *Supporting Information*: The following items shall accompany a completed Application for a Special Exception.
    - a. A list of names and mailing addresses of all known property owners within 600 feet of the boundary of the proposed site. The measurement shall include any property that is wholly or partially within the 600 foot boundary regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Shelby County Auditor's Office.
    - b. A Site Plan, drawn to scale, that includes the following information.
      - i. North arrow.
      - ii. Graphic scale.
      - iii. Address of the site.
      - iv. Legal description of the site.
      - v. Boundary lines of the site including all dimensions.
      - vi. Names, centerlines, and right-of-way widths of all streets, alleys, and easements.
      - vii. Location and dimensions of all existing and proposed structures, including paved areas and signs
      - viii. Location of all floodway, floodway fringe areas, and wetlands within the boundaries of the site.
      - ix. Distance of all structures from front, rear, and side lot lines.
      - x. Areas reserved for park, recreation, conservation, wetland, common area, lake, trails, or other similar uses.
      - xi. Proposed landscaping buffers or landscaped areas.
      - xii. Any other information necessary to support a thorough review of the project and as requested in writing by the Board of Zoning Appeals or the Zoning Administrator. This may include the supporting information listed in *Section 9.11(D)(2)(i): WPO District Requirements*. for projects within the WPO District.
  - 3. *Deadline*: An Application for a Special Exception shall be filed at least twenty-eight (28) days prior to the public meeting at which it is first to be considered by the Board of Zoning Appeals.
  - 4. *Fees*: Applicable fees shall be paid at the time the Application for a Special Exception is filed. Fees shall include reimbursement for any cost borne by the Board of Zoning Appeals to hire a professional engineer or other technician necessary to subsidize the planning staff's capabilities for review.



# Special Exception

## E. Formal Procedure:


1. *Assignment:* An Application for a Special Exception, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first Board of Zoning Appeals agenda that occurs twenty-eight (28) days after the Application for a Special Exception was submitted in its entirety. The Zoning Administrator shall notify the applicant in writing of the meeting date.
2. *Internal Review:* Upon assignment of a number and hearing date, the Zoning Administrator may ask applicable departments to review and comment. The Zoning Administrator may submit a written report to the Board of Zoning Appeals stating any facts concerning the physical characteristics of the area involved, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the Application for a Special Exception and/or information from other departments that have reviewed the Application for a Special Exception. A copy of such report shall be made available to the applicant and all remonstrators.
3. *Public Notice:* The following public notice standards apply to an Application for a Special Exception. All costs associated with providing public notice shall be borne by the applicant.
  - a. The applicant shall notify all interested parties of the public hearing by regular US Postal Service mail a minimum of ten (10) days before the public hearing.
  - b. The applicant shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
  - c. The applicant shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
4. *Attendance:* The applicant shall be present at the Board of Zoning Appeals meeting to present the Application for a Special Exception and to address and discuss comments and concerns. Failure to appear shall result in the dismissal of the Application for a Special Exception.
5. *Public Hearing:* A public hearing shall be held in accordance with the Board of Zoning Appeals Rules of Procedure.
6. *Review:* At their regularly scheduled public meeting, the Board of Zoning Appeals shall review
  - a. The Application for a Special Exception.
  - b. Supporting information.
  - c. Presentation by the applicant.
  - d. Information presented in writing or verbally by the Zoning Administrator or other applicable department or agency.
  - e. Input from the public during the public hearing.
  - f. Applicable provisions of the Unified Development Ordinance.
  - g. The Board of Zoning Appeals may take into consideration the following items as they relate to the proposed use:
    - i. Topography and other natural site features.
    - ii. Zoning of the site and surrounding properties.
    - iii. Driveway locations, street access and vehicular and pedestrian traffic.
    - iv. Parking amount, location, design.
    - v. Landscaping, screening, buffering.
    - vi. Open space and other site amenities.
    - vii. Noise production and hours of operation.
    - viii. Design, placement, architecture, and material of the structure.
    - ix. Placement, design, intensity, height, and shielding of lights.
    - x. Traffic generation.
    - xi. General site layout as it relates to its surroundings.

# Special Exception

7. *Decision:* The Board of Zoning Appeals shall make findings of fact and take final action or continue the Application for a Special Exception to a defined future meeting date.
  - a. *Findings of Fact:* The Board of Zoning Appeals shall make the following findings of fact. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the reason for non-compliance.
    - i. The proposed special exception is consistent with the purpose of the zoning district and the Shelby County Comprehensive Plan.
    - ii. The proposed special exception will not be injurious to the public health, safety, morals and general welfare of the community.
    - iii. The proposed special exception is in harmony with all adjacent land uses.
    - iv. The proposed special exception will not alter the character of the district; and
    - v. The proposed special exception will not substantially impact property value in an adverse manner.
  - b. *Final Action:*
    - i. If the Board of Zoning Appeals finds all of the findings of fact in the affirmative, it shall approve or approve with conditions and/or commitments the Application for a Special Exception.
    - ii. If the Board of Zoning Appeals does not find all of the findings of fact in the affirmative, it shall deny the Application for a Special Exception.
  - c. *Commitments and Conditions:*
    - i. *Commitments:* The Board of Zoning Appeals may require the owner to make a written commitment. Commitments shall be recorded in the Office of the Shelby County Recorder. A recorded commitment is binding on the owner of the land, any subsequent owner of the land, and any person who acquires interest in the land.
    - ii. *Conditions:* The Board of Zoning Appeals may require certain conditions for approval.
- F. *Duration:* The granting of a special exception authorizes the use to run with the land unless conditions to the contrary are placed on the approval. If construction of structures or occupancy of existing structures has not commenced within two (2) years of the date the Special Exception was granted by the Board of Zoning Appeals, the approval shall be null and void.
- G. *Modification:* If the Zoning Administrator determines a proposed modification or intensification represents an alteration in the essential character of the original special exception use as approved by the Board of Zoning Appeals, a new approval of the special exception use shall be required. The operator of the special exception use shall provide the Zoning Administrator with all the necessary information to render this determination.

# Subdivision of Land: Primary Plat

## 9.14 Subdivision of Land: Primary Plat

- A. Purpose and Intent: A Primary Plat shall provide the Plan Commission with the opportunity to review the details of a subdivision of land to determine compliance with the provisions of the Unified Development Ordinance. A Primary Plat shall also ensure the statutory requirements established in Indiana Code for the subdivision of land are met.
- B. Project Applicability: A Primary Plat shall be prepared in conjunction with any proposal to subdivide or plat property within the jurisdictional area of the Plan Commission.
1. *Applicable Districts*: The subdivision of land shall occur only in the following zoning districts:
- 
2. *Delay of Parent Tract Splits*: Any parent tract being split is subject to a five (5) year suspension of further subdivision. Any petitioner is encouraged to include future plans for all lot splits the first time the parent tract is split to avoid difficulty with this provision.
  3. *Replats*: A replat shall consist of two processes. First, the plat or the portion of the plat shall be vacated in accordance with IC 36-7-3-10 and 36-7-3-11. Then, the property shall be platted using the Primary Plat process in this section and the Final Plat process in *Section 9.15: Subdivision of Land: Final Plat*.
  4. ~~*Exemptions*: Condominiums regulated by IC 32-35 are exempt from this subdivision process outlined in the Unified Development Ordinance.~~ **Amended per Ord. 2009-9 & 2016-06. See Appendix B.01**
- C. Prerequisites:
1. *Eligible Applicants*: An Application for Primary Plat shall be initiated by the owner of the land involved in the development or the owner's authorized agent. If an authorized agent files an application, a signed and notarized consent form from the owner shall accompany the application.
  2. *Pre-application Meeting*: Prior to submitting an Application for Primary Plat, the applicant shall meet with the Zoning Administrator to review the zoning classification of the site, review regulatory ordinances and materials, review the procedures, and examine the proposed use and development of the site.
- D. Filing Requirements:
1. *Application*: An Application for Primary Plat shall be made on forms provided by the Zoning Administrator.
  2. *Supporting Information*: The following supporting information shall accompany a completed Application for Primary Plat.
    - a. A list of names and mailing addresses of all known property owners within 600 feet of the boundary of the proposed site. The measurement shall include any property that is wholly or partially within the 600 foot boundary regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Shelby County Auditor's Office.

- b. A Site Plan, drawn to a scale, that includes the following items:
  - i. North arrow.
  - ii. Graphic scale.
  - iii. Address of overall property as assigned by the 911 coordinator.
  - iv. Proposed name of the subdivision.
  - v. Area map insert showing the general location of the site referenced to major streets.
  - vi. Legal description of the site.
  - vii. Boundary lines of the site including all dimensions of the site.
  - viii. Names, centerlines, and right-of-way widths of all streets, alleys, and easements.
  - ix. Layout, number, dimension, area, building setback lines on all lots.
  - x. Location and dimensions of any existing structures.
  - xi. Location of all floodway, floodway fringe areas, and wetlands within the boundaries of the site.
  - xii. Areas reserved for park, recreation, conservation, wetland, common area, lake, trails, or other similar uses.
  - xiii. Proposed perimeter landscaping areas.
  - xiv. Proposed entryway feature signs.
  - xv. Stamp of a registered professional engineer or licensed surveyor.
  - xvi. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator. This may include the supporting information listed in *Section 9.11(D)(2)(i): WPO District Requirements* for projects within the WPO District.
- c. Representative building elevations for each facade of primary structures including the following information:
  - i. Permitted building materials to be used for wall, window, roof, and other architectural features.
  - ii. Placement, size, color, and illumination details for any proposed wall sign.
  - iii. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.
  - iv. The Zoning Administrator may waive this requirement if deemed unnecessary.
- d. A Site Access and Circulation Plan shall be required, but may be incorporated into the required Site Plan or may be submitted as a separate plan. It shall be drawn to scale and shall include the following items:
  - i. North arrow.
  - ii. Graphic scale.
  - iii. Proposed name of the subdivision.
  - iv. Names, centerlines, and right-of-way widths of all existing and proposed streets, alleys, and easements within 100 feet of the site.
  - v. All improvements to the street system on-site and off-site.
  - vi. Measurement of curb radius and/or flares.
  - vii. Location of proposed and existing sidewalk and sidepaths.
  - viii. Location and details of all proposed wayfinding signs.
  - ix. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.

# Subdivision of Land: Primary Plat

- e. A Utility Plan, drawn to scale, including the following items:
    - i. Location of all existing and proposed utility easements.
    - ii. Location and size of all existing and proposed utility components including, but not limited to sanitary sewer components, water components, storm water components, electric, gas, telephone, and cable.
    - iii. Location and illumination capacity of all lights.
    - iv. Names of legal ditches and streams in or adjacent to the site.
    - v. Contours sufficient to illustrate storm water runoff.
    - vi. Storm water drainage plan including estimated runoff.
    - vii. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.
  - f. Traffic Impact Study.
    - i. A Traffic Impact Study shall be required when a proposed development meets or exceeds the warrants of the Indiana Department of Transportation Traffic Impact Study Guidelines (150 or more dwelling units; 15,000 square feet or more of retail space; 35,000 or more square feet of office space; 70,000 square feet or more square feet of industrial space; 30,000 square feet or more of educational space; 120 or more occupied rooms; 46,000 or more square feet of medical space; or any mixed use development which generates 100 or more peak hour trips in the peak direction).
    - ii. A registered professional engineer shall prepare and certify the Traffic Impact Study. The Traffic Impact Study shall evaluate the impact of present and future traffic generated by the proposed development on the adjacent roadway system. Prior to commencement, the applicant shall meet with the Zoning Administrator and County Engineer to determine an appropriate scope for the Traffic Impact Study.
  - g. Statement of Development Build-Out: The applicant shall indicate, either on the required Site Plan or in writing, a statement of:
    - i. The order of development of the major infrastructure elements of the project.
    - ii. Future section boundaries, if any.
    - iii. The order and content of each section.
    - iv. An estimate of the time frame for build-out of each section.
  - h. Landscape Plan: The applicant shall indicate, either on the required Site Plan or on a separate landscape plan, existing and proposed perimeter landscaping and other landscaping that meet or exceeds the standards detailed in *Sections 5.43 through 5.49: Landscape Standards* and *Section 7.22: Perimeter Landscaping Standards; General*.
  - i. Restrictive Covenants: The applicant shall provide a copy of the restrictive covenants that will apply to each lot within the subdivision.
  - j. Requested Waivers:
    - i. Lot Establishment: Requirements within *Sections 7.15 through 7.16: Lot Establishment Standards* may be waived to allow for more creative design, but accessibility shall not be compromised.
    - ii. Open Space: Requirements within *Section 7.19: Open Space Standards; General* may be reduced by as much as fifty percent (50%).
    - iii. Perimeter Landscaping: Requirements within *Section 7.22: Perimeter Landscaping Standards; General* may be reduced as much as fifty percent (50%).
    - iv. Street Lighting: Requirements within *Sections 7.26 through 7.28: Street Lighting Standards* may be waived.
3. **Deadline:** Eleven (11) hard copies of the Application for Primary Plat; eleven (11) hard copies of all supporting information; one (1) digital copy of the Application for Primary Plat and all supporting information in .pdf (portable document format); and one (1) digital copy of any drawings in .dwg file format shall be submitted twenty-eight (28) days prior to the public meeting at which it is first to be heard by the Plan Commission.
4. **Fees:** Applicable fees shall be paid at the time the Application for Primary Plat is filed. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the planning staff's capabilities for review.

# Subdivision of Land: Primary Plat

## E. Formal Procedure:

1. *Assignment:* An Application for Primary Plat, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first Plan Commission agenda that occurs twenty-eight (28) days after the Application for Primary Plat is submitted in its entirety. The Zoning Administrator shall notify the applicant in writing of the meeting date.
2. *Internal Review:* Upon assignment of a case number and hearing date, the Technical Advisory Committee and other applicable agencies will be notified of the proposed subdivision of land and asked to review and comment. The Zoning Administrator may submit a written report to the Plan Commission stating any facts concerning the physical characteristics of the area involved in the subdivision of land, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the subdivision of land and information from the Technical Advisory Committee and/or other agencies that have reviewed the subdivision of land. A copy of such report shall be made available to the applicant and all remonstrators.
3. *Public Notice:* The following public notice standards apply to an Application for Primary Plat. All costs associated with providing public notice shall be borne by the applicant.
  - a. The applicant shall notify all interested parties of the public hearing by regular US mail a minimum of ten (10) days before the public hearing.
  - b. The applicant shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
  - c. The applicant shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
4. *Attendance:* The applicant shall be present at the Plan Commission meeting to present and explain the Application for Primary Plat and address and discuss comments and concerns posed by the Plan Commission. Failure to appear may, by vote, result in the dismissal of the Application for Primary Plat.
5. *Public Hearing:* A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
6. *Review:* At their regularly scheduled public meeting, the Plan Commission shall review:
  - a. The Application for Primary Plat.
  - b. All supporting information including the site plan, site access and circulation plan, elevations, etc.
  - c. The testimony of the applicant.
  - d. Information presented in writing or verbally by the Zoning Administrator, the Technical Advisory Committee, or other applicable department.
  - e. Input from the public during the public hearing.
  - f. Any applicable provisions of the Unified Development Ordinance.
  - g. Any applicable requirements of the Shelby County's Construction Standards.
  - h. Any other information as may be required by the Plan Commission to evaluate the application.



# Subdivision of Land: Primary Plat

7. *Decision:*
  - a. The Plan Commission shall make findings of fact and take final action or continue the Application for Primary Plat to a defined future meeting date.
  - b. Findings of Fact: The Plan Commission shall make the following findings of fact. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the provision of the Unified Development Ordinance or Shelby County's Construction Standards with which there is not compliance or the manner in which the project is not consistent with the Shelby County Comprehensive Plan.
    - i. The subdivision of land is consistent with the Shelby County Comprehensive Plan.
    - ii. The subdivision of land satisfies the development requirements of *Article 06: Subdivision Types*.
    - iii. The subdivision of land satisfies the standards of *Article 07: Design Standards*.
    - iv. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance;
    - v. The subdivision of land satisfies the construction requirements of the Shelby County's Construction Standards.
  - c. Final Action
    - i. If the Plan Commission finds all of the findings of fact in the affirmative, it shall approve or approve with commitments the Application for Primary Plat.
    - ii. If the Plan Commission does not find all of the findings of fact in the affirmative, it shall deny the Application for Primary Plat.
  - d. Commitments: The Plan Commission may require the applicant to make a written commitment concerning the Primary Plat. Any written commitments shall be recorded in the Office of the Shelby County Recorder within ninety (90) days of the Plan Commission's final action.
  - e. The findings, final action, and any conditions shall be signed by the President of the Plan Commission.
  - f. The Zoning Administrator shall provide the applicant a copy of the decision.
- F. Duration: An approved Primary Plat shall be valid for two (2) years from the date the Plan Commission granted approval. The Zoning Administrator may grant one (1) six-month extension.
- G. Modification:
  1. *Minor Amendments*: Minor amendment to an approved Primary Plat which does not involve an increase in the number of lots or intensity of land uses; the designation of additional land uses; the reduction in perimeter yards; changes to circulation; the addition of driveways or access points; or reduction in the amount of parking may be authorized by the Zoning Administrator without a public hearing, if the requested minor amendments do not adversely impact the purpose or intent of the overall development. An example of a minor amendment could be the relocation of an easement. A minor amendment authorized by the Zoning Administrator shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.
  2. *Major Amendments*: If the Zoning Administrator or County Engineer determines that the proposed modification may adversely impact the purpose or intent of the overall development; or if the proposed modification includes an increase in the number of lots, or intensity of any land use; or if the proposed modification includes the designation of an additional land use, the applicant shall be required to file a new Application for Primary Plat.

# Subdivision of Land: Final Plat

## 9.15 Subdivision of Land: Final Plat

- A. Purpose and Intent: The Final Plat shall clearly define all construction matters and special conditions such as construction techniques, materials and the like, as well as prepare the plans and documents for recording.
- B. Project Applicability: Proposals for new subdivisions of land shall meet the standards of this section.
- C. Prerequisites:
  1. *Primary Plat*: The Application for Primary Plat shall be approved by the Plan Commission prior to submitting a Final Plat. If the Primary Plat approval included commitments, those commitments shall be recorded in the Office of the Shelby County Recorder.
  2. *Infrastructure*: A subdivision that is the subject of a Final Plat shall have all of the infrastructure improvements proposed in the Primary Plat installed to meet Shelby County's Construction Standards, or the applicant shall have posted a performance bond for the cost of the infrastructure improvements that complies with *Section 7.31 Surety Standards*.
- D. Filing Requirements:
  1. *Application*: The applicant shall submit a letter stating the status of infrastructure improvements and requesting Final Plat. The original Application for Primary Plat should be on file with the Zoning Administrator.
  2. *Supporting Information*: The following information shall accompany the applicant's letter requesting Final Plat.
    - a. Plans showing the precise location of all installed monumentation.
    - b. Plans showing final dimensions for lots, right-of-ways, and easements.
    - c. If infrastructure improvements are complete, the supporting information shall include as-built drawings of each infrastructure system and any required inspections or certifications by engineers or surveyors.
    - d. If infrastructure improvements are not complete, the supporting information shall include detailed descriptions and locations of infrastructure to be installed, estimates from contractors for all infrastructure improvements, and a performance bond for the total amount of the infrastructure improvements.
    - e. Any other information necessary to support a thorough review of the project that is requested, in writing, by the Zoning Administrator or Plan Commission.
  3. *Deadline*: Eleven (11) hard copies of the letter requesting Final Plat; eleven (11) hard copies of all supporting information; one (1) digital copy of the letter requesting Final Plat and all supporting information in .pdf (portable document format); and one (1) digital copy of any drawings in .dwg file format shall be filed within two (2) years of the approval of Primary Plat by the Plan Commission.
  4. *Fees*: Applicable fees shall be paid at the time the request for Final Plat is filed. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the planning staff's capabilities for review.



# Subdivision of Land: Final Plat

## E. Formal Procedure:

1. *Assignment:* The Zoning Administrator shall review the letter requesting Final Plat and all supporting information. Based on the history and the complexity of the project, the Zoning Administrator shall determine if the Final Plat should be presented to the Plan Commission. Should the Zoning Administrator determine Plan Commission review is necessary, the Zoning Administrator shall assign the Final Plat a case number and place it on the first Plan Commission agenda that occurs twenty-eight (28) days after the Final Plat was submitted in its entirety. The Zoning Administrator shall notify the applicant in writing if Plan Commission review is necessary and the date of the meeting, if applicable.
2. *Review:* The Zoning Administrator shall provide the letter requesting Final Plat, the supporting information, and a comment sheet to all applicable departments and agencies. Each department shall determine if the infrastructure improvements installed or proposed to be installed meet the Shelby County's Construction Standards and if the improvements include adequate connection to existing and future systems. If applicable, each department shall also review applicable cost estimates for reasonableness. Each department shall return the comment sheet with any comments or concerns concerning the infrastructure or the project to the Zoning Administrator. If it has been determined that Plan Commission review is required, the Zoning Administrator shall forward the comment sheets to the Plan Commission for review at the meeting.
3. *Public Notice:* Notice and public hearing shall not be required for Final Plat.
4. *Review and Decision:* The Zoning Administrator shall, based on comments from departments, approve, approve with conditions, or deny Final Plat. In cases where the Final Plat is being heard by the Plan Commission, the Plan Commission shall review the comments from departments at a regularly scheduled public meeting and approve, approve with conditions, or deny Final Plat.

- F. Duration: An approved Final Plat and any conditions shall be recorded in the Office of the Shelby County Recorder within thirty (30) days of the date of approval or become null and void.

## 9.16 Unified Development Ordinance: Text Amendment

- A. Purpose and Intent: It may become necessary to amend the text of the Unified Development Ordinance from time to time. The Plan Commission has the authority to hear a proposal to amend the text of the Unified Development Ordinance. The Plan Commission shall make a recommendation to the County Commissioners concerning a proposal to amend the text of the Unified Development Ordinance. The County Commissioners has the power to approve or reject a proposal to amend the text of the Unified Development Ordinance.
- B. Project Applicability: Any proposal to add, remove, or alter a provision of the Unified Development Ordinance shall follow the process outlined in this section.
- C. Prerequisites:
  - 1. *Eligible Applicants*: Members of the County Commissioners or members of the Plan Commission shall initiate a proposal to amend the text of the Unified Development Ordinance. Persons who wish to propose an amendment to the text of the Unified Development Ordinance and who are not members of the County Commissioners or Plan Commission shall find a sponsor among the County Commissioners or the Plan Commission to introduce the proposal.
- D. Filing Requirements:
  - 1. *Application*: A proposal for an amendment to the text of the Unified Development Ordinance shall be prepared by the Zoning Administrator upon the direction of either the County Commissioners or the Plan Commission.
  - 2. *Deadline*: A proposal for an amendment to the text of the Unified Development Ordinance may be filed any time.
- E. Formal Procedure:
  - 1. *Assignment*: The Zoning Administrator shall assign a case number and place the proposed amendment to the text of the Unified Development Ordinance on the first Plan Commission agenda that occurs twenty-eight (28) days after the proposal is prepared.
  - 2. *Internal Review*: The Zoning Administrator shall be responsible for introducing the proposed amendment to the text of the Unified Development Ordinance to the Technical Advisory Committee and other applicable departments and agencies that may have an interest in the proposed amendment. The Zoning Administrator shall also notify the Technical Advisory Committee and other applicable departments and agencies of the date of the Plan Commission meeting where the proposed amendment to the text of the Unified Development Ordinance will be heard.
  - 3. *Public Notice*: The following public notice standards apply for a proposal to amend the text of the Unified Development Ordinance.
    - a. The Zoning Administrator shall notify interested parties of the public hearing. Notice shall be given in a manner deemed appropriate by the Plan Commission.
    - b. The Zoning Administrator shall publish a legal notice in a newspaper of general circulation at least days (10) before the public hearing.
    - c. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
  - 4. *Public Hearing*: A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
  - 5. *Review*: In preparing and considering proposals to amend the text of the Unified Development Ordinance, the Plan Commission and the County Commissioners shall pay reasonable regard to:
    - a. The Shelby County Comprehensive Plan.
    - b. Current conditions and the character of current structures and uses in each district.
    - c. The most desirable use for which the land in each district is adapted.
    - d. The conservation of property values throughout the jurisdiction.
    - e. Responsible development and growth.

