

Article

1

Ordinance Foundation

*City of Shelbyville
Unified Development
Ordinance*

Basic Provisions

1.01 Title

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

1.02 Unified Development Ordinance

The City of Shelbyville's Zoning Ordinance and Subdivision Control Ordinance have been combined into one ordinance for the purpose of maintaining consistency, shortening the overall length of the document, and to improve user-friendliness for the end users. Article 1, 7, 8, 9, 10, and 11 are shared by both the Zoning Ordinance and Subdivision Control Ordinance. Articles 2, 3, 4, and 5 are exclusively Zoning Ordinance components. Article 6 is exclusively a Subdivision Control Ordinance component.

1.03 Defined Words

Words used in a special sense in this Unified Development Ordinance are defined in *Article 11: Definitions*.

1.04 Authority

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

1.05 Purpose

This Unified Development Ordinance is intended to guide the growth and development of the City in accordance with the *City of Shelbyville 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 the City of Shelbyville's land use policy.
- D. **Character:** To protect the character and stability of agricultural, residential, institutional, commercial, industrial, historical, 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.

1.06 Compliance

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, enlarged, or used, nor shall any piece of land 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. For information regarding nonconforming structures, see *Article 8: Nonconformances*.

1.07 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.

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1.08 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 more 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 City 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 City 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 City 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 City **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 City 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 City 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.
- M. Utilization: The Phrase "used for" includes arranged for, designed for, intended for, maintained for, or occupied for.

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1.09 Ordinance Jurisdictional Area

This Unified Development Ordinance applies to all land within the jurisdiction of the Shelbyville Plan Commission, including all lands within the City limits and any lands outside of the City limits but within the jurisdiction of the Shelbyville Plan Commission consistent with the provision of *IC 36-7-4-205*.

1.10 Repealer

- A. The following Shelbyville ordinances are hereby repealed and are replaced by the *City of Shelbyville Unified Development Ordinance* and Official Zoning Map:
1. *Zoning Ordinance*: The Zoning Ordinance of the City of Shelbyville, Indiana dated January 1, 2004 as amended, and its associated Zoning Map (Chapter 150.001 through 150.115, Chapter 150.117 through 150.999 of the City's Code of Ordinance),
 2. *Subdivision Control*: The City of Shelbyville, Indiana Subdivision Control Ordinance dated January 1, 2004 as amended (Chapter 151 of the City's Code of Ordinance),
 3. Sign Code (Ord. #07-2604 and Ord. #11-2666; Chapter 98 of the City's Code of Ordinance),
 4. Communications Tower Ordinance (Ord. #98-2285; Chapter 150.140 of the City's Code of Ordinance),
 5. Adult Use Ordinance (Ord. #99-2320; Chapter 150.187 of the City's Code of Ordinance),
 6. Large Retail Establishment / Big Box Ordinance (Ord. #01-2397; Chapter 150.200 of the City's Code of Ordinance),
 7. Traditional Neighborhood Zoning District Ordinance (Ord. #01-2403; Chapter 150.210 of the City's Code of Ordinance),
 8. Administrative Accessory Structure Variance (Ord. #02-2424; Chapter 150 of the City's Code of Ordinance), and
 9. Race Track Overlay District Amendment (Ord. #07-2599; Chapter 150 of the City's Code of Ordinance).
- B. The following ordinances are not part of this Zoning Ordinance and shall remain in effect:
1. Flood Hazard Ordinance (Ord. #07-2588; Chapter 159 of the City's Code of Ordinance), and
 2. Vending Machines Regulations Ordinance (Ord. #01-2388; Chapter 150.116 of the City's Code of Ordinance).

1.11 Transition Rules

- A. Plan Commission: Any application (e.g. Development Plan Review, or Primary Plat) 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 was in place at the time of filing. Subdivisions that have received primary plat approval but not completed final plat approval shall also be subject to the regulations that were in place at the time of filing for primary plat. However, any project that has not started for three (3) years shall be subject to this Unified Development Ordinance.
- B. Rezoning: Any application for a Zone Map Amendment (Rezoning) 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, or Administrative Appeal) 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.

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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 Planned Development District Ordinance and/or Concept Plan shall continue the process pursuant to the terms and conditions of the Planned Development 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 Planned Development District Ordinance and/or Concept Plan shall continue the process pursuant to the terms and conditions of the Planned Development 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 Planned Development 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.

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*: A 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 Final 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.