F. Decision:

1. *Final Action:* The Plan Commission shall certify the amendment to the text of the Unified Development Ordinance and forward the proposal to the County Commissioners with a favorable recommendation, an unfavorable recommendation, or no recommendation.
2. *Effective Date:*
  - a. Unless an amendment to the text of the Unified Development Ordinance provides for a later effective date, the amendment shall be effective when it is adopted under IC 36-7-4-607.
  - b. When a provision prescribing a penalty or forfeiture for a violation is approved, it may not take effect until fourteen (14) days after the final day on which notice of its adoption is published; or the day on which it is filed in the Office of the County Clerk, whichever is later.

# Variance

## 9.17 Variance

- A. Purpose and Intent: The Board of Zoning Appeals may vary the regulations of the Unified Development Ordinance for projects that meet the findings of fact set forth in this section. Variances may be a "development standards variance" granting relief from a development standard such as height, bulk, or area; or a "use variance" allowing a use that is not listed as a permitted or special exception use in a district.
- B. Project Applicability:
1. *Jurisdiction*: Projects within the jurisdictional area of the Plan Commission that are unable to meet the provisions of the Unified Development Ordinance may apply for a variance.
  2. *Previously Denied Applications*: The Zoning Administrator shall refuse to accept an Application for a Variance that has been denied by the Board of Zoning Appeals within the last twelve (12) months. However, the Zoning Administrator shall have the authority and discretion to determine that an Application for a Variance containing major changes may justify re-filing within the aforementioned twelve (12) month period.
- C. Prerequisites
1. *Eligible Applicants*: An Application for a Variance may be filed by the owner, his agent, or any person having a legal or equitable interest in the subject property, but the written authorization of any owner who is not an applicant shall be required.
  2. *Pre-application Meeting*: Prior to submitting an Application for a Variance, the applicant shall meet with the Zoning Administrator to review the zoning classification of the site, ordinance provisions, the application packet, and the procedure involved.
- D. Filing Requirements.
1. *Application*: Application for a Variance shall be made on a form provided by the Zoning Administrator.
  2. *Supporting Information*:
    - a. A list of names and mailing addresses of all known property owners within 600 feet of the boundary of the proposed site. The measurement shall include any property that is wholly or partially within the 600 foot boundary regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Shelby County Auditor's Office.
    - b. Applicable plans, drawings, and descriptions of the use and proposed site shall accompany the Application for a Variance. If the proposed project is within the WPO District, the supporting information listed in *Section 9.11(D)(2)(i): WPO District Requirements* shall also be submitted. The supporting information shall accurately and completely describe the proposed project and the need for the requested variance.
  3. *Deadline*: An Application for a Variance shall be filed at least twenty-eight (28) days prior to the public meeting at which it is first to be considered by the Board of Zoning Appeals.
  4. *Fees*: Applicable fees shall be paid at the time the Application for a Variance is filed. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the planning staff's capabilities for review.
- E. Formal Procedure:
1. *Assignment*: An Application for a Variance, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first Board of Zoning Appeals agenda that occurs twenty-eight (28) days after the Application for a Variance is submitted in its entirety. The Zoning Administrator shall notify the applicant, in writing, of the date of the meeting.
  2. *Internal Review*: Upon assignment of a number and hearing date, the Zoning Administrator may ask applicable departments to review and comment on the proposed project. The Zoning Administrator may submit a written report to the Board of Zoning Appeals stating any facts concerning the physical characteristics of the area involved, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the Application for a Variance and/or information from other departments that have reviewed the Application for a Variance. A copy of such report shall be made available to the applicant and all remonstrators.

3. *Public Notice:* The following public notice standards apply to an Application for a Variance. All costs associated with providing public notice shall be borne by the applicant.
  - a. The applicant shall notify all interested parties of the public hearing by regular US mail a minimum of ten (10) days before the public hearing.
  - b. The applicant shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
  - c. The applicant shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
4. *Attendance:* The applicant shall be present at the Board of Zoning Appeals meeting to present the Application for a Variance and address and discuss comments and concerns. Failure to appear shall result in the dismissal of the Application for a Variance.
5. *Public Hearing:* A public hearing shall be held in accordance with the Board of Zoning Appeals Rules of Procedure.
6. *Review:* At their regularly scheduled public meeting, the Board of Zoning Appeals shall review
  - a. The Application for a Variance.
  - b. Supporting information.
  - c. Presentation by the applicant.
  - d. Information presented in writing or verbally by the Zoning Administrator or other applicable department or agency.
  - e. Input from the public during the public hearing.
  - f. Applicable provisions of the Unified Development Ordinance.
  - g. Any other additional information as may be required by the Board of Zoning Appeals to evaluate the application.
7. *Decision:* The Board of Zoning Appeals shall make findings of fact and take final action or continue the Application for a Variance to a defined future meeting date.
  - a. *Development Standards Variance Findings of Fact:* The Board of Zoning Appeals shall make the following findings of fact for Development Standards Variances. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the reason for non-compliance.
    - i. The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community.
    - ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
    - iii. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.
  - b. *Use Variance Findings of Fact:* The Board of Zoning Appeals shall make the following findings of fact for Use Variances. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the reason for non-compliance.
    - i. The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community.
    - ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
    - iii. That the need for the use variance arises from some condition peculiar to the property involved.
    - iv. The strict application of the terms of the ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.
    - v. The approval does not interfere substantially with the Shelby County Comprehensive Plan.

# Variance

- c. Final Action:
  - i. If the Board of Zoning Appeals finds all of the findings of fact in the affirmative, it shall approve or approve with conditions and/or commitments the Application for a Variance.
  - ii. If the Board of Zoning Appeals does not find all of the findings of fact in the affirmative, it shall deny the Application for a Variance.
- d. Commitments and Conditions:
  - i. Commitments: The Board of Zoning Appeals may require the owner to make a written commitment. Commitments shall be recorded in the Office of the Shelby County Recorder. A recorded commitment is binding on the owner of the land, any subsequent owner of the land, and any person who acquires interest in the land.
  - ii. Conditions: The Board of Zoning Appeals may require certain conditions for approval.
- F. Duration:
  - 1. *Development Standards Variance*: A development standards variance granted by the Board of Zoning Appeals shall run with the land until such time as the property conforms with the Unified Development Ordinance.
  - 2. *Use Variance*: A use variance granted by the Board of Zoning Appeals may run with the land or applicant until such time as:
    - a. The use of the variance ends, is vacated, or unused for three (3) months consecutively;
    - b. The property conforms with the Unified Development Ordinance as written; or,
    - c. The property is sold.
- G. Modification: Modifications authorized by the Zoning Administrator shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.
  - 1. *Development Standards Variance*: Modification of a development standards variance that makes a project more compliant with the provisions of the Unified Development Ordinance may be authorized by the Zoning Administrator. Modification of a development standards variance that makes a project less compliant with the provisions of the Unified Development Ordinance shall re-file an Application for a Variance or other appropriate application.
  - 2. *Use Variance*: Modification of a use variance shall not be permitted. Any modification of an approved use variance shall meet all of the provisions of the Unified Development Ordinance or re-file an Application for a Variance or other appropriate application.

# Zoning Map Amendment (Rezoning)

## 9.18 Zoning Map Amendment (Rezoning)

- A. Purpose and Intent: It may become necessary to change the zoning of an area or a lot, thereby amending the Official Zoning Map. The Plan Commission has the authority to hear a proposal to amend the Official Zoning Map. This process is typically known as a "rezoning" of land. The Plan Commission shall make a recommendation to the County Commissioners concerning a proposal to amend the Official Zoning Map. The County Commissioners has the power to approve or deny a proposal to amend the Official Zoning Map.
- B. Project Applicability:
1. *Jurisdiction*: Areas or lots shall be located within the jurisdictional area of the Plan Commission.
  2. *Previously Denied Applications*: The Zoning Administrator shall refuse to accept an Application for a Rezoning that has been denied by the County Commissioners within the last twelve (12) months. However, the Zoning Administrator shall have the authority and discretion to determine that an Application for a Rezoning containing major changes may justify re-filing within the aforementioned (12) month period.
- C. Prerequisites
1. *Eligible Applicants*:
    - a. The Plan Commission may act as an applicant and initiate a zoning map amendment.
    - b. Unless the Plan Commission has initiated a zoning map amendment, an Application for a Rezoning shall be filed by the owner, his agent, or any person having a legal or equitable interest in the subject property, but the written authorization of any owner who is not an applicant shall be required.
  2. *Pre-application Meeting*: Prior to submitting an Application for a Rezoning the applicant shall meet with the Zoning Administrator to review the current zoning district, the proposed zoning district, adjacent zoning districts and land uses, applicable ordinance provisions, the application packet, and the procedure involved.
- D. Filing Requirements.
1. *Application*: An Application for a Rezoning shall be made on a form provided by the Zoning Administrator.
  2. *Supporting Information*: An Application for a Rezoning shall be accompanied by the following supporting information:
    - a. A list of names and mailing addresses of all known property owners within 600 feet of the boundary of the proposed site. The measurement shall include any property that is wholly or partially within the 600 foot boundary regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Shelby County Auditor's Office.
    - b. A Site Plan, drawn to scale, that includes the following items.
      - i. North arrow.
      - ii. Graphic scale.
      - iii. Address of the site.
      - iv. Boundary lines of the site including all dimensions of the site.
      - v. Names, centerlines, and right-of-way widths of all adjacent streets, alleys, and easements.
      - vi. Layout, number, dimension, and area of all lots.
      - vii. Location and dimensions of all existing and proposed structures.
      - viii. Location of all floodway, floodway fringe areas, and wetlands within the boundaries of the site.
      - ix. Use of each structure by labeling.
      - x. Distance of all structures from front, rear, and side lot lines.
      - xi. Proposed landscaping buffers or landscaped areas.
      - xii. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator. This may include the supporting information listed in *Section 9.11(D)(2)(i): WPO District Requirements* for projects within the WPO District.
  3. *Deadline*: An Application for a Rezoning shall be filed at least twenty-eight (28) days prior to the public meeting at which it is first to be considered by the Plan Commission.
  4. *Fees*: Applicable fees shall be paid at the time the Application for a Rezoning is filed. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the planning staff's capabilities for review.



E. Formal Procedure:

1. *Assignment:* An Application for a Rezoning, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first Plan Commission agenda that occurs twenty-eight (28) days after the Application for a Rezoning was submitted in its entirety. The Zoning Administrator shall notify the applicant in writing of the date of the meeting and provide the applicant with a legal notice.
2. *Internal Review:* Upon assignment of a case number and hearing date, the Zoning Administrator shall review the Application for a Rezoning and all supporting information. The Zoning Administrator may forward the Application for a Rezoning and any other relevant information to the Technical Advisory Committee, or other applicable agencies. The Zoning Administrator may submit a written report to the Plan Commission stating facts concerning the physical characteristics of the area involved in the Application for a Rezoning, adjacent zoning, the surrounding land use, facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the Application for a Rezoning and information from any other agency that reviewed the Application for a Rezoning. A copy of such report shall be made available to the applicant and all remonstrators.
3. *Public Notice:* The following public notice standards apply to an Application for a Rezoning. All costs associated with providing public notice shall be borne by the applicant.
  - a. The applicant shall notify all interested parties of the public hearing by regular US mail a minimum of ten (10) days before the public hearing.
  - b. The applicant shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
  - c. The applicant shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
4. *Attendance:* The applicant shall be present at the Plan Commission meeting to explain the Application for a Rezoning and address and discuss comments and concerns posed by the Plan Commission. Failure to appear shall result in the dismissal of the Application for a Rezoning.
5. *Public Hearing:* A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
6. *Review:* At their regularly scheduled public meeting, the Plan Commission shall review:
  - a. The Application for Rezoning.
  - b. All supporting information.
  - c. Information presented in writing or verbally by the Zoning Administrator or other applicable department.
  - d. Input from the public during the public hearing.
  - e. Any applicable provisions of the Unified Development Ordinance.
  - f. Any other information as may be required by the Plan Commission to evaluate the application.



7. *Decision:*

- a. The Plan Commission shall take final action or continue the Application for a Rezoning to a defined future meeting date. The Plan Commission shall pay reasonable regard to the following factors before taking final action.
  - i. The Shelby County Comprehensive Plan.
  - ii. Current conditions and the character of current structures and uses in each district.
  - iii. The most desirable use for which the land in each district is adapted.
  - iv. The conservation of property values throughout the jurisdiction.
  - v. Responsible development and growth.
- b. **Final Action:** The Plan Commission shall certify the amendment to the Official Zoning Map and forward the application to the County Commissioners with a favorable recommendation, an unfavorable recommendation, or no recommendation. The Plan Commission may also recommend commitments concerning the use and/or development of the land in connection with the Application for Rezoning. The County Commissioners make the final determination regarding an Application for Rezoning and any recommended commitments by ordinance.

F. Duration: A rezoning shall be effective from the date of its final approval by the County Commissioners.

G. Modification: Modification to an approved Zoning Map Amendment shall not be permitted.

**Article**

**10**

## Enforcement and Penalties

---

*Shelby County  
Unified Development  
Ordinance*

© 2008, Bradley E. Johnson, ACP

# Enforcement and Penalties

## 10.01 Actionable Violations

It shall be an actionable violation of the Unified Development Ordinance to:

- A. Non-permitted Structures: Construct, place, or modify a structure in a manner that is not expressly permitted by the Unified Development Ordinance;
- B. Permitted Structures: Construct, place, or modify a structure in a manner permitted by the Unified Development Ordinance without first being issued all permits and/or other approvals required by the Unified Development Ordinance;
- C. Exempt Permitted Structures: For structures that are exempt from needing a permit; construct, place, or modify a structure in a manner that is not expressly permitted by the Unified Development Ordinance;
- D. Non-permitted Uses: Utilize a property for a use that is not expressly permitted by the Unified Development Ordinance in the applicable zoning district, by a use variance, or other approval allowed under the Unified Development Ordinance;
- E. Permitted Uses: Utilize a property for a use expressly permitted by the Unified Development Ordinance without first being issued a permit and/or other approvals required by the Unified Development Ordinance;
- F. Non-compliance with Approvals: Fail to fully comply with procedural requirements, payment of fees, conditions, enforceable covenants, or commitments associated with any approval; or
- G. Other Violations: Otherwise fail to comply with any component of the Unified Development Ordinance.

## 10.02 Enforcement Official

Enforcement of the Unified Development Ordinance shall be conducted by an enforcement official. When a type of enforcement action or role is assigned to a specific board, body or individual by Indiana Code or applicable rules of procedure, then that board, body, or individual shall participate as specified.

## 10.03 Discovery of Violations

An enforcement official may survey the jurisdiction or may investigate alleged violations in order to discover whether a violation occurred or exists.

## 10.04 Inspection of Property

- A. Standard Inspections: Inspections of property or structures may be conducted by the enforcement official from the property where the violation or alleged violation is located with permission from the violator at the time of the inspection; from a public right-of-way, or from an adjacent property with permission from its property owner. If requested, the enforcement official shall present identification and describe the purpose of the inspection.
- B. Denial of Access to Property: In the event the enforcement official is denied entry to a property or structure where there is a violation or alleged violation, the enforcement official may apply to a court of jurisdiction to secure a search warrant authorizing inspection of the property or structure.
- C. Surrender of Right to Deny Access: A property owner surrenders his right to deny an enforcement official access to his property or structure upon filing for any approval. The surrender to deny access shall commence upon filing and shall cease upon the Zoning Administrator issuing a zoning compliance certificate or other required final inspection.

## 10.05 Responsibility for Violations

The owner or possessor (e.g. tenant or occupant) of the structure, land, and/or premises shall be liable for violations of the Unified Development Ordinance. If the possessor of the property or structure is determined to be liable for the violation, but fails to comply or otherwise cannot be sufficiently pursued, the owner shall be held liable for the violation.

## 10.06 New Permits at Location Where a Violation Exists

When a violation or alleged violation of the Unified Development Ordinance has been identified on a property and notice of the violation or alleged violation has been conveyed in writing to the violator, any new filing for any approval shall be held by the Zoning Administrator until the violation or alleged violation is resolved, provided that the desired approval would complicate, escalate, or add to the violation or alleged violation. All other filings for an approval shall be processed as described in the Unified Development Ordinance.

# Enforcement and Penalties

## 10.07 Enforcement Options

When a violation or alleged violation exists and when it is determined that enforcement is necessary, the type of enforcement action will be at the discretion of the enforcement official and generally should reflect what is warranted by the evidence, severity of the violation or alleged violation, and history of violations on the same property or by the same violator. The following options, as described in subsequent sections, may be used to enforce the Unified Development Ordinance:

1. Request to stop work;
2. Stop work order;
3. Enforcement as a common nuisance;
4. Request to remedy;
5. Bring action to local court to invoke any legal, equitable or special remedy;
6. Bring action to local court to enforce a condition, covenant or commitment;
7. Bring action to local court to request a prohibitory or permanent injunction to restrain;
8. Bring action to local court to request a mandatory injunction to remove a structure;
9. Impose a fine for violations;
10. Bring action to a local court to invoke a fine for violations; or
11. Any remedy or actions set forth in Indiana Code, common law, or other applicable State regulations.

## 10.08 Request to Stop Work

- A. Authority: The enforcement official may issue a request to stop work.
- B. Cause: A request to stop work may be issued for any violation or alleged violation of the Unified Development Ordinance when one (1) or more of the following statements apply:
  1. The violation or alleged violation is in regard to an active project, such that if work is not stopped, the cost to remedy the violation will likely increase;
  2. The violation or alleged violation is in regard to an active project, such that if work is not stopped, the violation will likely escalate in non-compliance;
  3. The violation or alleged violation is in regard to an active project, such that if work is not stopped, the number of violations will likely increase; or
  4. The violation or alleged violation is in regard to an active project, such that if work is not stopped, the continuance will put the health, safety, or welfare of the public at risk.
- C. General Procedure:
  1. The request to stop work shall, in writing (i.e. notice), describe the violation or alleged violation and request the immediate cessation of work until the matter is resolved.
  2. The request to stop work shall be posted in a conspicuous place on the property. A copy may also be delivered or mailed to the property owner, developer, builder, property manager, tenant, occupant, or other interested parties.
  3. The request to stop work shall become effective upon posting on the property.
  4. An enforcement official may describe the conditions under which the request to stop work will be lifted on the notice. Otherwise, it is the responsibility of the violator to schedule a meeting with the enforcement official.
  5. To lift a request to stop work, a memorandum of agreement identifying the process and steps necessary to resolve the violation shall be signed by the property owner and the enforcement official; or a court of jurisdiction shall rule on the matter; or the enforcement official shall rescind the request to stop work.
  6. An enforcement official may seek a court of jurisdiction to issue a temporary or preliminary injunction (i.e. stop work order) to the violator if he fails to abide by the request to stop work.
  7. An enforcement official may seek a court of jurisdiction to issue a temporary or preliminary injunction (i.e. stop work order) to the violator if he refuses to sign the terms of the memorandum of agreement, giving the enforcement official time necessary to pursue other enforcement options without furtherance of the violation or alleged violation.

# Enforcement and Penalties

## 10.09 Stop Work Order

- A. Authority: The enforcement official may bring action to a court of jurisdiction. A court of jurisdiction may issue a stop work order.
- B. Cause: A temporary or preliminary injunction may be issued when one or more of the following statements apply:
1. The violation or alleged violation is in regard to an active project, such that if work is not stopped, the cost, time, or challenge to remedy the violation will likely increase;
  2. The violation or alleged violation is in regard to an active project, such that if work is not stopped, the violation will likely escalate in non-compliance;
  3. The violation or alleged violation is in regard to an active project, such that if work is not stopped, the number of violations will likely increase; or
  4. The violation or alleged violation is in regard to an active project, such that if work is not stopped, the continuance will put the health, safety, or welfare of the public at risk.
- C. General Procedure:
1. Before or after filing with the court, the enforcement official shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the violation or alleged violation.
  2. Before or after filing with the court, the enforcement official shall make a reasonable attempt to investigate an alleged violation to determine if there is a violation.
  3. The enforcement official shall file for an action for temporary or preliminary injunction, or temporary restraining order (i.e. stop work order) in the court of jurisdiction to restrain a person from violating or further violating the Unified Development Ordinance.
  4. If the court grants the stop work order, the stop work order shall be posted in a conspicuous place on the property. A copy may also be delivered or mailed to the property owner, developer, builder, property manager, tenant, occupant, or other interested parties.
  5. The stop work order shall become effective upon court issuance and either phone notification to the violator or posting the notice on site.
  6. The court of jurisdiction may determine and describe the conditions and terms under which the stop work order will be lifted. Otherwise, it is the responsibility of the violator to schedule a meeting with the enforcement official and/or court of jurisdiction to resolve the violation.

## 10.10 Enforcing a Violation as a Common Nuisance

- A. Authority: The enforcement official may initiate enforcement action and prepare a formal conveyance to legal counsel. Legal counsel may then prosecute.
- B. Cause: According to Indiana Code, a structure that is erected, raised, or converted, or land or premises are used in violation of this Unified Development Ordinance is a common nuisance and the owner or possessor of the structure or land is liable for maintaining a common nuisance.
- C. General Procedure:
1. Before or after formal conveyance, the enforcement official shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the violation or alleged violation.
  2. Legal counsel shall, upon formal conveyance of information in regard to an alleged violation of the Unified Development Ordinance, make an investigation of the alleged violation. If acts elicited by the investigation are sufficient to establish a reasonable belief that a violation has occurred on the part of the owner or possessor, the attorney representing the county may file a complaint against the person and prosecute the alleged violation.

# Enforcement and Penalties

## 10.11 Request to Remedy

- A. Authority: The enforcement official may initiate a request to remedy.
- B. Cause: A violation or alleged violation exists on a property.
- C. General Procedure:
  - 1. Before or after sending a notice letter, the enforcement official shall make reasonable attempt to investigate an alleged violation to determine if there is a violation.
  - 2. The enforcement official shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the violation or alleged violation.
  - 3. The enforcement official shall grant the violator an opportunity to provide evidence that there is not a violation or to bring the violation into compliance; including a time frame of at least one (1) day but not more than 21 days. The time frame granted shall be reasonably tied to the time necessary to remedy the violation (e.g. the time to remove an A-frame portable sign could be one day).
  - 4. A time frame extension may be granted upon request by the enforcement official if the violator is making satisfactory progress.
  - 5. If corrective measures have not been initiated in a timely manner, or corrective measures are not effectively being conducted, or corrective measures are significantly behind schedule, or the violation remains after the time frame given for remedy, then the enforcement official may choose another enforcement option. If the violator is making satisfactory progress and will likely meet the time frame for remedy, the enforcement official shall not begin another enforcement option until the time frame has expired and a violation remains unresolved.
- D. Safety from Fines: The enforcement official shall not impose a fine to a violator if a request to remedy is the first enforcement action and the violation is remedied within the granted time frame.

## 10.12 Invoke a Legal, Equitable, or Special Remedy

- A. Authority: The Plan Commission may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except as stated in *Section 10.11: Request to Remedy*. A court of jurisdiction may issue a legal, equitable, or special remedy.
- B. Cause: A violation or alleged violation exists on a property.
- C. General Procedure:
  - 1. Before or after bringing an action to the court of jurisdiction, the Plan Commission shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the violation or alleged violation.
  - 2. Before or after bringing an action to the court of jurisdiction, the Plan Commission shall make reasonable attempt to investigate an alleged violation to determine if there is a violation.
  - 3. The Plan Commission shall bring an action to the court of jurisdiction to invoke a legal, equitable or special remedy for a violation or alleged violation.
  - 4. Any violator found liable for a violation shall be subject to any court-imposed legal, equitable or special remedy. The legal, equitable or special remedy shall force compliance with the Unified Development Ordinance or be a unique court ruling that fulfills the intent of the Shelby County Comprehensive Plan and Unified Development Ordinance. The severity of the court ruling may consider the severity of the violation, impact to property values in the area, impact to quality of life in the area, impact to the health, safety and welfare of the public, repetitiveness of similar violations by the same violator, and/or the precedent that may be set by the ruling. If successful in the enforcement of the Unified Development Ordinance, the court of jurisdiction may award the County recuperation of its legal fees and administrative costs.

# Enforcement and Penalties

## 10.13 Enforce a Condition, Covenant, or Commitment

- A. Authority: The Plan Commission may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except as stated in *Section 10.11: Request to Remedy*. A court of jurisdiction may enforce compliance with a condition, covenant, or commitment.
- B. Cause: A condition, covenant, or commitment is not in compliance with terms of an approval.
- C. General Procedure:
  1. Before or after bringing an action to the court of jurisdiction, the Plan Commission shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the non-compliance.
  2. Before or after bringing an action to the court of jurisdiction, the Plan Commission shall make reasonable attempt to investigate an alleged violation to determine if there is non-compliance.
  3. The Plan Commission shall bring an action to a court of jurisdiction to enforce a condition, covenant (in connection to a plat, planned development or development plan), or commitment.
  4. Any non-compliance shall be subject to any court-imposed remedy. The court-imposed remedy may include enforcing the condition, covenant, or commitment, or be a unique court ruling that fulfills the intent of the Shelby County Comprehensive Plan and Unified Development Ordinance. The severity of the court ruling may consider the severity of the non-compliance, impact to property values in the area, impact to quality of life in the area, impact to the health, safety and welfare of the public, repetitiveness of similar violations by the same violator, and/or the precedent that may be set by the ruling. If successful in the enforcement of the Unified Development Ordinance, the court of jurisdiction may award the County recuperation of its legal fees and administrative costs.

## 10.14 Request a Prohibitory or Permanent Injunction to Restrain

- A. Authority: The enforcement official may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except as stated in *Section 10.11: Request to Remedy*. A court of jurisdiction may issue a prohibitory or permanent injunction against a violator or potential violator.
- B. Cause: A violation, alleged violation, or intent to violate exists.
- C. General Procedure:
  1. Before or after bringing an action to the court of jurisdiction, the enforcement official shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the violation, alleged violation, or intent to violate.
  2. Before or after bringing an action to the court of jurisdiction, the enforcement official shall make reasonable attempt to investigate an alleged violation to determine if there is a violation, an alleged violation, or an intent to violate.
  3. The enforcement official shall bring an action to a court of jurisdiction to request a prohibitory or permanent injunction to restrain a violation of the Unified Development Ordinance.
  4. Any violator found liable for a violation or intending to violate the Unified Development Ordinance shall be subject to prohibitory or permanent injunction to restrain. The court-imposed restraint may instead result in a unique court ruling that fulfills the intent of the Shelby County Comprehensive Plan and Unified Development Ordinance. The severity of the court ruling may consider the severity of the violation, impact to property values in the area, impact to quality of life in the area, impact to the health, safety and welfare of the public, repetitiveness of similar violations by the same violator, and the precedent that may be set by the ruling. If successful in the enforcement of the Unified Development Ordinance, the court of jurisdiction may award the County recuperation of its legal fees and administrative costs.



# Enforcement and Penalties

## 10.15 Request a Mandatory Injunction to Remove a Structure

- A. Authority: The Board of Zoning Appeals may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except as stated in *Section 10.11: Request to Remedy*. A court of jurisdiction may issue a mandatory injunction against a violator.
- B. Cause: A structure was constructed, modified or installed in violation or alleged violation.
- C. General Procedure:
  1. Before or after bringing an action to the court of jurisdiction, the Board of Zoning Appeals shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the violation or alleged violation.
  2. Before or after bringing an action to the court of jurisdiction, the Board of Zoning Appeals shall make reasonable attempt to investigate an alleged violation to determine if there is a violation.
  3. The Board of Zoning Appeals may bring an action to a court of jurisdiction to request a mandatory injunction to remove a structure in violation of the Unified Development Ordinance.
  4. If a structure is found in violation, the violator shall be subject to a mandatory injunction to remove the structure and all costs associated with the action. The court-imposed remedy may instead result in a unique court ruling that fulfills the intent of the Shelby County Comprehensive Plan and Unified Development Ordinance. The severity of the court ruling may consider the severity of the violation, impact to property values in the area, impact to quality of life in the area, impact to the health, safety and welfare of the public, repetitiveness of similar violations by the same violator, and/or the precedent that may be set by the ruling. If successful in the enforcement of the Unified Development Ordinance, the court of jurisdiction may award the County recuperation of its legal fees and administrative costs.

## 10.16 Impose a Fine for Violation

- A. Authority: The enforcement official may impose a fine for violation as an independent enforcement action or concurrent to another enforcement action; except as stated in *Section 10.17: Invoke a Fine for Violation* or *Section 10.11: Request to Remedy*.
- B. Cause: A violation exists.
- C. General Procedure:
  1. Before imposing a fine, the enforcement official shall collect evidence to conclude there is a violation.
  2. The enforcement official shall mail a notice letter to the violator or the property address (or to the tax record address if mail is undeliverable to the property (e.g. a vacant site)) describing the violation. The notice letter shall also include the terms of the fine, including the fine amount and the date payment is due.
  3. If not addressed in a concurrent enforcement action, the enforcement official shall grant the violator an opportunity to provide evidence that there is not a violation or to bring the violation into compliance, including a time frame of at least one (1) day but not more than 21 days. The time frame granted shall be reasonably tied to the necessary time to remedy the violation (e.g. the time to remove an A-frame portable sign in violation could be one day).
  4. A time frame extension may be granted upon request by the enforcement official if the violator is making satisfactory progress.
  5. The enforcement official may impose a fine in an amount not less than \$50.00 or higher than \$2,500 for the first violation and not less than \$50.00 or higher than \$7,500 for the second or subsequent violations. Each unique violation from the day it was confirmed as a violation is subject to a fine; and each new day the violation persists, excluding days granted to remedy the violation, shall constitute another fine. The fine for a violation shall be reasonably in proportion to the severity of the violation, repetitiveness of similar violations by the same violator, and the costs associated with enforcing, mitigating, administering, researching, inspecting the violation, court fees, legal fees, and the like.
  6. Fines imposed by the enforcement official may be appealed to the Board of Zoning Appeals.



# Enforcement and Penalties

## 10.17 Invoke a Fine for Violation

- A. Authority: The enforcement official may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except as stated in *Section 10.17: Invoke a Fine for Violation* or *Section 10.11: Request to Remedy*. A court of jurisdiction may issue a fine for violation.
- B. Cause: A violation exists.
- C. General Procedure:
  1. Before or after bringing an action to the court of jurisdiction, the enforcement official shall collect evidence to conclude there is a violation.
  2. Before or after bringing an action to the court of jurisdiction, the enforcement official shall mail a notice letter to the violator or the property address (or to the tax record address if mail is undeliverable to the property (e.g. a vacant site)) describing the violation.
  3. The enforcement official shall bring an action to a court of jurisdiction to invoke a fine for a violation.
  4. A violator found liable for a violation shall be subject to a court-imposed fine. The fine for a violation shall be reasonably in proportion to the severity of the violation, repetitiveness of similar violations by the same violator, and the costs associated with enforcing, mitigating, administering, researching, inspecting the violation, court fees, legal fees, and the like. Fines imposed by the court of jurisdiction shall be no higher than \$2,500 for the first violation, and no higher than \$7,500 for the second or subsequent violations according to IC 36-1-3-8.

## 10.18 Other Remedy

Any action allowed by Indiana Code, common law, or other applicable State regulations may be used to force a violation to be in compliance with the Unified Development Ordinance, remedy, or compliance with the terms of an approval.

**Article**

**11**

**Definitions**

---

*Shelby County  
Unified Development  
Ordinance*

# Definitions

---

## 11.01 General

The definitions contained in *Article 11: Definitions* shall be observed and applied in the interpretation of all Articles in the Unified Development Ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular; words used in the masculine gender shall include the feminine.

## 11.02 Defined Words

The following terms shall have the following meanings:

Stable & Stall added per Ord. 2015-41 (see Appendix B.05)

A Commercial Solar Energy System (CSES) & Private Residential Solar Energy Systems (PRSES) added per Ord. 2018-07 (See Appendix B.08)

# Definitions - A

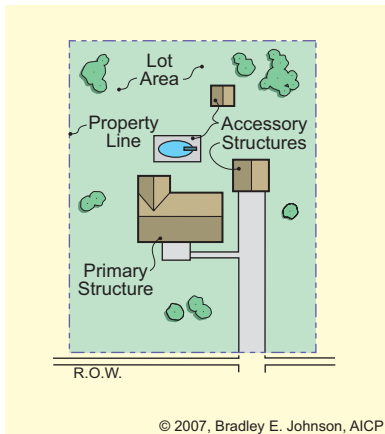
**Abandonment:** The relinquishment of property or a cessation of the use of the property for a continuous period of one (1) year by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

**Above Ground Utility Facility:** Permanently located and installed electrical generators, pipeline pumping stations, public wells, telephone exchanges, utility substations, and the like.

**Accessory Building:** See "Accessory Structure."

**Accessory Structure:** A structure which:

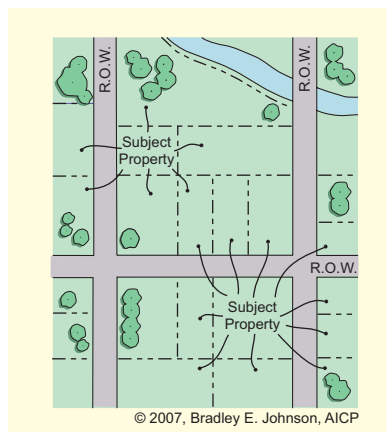
1. Is subordinate to a primary structure in area, intent and/or purpose,
2. Contributes to the comfort, convenience, or necessity of occupants of the primary structure or primary use,
3. Does not alter or change the character of the premises,
4. Is located on the same zoning lot as the primary structure or use,
5. Conforms to the setback, height, bulk, lot coverage, and other requirements of the Unified Development Ordinance unless otherwise provided for,
6. May not be constructed prior to the time of construction of the primary structure, unless used for agricultural or personal storage or otherwise specified in the Unified Development Ordinance,
7. Is not designed for human occupancy as a dwelling or commercial use, and,
8. In the case of a telecommunications tower, antenna, or other radio or cellular communications or equipment, a subordinate structure detached from but located on the same site, the use of which is incidental and accessory to that of the primary telecommunications tower, antenna or other radio or cellular communications equipment.



**ADA:** The Americans with Disabilities Act.

## Definitions - A

**Adjacent Property:** Any property adjacent to or directly diagonal to the subject property. Properties across a public right-of-way (R.O.W.) are also considered adjacent. The illustration below notes the properties that would be considered adjacent to two different subject properties.



**Administrator:** See "Zoning Administrator."

**Advisory Plan Commission:** See "Plan Commission."

**Agricultural District:** Refers to the A1, A2, A3 and A4 districts.

**Agriculture:** The use of land for agriculture purposes, including farming, dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any accessory uses shall be secondary to that of the normal agricultural activities. "Agriculture" does not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

**Airport:** Any area which is used or intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or intended to be used for airport structures or facilities, including open spaces, taxiways and tie-down areas.

**Airport Compatibility Overlay District:** Refers to the ACO district.

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

**Animal, Exotic:** Animals raised and bred healthy and humanely for unique pets or entertainment, or animals rescued from the wild or from zoos. Exotic animals are primarily securely caged animals. Exotic animals do not include outdoor pets, household pets, or farm animals. Examples of exotic animals include: lions, tigers, wolves, coyotes, and elephants.

**Animal, Farm:** Animals raised and bred healthy and humanely for meat, milk or similar food products, or for wool, fur or similar textiles, or for estrogen or similar chemical or pharmaceutical products. Farm animals are primarily pastured. Farm animals do not include outdoor pets, household pets, or exotic animals. Examples of farm animals include: cows, horses, sheep, pigs, chickens, turkeys, pigmy goats, potbelly pigs, or rabbits.

**Antenna:** Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic or radio waves.

**Aquatic Life:** An underwater and on-water ecosystem able to sustain fish, frogs, turtles, and aquatic plants.

**Applicant:** The owner, owners or legal representative of real estate who makes application to the Plan Commission and/or Board of Zoning Appeals for action by the Plan Commission or Board of Zoning Appeals affecting the real estate owned or represented by the applicant.

**Arterial Street:** See "Street, Primary" or "Street, Secondary".

# Definitions - A

**Assisted Living Facility:** A residential facility where assistance with daily activities, such as taking medicine, dressing, grooming, and bathing are provide for the aged or infirm, or any other reasonably independent person in need of nursing care; and which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for patients being treated for mental illness or alcohol or drug addiction. Assisted living facilities have private rooms that are not shared by non-related persons.

**ATM:** See "Automated Teller Machine."

**Attached Structure:** A structure that is structurally connected to another structure by a foundation, wall, bridge, or roof line, or appears to be connected. Carports, garages, porch awnings and the like are considered attached structures and must abide by all regulations pertaining to primary structures.

**Automobile Oriented Business:** A business that includes services rendered directly on, to, or for vehicles. Automobile Oriented Businesses include automobile accessory installation, automobile body shop, automobile gas station, automobile oil change facility, automobile parts sales, automobile rental, automobile repair/service station and automobile wash.

**Automobile Wash:** A structure, or portion of a structure, containing facilities for washing one (1) or more automobiles at any one time, using production line methods such as a chain conveyor, blower, steam cleaning device or other mechanical devices; or providing space, water, equipment or soap for the complete or partial cleaning of such automobiles, whether by operator or by custom.

**Automated Teller Machine (ATM):** An electronically operated device used to conduct financial transactions on site, by means of direct computerized access.

**Automobile Repair/Service Station:** Any building or premises used for the dispensing, sale or offering for sale to the public, automobile fuels stored only in underground tanks and located wholly within the lot lines; lubricating oil or grease for the operation of automobiles; and the sale and installation of tires, batteries, other minor accessories, and minor auto repair, but not including a bulk plant, conducting of major auto repairs, automobile wrecking, automobile sales, or automobile washes; provided, however, that the washing of individual automobiles where no chain conveyor is employed may be included.

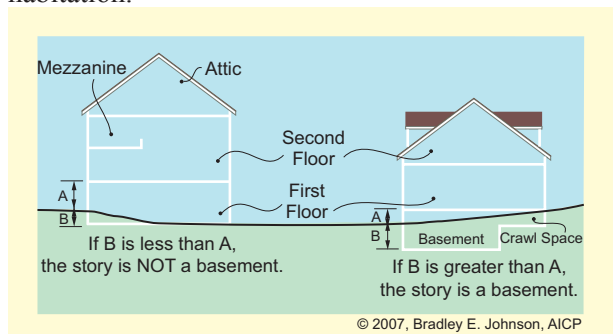
**Average Setback:** See "Setback, Average."

## Definitions - B

**Base Zoning District:** A base district zone is the existing zoning district of the subject lot:

1. Prior to the approval of a planned development, or
2. Prior to the effects of an overlay district

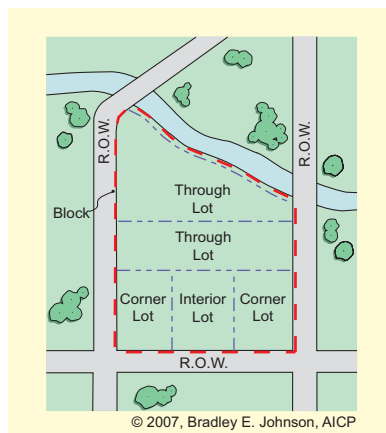
**Basement:** That portion of a structure below the first or ground floor level and having less than four (4) feet of clearance from its ceiling to the average finished grade of the structure perimeter. A basement shall not be considered a story for the purposes of determining structure height, except when it is used or suitable for habitation.



**Bed and Breakfast:** An owner occupied or employee of the owner occupied residence containing no more than six (6) guest rooms for hire, for lodging by prearrangement for periods not to exceed three (3) consecutive weeks and providing for occasional meals daily (usually breakfast) and not a hotel/motel or boarding house.

**Berm:** A man-made, formed, earth mound of definite height and width used for landscaping and screening purposes, the intent of which is to provide a transition between uses of differing intensity or to screen uses from sight.

**Block:** Property abutting on one (1) side of a street and lying between the two (2) nearest intersecting or intercepting streets, intersecting railroad, intersecting waterway or the end of a dead end street.



**Board:** See "Board of Zoning Appeals."

**Board of Zoning Appeals:** The Shelby County Board of Zoning Appeals or any division thereof.

**Boarding House:** A structure, not available to transients, in which lodging and meals are regularly provided for compensation for at least three (3) but not more than ten (10) persons.

**Bond:** Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Plan Commission. All bonds shall be approved by the Plan Commission wherever a bond is required by the Unified Development Ordinance.

**Buffer Landscaping:** Any trees, shrubs, walls, fences, berms, space or related landscaping features required under the Unified Development Ordinance for buffering lots from adjacent properties or public rights-of-way for the purpose of increasing visual shielding or other aspects of privacy and/or aesthetics.



# Definitions - B

**Buffer Yard:** An area adjacent to front, side and rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other and from the right-of-way. Buffers also help to maintain existing trees or natural vegetation, to block or reduce noise, glare or other emissions and to maintain privacy. Buffer yards are in addition to (separate from) front, rear or side yard setbacks.

**Buildable Lot:** See "Lot, Buildable."

**Building:** A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals; and when separated by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.

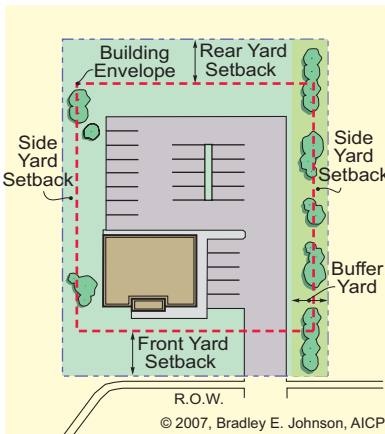
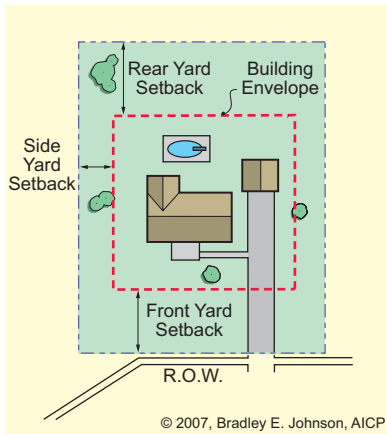
**Building Area:** The horizontal area of the buildings on a lot, measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project no more than two (2) feet.

**Building Code:** The Indiana Building Code which establishes and controls the standards for constructing all forms of permanent structures and related matters.

**Building, Detached:** See "Detached Structure."

**Building Height:** See "Structure Height."

**Building Envelope:** The setback lines that establishes an area on a lot in which building can occur.



**Business:** The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise, or services, or the maintenance or operation of offices, recreational or amusement enterprises.

**BZA:** See "Board of Zoning Appeals."

## Definitions - C

**Cabaret**: A nightclub, theater or other establishment which is licensed to serve food and/or alcoholic beverages which feature live performances by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on sexual conduct or specified anatomical areas.

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

**Canopy Tree**: Deciduous trees that grow to at least forty (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.

**Car Wash**: See "Automobile Wash."

**Cellular Communication Equipment**: Antennas and other transmitting and/or receiving device or other associated devices used in the provision of telecommunications service.

**Cemetery**: Property used for interring of the dead. It includes any crematory, mausoleum or mortuary operated in conjunction with and on the same property.

**Central Water System**: A community water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines and includes such of the above facilities established by the developer to serve a new subdivision or commercial/ industrial development.

**Central Sewer System**: A community sewer system including collection and treatment facilities owned and maintained by a governmental unit.

**Certificate of Occupancy**: A certificate stating that the occupancy and use of a building or structure complies with all applicable Unified Development Ordinance provisions.

**Child Care Home**: An establishment providing non-overnight care, supervision, and protection of children in private residences which is ancillary to the primary use as residential. A residential structure in which at least six (6) children (not including the children for whom the provider is parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider: (a) while unattended by a parent, legal guardian or custodian; (b) for regular compensation; and (c) 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 home and class II child care home as defined in IC 12-7-2-33.7 and IC 12-7-2-33.8

**Child Care Center**: Any institution operated for the care of children, licensed pursuant to IC 12-3-2-3.1, et seq., and as defined by IC 12-3-2-3.

**Child Care Institution**:

1. A residential facility that provides child care on a twenty-four (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 Division of Family and Children. A child care institution does not include a juvenile detention facility.

**Children's Home**: See "Child Care Institution."

**Church**: See "Places of Worship."

**Clinic**: An establishment in which human patients are admitted for medical or dental study or treatment and in which the services of at least two (2) physicians or dentists are provided.

# Definitions - C

**Clubhouse**: A structure used in association with a golf course, in which may be locker rooms, golf course administration offices, golf cart storage and maintenance, rest rooms, lounges, meeting space, snack bar, banquet facilities and retail sales of golf related products. Retail sales shall constitute no more than fifteen percent (15%) of the space accessible to public space of the clubhouse.

**Collector, Rural**: A street that moves traffic between arterial streets and funnels traffic out of residential areas mostly to service larger towns, as depicted by the Thoroughfare Plan.

**Collector, Urban**: A street that moves traffic between arterial streets and funnels traffic out of residential areas, as depicted by the Thoroughfare Plan.

**Collocation**: A space on an existing or proposed telecommunication tower that can be used for the installation and/or mounting of antennas or radio or cellular communication equipment that operates on a different frequency from the initial user.

**Commercial Districts**: Refers to the C1, and C2 districts.

**Commercial Wireless Communications Service**: A licensed commercial wireless telecommunications services, including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar devices that are marketed to the general public.

**Commission**: See "Plan Commission."

**Community Center**: A structure available to the public for community activities, meetings, banquets, projects, gatherings and the like. A community center may be able to be reserved by the public for private parties and events.

**Composting of Animal Mortalities**: A natural biological decomposition process that takes place in the presence of oxygen (air) and turns dead animal carcasses and other raw organic by-products into biologically stable organic material. The resulting compost pile is an inconsistent mixture that consists of animal mass with large amounts of water, high-nitrogen and low-carbon content, and low-porosity surrounded by a composting material of good-porosity, high carbon, low nitrogen, and moderate moisture levels.