F. Recorded Commitments: Any recorded commitments for a lot as a part of rezoning, established prior to the Unified Development Ordinance's effective date, shall remain in effect and in force regardless of allowances provided in the Unified Development Ordinance. Recorded commitments for a lot as part of a rezoning may petition for those commitments to be removed or modified through the Zoning Map Amendment (i.e. Rezoning) process.

G. Phased Subdivisions: Any subdivision approved as a primary plat with portions of the subdivision (i.e. phases) yet to complete final plat approval shall be permitted to utilize the minimum lot size, minimum lot width, and setback standards applicable to the previously approved phases.

1.12 **Administrative Officer**

The Zoning Administrator shall have the primary responsibility for administration of the Unified Development Ordinance within the City's planning jurisdiction.

1.13 **Enforcement Official**

The Enforcement Officer shall have the primary responsibility for enforcement of the Unified Development Ordinance within the City's planning jurisdiction.

1.14 **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 Ordinance, Subdivision Control Ordinance, or related ordinance. This Unified Development Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

1.15 **Effect of Annexation or Vacation on Zoning**

The Plan Commission shall be guided by the principles and directives of the *City of Shelbyville Comprehensive Plan* and this Unified Development Ordinance in making recommendations to the Common Council regarding zoning district classifications for newly annexed areas.

1.16 **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.

1.17 **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.

Establishment of Districts

1.18 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. 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, the City of Shelbyville has established the following zoning districts:

Zoning District Code	Zoning District Name	Zoning District Purpose
PK	Parks and Open Space	This district is established for parks, recreational areas, open space, and trails.
AG	Agriculture	This district is established for agricultural areas and buildings associated with agricultural production.
AR	Agriculture / Rural Residential	This district is established for single-family detached residential for very large lots and for "hobby farms."
R1	Single-family Residential	This district is established for single-family detached, medium to large sized homes on large sized lots.
R2	Two-family Residential	This district is established for two-unit buildings on a single lot.
RM	Multiple-family Residential	This district is established for apartment complexes and other large scale multiple-family residential development.
MP	Manufactured Home Park	This district is established for developments (mobile or manufactured home parks) which typically lease dwelling sites for single-wide and double-wide manufactured homes.
IS	Institutional	This district is established for institutional and municipal owned lands for public purpose and use.
BN	Business Neighborhood	This district is established for small-scale, low intensity businesses offering retail goods and services for the convenience of nearby neighborhoods.
BC	Business Central	This district is established for a mix of retail, commercial, entertainment, governmental, and professional uses with upper floor office and residential uses that complement a urban commercial setting. This district is intended primarily for the existing central business area.
BG	Business General	This district is established for a wide variety of retail, service, entertainment, and dining establishments.
BH	Business Highway	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.
IL	Light Industrial	This district is established for low intensity industrial uses and light manufacturing facilities.
IG	General Industrial	This district is established for moderate intensity industrial uses and heavy manufacturing facilities.
HI	High Impact	This district is established for uses that may have a high impact to the community.

Establishment of Districts

1.19 Establishment of Overlay Districts

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

Zoning District Code	Zoning District Name	Zoning District Purpose
AR-OL	Airport Overlay	This district is established to disallow land uses which are in conflict with or are adversely affected by normal airport operations, to help mitigate wildlife incursions, and to promote compatible uses.
RT-OL	Race Track Overlay	This overlay district is established to ensure that development around the race track adequately accommodates the traffic in the area, establishes a complimentary set of land uses, and provides an aesthetically pleasing environment for visitors to the City of Shelbyville. This overlay is intended to identify a specific geographic area in which further review of development proposals is needed to better guide growth in this area.

1.20 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: AG, AR, R1, R2, RM, MP, IS, BN, BC, BG, BH, IL, IG and HI.

1.21 Zoning District Land Uses

The two-page layout for each standard zoning district in *Article 2: Zoning Districts* identifies land uses allowed in that district. Such land uses are of two kinds: permitted uses and special exception uses. the City of Shelbyville'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.

1.22 Unlisted Land Uses

- A. General: Any land use not listed in either the Permitted Use or Special Exception Use column of a particular standard zoning district shall be prohibited in that particular standard zoning district.
- B. Undeveloped Lots: Any undeveloped or vacant lot in any zoning district shall be permitted to be used for gardens.
- C. Un-utilized Ground: Any developed lot with two (2) or more undeveloped acres in any zoning district shall be permitted to be used for gardens.
- D. Administrative Interpretation: Any land use not listed in either the Permitted Use or Special Exception Use column of a particular standard zoning district, but that is substantially similar to a use that is a Permitted Use or a Special Exception Use in that particular standard zoning district may be deemed permitted by interpretation by the Zoning Administrator.