**Comprehensive Plan**: Refers to the Shelby County Comprehensive Plan. The plan includes goals, objectives, and action steps for community character, land use, growth management, natural environmental, transportation, infrastructure. The Comprehensive Plan was developed and adopted by the Plan Commission pursuant to the IC 36-7-4-500 Series and includes any part and/or policies separately adopted and any amendment to the plan and/or the policies.

**Condition of Approval**: Stipulations or provisions set forth by the Board of Zoning Appeals or Plan Commission required as a prerequisite for approval of a petition.

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

**Confined Feeding**: The raising of animals for food, fur or recreation in lots, pens, ponds, sheds or buildings, where they are confined, fed, and maintained for at least forty-five (45) days during any year, and where there is no ground cover or vegetation present over at least half of the animals' confinement area.

**Confined Feeding Facilities**: Any size of Confined Feeding Operation (CFO) including animal barns/sheds, lagoons, waste management facilities, animal mortalities storage facilities, animal mortalities composting facilities, incinerators, feed storage, mechanical equipment, truck maneuvering areas, loading docks, parking lots, medical facilities, air handling systems, accessory facilities, and other essential equipment, structures, and operations.

## Definitions - C

**Confined Feeding Operation (large):** Any farm with at least:

- 500 horses, or
- 700 mature dairy cows, or
- 1,000 veal calves or cattle (other than dairy cows), or
- 4,000 swine over fifty-five (55) pounds, or
- 10,000 swine under fifty-five (55) pounds, or
- 10,000 sheep or lambs, or
- 5,000 ducks if the animal feeding operation uses a liquid manure handling system, or
- 30,000 ducks if the animal feeding operation does not use a liquid manure handling system, or
- 55,000 turkeys, or
- 30,000 hens or boilers if the animal feeding operation uses a liquid manure handling system, or
- 82,000 laying hens if the animal feeding operation does not use a liquid manure handling system, or
- 125,000 chickens, other than laying hens, if the animal feeding operation does not use a liquid manure handling system.

Although this definition is similar to the Environmental Protection Agency's definition for Large Confined Animal Feeding Operations, it is not intended to be parallel to that definition.

**Confined Feeding Operation (medium):** Any farm with:

- 150 to 500 horses, or
- 450 to 700 mature dairy cows, or
- 300 to 1,000 veal calves or cattle (other than dairy cows), or
- 750 to 4,000 swine over fifty-five (55) pounds, or
- 3,000 to 10,000 swine under fifty-five (55) pounds, or
- 3,000 to 10,000 sheep or lamb, or
- 1,500 to 5,000 ducks if the animal feeding operation uses a liquid manure handling system, or
- 10,000 to 30,000 ducks if the animal feeding operation does not use a liquid manure handling system, or
- 16,500 to 55,000 turkeys but less than, or
- 9,000 to 30,000 hens or boilers if the animal feeding operation uses a liquid manure handling system, or
- 25,000 to 82,000 to laying hens if the animal feeding operation does not use a liquid manure handling system, or
- 37,500 to 125,000 to chickens, other than laying hens, if the animal feeding operation does not use a liquid manure handling system.

Although this definition is similar to the Environmental Protection Agency's definition for Medium Confined Animal Feeding Operations, it is not intended to be parallel to that definition.

**Confined Feeding Operation (small):** Any farm with:

- 75 to 150 horses, or
- 300 to 450 mature dairy cows, or
- 150 to 300 veal calves or cattle, or
- 375 to 750 swine over fifty-five (55) pounds, or
- 600 to 3,000 swine under fifty-five (55) pounds, or
- 600 to 3,000 sheep or lamb, or
- 750 to 1,500 ducks if the animal feeding operation uses a liquid manure handling system, or
- 5,000 to 10,000 ducks if the animal feeding operation does not use a liquid manure handling system, or
- 8,250 to 16,500 turkeys, or
- 4,500 to 9,000 laying hens or boilers if the animal feeding operation uses a liquid manure handling system, or
- 15,000 to 25,000 laying hens if the animal feeding operation does not use a liquid manure handling system, or
- 20,000 to 37,500 chickens, other than laying hens, if the animal feeding operation does not use a liquid manure handling system.

Although this definition is similar to the Indiana Department of Environmental Management's definition for Confined Feeding Operations, it is not intended to be parallel.

## Definitions - C

**Construction Plan(s)**: The maps or drawings showing the specific location and design of improvements to be installed in accordance with the requirements of the Unified Development Ordinance and the Indiana Building Code as a condition of approval.

**Continuous Mound**: A landscape feature used for screening in which a continuous raised section of earth is used to block or partially block visibility from one side to the other. In particular, continuous mounds are linear with a top elevation (crest) relatively consistent from one end to the other.

**Corner Lot**: See "Lot, Corner."

**Corridor and Gateway Overlay District**: Refers to the CGO district.

**County**: Shelby County, Indiana.

**County Official**: A County Commissioner, a County Councilor, a Plan Commission member or its staff, a Board of Zoning Appeals member, or an employee of the County.

**Covenants**: Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider. In the case of public health, safety and welfare, covenants may be applied by the Plan Commission, that are recorded with the plat and deed. Covenants can also be placed on commercial and industrial developments. Unless specifically agreed to, covenants are not enforceable by the Plan Commission or its designees. However, they are enforceable in civil court by interested or affected parties.

**Cul-de-sac**: A street having one end open to traffic and being permanently terminated by a vehicular turnaround at the other end.

## Definitions - D

**Dance/Night Club**: An establishment for entertainment with table seating, stage (or area) for musical performances and floor area designated for dancing.

**Day Care Center**: See "Child Care Center."

**Deck**: An accessory structure which is on the ground or is elevated from ground level and is open to the sky.

**Deciduous Tree**: Any tree which sheds its leaves annually followed by regeneration of its foliage in the spring.

**Dedication**: The setting apart of land or interests in land for use by the municipality or public by ordinance, resolution or entry in the official minutes as by the recording of a plat.

**Demolition**: The complete removal or destruction of any structure excluding its foundation.

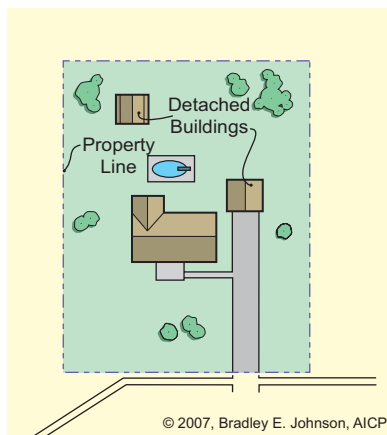
**Design Services Office**: See "Office, Design Services."

**Designed Fail Area**: The area surrounding a tower in which the tower could fall should it fail as structurally designed. The designed fail area is quantified in terms of linear distance from the tower to the perimeter of the designed fail area. The designed fail area shall be certified by a structural engineer.

**Detached Building**: See "Detached Structure."

**Detention Pond**: An engineered facility used to temporarily collect storm water and outlet it over a designated period of time or at a specific rate of release.

**Detached Structure**: A structure that has no structural connection with the primary structure or any other building or structure.



**Developed Lot**: See "Lot, Developed."

**Developer**: The owner or legal representative of land proposed to be subdivided or residentially/commercially/industrially utilized.

**Development Standards**: Height, bulk, density, environmental performance standards and other standards for development as set forth in this Unified Development Ordinance, including landscaping, parking and other required improvements, excluding those provisions which specifically regulate the use, per se, of property.

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

**District**: Areas within Shelby County for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, are established by the Unified Development Ordinance. Districts are drawn on the Official Zoning Map.

**DNR**: The Indiana Department of Natural Resources.

**Domestic Pets**: Animals commonly used as household pets, personal protection, companionship, and for assistance to disabled persons. Domestic pets shall include animals that are cared for and treated humanely. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, lizards, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, ferrets, and snakes if cared for and used in the manner described above. A domestic pet shall not be considered a farm animal, or vice-versa.

**Drive, Private**: See "Street, Private."



# Definitions - D

**Drive-Through Establishment:** A place of business, being operated for the sale and purchase at retail of food and other goods, services or entertainment, which is laid out and equipped so as to allow its patrons to be served or accommodated while remaining in their automobiles.

**Dumpster:** A trash receptacle larger than 100 gallons in volume used primarily by commercial, institutional, and industrial uses, and construction projects for collection of trash. Generally constructed of durable metal in box shaped vessels and designed to be easily transported off-site or emptied.

**Duplex:** See "Dwelling, Single-family Attached."

**Dwelling:** A building or structure or portion thereof, conforming to all requirements applicable to the district in which it is located, all Building Codes, and that is used exclusively for residential occupancy, including single-family attached dwelling units, single-family detached dwelling unit, and multiple-family dwelling units, but excluding hotels, motels, and boarding houses.

**Dwelling, Manufactured Home:** A single-family dwelling unit designed and built in a factory, installed as a permanent residence, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (1974 U.S.C. 5401 et seq.), and which also complies with the following specifications:

1. Was constructed after January 1, 1981, and exceeds 950 square feet of occupied space per IC 36-7-4(d),
2. Is attached to a permanent foundation of masonry construction and has a permanent concrete or concrete block perimeter enclosure constructed in accordance with the One and Two Family Dwelling Code,
3. Has wheels, axles, and towing chassis removed,
4. Has a pitched roof with a minimum rise of two to twelve (2:12), and
5. Consists of two (2) or more sections which, when joined, have a minimum dimension of twenty-three (23) feet in width for at least sixty percent (60%) of its length.

**Dwelling, Mobile Home:** A transportable dwelling unit which is a minimum of eight (8) feet in width and which is built on a permanent foundation or tied down with perimeter skirting when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either:

1. 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
2. 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 residential structure designed to be occupied by four (4) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

**Dwelling, Single-family:** See "Dwelling, Single-family Attached" or "Dwelling, Single-family Detached."

**Dwelling, Single-family Attached:** An attached residential dwelling unit designed to be occupied by two (2) or three (3) family, with the number of families in residence not exceeding the number of dwelling units provided.

**Dwelling, Single-family Detached:** A detached residential dwelling unit designed to be occupied by one (1) family. A single-family dwelling shall be at least twenty-three (23) feet wide for sixty percent (60%) of its length.

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

**Dwelling Size:** The total square footage of a dwelling unit, including the attached garage.

**Dwelling, Two-Family:** See "Dwelling, Single-family Attached."

**Dwelling Unit:** A single unit for owner occupancy or for rent/lease, physically separated from any other dwelling units which may be in the same structure, and providing complete and independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation. Examples of a dwelling unit include a single-family dwelling, multiple-family dwelling, mobile home dwelling, manufactured home dwelling and farmstead.

## Definitions - E

---

**Easement**: A grant by a property owner ("grantor") to specific persons, the general public, corporations, utilities, or others ("grantee" or "easement holder"), for the purpose of providing services or access to the property.

**EPA**: United States Environmental Protection Agency.

**Erosion**: The wearing away of the land surface by water, wind, ice, gravity or other geological agents.

**Expressway**: Any roadway that operates at a high service level, consists of limited access, is divided, carries region-wide traffic and is generally classified as part of the interstate system.



# Definitions - F

**FAA**: Federal Aviation Administration.

**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:

1. 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.
2. 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:

1. 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.
2. 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.
3. 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.

**Family**: An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than three (3) persons, not related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit.

**Farm Animal**: See "Animal, Farm."

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

**FBFM**: Flood Boundary and Floodway Map.

**FCC**: United States Federal Communications Commission.

**FEMA**: United States Federal Emergency Management Agency.

**FHBM**: Flood Hazard Boundary Map

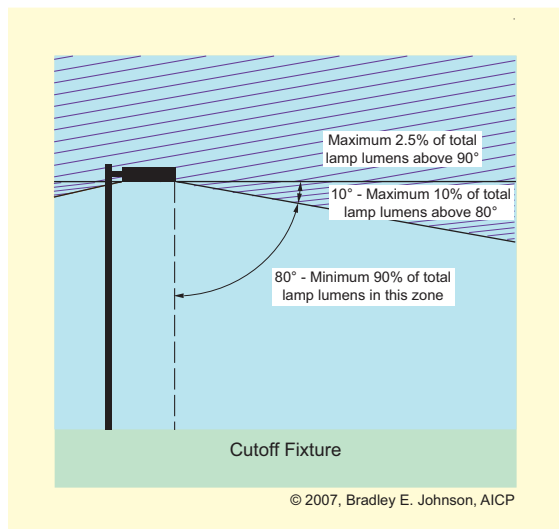
**Financial Services Office**: See "Office, Financial Services."

**FIRM**: Flood Insurance Rate Map.

## Definitions - F

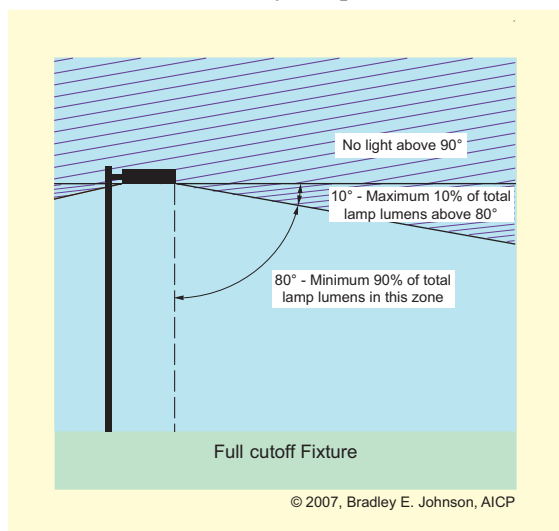
**Fixture, Cutoff:** A luminaire that:

1. Projects at least ninety percent (90%) of the total lamp lumens below eighty degrees (80°) from vertical;
2. Does not allow more than ten percent (10%) of the total lamp lumens above eighty degrees (80°) from vertical; and
3. Does not allow more than two and one-half percent (2.5%) of the total lamp lumens above ninety degrees (90°) from vertical.



**Fixture, Full-cutoff:** A luminaire that:

1. Projects at least ninety percent (90%) of the total lamp lumens below eighty degrees (80°) from vertical;
2. Does not allow more than ten percent (10%) of the total lamp lumens above eighty degrees (80°) from vertical; and
3. Does not allow any lamp lumens above ninety degrees (90°) from vertical.

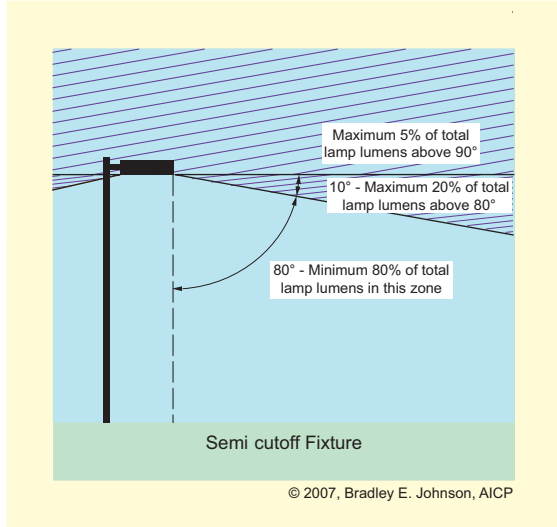


**Fixture, Non-cutoff:** A luminaire with no control of the horizontal distribution of luminance.

# Definitions - F

**Fixture, Semi-cutoff:** A luminaire that:

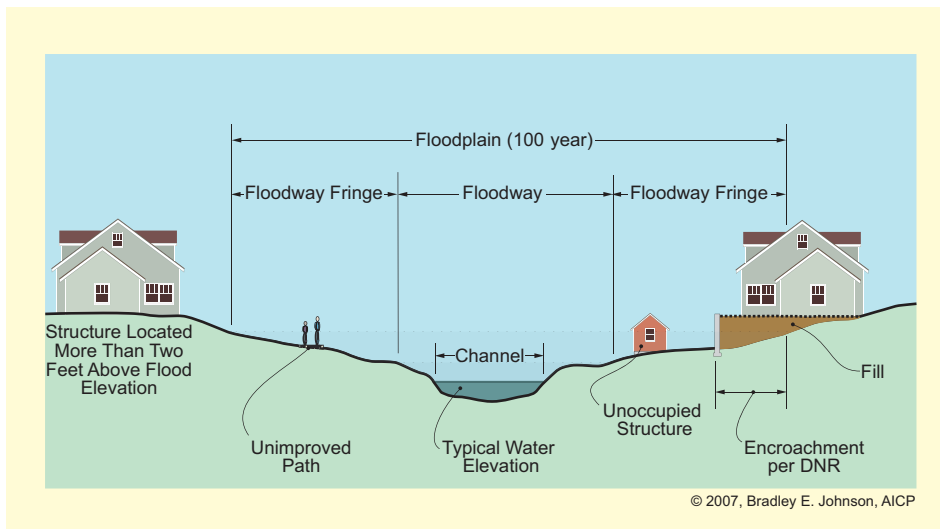
1. Projects at least eighty percent (80%) of the total lamp lumens below eighty degrees (80°) from vertical;
2. Does not allow more than twenty percent (20%) of the total lamp lumens above eighty degrees (80°) from vertical; and
3. Does not allow more than five percent (5%) of the total lamp lumens above ninety degrees (90°) from vertical.



**Flood Protection Grade (FPG):** The elevation of the regulatory flood plus two (2) feet at any given location in the SFHA.

**Flood, Regulatory:** A flood having a peak discharge which can be equalled or exceeded on the average of once in a 100-year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission; Further, this flood is equivalent to a flood having a one percent (1%) probability of occurrence in any given year.

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



## Definitions - F

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

**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 center line(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, Main:** 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 of those areas located on the first (or nearest ground level) floor of the structure. The Main Floor Area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

**Foundation:** The supporting member of a wall or structure.

**Freeway:** See "Expressway."

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

**Front Lot Line:** See "Lot Line, Front."

**Front Yard:** See "Yard, Front."

**Frontage:** See "Lot Frontage."

# Definitions - G

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

**General Services Office**: See "Office, General Services."

**Geographic Information System (GIS)**: A computer system that stores and links non-graphic attributes or geographically referenced data with graphic map features to allow a wide range of information processing and display operations, as well as map production, analysis and modeling.

**GFA**: See "Gross Floor Area."

**Gift Shop**: A retail store offering a variety of small gift items, as opposed to stores offering primarily specific lines of merchandise such as toys, clothing, or sporting goods.

**GIS**: See "Geographic Information System (GIS)."

**Golf Course**: An area of terrain on which the game of golf is played during daylight hours. A golf course includes greens, fairways, natural areas. A golf course may also include a driving range when integrated with the golf course operations and hours.

**Grade, Finished**: The average elevation of the finished surface of the ground within ten (10) feet of the structure after final grading.

**Grantee**: A person to whom an interest in property is granted.

**Gross Floor Area**: The sum of all horizontal floor area of all floors within a structure.

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

**Group Home**: A facility that houses not more than ten (10) children that are either:

1. In need of service under IC 31-34-1; or
2. Children who have committed a delinquent act under IC 31-37-2-2, IC 31-37-2-3, or IC 31-37-2-5.

Group homes are not subject to covenants, deeds or other instruments pertaining to the transfer, sale, lease, or use of property that would permit the residential use of property but prohibit the use of that property as a group home as a matter of State public policy reasons. Group homes cannot be prohibited on the grounds that they are a business, the persons living in a group home are not related, or any other reason. All group homes must abide by IC 12-17.4-5 and shall be a licensed facility with the State, meeting fire codes, building codes, and specific group home regulations.

## Definitions - H

**Habitable Space**: Any space in a structure or building that is suitable for living, sleeping, eating or cooking purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces.

**Hardship**: A practical difficulty with regard to one's ability to improve land stemming from the application of the development standards of this Unified Development 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. Self-imposed situations include: the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated in violation of the standards of this Unified Development Ordinance; any result of land division requiring variance from the development standards of this Unified Development Ordinance in order to render that site buildable.

**Height**: See "Structure Height."

**High Impact District**: Refers to the HI district.

**Hobby Farming**: The use of land for purposes, including: dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry. Processing and storage of harvested produce or other end products shall not be allowed on site. The hobby farming use(s) shall not exceed forty percent (40%) of the land area of the lot and shall abide by all setback regulations. Hobby farming cannot be the primary income source for the owner, operator or household on site. Hobby farming shall not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

**Home Business (Type 1)**: A business activity conducted completely within a dwelling unit, carried on by any lawful resident of the property and is clearly incidental and secondary to the use of the dwelling for residential purposes. Home Business (Type 1) uses may include a home office, professional services, internet business, or clergy office and are further listed and regulated in *Section 5.33: Type 1 Home Business Standards*.

**Home Business (Type 2)**: A business activity conducted completely within a dwelling unit, carried on by any lawful resident of the property and one (1) employee and is clearly incidental and secondary to the use of the dwelling for residential purposes. Home Business (Type 2) uses may include domestic crafts, art and music teaching, tutoring, or hair cutting/styling and are further listed and regulated in *Section 5.34: Type 2 Home Business Standards*.

**Home Business (Type 3)**: A business activity conducted completely within a dwelling unit and an accessory structure, carried on by any lawful resident of the property and his/her employees and is clearly incidental and secondary to the use of the dwelling for residential purposes. Home Business (Type 3) uses may include assembly of products, automobile repair, landscaping/lawn care business, or light manufacturing and are further listed and regulated in *Section 5.35: Type 3 Home Business Standards*.

**Hospital**: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

**Hotel**: A structure in which temporary lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public. Compensation is usually assessed on a day-to-day basis.

**Household Pets**: See "Pets, Household."

# Definitions - I

**IAC**: Indiana Administrative Code.

**IC**: Indiana Code.

**IDEM**: Indiana Department of Environmental Management.

**Illuminance**: The total amount of visible light illuminating (incident upon) a point on a surface from all directions above the surface (i.e. how brightly a surface is illuminated). Illuminance is measured in lux.

**Impervious Surface**: Any material that prevents absorption of stormwater into the ground such as concrete or asphalt. This includes gravel, rock, stone and porous pavers.

**Impervious Surface Coverage**: The area of a lot occupied by the primary structure, any accessory structures and impervious surface.

**Improved Lot**: See "Lot, Buildable."

**Improvement**: Any permanent structure that becomes part of, placed upon, or is affixed to real estate, or any alteration to the land.

**Improvement Location Permit**: A permit issued under the Unified Development Ordinance prior to receiving a Building Permit, permitting a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, occupy, use, improve, remove, convert, or demolish any building or structure within its jurisdiction, or permitting a person to change the condition of the land.

**Improvement, Off-site**: Any premises not located within the area of the property to be subdivided, used, or built upon whether or not in the same ownership of the applicant for subdivision approval.

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

**INDOT**: Indiana Department of Transportation.

**Industry, Light**: See "Manufacturing, Light."

**Industry, Heavy**: See "Manufacturing, Heavy."

**Industrial District**: Refers to the I1 and I2 districts.

**Initial User**: The applicant, person, organization or corporation that originally applies to Shelby County for approval for the installation of an antenna or other radio or cellular communication equipment or for approval for the construction of a telecommunication tower or facility.

**Institutional District**: Refers to the IS district.

**Interior Lot**: See "Lot, Interior."

**Interstate**: See "Expressway."

## Definitions - J

---

**Junk**: An automobile, truck, other motor vehicle, watercraft, large appliances, furniture or like materials which have been damaged to such an extent that they cannot be operated under their own power or used and/or will require major repairs before being made usable. This also includes such a vehicle which does not comply with State or County vehicle licensing or other laws or ordinances.

**Junk Yard**: A place, usually outdoors, where waste or discarded used property, including but not limited to automobiles, farm implements and trucks, is accumulated and is or may be salvaged for reuse or resale. This does not include industrial scrap metal or accumulation of organic matter.

**Jurisdiction**: See "Planning Jurisdiction."

**Juvenile Detention Facility**: A facility that holds children or minors (typically under 18 years of age) for punishment and/or counseling as a result of sentencing by a court of jurisdiction for criminal or antisocial behavior.



## Definitions - K

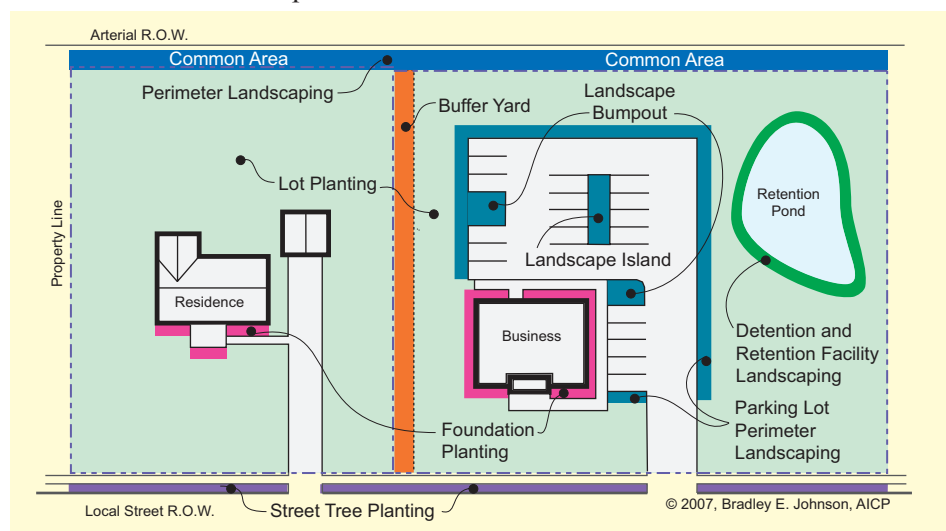
---

**Kennel, Commercial:** A commercial establishment involving boarding, breeding, buying, keeping, training, selling or similar services offered to owners of dogs, cats or other domestic animals. This definition is not inclusive of a veterinarian clinic or home business kennel. Commercial kennels are not inclusive of a residential dwelling unit.

**Kennel, Home Business:** A home business involving boarding, breeding, buying, keeping, training, selling or similar services offered to owners of dogs, cats or other domestic animals.

## Definitions - L

**Landscape Areas:** Places on a lot or abutting right-of-way that are identified for application of landscaping regulations. Landscape areas include: street tree planting areas, parking lot planting areas, foundation planting areas, buffer yard areas, and perimeter planting areas. The below image conceptually demonstrates the general location of each landscape area.



**Landscape Buffer:** A continuous landscaped area designed, maintained and used for screening and separation of uses, lots or structures.

**Landscape Material:** Trees, shrubs, plants, decorative fences, retaining walls, walls, earthen mounds, irrigation systems, flower beds, decorative rocks, edging, mulch, stakes and the like. Artificial trees, shrubs, ground cover, and flowers are not considered landscape material.

**Landscape Structure:** Decorative fences, walls, retaining walls, edging and the like.

**Landscaping:** The improvements 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 designed and arranged to produce an aesthetically pleasing effect.

**Legal Nonconforming Structure:** Any continuously occupied, lawfully established structure prior to the effective date of the Unified Development Ordinance, or its subsequent amendments, that no longer meets the development standards.

**Legal Nonconforming Lot of Record:** Any legally established and recorded lot prior to the effective date of this Unified Development Ordinance, or its subsequent amendments, that no longer meet the lot-specific development standards.

**Legal Nonconforming Sign:** Any sign lawfully existing on the effective date of this Unified Development Ordinance, or amendment thereto, that does not conform to all the standards and regulations of the Unified Development Ordinance.

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

**Loading Dock:** An off-street space for temporary parking of delivery and pickup vehicles.

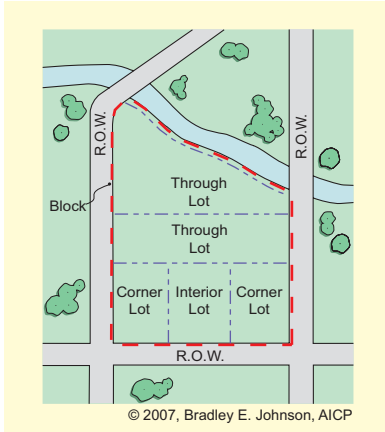
**Local Street:** See "Street, Local."

**LOMA:** FEMA Letter of Map Amendment.

**LOMR:** FEMA Letter of Map Revision.

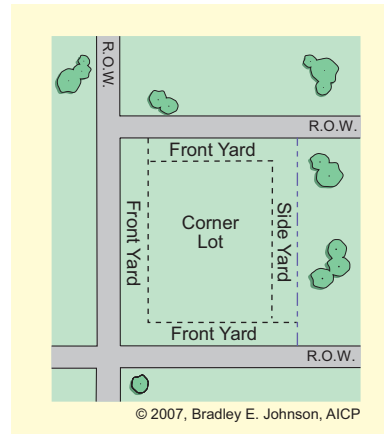
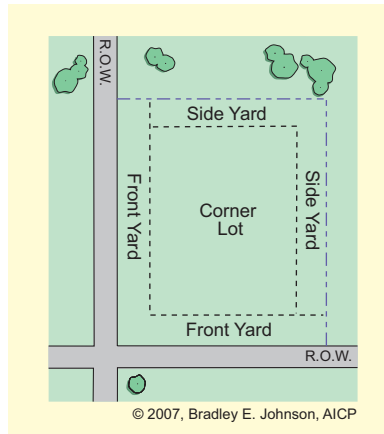
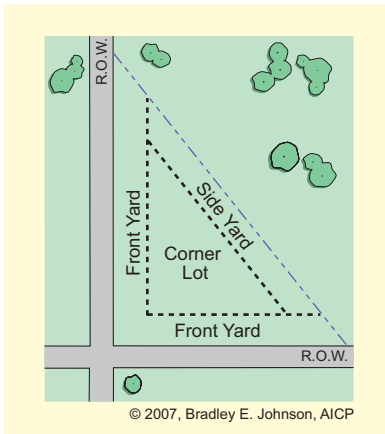
# Definitions - L

**Lot:** A piece, parcel or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single or multiple ownership or control. There are generally three types of lots identified in the Unified Development Ordinance: interior lots, corner lots, and through lots.



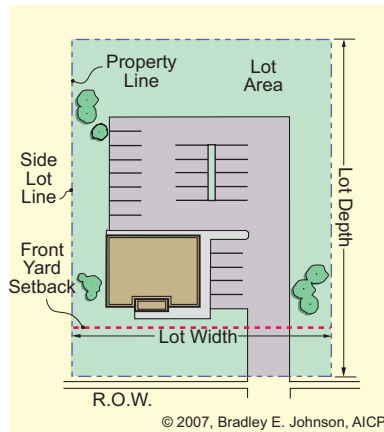
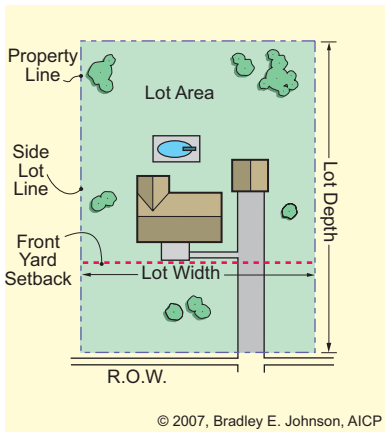
**Lot, Buildable:** A lot upon which a structure may be constructed and occupied as a result of the fact that it has frontage on and access to an improved street, meets minimum setback requirements, and has all necessary utilities available to the lot such as sewer, water, electricity, etc.

**Lot, Corner:** A lot situated at the intersection of two streets or which fronts a street on two (2) or more sides forming an interior angle of less than 135°.



**Lot Coverage:** The area of a lot occupied by the primary structure, any accessory structures and impervious surface.

**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.



# Definitions - L

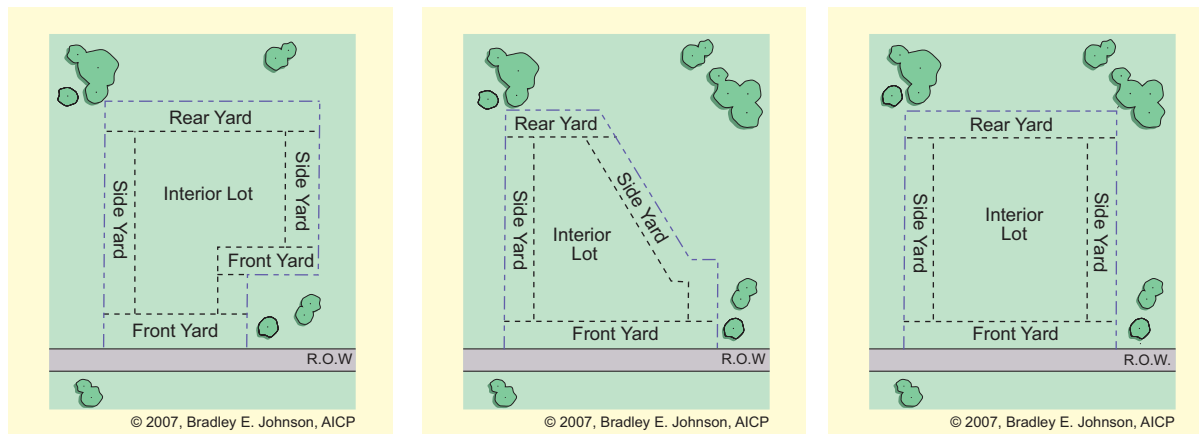
**Lot Depth:** The horizontal distance between the front and rear lot lines. (See Graphics for "Lot Area")

**Lot, Developed:** A lot with structures situated thereon.

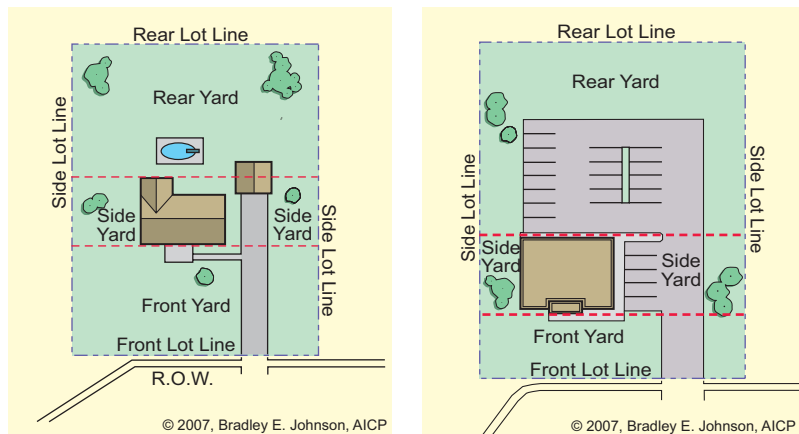
**Lot Frontage:** The length of the front lot line bordering upon a public right-of-way. The lot frontage is determined by measuring the total distance in which the front lot line touches a public right-of-way. Lot frontage requirement for a cul-de-sac lot is one-half (0.5) the distance required for standard lots.

**Lot, Improved:** See "Lot, Buildable."

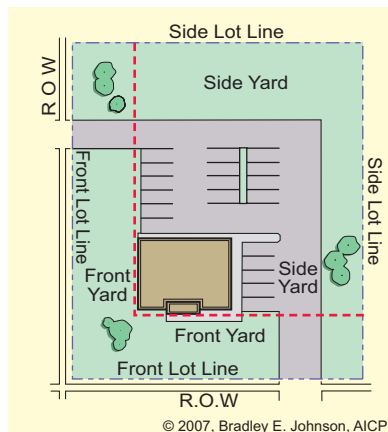
**Lot, Interior:** A lot other than a corner lot or a through lot.



**Lot Line, Front (interior or through lot):** The line marking the boundary between the lot and the abutting street, right-of-way or a Lake or watercourse



**Lot Line, Front (corner lot):** The line marking the boundary between the lot and each of the abutting streets.



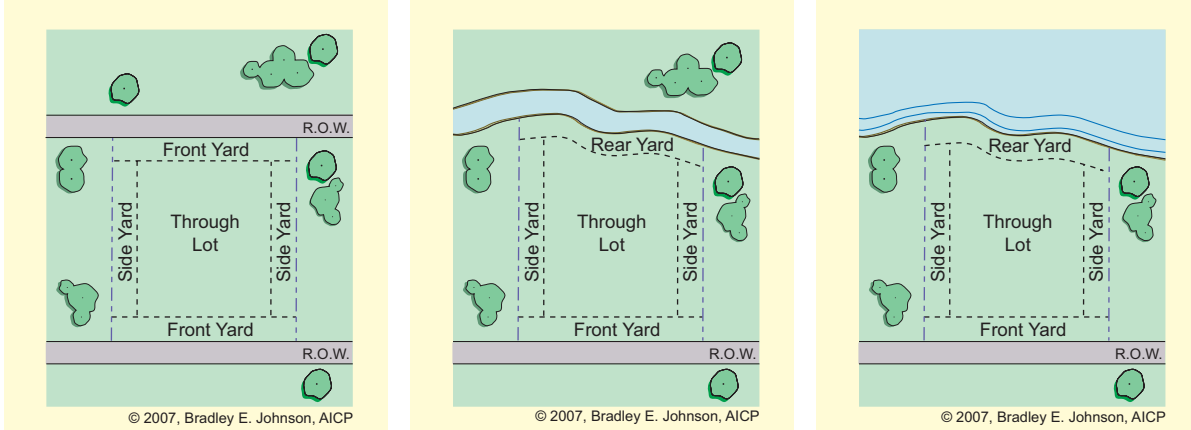
**Lot Line, Side:** A lot boundary line other than a front or rear lot line. (See Graphic for "Lot Line, Front")

# Definitions - L

**Lot Line, Rear:** The lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot, the line ten feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line. (See Graphic for "Lot Line, Front")

**Lot of Record:** A lot which is a part of a subdivision recorded in the office of the County Recorder, or a parcel or lot described by metes and bounds, a description of which has been so recorded.

**Lot, Through:** A lot fronting on two (2) parallel or approximately parallel streets, or abutting two (2) streets which do not intersect at the boundaries of the lot. Also includes lots fronting on both a street and a watercourse or lake. Accessory structures are allowed in front yards facing watercourses or lakes.



**Lot Width:** The distance between the side lot lines as measured on the front setback line. Cul-de-sac and irregular shaped lots shall measure their front lot widths along the front setback line from one side lot line to the other. (See Graphic for "Lot Area")

**Lowest Floor:** means the lowest elevation described among the following:

1. The lowest floor of a structure.
2. The basement floor.
3. The garage floor, if the garage is connected to the structure.
4. The first floor of a structure elevated on pilings or constructed on a crawl space.
5. The floor level of an enclosure below an elevated structure where the walls of the following requirements are satisfied:
  - (a) The walls are designed to automatically equalize hydrostatic flood forces by allowing for the entry and exit of flood water.
  - (b) At least two (2) openings are designed and maintained for the entry and exit of flood water, and these openings provide a total area of at least one (1) square inch for every one (1) square foot of enclosed floor area subject to flooding. The bottom of an opening can be no more than one (1) foot above grade. Doorways and windows do not qualify as openings under this clause

**Luces:** The plural of Lux.

**Lumens:** Unit of luminous flux in the International System of Units (SI) equal to one candela per steradian. Used to measure the amount of light emitted by lamps.

**Lux:** Unit of illuminance in the International System of Units (SI) equal to one lumen per square meter.

## Definitions - M

**Main Floor Area**: See "Floor Area, Main."

**Maneuvering Space**: An open space in a parking area which:

1. Is immediately adjacent to a parking space,
2. Is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space, but
3. 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 the long term placement of Mobile Home Dwellings and/or Manufactured Home Dwellings, and shall include any street used or intended for use as part of the facilities of such Manufactured Home Park. A Manufactured Home Park does not involve the sales of Mobile Home Dwellings or Manufactured Home Dwellings in which unoccupied units are parked for inspection or sale.

**Manufactured Home Park District**: Refers to the MP district

**Manufacturing, Heavy**: The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that otherwise do not constitute light manufacturing, and which may include open uses and outdoor storage. Heavy manufacturing generally includes processing and fabrication of products made from extracted or raw materials. Heavy manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or special exception.

**Manufacturing, Light**: The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fume, odors, glare or health or safety hazards outside of the structure or lot where such assembly, fabrication, or processing of goods are housed entirely within an enclosed building. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials. Light manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or special exception.

**Marker (survey)**: A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

**Massage Parlor**: Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations; electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with sexual conduct, or where any person providing such treatment, manipulation or service related thereto exposes specified anatomical areas.

**Massage Therapist**: A person licensed by the State of Indiana and certified by the National Certification Board for Therapeutic Massage and Bodywork, or the American Massage Therapy Association, or under the direct supervision of a licensed physician).

**Master Plan**: See "Comprehensive Plan."

**Maximum Lot Coverage**: The highest amount of impervious surface coverage permitted by the Unified Development Ordinance.

**Medical Office**: See "Office, Medical."

**Mini Warehouse**: See "Warehouse Storage Facility."

**Minimum Dwelling Size**: See "Dwelling Size, Minimum."

**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.

**Motel**: An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile travelers. 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.

## Definitions - M

---

**Motor Home**: See "Recreational Vehicle."

**Motor Vehicle**: Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, boat, recreational vehicle, semitrailer, or any other vehicle propelled or drawn by mechanical power.

**Mound**: A landscape feature used for screening in which earth is piled up in irregular, round or oblong shapes. Particularly, mounds do not have consistent crest elevations, but are irregular in form and overlapping such to emulate a more natural landscape feature. Mounds in combination with other landscape material are used to block or partially block visibility from one side to the other.

**Multiple-family District**: Refers to the M1 and M2 district.

**Mural**: See "Sign, Mural."

# Definitions - N

---

**NFIP**: The National Flood Insurance Program.

**Noise Sensitive Land Use**: The use of a structure for a purpose that would be adversely impacted by noise associated with nearby aircraft operations including aircraft overflights. Noise Sensitive Uses include but are not limited to residences, schools, churches, child care facilities, medical facilities, retirement homes and nursing homes.

**Nonconforming Building**: See "Nonconforming Structure."

**Nonconforming Structure**: A building, structure, 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 Lot of Record**: A lot which was created such that it does not conform to the regulations of the 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 Use**: A use which does not conform with the use regulations of the district in which it is located.

**Nursing Home**: A private home for the care of the aged or infirm, or any other person in need of nursing care; and which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for patients being treated for mental illness or alcohol or drug addiction.



# Definitions - O

**Office**: A place in which business, professional and/or clerical activities are conducted. Offices shall include medical offices, government offices and office functions which serve other off-site land uses.

**Office, Construction Trade**: Electrical contractor, general contractor, heating and cooling contractor, landscaping contractor, plumbing contractor office and the like.

**Office, Design Services**: Architecture firm, engineering firm, graphic design firm, planning firm and the like.

**Office, Financial Services**: Accounting office, bank or credit union, investment firm and the like. Check cashing and quick loan establishments are not considered a financial services office.

**Office, General Services**: Employment service, insurance office, law office, membership association, publishing corporate office, reading clinic, real estate office, secretarial service, service organization, temporary service agency, title company, trade office, travel agency and the like.

**Office, Medical**: Emergency medical clinic, dental clinic, medical clinic, optical clinic, rehabilitation clinic, veterinarian clinic/hospital and the like.

**Official Zoning Map**: A map of Shelby County, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. There is only one Official Zoning Map, and it is kept up to date by the Plan Commission and the Zoning Administrator.

**Official Zoning Map Copies**: A map of Shelby County, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. These maps may be out of date.

**Off-Site Improvement**: See "Improvement, Off-Site."

**Open Space**: An area of land not covered by buildings, structures, parking structures or accessory uses except for recreational structures. Open space may include nature areas, streams, floodplains, meadows or open fields containing baseball fields, football fields, soccer fields, golf courses, swimming pools, bicycle paths, etc. Open space does not include street rights-of-way, platted lot area, private yard, patio areas, or land scheduled for future development.

**Open Space and Parks District**: Refers to the OP district.

**Ornamental Tree**: A deciduous tree that does not grow to over thirty (30) feet in height at maturity. Ornamental trees typically are flowering trees.

**OSHA**: Occupational Safety and Health Administration.

**Outdoor Pets**: See "Pets, Outdoor."

**Outdoor Storage**: See "Storage, Outdoor."

**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 sought to be subdivided under these regulations, or their legal representative.

## Definitions - P

**Parcel**: See "Lot."

**Parent Tract**: A lot of record as recorded on the effective date of this Unified Development Ordinance. Multiple pieces (lots) owned by one person, persons in partnership, or a company and that are contiguous shall together be considered one parent tract. Streets, rivers, easements, and other built or natural features shall not constitute a separation of two (2) or more pieces of land owned by one person, persons in partnership, or a business.

**Park, Neighborhood**: A subdivision amenity that consists of a parcel of land for public passive and active recreation.

**Park, Public**: A parcel of land available to the public for passive and active recreation and is maintained and governed by Shelby County.

**Parking, Required**: The minimum number of off-street parking spaces specified for a particular use or uses by the Unified Development Ordinance.

**Parking Space**: Space within a public or private parking area for the storage of one (1) passenger automobile or commercial vehicle under a one and one-half (1.5) ton capacity

**Paved**: 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 permitted as a paved surface.

**Performance Bond**: An amount of money or other negotiable security paid by the subdivider, developer, or property owner or his/her surety to Shelby County which guarantees that the subdivider will perform all actions required by Shelby County regarding an approved plat or in other situations as stated forth in the Unified Development Ordinance and/or as deemed by the Zoning Administrator that provides that if the subdivider, developer, or property owner defaults and fails to comply with the provisions of his/her approval, the subdivider, developer, or property owner or his/her surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approval.

**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.

**Permanent Perimeter Enclosure**: A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground, except for the necessary openings, constructed in accordance with the One- and Two-family Dwelling Code.

**Permitted Use**: See "Use, Permitted."

**Person**: A corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit, as well as a natural person.

**Personal Service**: An establishment, other than an office, in which services other than health care are rendered to consumers on an individual basis, such as barber shops and beauty parlors.

**Pets, Household**: Domestic pets maintained healthy and humanely 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, farm animals, pigmy goats, potbelly pigs, or rabbits. Examples of household pets include: dogs, cats, mice, snakes, hamsters, ferrets, and birds.

**Pets, Outdoor**: Domestic pets maintained healthy and humanely within the confines of the 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 farm animals, rabbits, mice, snakes, hamsters, ferrets, or birds. Examples of outdoor pets include: dogs and cats.

**Places of Worship**: Structures and outdoor or indoor facilities used for public worship and accessory educational, cultural and social activities.

**Plan Commission**: A plan commission serving a single local government jurisdiction established as defined under the Indiana Code, 36-7-1-2 (1983) as amended. The Shelby County Plan Commission is Advisory Plan Commission.

# Definitions - P

**Planned Development:** A large-scale unified development meeting the requirements for zoning approval under the provisions of *Article 04: Planned Development Districts*. Generally a planned development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any district of the Unified Development Ordinance. This may result in more attractive and affordable development than conventional developments would allow. Clustered housing (dwellings built in innovative lot arrangements around common open space) and zero lot line housing (dwellings built immediately adjacent to lot lines) are possible as part of planned developments. A planned development requires approval through a zoning map amendment.