Zoning Map

1.23 Official Zoning Map

- A. Description: The map labeled “Official Shelbyville 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 lot within the City's jurisdiction. The zoning map shall be formally known as the “Official Zoning Map,” and it may be cited and referred to as the “Shelbyville Zoning Map” or the “Zoning Map.”
- B. Location: The Official Zoning Map 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 standard zoning districts on the map.
 2. *Overlay Districts*: The overlay zoning district boundaries shall be shown on the Official Zoning Map. The four-digit abbreviations for the overlay zoning districts appearing in the Unified Development Ordinance or a specific hatched pattern noted on the map legend shall be used to identify the overlay zoning districts on the map.
 3. *Boundary 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 City's 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. *Split Zoned Lots*: Any lot that has two (2) or more zoning districts that cover its area shall be subject to only one (1) of those districts when making improvements. The zoning district which covers fifty-one percent (51%) or more of the area on which the improvement is being made shall apply. Also, when a lot is eighty percent (80%) or more covered by any zoning district the entire lot shall be considered within the that zoning district.
 4. *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 applies:
 - a. 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.
 5. *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 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 on the map.
- E. Copies: Print copies of the Official Zoning Map may be distributed by the Zoning Administrator. An electronic version of the zoning map can be found on the city's website on "Thinkmap." However, any copy of the zoning map are not guaranteed to be up to date or 100% accurate.
- 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 Common Council. The new map shall not have the effect of amending the Official Zoning Map.

Administration

1.24 Zoning Administrator

- A. **Administrative Officer:** The Zoning Administrator, will have the principal responsibility for the administration and enforcement of this Ordinance within the Plan Commission's planning jurisdiction. The duties of the Zoning Administrator shall include, but not be limited to:
1. *Improvement Location Permits:* Reviewing, approving, or disapproving all Improvement Location Permits and keeping permanent records of applications made and actions taken;
 2. *Inspections:* Conducting inspections of structures and properties to determine compliance with the requirements of this Ordinance and all approvals granted by the Plan Commission, Technical Review Committee, Common Council, Board of Zoning Appeals, Board of Public Works and Safety or other body in the execution of its duties as established by this Ordinance and Indiana Code;
 3. *Record Keeping:* Maintaining permanent and current records documenting the application of this Ordinance including, but not limited to, all maps, amendments, special exceptions, variances, and appeals;
 4. *Plan Commission Applications:* Receiving, processing, docketing, and referring to the Plan Commission all appropriate applications;
 5. *Board of Zoning Appeals Applications:* Receiving, processing, docketing, and referring to the Board of Zoning Appeals all appeals, variances, special exceptions, and other matters upon which it is authorized to act under this Ordinance and Indiana Code;
 6. *Technical Review Committee Applications:* Receiving, processing, and referring all appropriate applications to the Technical Review Committee; and
 7. *Clerical and Technical Assistance:* Providing all such clerical and technical assistance as may be required by the Board of Zoning Appeals, Plan Commission, Technical Review Committee, Common Council, or other body in the execution of its duties as established by this Ordinance and Indiana Code.
- B. **Fee Schedule Established:** The Zoning Administrator shall maintain a schedule of fees for all applications, permits, and other processes outlined in this Ordinance.
1. *Fee Basis:* All fees shall be intended to reimburse the Plan Commission for the time and cost of processing the required materials. In no instance shall a fee be used as a means of discouraging or encouraging any particular types of applications.
 2. *Public Access:* The fee schedule shall be made available to the public by the Zoning Administrator.
 3. *Establishment and Revisions:* The fee schedule shall be prepared by the Zoning Administrator, reviewed by the Plan Commission, and approved by Ordinance by the Common Council.
 - a. The fee schedule may be amended by a recommendation submitted to the Common Council by the Plan Commission followed by the Common Council's approval of a revised fee schedule Ordinance.
 - b. The Zoning Administrator shall review the fee schedule annually and bring any necessary revisions to the attention of the Plan Commission and Common Council.
 4. *Payment Required:* Until all applicable fees have been paid in full, no final action shall be taken on any application.
 5. *Fines for Failing to Obtain a Permit:* The Zoning Administrator may require any person who initiates construction of a structure or the alteration of land prior to obtaining any required permit to pay up to three times the amount of the normal permit fee listed on the fee schedule.
- C. **Schedule of Meeting and Filing Dates:** The Zoning Administrator shall maintain an annual Calendar of Meeting and Filing Dates separately for the Technical Review Committee, Plan Commission, and Board of Zoning Appeals. The existence of this calendar shall not be interpreted as prohibiting special meetings of the Technical Review Committee, Plan Commission, or Board of Zoning Appeals.
1. The calendars of the Technical Review Committee and Plan Commission shall be coordinated to ensure the efficient processing of applications.
 2. All meeting and filing dates shall be based on the requirements of this Ordinance and Indiana Code.
 3. The Calendar of Meeting and Filing Dates shall be prepared by the Zoning Administrator and adopted by resolution by the Plan Commission and Board of Zoning Appeals (the Plan Commission shall be responsible for adopting a coordinated calendar for the Technical Review Committee). The calendar of meeting and filing dates shall be reviewed and updated annually by the Zoning Administrator.