**Planning Director:** See "Zoning Administrator."

**Planning Jurisdiction:** Shelby County, Indiana and the contiguous unincorporated area over which the County exercises planning and zoning authority.

**Planning Staff:** The Zoning Administrator and all employees of the Plan Commission of the County under the supervision of the Zoning Administrator and subject to the authority of the Zoning Administrator.

**Plat:** A map or chart that shows a division of land and/or the layout for subdivisions that is intended to be filed for record.

**Plat Amendment:** A change in a recorded subdivision plat if such change affects any street layout or area reserved thereon for public use or any lot line or easement; or if it affects any map or plan legally recorded.

**Plat, Primary:** The primary plat, pursuant to the IC 36-7-4-700 Series, is the plat and plans upon which the approval of a proposed subdivision are based. The primary plat and plans shall be subject to public notice and public hearing according to law and according to Plan Commission rules. (Under former state statutes, the primary plat was referred to as a "preliminary" plat.)

**Plat, Secondary:** The secondary plat, pursuant to IC 36-7-4-700 Series, is the final plat document in recordable form. A secondary plat shall substantially conform with the preceding primary plat, or section thereof. The secondary plat and plans are not subject to public notices and public hearings.

**Pool, Swimming:** See "Swimming Pool."

**Porch:** A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

**Power Generation Facility:** A facility used to generate electrical power such as a wind power facility or solar power facility.

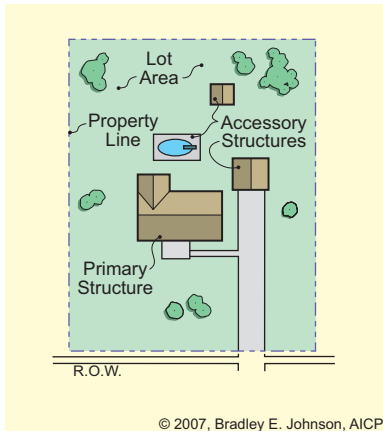
**Practical Difficulty:** A difficulty with regard to one's ability to improve land stemming from regulations of this Unified Development Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within this Unified Development Ordinance, but would like a variance from the Development Standards to improve his 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.

**Primary Arterial:** See "Street, Primary."

**Primary Plat:** See "Plat, Primary."

# Definitions - P

**Primary Structure:** The structure in which the primary use of the lot or premises is located or conducted, with respect to residential uses, the primary structure shall be the main dwelling.



**Primary Use:** See "Use, Primary."

**Principal Use:** See "Use, Primary."

**Private Street:** See "Street, Private."

**Prohibited Use:** A use that is not permitted under any circumstances.

**Public Improvements:** Any storm drainage facility, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, utility, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

**Public Place:** Any area on public or private property that is easily accessible and clearly visible to the general public. If located on private property, the area must be open to the general public and clearly visible from adjacent public property such as a street or other public thoroughfare or sidewalk.

**Public/Private Parking Area:** A group of parking spaces in an open area not including any part of a street or alley, designed or used for temporary parking of motor vehicles.

**Public Street:** See "Street, Public."

**Public Utility:** See "Utility, Public."

**Public Way:** Highways, streets, avenues, boulevards, lanes, or alleys.

# Definitions - Q

---

(There are no "Q" definitions)

## Definitions - R

**Radio/TV Station**: The broadcast building for the production of radio and television programming, not to include and telecommunication towers.

**Raising of Farm Animals**: Any livestock operation that falls below the thresholds of a Confined Feeding Operation as defined by IDEM.

**Rear Lot Line**: See "Lot Line, Rear."

**Rear Yard**: See "Yard, Rear."

**Recreation Center/Play Center**: An enclosed structure containing recreational facilities, such as a tennis court, swimming pool, and/or gymnasium. This shall not include outdoor amphitheaters, tennis courts or swimming pools.

**Recreational Vehicle**: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including but not limited to, travel trailers, truck campers, camping trailers, boats, and self-propelled motor homes. A recreational vehicle shall not be used as living quarters.

**Recreational Vehicle Park**: Any commercially zoned site, lot, field, or tract of land under single ownership, or ownership of two or more people, designed with facilities for short term occupancy for recreational vehicles only.

**Recycling Collection Point**: To be defined

**Registered/Licensed 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**: See "Flood, Regulatory."

**Regulatory Floodway**: See "Floodway, Regulatory."

**Residential District**: Refers to the RE, R1, R2, and VR districts.

**Residential Facility for the Developmentally Disabled (large)**: A residential facility which provides residential services for more than eight (8) developmentally disabled individuals as described in IC 12-28-4.

**Residential Facility for the Developmentally Disabled (small)**: A residential facility which provides residential services for eight (8) developmentally disabled individuals or less as described in IC 12-28-4.

**Residential Facility for the Mentally III**: A residential facility which provides residential services for mentally ill individuals as described in IC 12-28-4. No two (2) Residential Facilities for the Mentally III shall be within 3,000 feet of one another in the planning jurisdiction as stated in Indiana Code.

**Responsible Party**: For purposes of issuing notice of violation, the following persons shall be considered responsible parties, with liability for fines and responsibility for remedy of the violation: the property owner(s); persons with any possessory interest in the property, and/or any persons and/or their agents who have caused the violation. Any owner, tenant, builder, developer, possessor of interest, architect, designer, property manager, equipment operator known or suspected to be responsible in part or in whole for a violation of the Unified Development Ordinance.

**Restaurant**: An establishment whose use is the selling of food in a ready-to-consume state, in individual servings, in which the customer consumes these foods while seated at tables or counters located in or immediately adjacent to the building in which the use is located, and which may include carry-out service. "Restaurant" shall include that portion of any establishment which sells prepared food, such as a bakery or a delicatessen, and which is used for seating for the consumption of food on the premises. (See also "Drive-Through Establishment.")

**Retail, High Intensity**: See "Type 4 Retail, High Intensity."

**Retail, Low Intensity**: See "Type 2 Retail, Low Intensity."

**Retail, Medium Intensity**: See "Type 3 Retail, Medium Intensity."

# Definitions - R

---

**Retail, Special Handling**: See "Type 6 Retail, Special Handling."

**Retail, Very High Intensity**: See "Type 5 Retail, Very High Intensity."

**Retail, Very Low Intensity**: See "Type 1 Retail, Very Low Intensity."

**Retention Pond**: A facility use to indefinitely hold water, like a natural pond, and concurrently used to temporarily collect storm water and outlet it over a designated period of time or at a specific rate of release.

**Retirement Community**: An age-restricted development, which may include detached and attached dwelling units and apartments.

**Right-of-Way**: A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

**ROW**: See "Right-of-Way."

**Road**: See "Street."

**Root Protection Zone**: Generally, eighteen (18) to twenty-four (24) inches deep and a distance from the trunk of a tree equal to one-half (1/2) its height or its drip line, whichever is greater.



## Definitions - S

**Satellite Dish/Antenna:** An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit, or broadcast 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.

**School, Trade, Business or Commercial:** An educational facility which offers instruction specific to a trade, business or commercial practice.

**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, and/or 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/or use in other industries or businesses including open hearth, electric furnaces and foundry operations. Such an establishment shall not include junk yards, dumps, or automobile or other vehicle graveyards.

**Secondary Plat:** See "Plat, Secondary."

**Setback:** The minimum horizontal distance between the building line and a lot line. Or in a case where the property runs to the centerline of the street, the minimum horizontal distance between the building line and the right-of-way as proposed in the Shelby County Thoroughfare Plan.

**Setback, Average:** An average of the front yard setbacks of structures on either side of the subject property. If the average setback encroaches into the right-of-way, permission is not required from the Board of Zoning Appeals. If the subject property is a corner lot, the average of the front yard setback of structures adjacent to the subject property, along with the front yard setback of structures directly across the street of the subject property must be used.

**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 Retail Business, Accessory:** An establishment with at least ten percent (5%) but less than forty percent (30%) of its stock in trade or gross 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 or more persons (e.g. swingers clubs or fetish clubs).

**SFHA:** Special Flood Hazard Area.

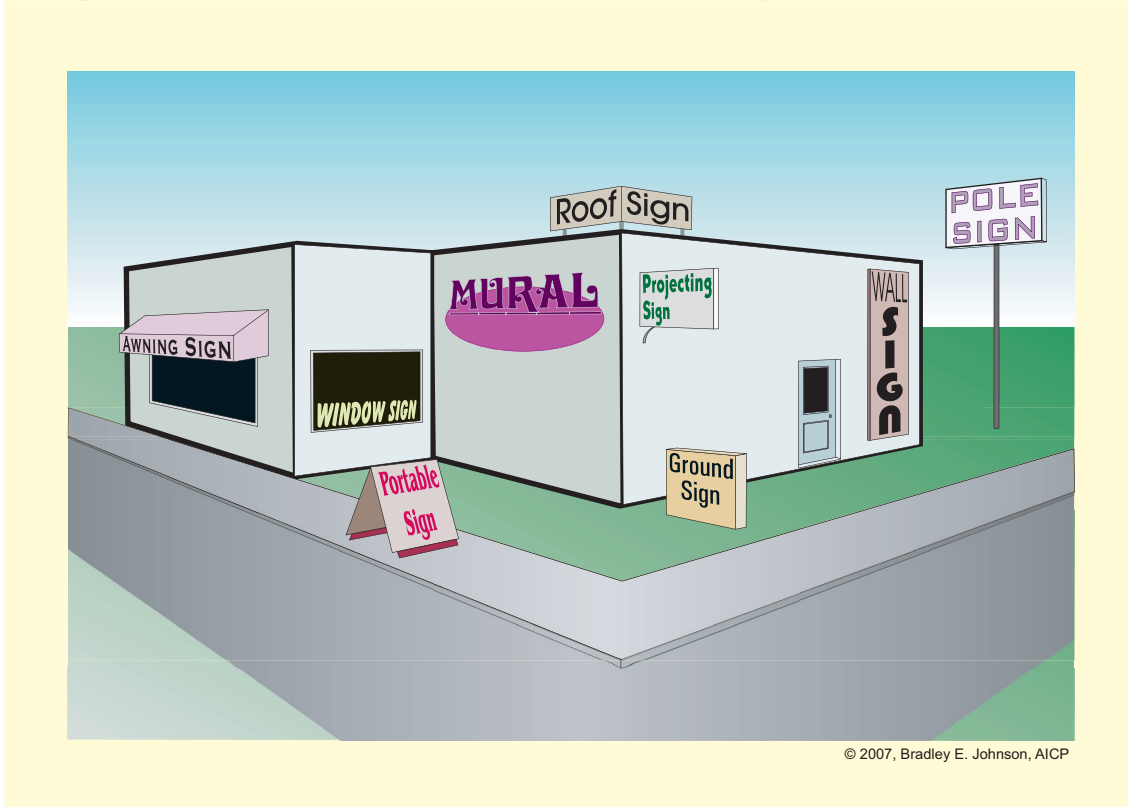
**Side Lot Line:** See "Lot Line, Side."



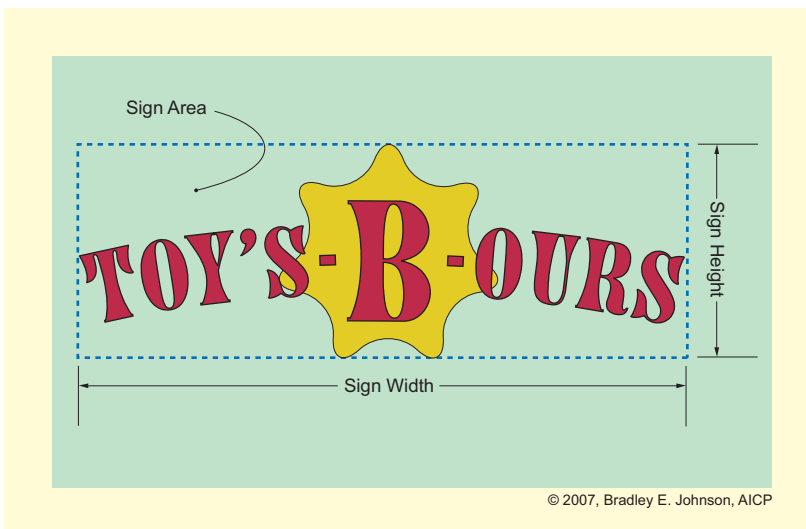
# Definitions - S

**Side Yard:** See "Yard, Side."

**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. Religious symbols on places of worship or structures owned and operated by religious organizations are not considered a sign unless accompanied with text. Address numbers are not considered a sign.



**Sign Area:** The entire area within a single continuous perimeter enclosing the extreme limits of a sign, including all background area figures and letters. However, such perimeter 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, Accessory:** A sign which is related to the primary use of the premises.

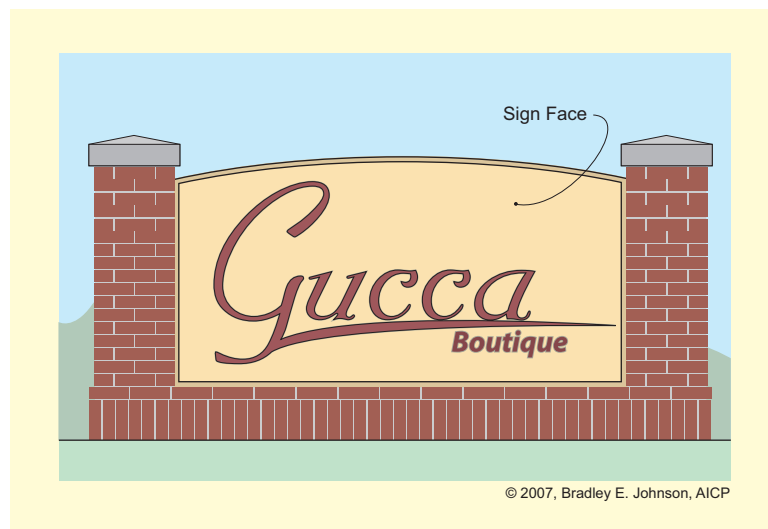
## Definitions - S

**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, Construction:** A sign directing attention to construction upon the property where the sign is displayed, and bearing the name, address, subplot number, or other identifier of the contractor, subcontractor, and/or architect.

**Sign, Directional:** A sign intending to direct the safe flow of vehicular and pedestrian traffic and includes "enter," "exit," and "arrow" signs.

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



**Sign, Flashing:** Any illuminated sign which exhibits changing light or color effects.

**Sign, Ground:** A sign in which the bottom edge of the sign is permanently affixed to the ground. A monument sign is another name for a Ground Sign. (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, Monument:** A sign permanently attached to the ground, and not attached to any part of a building, which is erected in a manner so that no views are possible underneath the bottom edge of the sign surface.

**Sign, Mural:** A sign painted onto the side of a building, wall, ground, or structure. A mural sign is regulated as a wall sign in the Unified Development Ordinance. (See Graphic for "Sign")

**Sign, Non-accessory:** A sign which is not related to the primary use of the premises.

**Sign, Nonconforming:** See "Nonconforming Sign."

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

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

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

**Sign, Outdoor Advertising:** A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed. Also called billboard or off-premise sign.

# Definitions - S

**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, and illuminated signs.

**Sign, Pole:** A sign that is supported by one or more poles, posts, or braces upon the ground, not attached to or supported by any building, with a clear space in excess of six feet from the finished grade to the bottom of the sign face. (See Graphic for "Sign")

**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, Public Information:** A sign displaying public information as the principal message in addition to information designed to assist, alert, or inform the public. Such signs may display only the name and corporate logo of the business or agency providing such information.

**Sign, Real Estate:** A sign announcing the sale, rental, or lease of the lot where the sign is displayed, or announcing the sale, rental, or lease of one or more structures, or a portion thereof, located on such lot, and identifying the owner, realty agent, telephone numbers, or "open house" information.

**Sign, Residential:** A sign containing the name of a residential complex or subdivision, with or without its accompanying address.

**Sign, Restaurant Menu:** Any display of all or part of a restaurant menu, or a summary thereof, in such a way that it is visible from the exterior of the building.

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

**Sign, Special Event:** A sign upon which information about events or activities conducted by religious, civic, educational, community, governmental, or similar organizations is displayed.

**Sign Surface:** See "Sign Face."

**Sign, Temporary:** An on-premise advertising device not fixed to a permanent foundation or vehicle, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located.

**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 inches from the surface. (See Graphic for "Sign")

**Site Plan:** A map of a site, drawn accurately to scale, showing existing and proposed features of the site including but not limited to buildings, and other structures, circulation, grading, trees, and landscaping, sufficient for review. A site plan shall serve as the development plan regulated by IC 36-7-4-1400.

**Special Exception:** The authorization of a use that is designated as such by this ordinance as being permitted in the district concerned if it meets special conditions, is found to be appropriate and upon application, is specifically authorized by the Board of Zoning Appeals. A Special Exception is regulated by IC 36-7-4-900.

**Specimen Tree:** Trees with a caliper of twenty-four (24) inches or greater.

**State:** The State of Indiana.

## Definitions - S

**Static Message:** Any changeable copy on a sign which is not changed more frequently than once every one (1) hour on any given day.

**Storage, Outdoor:** The outdoor accumulation of goods, junk, motor vehicles, equipment, products or materials for permanent or temporary holding.

**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 next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

**Street:** Any vehicular right-of-way that is:

1. an existing state, county, or municipal roadway,
2. shown upon a plat approved pursuant to law,
3. approved by other official action, or
4. shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a Plan Commission and the grant to such Plan Commission to review plats; includes the land between the street lines, whether improved or unimproved.

**Street, Local Neighborhood:** A street that typically carries a low volume of traffic at low speeds and is designed primarily to provide access to abutting properties and discourage through traffic, as depicted by the Thoroughfare Plan.

**Street, Local County:** A street that typically carries a low volume of traffic at higher speeds than a local neighborhood street, as depicted by the Thoroughfare Plan.

**Street, Primary/Urban Arterial:** A street with access control, restricted parking, and that collects and distributes traffic to and from secondary/rural arterials, as depicted by the Thoroughfare Plan.

**Street, Secondary/Rural Arterial:** A street with access control, restricted parking, and that collects and distributes traffic to and from local neighborhood streets and local county streets, as depicted by the Thoroughfare Plan.

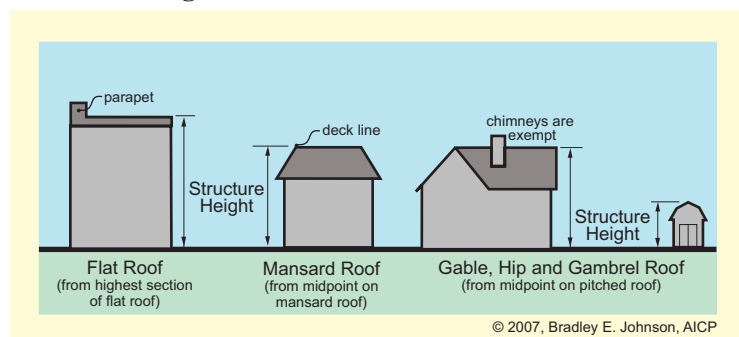
**Street, Private:** Vehicular streets and driveways, paved or unpaved, that are maintained by the owner(s) and that are wholly within private property except where they intersect with other streets within public rights-of-way.

**Street, Public:** All property dedicated or intended for public highway, expressway, or roadway purpose or subject to public easements therefore.

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

**Structure:** Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, including but not limited to buildings, sheds, detached garages, mobile homes, manufactured homes, above-ground storage tanks, freestanding signs and other similar items.

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



**Studio Arts:** Karate studio, dance studio, art studio and the like.

## Definitions - S

---

**Subdivision**: The division of a parent tract or other piece of land into at least two (2) smaller lots or the combination of two (2) or more smaller lots into one (1) lot so that, either now or in the future, the subdivider can, transfer ownership, construct buildings or establish a use other than vacant or create new building sites for leasehold, and as further defined in the Unified Development Ordinance.

**Swimming Pool**: A self-contained body of water at least eighteen (18) inches deep and eight (8) feet in diameter or width and used for recreational purposes. It may be above or below ground level, and shall be considered an accessory structure.

## Definitions - T

**Technical Advisory Committee (TAC)**: Representation of technical staff or volunteers assembled to review petitions, site plans, development plans, planned developments, subdivisions, rezonings, and the like. The technical advisory committee may vary from meeting to meeting due to the expertise necessary to review the projects the County is considering.

**Telecommunications Facility**: A land based facility, consisting of towers, antennae, accessory structures or other structures intended for use in connection with the commercial transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

**Telecommunications Tower**: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas. The term includes: radio and television transmission towers, microwave towers, cellular telephone and wireless communication towers, alternative tower structures and the like.

**Temporary Use/Structure**: See "Use, Temporary."

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

**Thoroughfare**: A public way or public place that is included in the Thoroughfare Plan. The term includes the entire right-of-way for public use of the thoroughfare and all surface and subsurface improvements on it such as sidewalks, curbs, shoulders, and utility lines and mains.

**Thoroughfare Plan**: The official plan, now and hereafter adopted, which includes a street plan, sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares, as found in the Shelby County Comprehensive Plan.

**Through Lot**: See "Lot, Through."

**Tower**: See "Telecommunications Tower."

**Tower Accessory Structure**: Any structure located at the tower's base for housing receiving or transmitting equipment.

**Tower Setback**: The horizontal distance from the base of the tower to an abutting property line and/or proposed right-of-way.

**Trash Receptacles**: Any container used to store trash and that is less than 120 gallons in volume.

**Two-Page Layout**: Two-Page Layout refers to the two-page layout accompanying each zoning district in *Article 02: Zoning Districts* of this Unified Development Ordinance. The two-page layout includes district intents, permitted uses, special exception uses, and basic zoning district information.

**Type 1 Retail, Very Low Intensity**: Retail businesses that have very little impact on neighboring properties, traffic generation, and public safety. Example businesses include an: art and craft gallery, flower shop, gift shop (small), jewelry store and news dealer.

**Type 2 Retail, Low Intensity**: Retail businesses that have a low impact on neighboring properties, traffic generation, and public safety. Example businesses include a: bakery, book store (small), convenience store (small), craft gallery (small), drug store (small) and meat market.

**Type 3 Retail, Medium Intensity**: Retail businesses that have a moderate impact on neighboring properties, traffic generation, and public safety. Example businesses include a: antique shop, apparel shop, art and craft supplies, book store, boutique, building supply store (small), convenience store (large), department store (small), drug store (large), fabric shop, furniture shop (small), garden shop, gift shop (large), grocery/supermarket (small), home electronics/appliance store (small), liquor sales, music/media shop, office supply store (small), party/event store (small), pawn shop, pet grooming/store, plant nursery, print shop/copy center, pro shop, quick cash/check cashing, shoe store/repair, sign shop, sporting goods (small), variety store (small) and video/DVD rental.

**Type 4 Retail, High Intensity**: Retail businesses that have a high impact on neighboring properties, traffic generation, and public safety. Example businesses include a: automobile sales (small), boat sales (small), building supply store (large), department store (large), furniture store (large), grocery/supermarket (large), home electronics/appliance (large), office supply store (large), party/event store (large), sporting goods store (large), superstore and variety store (large).

## Definitions - T

---

**Type 5 Retail, Very High Intensity**: Retail businesses that have a very high impact on neighboring properties, traffic generation, and public safety. Example businesses include a: automobile sales (large), boat sales (large), construction vehicle sales, farm equipment sales, manufactured home sales, semi tractor-trailer sales and tool/equipment sales rental.

**Type 6 Retail, Special Handling**: Retail businesses that sell products that require special handling due to risks to public safety. Example businesses include: fireworks sales, gun sales and hunting store.



## Definitions - U

**Underlying District:** See "Base Zoning District"

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

**Use, Permitted:** A use which may be lawfully established in a particular district or districts provided it conforms with all applicable requirements, regulations and standards.

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

**Use, Temporary:** A land use or structure established for a limited and fixed period of no more than four (4) months with the intent to discontinue such use or structure upon the expiration of the time period.

**Use Variance:** See "Variance, Use."

**Utility:** Every plant or equipment within the State used for:

1. The conveyance of telegraph and telephone messages;
2. The production, transmission, delivery, or furnishing of heat, light, water, or power, either directly or indirectly to the public; or
3. Collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste.

The term does not include a municipality that may acquire, own, or operate facilities for the collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste. A warehouse owned or operated by any person, firm, limited liability company, or corporation engaged in the business of operating a warehouse business for the storage of used household goods is not a public utility within the meaning of this Article.

**Utility, Public:** Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewage systems. The term does not include a municipality that may acquire, own, or operate any of the foregoing facilities.

Or every corporation, company, partnership, limited liability company, individual, association of individuals, their lessees, trustees, or receivers appointed by a court, that may own, operate, manage, or control any plant or equipment within the State for the:

1. Conveyance of telegraph or telephone messages;
2. Production, transmission, delivery, or furnishing of heat, light, water, or power; or
3. Collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste.



## Definitions - V - W

---

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

**Variance, Use**: The approval of a use other than that prescribed by the Unified Development Ordinance.

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

**Vehicle**: See "Motor Vehicle."

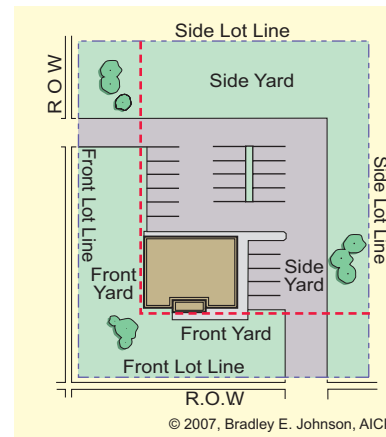
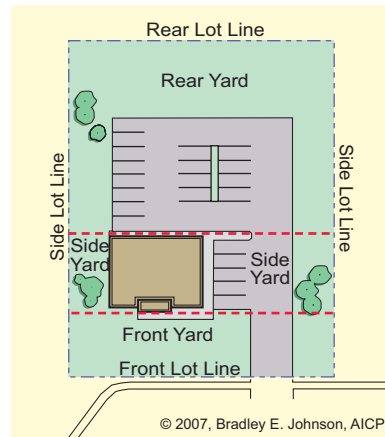
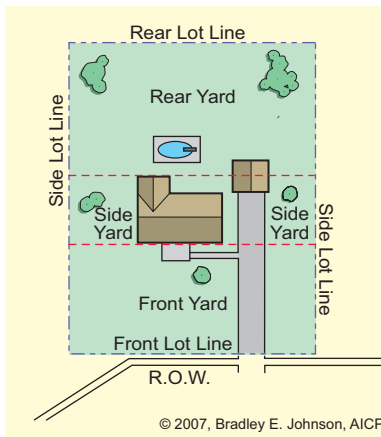
**Village Mixed Use District**: Refers to the VM district.

**Warehouse Storage Facility**: A structure or group of structures containing individual storage units of 200 square feet or less with access to each unit only for the storage and warehousing of personal property. Warehouse storage facilities do not include activities of any kind including wholesaling, retailing, servicing or repair of household or commercial goods in conjunction with storage.

**Wellhead Protection Overlay District**: Refers to the WPO district.

# Definitions - X - Y

**Yard:** A space on the same lot with a primary building that is open and unobstructed except as otherwise authorized by this Unified Development Ordinance. All required yards shall be kept free of all material including but not limited to, buildings, structures, material for sale, storage, advertising or display to attract attention and parking lots.



**Yard, Front:** The horizontal space between the nearest foundation of a building or structural appurtenance, or roof eave (whichever is closer) to the Front Lot Line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the Front Lot Line. (See Graphic for "Yard").

**Yard, Rear:** The horizontal space between the nearest foundation or structural appurtenance of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. Corner lots do not have rear yards, rather they have two side yards. (See Graphic for "Yard").

**Yard, Side:** The horizontal space between the nearest foundation or structural appurtenance of a building to the side lot line. (See Graphic for "Yard").

## Definitions - Z

---

**Zoning Administrator**: The officer appointed by and/or delegated the responsibility for the administration of this Unified Development Ordinance's regulations by the Plan Commission. The term "Zoning Administrator" includes his/her authorized representatives.

**Zoning District**: See "District."

**Zoning Map**: See "Official Zoning Map."



# Appendix

# A

## Land Use Matrix

---

### *Shelby County Unified Development Ordinance*

© 2008, Bradley E. Johnson, ACP

# Accessory Uses

	OP	A1	A2	A3	A4	RE	R1	R2	VR	M1	M2	MP	VM	IS	C1	C2	I1	I2	HI
<b>Accessory Uses</b>																			
agricultural tourism		P	P		P														
bed and breakfast						S													
farmers market		P	P																
home business (type 1)		P	P			P	P	P	P	P	P	P							
home business (type 2)		P	P			S	S	S	S										
home business (type 3)		S	P			S													
kennel, home business		P	P																
roadside sales		P	P			P													

# Agricultural Uses

	OP	A1	A2	A3	A4	RE	R1	R2	VR	M1	M2	MP	VM	IS	C1	C2	I1	I2	HI
<b>Agricultural Uses</b>																			
agricultural crop production		P	P	P	P														
confined feeding operation (small)		P	S	P															
confined feeding operation (medium)				P															
confined feeding operation (large)				S															
equestrian exercise facility					P														
equestrian training facility					P														
grain elevator					P														
hobby farming		P	P	P		P													
orchard		P	P	P															
processing of agricultural products			S	P	P														P
raising of farm animals					P														
raising of farm and exotic animals		P	P	P															
sale of agricultural products				P	P														
stable (private)		P	P		P	P													
storage of agricultural products		P	P	P	P														P
tree farm		P	P	P															
vineyard		P	P	P															

# Commercial Uses

	OP	A1	A2	A3	A4	RE	R1	R2	VR	M1	M2	MP	VM	IS	C1	C2	I1	I2	HI
<b>Commercial Uses</b>																			
amusement park																			P
automobile oriented business													S			P			
<i>automobile accessory installation</i>													S			P			
<i>automobile body shop</i>													S			P			
<i>automobile gas station</i>													S			P			
<i>automobile oil change facility</i>													S			P			
<i>automobile parts sales</i>													S			P			
<i>automobile rental</i>													S			P			
<i>automobile repair/service station</i>													S			P			
<i>automobile wash</i>													S			P			
bank machine/atm													P		P	P			
bar/tavern													P			P			
barber/beauty shop													P		P				
camp ground	S																		
casino																			P
club or lodge																P			
coffee shop													P		P				
commercial training facility or school														P					
country club	P					P													
day care													P		P				
delicatessen													P		P				
driving range	P																		
equestrian trailer sales					P														
farm implement sales					P												P	P	
farmers market	P				P								P	P					
golf course	P																		
hotel/motel																P			
ice cream shop													P		P				
kennel		S	S	P	S														
miniature golf																P			
office, construction trade																	P		
<i>electrical contractor</i>																	P		
<i>general contractor</i>																	P		
<i>heating/cooling contractor</i>																	P		
<i>landscape contractor</i>																	P		
<i>plumbing contractor</i>																	P		
office, design services													P				P		
<i>architecture firm</i>													P				P		
<i>engineering firm</i>													P				P		
<i>graphic design firm</i>													P				P		
<i>planning firm</i>													P				P		
office, financial services													P						
<i>accounting firm</i>													P						
<i>bank/credit union</i>													P						
<i>investment firm</i>													P						



# Commercial Uses

	OP	A1	A2	A3	A4	RE	R1	R2	VR	M1	M2	MP	VM	IS	C1	C2	I1	I2	HI
<b>Commercial Uses</b>																			
office, general services													P						
<i>employment service</i>													P						
<i>insurance office</i>													P						
<i>law office</i>													P						
<i>membership associations</i>													P						
<i>publishing corporate office</i>													P						
<i>reading clinic</i>													P						
<i>real estate office</i>													P						
<i>secretarial service</i>													P						
<i>service organization</i>													P						
<i>temporary service agency</i>													P						
<i>title company</i>													P						
<i>trade office</i>													P						
<i>travel agency</i>													P						
office, medical													P			P			
<i>emergency medical clinic</i>													P			P			
<i>dental clinic</i>													P			P			
<i>medical clinic</i>													P			P			
<i>optical clinic</i>													P			P			
<i>rehabilitation clinic</i>													P			P			
<i>veterinarian clinic/hospital</i>					P								P			P			
paintball facility	S																P		
photography studio													P						
race track - automobiles																			P
race track - horses																			P
recreation center/play center													P						
research laboratory					P														
restaurant													P			P			
restaurant with drive-up window																P			
retail (type 1), very low intensity													P		P				
<i>art and craft gallery</i>													P		P				
<i>flower shop</i>													P		P				
<i>gift shop (small)</i>													P		P				
<i>jewelry store</i>													P		P				
<i>news dealer</i>													P		P				
retail (type 2), low intensity													P		S				
<i>bakery</i>													P		S				
<i>bookstore (small)</i>													P		S				
<i>convenience store (small)</i>													P		S				
<i>craft gallery (small)</i>													P		S				
<i>drug store (small)</i>													P		S				
<i>meat market</i>													P		S				

# Commercial Uses

	OP	A1	A2	A3	A4	RE	R1	R2	VR	M1	M2	MP	VM	IS	C1	C2	I1	I2	HI
<b>Commercial Uses</b>																			
retail (type 3), medium intensity													S			P			
<i>antique shop</i>													S			P			
<i>apparel shop</i>													S			P			
<i>art and craft supplies</i>													S			P			
<i>book store</i>													S			P			
<i>boutique</i>													S			P			
<i>building supply store (small)</i>													S			P			
<i>convenience store (large)</i>													S			P			
<i>department store (small)</i>													S			P			
<i>drug store (large)</i>													S			P			
<i>fabric shop</i>													S			P			
<i>furniture shop (small)</i>													S			P			
<i>garden shop</i>													S			P			
<i>gift shop (large)</i>													S			P			
<i>grocery/supermarket (small)</i>													S			P			
<i>home electronics/appliance (small)</i>													S			P			
<i>liquor sales</i>													S			P			
<i>music/media shop</i>													S			P			
<i>office supply store (small)</i>													S			P			
<i>party/event store (small)</i>													S			P			
<i>pawn shop</i>													S			P			
<i>pet grooming/store</i>													S			P			
<i>plant nursery</i>					P								S			P			
<i>print shop/copy center</i>													S			P			
<i>pro shop</i>													S			P			
<i>quick cash/check cashing</i>													S			P			
<i>shoe store/repair</i>													S			P			
<i>sign shop</i>													S			P			
<i>sporting goods (small)</i>													S			P			
<i>variety store (small)</i>													S			P			
<i>video/DVD rental</i>													S			P			
retail (type 4), high intensity																P			
<i>automobile sales (small)</i>																P			
<i>boat sales (small)</i>																P			
<i>building supply store (large)</i>																P			
<i>department store (large)</i>																P			
<i>furniture store (large)</i>																P			
<i>grocery/supermarket (large)</i>																P			
<i>home electronics/appliance (large)</i>																P			
<i>office supply store (large)</i>																P			
<i>party/event store (large)</i>																P			
<i>sporting goods store (large)</i>																P			
<i>superstore</i>																P			
<i>variety store (large)</i>																P			

# Commercial Uses

	OP	A1	A2	A3	A4	RE	R1	R2	VR	M1	M2	MP	VM	IS	C1	C2	I1	I2	HI
<b>Commercial Uses</b>																			
retail (type 5), very high intensity																P			
<i>automobile sales (large)</i>																P			
<i>boat sales (large)</i>																P			
<i>construction vehicle sales</i>																P			
<i>farm equipment sales</i>																P			
<i>manufactured home sales</i>																P			
<i>semi tractor-trailer sales</i>																P			
<i>tool/equipment sales/rental</i>					P											P			
retail (type 6), special handling																			P
<i>fireworks sales</i>																			P
<i>gun sales</i>																			P
<i>hunting store</i>																			P
<i>shooting range</i>																			P
sports complex (indoors)	S																P		
sports field	P													P					
stadium	S													P					
stable			P	P	P														
studio arts													P		P				
swimming pool	P																P		
tack shop					P														
tailor/pressing shop													P		P				
testing laboratory					P														
waste treatment facility (private)														P					
water treatment facility (private)														P					
watercraft rental	S																		
winery			P																

# Industrial Uses

	OP	A1	A2	A3	A4	RE	R1	R2	VR	M1	M2	MP	VM	IS	C1	C2	I1	I2	HI
<b>Industrial Uses</b>																			
assembly																	P	P	
bio-diesel production		P	P	P	P	P													
bilofuel production																			P
construction material landfill																			S
distribution facility																	P	P	
electrical generation plant																			P
equipment rental																	P		
flex-space																	P	P	
food processing					P													P	
gravel/sand mining																			P
heavy equipment repair					P														
heavy manufacturing																		P	
incinerator																			P
junk yard																			P
light manufacturing																	P	P	
liquid fertilizer storage/distribution					P													P	
methane production				P															
outdoor storage					P														P
radio/TV station																		P	
recycling processing																			P
rendering plant																			S
research center																	P		
sanitary landfill/refuse dump																			S
scrap metal yard																			P
sewage treatment plant																		P	
sign painting/fabrication																			P
storage tanks (hazardous)																			S
storage tanks (nonhazardous)					P													P	
telecommunication facility														P			P	P	P
testing lab																	P	P	
tool and die shop																	P	P	
transfer station																	P	P	P
utility facility, above ground														P	P	P	P	P	P
warehouse																	P	P	
warehouse storage facility																	P	P	
water treatment plant																		P	
welding					P												P	P	

# Institutional Uses

	OP	A1	A2	A3	A4	RE	R1	R2	VR	M1	M2	MP	VM	IS	C1	C2	I1	I2	HI
<b>Institutional Uses</b>																			
bus station														P		P			
cemetery /mausoleum														P					
child care institution														P					
church, temple, or mosque													P	P	P				
community center													P	P					
crematory														S					
government office														P					
government operation (non-office)														P			P		P
hospital														P					
jail														S					P
juvenile detention facility																			P
library, public														P					
municipal airport														P					
municipal heliport														P					
museum														P					
nature center	P													P					
park	P																		
parking lot, public														P					
police, fire, or rescue station						S	S	S	S					P	P	P	P		P
pool, public	P													P					
post office														P	P				
prison																			S
recycling collection point														S				P	
research farm														P					
school (P-12)														P	P				
skate park	P																		
trade or business school														P					
university or college														P					
waste treatment facility (public)														P					
water treatment facility (public)														P					
well, public														P					

# Residential Uses

	OP	A1	A2	A3	A4	RE	R1	R2	VR	M1	M2	MP	VM	IS	C1	C2	I1	I2	HI
<b>Residential Uses</b>																			
assisted living facility											P			P					
bed and breakfast			S										S						
boarding house													P						
caretakers residence	S																		
dwelling, manufactured home												P	P						
dwelling, mobile home												P							
dwelling, multiple-family (2 or 3 units)										P	S								
dwelling, multiple-family (4 units)										S	P								
dwelling, multiple-family (5-8 units)											S		P						
dwelling, multiple-family (9+ units)											S								
dwelling, single-family attached									S		S		P						
dwelling, single-family detached		S	P			P	P	P	P	S		S	P						
dwelling unit (upper floors)													P		S				
fair housing facility (large)														P					
fair housing facility (small)			S			P	P	P	P	P	P		P	P					
farmstead		P																	
manufactured home park												P							
mobile home park												P							
nursing home											P			P					
retirement community											P	P							

## **B.01 9.14 B 4 – Subdivision Exemptions (Ord. 2009-09)**

4. *Exemptions:* The following exemptions to the subdivision process shall apply.
  - a. Condominiums regulated by IC 32-35.
  - b. Any parcel that is at least 20-acres in size and that is being divided for agricultural purposes only and not for the purpose, whether immediate or future, for building development or other improvement for residential, commercial, industrial, recreational, or other non-agricultural purpose.
  - c. Any parcel being divided for sale, gift, or exchange between adjoining land owners for boundary line adjustment or for the combining with or adding to an existing adjacent parcel, provided no additional building sites are created and that all involved parcels and/or combined parcels after transfer shall comply with the Unified Development Ordinance. The zoning of the original parcel(s) shall be adjusted to fit the altered parcels unless the additional acreage would result in the ability of the property owner to create additional conforming lots of record through the formal subdivision process. If the lot line adjustment and adjusted zoning allows for the creation of additional conforming lots through further subdivision of a parcel, then the property must proceed through the formal rezoning process prior to making any lot line adjustments.
  - d. Any parcel being divided from a parent tract of at least twenty (20) acres, which had an existing residence located on the parcel prior to October 18, 2008. The new parcel with the existing structure must meet all standards of the Unified Development Ordinance other than Minimum Lot Area. Any new parcel that does not meet minimum lot area for its zoning district, but which was subdivided through this exemption, will be considered a Legal Nonconforming Lot and may be developed as described in Article 8.05 A.
  - e. Any parcel being divided or acquired by a public agency or utility for a street or utility right-of-way or easement, other than those required for a subdivision as defined in the Unified Development Ordinance.
  - f. Any parcel or easement to be used for drainage or easement of access.
  - g. Any parcel being divided into cemetery plots.
  - h. Any parcel that is divided for purposes of mortgage or financial institution requirements where the ownership of the parent tract and the new parcel remain the same and no new building lot is created.
  - i. Any lot or parcel of record on October 18, 2008.

## **B.02 5.43 K-06 – Keeping of Household Chicken Standards (Ord. 2015-14)**

This Keeping of Household Chickens Standards Section applies to the following zoning districts: **A1, A2, A3, RE, R1, R2, VR, VM**

The following standards apply:

A. Household Chickens: Household chickens shall be allowed as follows:

1. Minimum Lot Area: One-fifth (1/5) acre.
2. Maximum number of chickens: Ten (10) chickens per lot.
3. Permitted and Prohibited Types: Hens shall be permitted and roosters shall be prohibited.
4. Chicken coup: A chicken coup shall be required and all chickens must be contained within an appropriately fenced area
5. Location: A coup shall be permitted in the rear yard only and within the setbacks applicable to a primary

structure in the subject zoning district. It shall be at least fifty (50) feet from residences on any adjoining lot.

6. These household chicken standards shall not interfere in any way with the Pastured Farm Animals Standards for Chickens.

## **B.03 5.44 K-07 - Rural Keeping of Farm Animals Standards (Ord. 2015-14)**

This Rural Keeping of Stabled Horses Section applies to the following zoning districts: **A1, A2, A3, A4**

A. Stabled Horses: Stabled Horses shall be allowed as follows:

1. Minimum Lot Area: Five (5) acres.
2. Maximum number of horses: Five (5) horses per acre of lot size. Maximum seventy-five (75) horses.
3. Stable requirement: Each lot must have one stable, including a stall for each stabled horse on the property. Each stable shall have a minimum main floor area of two hundred forty (240) square feet per one (1) stabled horse. Stall sizes shall be a minimum twelve (12) feet by twelve (12) feet in area.
4. Setbacks: A stable shall be permitted within the setbacks applicable to a primary structure in the subject zoning district and must be a minimum one hundred (150) feet from the nearest residence.
5. Pasture turnout of stabled horses: Stabled horses in pasture areas are required to meet all requirements of the Pastured Farm Animals standards, other than the minimum lot area.
6. Manure management plan: Each property owner wishing to build and operate a stable must submit a manure management plan to the Technical Review Committee. Animal waste shall be disposed of either by sanitary sewer, dumpster removal, composting, or other method approved by the Technical Review Committee. Animal waste may not be allowed to accumulate on the property for more than two weeks, and at no time is the total quantity to exceed thirty (30) cubic yards.

## **B.04 5.44 K-07 - Rural Keeping of Farm Animals Standards (Ord. 2015-14)**

This Rural Keeping of Stabled Horses Section applies to the following zoning districts: **RE**

B. Stabled Horses: Stabled Horses shall be allowed as follows:

7. Minimum Lot Area: Six (6) acres.
8. Maximum number of horses: Five (5) horses per acre of lot size. Maximum fifty (50) horses.
9. Stable requirement: Each lot must have one stable, including a stall for each stabled horse on the property. Each stable shall have a minimum main floor area of two hundred forty (240) square feet per one (1) stabled horse. Stall sizes shall be a minimum twelve (12) feet by twelve (12) feet in area.
10. Setbacks: A stable shall be permitted within the setbacks applicable to a primary structure in the subject zoning district and must be a minimum one hundred (100) feet from any property line.
11. Pasture turnout of stabled horses: Stabled horses in pasture areas are required to meet all requirements of the Pastured Farm Animals standards, other than the minimum lot area.
12. Manure management plan: Each property owner wishing to build and operate a stable must submit a manure management plan to the Technical Review Committee. Animal waste shall be disposed of either by sanitary sewer, dumpster removal, composting, or other method approved by the Technical Review Committee. Animal waste may not be allowed to accumulate on the property for more than two weeks, and



at no time is the total quantity to exceed thirty (30) cubic yards.

**B.05 11.02 – Defined Words (Ord. 2015-14)**

**Stable:** A structure in which horses are kept for the purposes of boarding, breeding, personal use, or training. A stable shall not be used for human occupancy unless a proper variance has been issued by the Board of Zoning Appeals.

**Stall:** A stall means a compartment, in a stable, used for the keeping of a horse or horses.

**B.06 SES-01 – Commercial Solar Energy System (Repealed Ord. 2024-19) (Ord. 2020-26) [Amendment to Ord. 2018-07]**

**B.07 2.03 A1 District Intent, 2.05 A2 District Intent, 2.07 A3 District Intent, 2.09 A4 District Intent – Board of Zoning Appeals (Repealed Ord. 2024-19) (Ord. 2020-26)**

**B.08 11.02 – Defined Words (Ord. 2018-07)**

**A Commercial Solar Energy Systems (CSES):** An area of land or other area used by a property owner and/or corporate entity for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily or solely for off-site utility grid use, and consisting of one or more free-standing, ground-mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce offsite consumption of utility power and/or fuels. CSES are a minimum of ¼ acre in total area.

**Private Residential Solar Energy Systems (PRSES):** An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily or solely for on-site residential use, and consisting of one or more free-standing, ground or roof mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce on-site consumption of utility power and/or fuels. PRSES shall be permitted in all zoning districts and shall be treated as accessory structures in each zoning district they are erected in. The maximum size of a PRSES is limited to the maximum size allowed for an accessory structure in each zoning district (other accessory structures shall not be included in maximum size calculations).

**B.09 SCF-01 – Small Cell Facilities and Associated Wireless Support Structures (Ord. 2019-09)**

The Small Cell Facilities and Associated Wireless Support Structure Standards section applies to the following zoning districts: **OP, A1, A2, A3, A4, RE, R1, R2, VR, M1, M2, MP, VM, IS, C1, C2, I1, I2, HI**

The intent of the Small Cell Facilities and Associated Wireless Support Structure Standards is to establish reasonable land use and development standards allowing for the location of small cell facilities, while minimizing the potential negative impacts of such facilities. This section applies only to small cell facilities and associated wireless support structures as defined and detailed herein. Conventional, taller, wireless communications facilities are regulated in Section 5.80.

**A. Permit Required:**

1. Small cell facilities and wireless support structures shall not be constructed, erected, placed, substantially



modified or altered until an Improvement Location Permit and has been obtained.