Administration

1.25 Technical Review Committee

- A. **Intent:** The intent of the Technical Review Committee is to provide a coordinated and thorough review of all development plans and to ensure that all applicable requirements are met. By establishing this body, applications can be reviewed by all necessary departments, local agencies, and utility providers at one (1) meeting. Such review helps to identify issues early in the process, and eliminates the need for multiple meetings and individual correspondence between the applicant and each of these departments and agencies. To provide flexibility, the Technical Review Committee can meet at the discretion of the Plan Commission.
- All approval processes and actions of the Technical Review Committee shall be consistent with the requirements of Indiana Law Code.
- B. **General Provisions:** The following general provisions shall apply to the functions of the Technical Review Committee:
1. **Accountability:** All information provided to the Technical Review Committee, including that shown on site plans and other drawings, should be accurate. This specifically applies to the existing and proposed locations of utilities.
 2. **Utility Standards:** Representatives of local utilities shall review the applications before the Technical Review Committee consistent with each utility's minimum standards. Adjustments to the determinations of the Technical Review Committee regarding utility locations may be made by the utilities in response to unforeseen site conditions. These adjustments shall not require additional review by the Technical Review Committee.
- C. **Authority and Approvals:** The authority of the Technical Review Committee and appeals of its decisions shall be as follows:
1. **Review Authority:** The Technical Review Committee shall have the authority to review the following types of applications, forwarding comments to the Plan Commission:
 - a. Site Development Plans,
 - b. Subdivision Plats, and
 - c. Construction Plans.
 2. **Appeal Rights:** All comments and recommendations of the Technical Review Committee may be appealed to the Plan Commission following the procedure outlined in *Section 9.05(H): Appeals*.
- D. **Committee Structure:** The Zoning Administrator shall serve as the staff for the Technical Review Committee. They shall distribute all appropriate materials and keep all necessary files and meeting records. The organization of the Technical Review Committee shall be as follows:
1. **Membership:** The Technical Review Committee shall, at a minimum, consist of the following members:
 - a. The Zoning Administrator;
 - b. The City Engineer (member of the Plan Commission);
 - c. The Police Chief or their designee;
 - d. The Fire Chief or their designee;
 - e. The Street Commissioner or their designee; and
 - f. Any others deemed necessary by the Zoning Administrator (such as representatives of the Soil and Water Conservation District, etc.).
 2. **Attendance:** It is expected that members of the Technical Review Committee shall be present at the time of the scheduled Technical Review Committee meeting. Regardless of attendance, members must submit written comments regarding each specific application to the Zoning Administrator prior to the appropriate meeting.
 - a. Each Technical Review Committee member shall only comment on the aspects of each application that directly relate to their area of expertise regarding the applicable adopted standards of the City of Shelbyville or the utility they are representing.
 - b. If no comments are received from any member of the Technical Review Committee it shall indicate that individually they have no objection to any aspect of the application.
 3. **Duties of the Zoning Administrator:** The Zoning Administrator shall oversee the operation of the Technical Review Committee and shall make the final determination regarding any specific aspect of an application on which members of the Technical Review Committee disagree.
 - a. In cases of disagreement and at their discretion, the Zoning Administrator may forward any application before the Technical Review Committee to the Plan Commission for a determination on the request.

- b. The Zoning Administrator shall determine the action to be taken on each application by the Technical Review Committee based on the comments of the Technical Review Committee members.
4. *Continued Applications*: All applications which are not complete, or when questions cannot be answered, or when changes are requested which will need further review; as determined by the Technical Review Committee; and therefore are not forwarded to the Plan Commission shall be continued and placed on the agenda for the next appropriate Technical Review Committee meeting.
 - a. Prior to that meeting the applicant shall address the comments of the Technical Review Committee, making appropriate modifications to the application materials.
 - b. The applicant shall provide appropriate copies of the revised materials prior to the next Technical Review Committee meeting based on the adopted Calendar of Meetings and Filing Dates.
 - c. The applicant may withdraw any application following the review of the Technical Review Committee by submitting a notice of such withdrawal in writing to the Zoning Administrator. Any applications that are withdrawn and are subsequently re-filed shall be considered a new application and shall be subject to all applicable requirements for new applications (including fees).
- E. Attendance Required: The applicant and/or any representative of the applicant shall be required to attend all Technical Review Committee meetings at which their application is to be reviewed. If the applicant or their representative is not present, the application shall automatically be tabled and placed on the agenda for the next appropriate Technical Review Committee meeting.
- F. Meeting Record: The Zoning Administrator shall make written documentation of the comments of the Technical Review Committee for each application and, upon request, make those comments available to the applicant within five (5) business days of the Technical Review Committee's review. The written documentation shall consist of the following:
 1. *Outstanding Comments*: A list of any unresolved comments made by the members of the Technical Review Committee, including references to appropriate sections of adopted, applicable requirements of the City of Shelbyville, the local utility providers, the State of Indiana, and/or the federal government.
- G. Decision Criteria: In all cases, the Technical Review Committee shall only consider the applicable adopted requirements of the Unified Development Ordinance or the Shelbyville Construction Standards, and any other adopted and applicable standards of the City of Shelbyville, the State of Indiana, and/or the federal government. The minimum standards and specifications of each utility shall also be considered.
 1. *Technical Review Committee Member Comments*: In no case shall any applicant be required to make any modifications to any application based solely on the opinions or other undocumented standards of any member of the Technical Review Committee.
 - a. This shall not be interpreted as prohibiting any Technical Review Committee member from providing comments that express their professional opinions regarding a application being forwarded to the Plan Commission.
 - b. This shall further not be interpreted as preventing the City Engineer or private utility representatives from establishing requirements for individual applications based on professional norms.
- H. Appeals: Any applicant or interested party may appeal the comments or recommendations of the Technical Review Committee to the Plan Commission.
 1. *Relief from Specific Requirements*: Applicants seeking relief from specific development standards or other requirements of the Unified Development Ordinance that are unrelated to the Technical Review Committee's interpretation of the applicable requirements shall be required to obtain variance approval from the Board of Zoning Appeals (i.e. if a development standard) or waiver approval from the Plan Commission (i.e. if a design standard).
 2. *Appeal Procedure*: All appeals of comments and recommendations of the Technical Review Committee shall meet the following requirements:
 - a. The appealing party shall be required to provide the Zoning Administrator with written notice of the appeal within thirty (30) days of the date of the Technical Review Committee request or interpretation.
 - b. The Zoning Administrator shall place the appeal on the agenda for the next appropriate Board of Zoning Appeals meeting (if the appeal is in regard to a development standard), or Plan Commission meeting (if the appeal is in regard to a design standard, or subdivision plat) consistent with the adopted Calendar of Meeting and Filing Dates.

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- c. Public notice for the meeting shall be required, consistent with the provisions *Section 9.13: Notice of Public Hearing*.
 - d. The Board of Zoning Appeals or Plan Commission shall consider the provisions of this Ordinance and all other documented, applicable standards in deciding the appeal.
- I. **Consistency:** In all cases, the application materials, including any drawings that are presented to the Plan Commission or provided to the Zoning Administrator with an Improvement Location Permit application following Technical Review Committee review shall be completely consistent with those that were approved by the Technical Review Committee, with the exception of any corrections or revisions requested by the Technical Review Committee. Any application that is inconsistent with the version approved by the Technical Review Committee shall be referred back to the Technical Review Committee for review and comment.

1.26 Common Council

The powers and duties of the Common Council with regard to this Ordinance are defined by Indiana Code, and are described in this Article. All powers and duties shall be executed consistent with the provisions of this Ordinance.

- A. **Duties:** Duties should be interpreted as activities that are obligations. Common Council duties include:
1. *Plans and Ordinances:* Adopt, reject, or amend the *City of Shelbyville Comprehensive Plan*, any strategic plans, or the Unified Development