2. An applicant shall demonstrate that the proposed small cell facility, wireless support structure or substantial modification thereof complies with all applicable laws and ordinances governing land use and development.
3. Within the right-of-way, a permit issued by the Shelby County Board of Commissioners is required to:
  - a. Locate a small cell facility and wireless support structure.
  - b. Perform a substantial modification.
  - c. Collocate wireless facilities on existing structures.
4. New Wireless Support Structures require a New Wireless Support Structure Building Permit. The permit application shall include:
  - a. The name, business address, and point of contact for the applicant.
  - b. The location address, and Latitude and Longitude of the proposed or affected wireless support structure or small cell facility.
  - c. A map identifying all wireless support structures within a one-half (1/2) mile radius of the proposed new wireless support structure.
  - d. The new wireless support structure shall not be approved unless the person submits written documentation and an affidavit affirming that the small cell facility planned for the proposed wireless support structure cannot be accommodated on an existing or approved utility pole or electrical transmission tower or other existing structure with a height of fifty (50) feet or greater within a one-half mile radius of the proposed new wireless support structure due to one (1) or more of the following reasons:
    - i. The proposed small cell facility would exceed the structural capacity of existing or approved wireless support structures, utility poles, electrical transmission towers, and/or structures with a height of fifty (50) feet or greater as documented by a qualified and licensed professional engineer and that existing or approved wireless support structures, utility poles, electrical transmission towers, and structures with a height of fifty (50) feet or greater cannot be reinforced, modified, or replaced to accommodate the planned telecommunication equipment at a reasonable cost; or
    - ii. The proposed small cell facility would cause interference impacting the usability of other existing telecommunication equipment at the site if placed on existing or approved wireless support structures, utility poles, electrical transmission towers, and/or structures with a height of fifty (50) feet or greater as documented by a qualified and licensed professional engineer, and that the interference cannot be prevented at a reasonable cost; or
    - iii. Existing or approved wireless support structures, utility poles, and/or electrical transmission towers within a one-half (1/2) mile radius cannot accommodate the planned small cell facility at a height necessary to function reasonably as documented by a qualified and licensed professional engineer; or
    - iv. The person has been unable to enter a commonly reasonable lease term with the owners of existing or approved wireless support structures, utility poles, electrical transmission towers, and structures with a height of fifty (50) feet or greater.
  - e. Single Application: An applicant may submit one (1) application for the location or substantial modification of multiple small cell facilities and associated wireless support structures. The permit authority shall issue a single permit for all such facilities and support structures included in the application rather than individual permits for each.

f. Procedure

- i. Determination of Completion/Defects: Within ten (10) calendar days of receipt of an application, the permit authority shall review the application to determine if the application is complete. If the permit authority determines that an application is not complete, the permit authority shall notify the applicant in writing of all defects in the application. An applicant that receives a written notice of incompleteness may cure the defects and resubmit the corrected application within thirty (30) calendar days of receiving the notice. If an applicant is unable to cure the defects within the thirty (30) day period, the applicant shall notify the permit authority of the additional time the applicant requires to cure the defects. This section also applies to resubmitted applications.
- ii. .13Determination of Compliance with Zoning and Land Use Ordinances: Within ten (10) calendar days of receipt of an application, the permit authority shall review the application to determine if it complies with applicable laws and ordinances governing land use and zoning and shall notify the applicant in writing whether the application is approved or denied. If the applicant requested additional time to cure defects per (i) above, the ten (10) day period is extended for a corresponding amount of time. If the application for the proposed wireless support structure requires a variance of use from the terms of an applicable zoning ordinance in accordance with IC 36-7-4-918.4, and the Shelby County Board of Zoning Appeals approves said variance, then the permit authority may have not more than ninety (90) days from the receipt of the initial application to issue a permit.
- g. Written Determinations: A written determination shall state clearly the basis for the decision to approve or deny an application. If the permit authority denies an application, the written notice must include substantial evidence in support of the denial. A notice is considered written if it is included in the minutes of a public meeting of the permit authority.

B. Location: The following restrictions on placement of new wireless support structures shall apply:

1. New wireless support structures located within the right-of-way shall be placed at the back of the right-of-way, adjacent to where adjoining property lines intersect. The Shelby County Board of Commissioners may approve a deviation from this requirement due to specific site conditions.
2. New wireless support structures are permitted in all zoning districts outside of the right-of-way.
3. New wireless support structures shall not impede the visual clearance standards as specified in Section 5.85 of the Shelby County Unified Development Ordinance.
4. New wireless support structures shall not block or encroach upon any sidewalk or walkway.
5. New wireless support structures shall be a minimum of five-hundred (500) feet from any other wireless support structure located on the same side of the street (or along the same side of the closest street if located outside of the right-of-way).
6. New wireless support structures shall not be located within the area spanning 25-feet on either side of a point measured directly across the street right-of-way from any other wireless support structure or utility pole.
7. New wireless support structures shall be a minimum of seventy-five (75) feet from the intersection of any two street right-of-ways, measured from the point at which the back of the right-of-way lines intersect.

C. Design Requirements: Beginning on the effective date of May 6, 2019, new small cell facilities and new wireless support structures shall meet the following specifications:

1. Height: Small cell facilities shall not be mounted on wireless support structures exceeding 50 feet in height or be mounted on structures more than 10 percent taller than other adjacent structures.
2. Facility Size: Each antenna shall not exceed a volume of three (3) cubic feet. All small cell facilities, including antenna, attached to a single support structures shall not exceed twenty-eight (28) cubic feet in volume.

Alternatively, all facility equipment at a single facility, with the exception of the antenna itself, may be ground mounted in a cabinet having an area not to exceed forty (4) cubic feet and a height not to exceed forty-eight (48) inches.

3. Aesthetics:
    - a. All wiring and fiber shall be concealed within the support structure and all conduit, wiring and fiber shall be buried between structures and/or structures and ground mounted cabinets. All service lines (e.g. electric lines) to the support structure must also be buried unless service lines in the area of the support structure are aerial. In that event, service lines to the support structure may also be aerial, except for any service drop crossing a street or roadway which would need to be bored and placed under such street or roadway. The Zoning Administrator may waive requirements to bury components of small cell facilities if the applicant demonstrates that burying of the components would prohibit cellular service.
    - b. Small cell facilities mounted to a wireless support structure shall match the support structure in color.
  4. Signs: All support structures shall have a plaque identifying the structure, the owner and the owner's contact information, and said plaque shall not exceed 0.25 square feet.
  5. Collocation:
    - a. Small cell facilities may be collocated on existing structures, existing electrical transmission towers, and existing utility poles at any location in any zoning district.
    - b. Any proposed wireless support structure shall be designed and engineered structurally, electrically and in all other respects, to accommodate both the initial small cell facility and one or more additional small cell facilities. The support structure shall be designed to allow for future rearrangement of cellular communication equipment and antennas upon the structure and to accept cellular communication equipment and antennas mounted at varying heights.
  6. Maintenance: Support structures shall be maintained in good working order at the cost of the applicant, including the cost of electricity.
  7. Continued Operation: A person receiving a permit for (1) construction of a new wireless support structure; (2) substantial modification of a wireless support structure; or (3) collocation of wireless facilities inherently agrees that if the wireless support structure or wireless facilities are not used for a period of six (6) consecutive months, they will be removed by the facility owner at its expense. Should such owner fail to remove the wireless support structure or wireless facilities after ninety (90) business days from the date a Notice of Violation is issued by the County, the County may remove such structure or facilities and bill the owner for the costs of removal and cleanup of the site.
- D. Confidential Information: All confidential information submitted by an applicant shall be maintained to the extent authorized by Ind. Code 5-14-3 et. seq.
- E. Definitions: For purposes of this Section SCF-01, the words and phrases below are defined as follows:
1. Antenna: an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location for the provision of personal wireless service and any commingled information services.
  2. Collocation: the placement or installation of wireless facilities on existing electrical transmission towers, existing utility poles, existing wireless support structures, and existing structures, including water towers and other buildings or structures. The term includes the placement, replacement, or modification of wireless facilities within an approved equipment compound.
  3. Electrical Transmission Tower: a structure that physically supports high voltage overhead power lines. The term does not include a utility pole.

# Ordinance Amendments

4. Equipment Compound: the area that: (1) surrounds or is near the base off a wireless support structure; and (2) encloses wireless facilities.
5. Existing Structure: does not include a utility pole or an electrical transmission tower.
6. Permit Authority: the Shelby County Plan Commission
7. Person: a corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.
8. Small Cell Facility: (1) a personal wireless service facility as defined by the Telecommunications Act of 1996, 47 U.S.C. or (2) a wireless service facility that satisfies the requirements of section SCF-01 C 1 and SCF-01 C 2.
9. Substantial Modification of a Small Cell Wireless Support Structure: the mounting of a small cell facility on a wireless support structure in a manner that: (1) increases the height of the wireless support structure by ten percent (10%) of the original height of the wireless support structure or greater; or (2) adds an appurtenance to the wireless support structure that protrudes horizontally from the wireless support structure more than the width of the wireless support structure and existing appurtenances . The term substantial modification does not include the following: (1) increasing the height of a wireless support structure to avoid interfering with an existing antenna, or (2) increasing the diameter or area of a wireless support structure to: (a) shelter an antenna from inclement weather; or (b) connect an antenna to the wireless support structure by cable.
10. Utility Pole: a structure that is: (1) owned or operated by: (a) a public utility; (b) a communications service provider; (c) a municipality; (d) an electric membership corporation; or (e) a rural electric cooperative; and (2) designed and used to: (a) carry lines, cables, or wires for telephone, cable television, or electricity; or (b) provide lighting.
11. Wireless Support Structure: a freestanding structure designed to support wireless facilities. The term does not include a utility pole or an electrical transmission tower.

## B.10 5.04 F – General Accessory Structure Standards Exemptions (Ord. 2019-10)

- F. Exemptions: Accessory structures 200 square feet or less in size are exempt from the requirements of this section (Accessory Structure Standards).

## B.11 5.07 F – R1, R2, VR, & M1 Maximum Accessory Structure Size (Ord. 2019-10)

- F. Maximum Size:
  1. The total square footage of all enclosed accessory structures on a lot adjoining one or more lots in the RE, R1, R2, VR, M1, M2, MP, VM, IS, C1, C2, I1, I2, or HI Districts shall not exceed fifty percent (50%) of the footprint of the primary structure.
  2. The total square footage of all enclosed accessory structures adjoining only lots in the OP, A1, A2, A3, and/or A4 Districts shall not exceed two times (2X) the footprint of the primary structure.

## B.12 9.19 – Hearing Officer (Ord. 2020-01)

- A. Purpose and Intent: The Hearing Officer may vary the regulations of the Unified Development Ordinance for projects that meet the findings of fact set forth in this section. Variances may be a “development standards variance” granting relief from development standards such as height, bulk, area, landscaping, parking, etc.

# Ordinance Amendments

- B. Unified Development Ordinance Regulations: All regulations of Article 9, Section 9.17 Variance shall apply to this section, except to the extent that provisions of this section impose a different requirement.
- C. Membership and Staff:
1. The Plan Commission shall appoint two (2) hearing officers. One (1) of the hearing officers shall fulfill the duties of the hearing officer, and the other hearing officer shall serve as an alternate in the event that the first is not available or has a conflict of interest.
  2. The Hearing Officer shall be a resident of the jurisdictional area of the Plan Commission or of a municipality within the county and also an owner of real property located in whole or in part of the jurisdictional area of the Plan Commission. The Hearing Officer may not hold an elected office (as defined in IC 3-5-2-17); or any other appointed office, except as permitted by section IC 36-7-4-902, in municipal, county, or state government.
  3. Duties of the Zoning Administrator: The Zoning Administrator shall provide technical assistant to the Hearing Officer. The Administrator shall be responsible for recording minutes of all Hearing Officer proceedings. The Administrator shall process applications for petitions, shall be responsible for the custody and preservation of the official file for each petition, shall establish the petition docket, and shall write the public notice for each petition. The Administrator is not required to write a Staff Report for Variance Hearing Officer Petitions.
- D. Meeting Date: Each petition shall generally be heard (14) fourteen days after the date of submittal of an application and no later than the next regularly scheduled Board of Zoning Appeals Hearing.
- E. Eligible Petitions:
1. The Hearing Officer may approve, approve with conditions or commitments, or deny only Development Standards Variances.
  2. Dimensional Development Standards Variances approved by the Hearing Officer shall not deviate more than 50% from the Unified Development Ordinance requirement.
  3. The Zoning Administrator may file a written objection to any petition and require transfer of any petition to the Board of Zoning Appeals.
  4. Any condition or commitment imposed by the Variance Hearing Officer may only be modified or terminated by the Board of Zoning Appeals.
- F. Transfer of Petitions: One or more of the following circumstances shall result in the transfer of a petition to the next regularly scheduled meeting of the Board of Zoning Appeals. Alternatively, the petitioner may withdraw the petition. New notice for transferred petitions is not required.
1. The Hearing Officer determines the issues involved warrant consideration by the Board or it appears likely that the decision of the hearing officer would be appealed to the Board.
  2. The Zoning Administrator files a written objection to a petition because: The variance or conditional use sought would be injurious to the public health, safety, morals, and general welfare of the community; or the use or value of the area adjacent to the property included would be affected in a substantially adverse manner.
  3. The petitioner does not accept conditions or commitments specified by the Hearing Officer or Zoning Administrator.
  4. A person interested in the petition enters an oral or written objection to the petition prior to approval of the

petition.

- G. Conduct and Procedure of Meetings: Meetings may be conducted in the same manner as meetings of the Board of Zoning Appeals. However, the Hearing Officer may alter the meeting procedure to expedite the hearing of petitions. The petitioner is not required to be present for the meeting.
- H. Decision: The Hearing Officer shall make findings of fact and take final action on applications not transferred to a meeting of the Board of Zoning Appeals. The Hearing Officer shall make the following findings of fact. Approval of findings may be in the form of a general statement.
  - 1. The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community.
  - 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
  - 3. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property
- I. Appeals: A decision of the Hearing Officer may not be a basis for judicial review, but it may be appealed to the Board of Zoning Appeals.

**B.13 5.04 C – General Accessory Structure Standards, Placement (Ord. 2021-21)**

- C. Placement: A permitted accessory structure shall not be placed in the front yard of any lot, unless placed 350 feet or greater from the front property line.

**B.14 5.05 D – OP, A1, A2, & A3 Accessory Structure Standards, Placement Exemption (Ord. 2021-21)**

- D. Placement Exemption: A permitted accessory structure may be placed in the front yard.

**B.15 5.06 E – RE Accessory Structure Standards, Placement Exemption (Ord. 2021-21)**

- E. Placement Exemption: A permitted accessory structure may be placed in the front yard, however, shall not be located forward of the main living area of the primary structure by more than eight (8) feet.

**B.16 5.11 A – RE, R1, R2, M1, & M2 Architectural Standards, Front Facade (Ord. 2021-21)**

- A. Facade: The front facade of all primary structures shall not be oriented greater than ten degrees (10) from the public or private street to which the building gains primary access, except as described below:

**B.17 5.12 A – VR Architectural Standards, Front Facade (Ord. 2021-21)**

- A. Facade: The front facade of all primary structures shall not be oriented greater than ten degrees (10) from the public or private street to which the home gains primary access, except on corner lots, the front facade may face either street. If infill, the home shall face the direction consistent with neighboring properties.

**B.18 5.17 B – General Driveway Standards, Permits (Ord. 2021-21)**





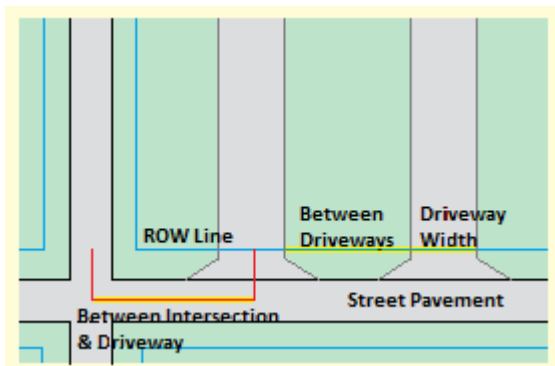
# Ordinance Amendments

- A. Permits: A permit shall be required for all driveway cuts onto public streets.
1. Public County Streets: A County Driveway Entrance Permit shall be required.
  2. Public Municipal Streets: A permit obtained from the applicable municipality shall be required.
  3. State Roads & US Highways: A permit obtained from the State Department of Transportation shall be required.
  4. Private Roads and Shared Driveways: A permit shall not be required.

## B.19 5.17 D – General Driveway Standards, Measurement Rules (Ord. 2021-21)

### D. Measurement Rules:

1. Between Driveway and Street Intersection: The distance shall be determined by measuring from the intersection of the centerline of two or more streets to the intersection of the centerline of a driveway and the centerline of the street which the driveway gains access.
2. Between Multiple Driveways: The distance shall be determined by measuring from the edge of pavement of a driveway to the nearest edge of pavement of another driveway at the right-of-way line as proposed in the Shelby County Thoroughfare Plan. Or in a case where a driveway accesses a private street or shared driveway, at a line twenty-five (25) feet from the edge of pavement of the private street or shared driveway.
3. Driveway Width: The distance shall be determined by measuring from the edge of pavement to the edge of pavement of the driveway to the opposite edge of pavement of the driveway at the right-of-way line as proposed in the Shelby County Thoroughfare Plan. Or in a case where a driveway accesses a private street or shared driveway, at a line twenty-five (25) feet from the edge of pavement of the private street or shared driveway.



\*distanced to be measured indicated in yellow

## B.20 5.17 H – General Driveway Standards, Existing Driveways (Ord. 2021-21)

- E. Existing Driveway: Driveways installed prior to July 1, 2021 and not in compliance with the current provisions of the Unified Development Ordinance may continue to be used until use of the property, as used on July 1, 2021, is changed or if the property is vacant for three (3) months consecutively.

## B.21 5.19 C – R1, R2, VR, & M1 Driveway Standards, Materials (Ord. 2021-21)

- C. Materials: Driveways shall consist of asphalt, concrete or other non-porous material approved by the Zoning Administrator. The Zoning Administrator may waive this requirement for property adjoining another property having a gravel driveway.



**B.22 5.69 A 3 – General Sewer & Water Standards, Applicability, Exemptions (Ord. 2021-21)**

3. Exemptions: The following exemptions for required connections to public utilities apply:
  - a. Sewer: The following properties are exempt from connecting to public sanitary sewer:
    - i. Proximity to Gravity Sewer Line: If a property is located greater than 300 feet from a gravity sewer line, structures on that property shall be exempt from connecting to sanitary sewer.
    - ii. Proximity to Pressurized Sewer Line: If a property is located greater than 200 feet from a pressurized (forced) sewer line, structures on that property shall be exempt from connecting to sanitary sewer.
    - iii. Two-Times Rule: If the cost of connecting to any type of sewer line any distance from the subject property is two-times the cost of installing a septic system (i.e. on-site treatment system) or greater, that property shall be exempt from connecting to sanitary sewer.
  - b. Water: Properties located greater than 300 feet from a water utility line are exempt from connecting to a water utility.

**B.23 2.34 – I1 District Development Standards, Side Yard Setback, Rear Yard Setback, & Height (Ord. 2021-26)**

**Minimum Side Yard Setback**

- 15 feet
- 60 feet when the side property line adjoins property in the A2, RE, R1, R2, VR, M1, M2, MP, VM, & IS Districts

**Minimum Rear Yard Setback**

- 15 feet
- 60 feet when the rear property line adjoins property in the A2, RE, R1, R2, VR, M1, M2, MP, VM, & IS Districts

**Maximum Structure Height**

- 60-feet for primary structure
- 35 feet for accessory structure

**B.24 2.34 – I2 District Development Standards, Side Yard Setback & Rear Yard Setback (Ord. 2021-26)**

**Minimum Side Yard Setback**

- 20 feet
- 60 feet when the side property line adjoins property in the A2, RE, R1, R2, VR, M1, M2, MP, VM, & IS Districts

**Minimum Rear Yard Setback**

- 20 feet



- 60 feet when the rear property line adjoins property in the A2, RE, R1, R2, VR, M1, M2, MP, VM, & IS Districts

## **B.25 5.17 C 4 – Qualification as a Driveway, Excessive Vehicle Use (Ord. 2021-26)**

4. Excessive Vehicle Use: Any access that is used by one (1) or more lots and that conveys over 2000 vehicles per day shall not be considered a driveway. These access facilities shall be established according to the regulations for a public street.

## **B.26 5.20 B – Non-residential Driveway Width (Ord. 2021-26)**

B. Width: No driveway shall exceed the following widths:

1. Nonresidential Use onto Any Street: Fourteen (14) feet per lane with a maximum overall width of forty-two (42) feet.
2. Multiple-family Use onto Any Street: Ten (10) feet per driving lane, with a maximum overall width of twenty (20) feet.

## **B.27 DPI-01: General Dedication of Right-of-Way Standards**

This Dedication of Right-of-Way Standards section applies to the following zoning districts: **OP, A1, A2, A3, A4, RE, R1, R2, VR, M1, M2, MP, VM, IS, C1, C2, I1, I2, HI**

- A. Project Applicability: Right-of-way consistent with the requirements of the Unified Development Ordinance shall be dedicated fee-simple to the Shelby County Commissioners before an Improvement Location Permit for any new primary structure is obtained. However, right-of-way dedication and these standards shall only apply to non-agricultural and non-residential primary structures.
- B. Dedication of Right-of-way: The developer of any non-agricultural or non-residential property that adjoins an existing street that does not conform to the recommended minimum right-of-way dimensions established in the Shelby County Comprehensive Plan shall dedicate additional width along either one or both sides of such street sufficient to meet the recommendations of the Comprehensive Plan. If the developer only controls the property on one side of the street, sufficient right-of-way shall be dedicated to bring the half right-of-way up to the dimensions required in the Comprehensive Plan.
  1. *Passing Blister*: Where a passing blister is required and inadequate right-of-way exists to install the passing blister, the developer shall make a good faith effort to acquire property sufficient for the installation of the passing blister. If the owner of the property on which the passing blister is to be installed refuses to sell the property to the developer, the developer shall provide the Planning Department copies of all surveys; appraisals; written offers made by the developer to the property owner; and correspondence from the property owner.
  2. *Acceleration and Deceleration Lanes*: Where an acceleration lane and/or deceleration lane is required and the developer does not control street frontage adequate to install the lane, the developer shall make a good faith effort to acquire property sufficient for the installation of the acceleration lane and/or deceleration lane. If the owner of the property on which the acceleration lane and/or a deceleration lane is to be installed refuses to sell the property to the developer, the developer shall provide the Planning Department copies of all: surveys; appraisals; written offers made by the developer to the property owner; and correspondence from the property owner.
  3. *Eminent Domain*: Whereas the installation of passing blisters, acceleration lanes, and deceleration lanes is

vital to the health, safety, and welfare of the motoring public, the County may begin eminent domain proceedings in accordance with IC 32-24: Eminent Domain for the acquisition of public right-of-way sufficient for the installation of the passing blister, acceleration lane, and/or deceleration lane upon receipt of the aforementioned documentation illustrating the developers' failure to acquire the needed property. Upon completion of the eminent domain proceedings, the developer shall reimburse the County in an amount equal to the price paid by the County for the public right-of-way, anything that had to be condemned within the acquired right-of-way, and anything for which the County paid the price of relocation.

4. *Installation of Improvements:* The developer shall then install the passing blister, acceleration lane, and/or deceleration lane per any construction and engineering standards established by the Shelby County Plan Commission.

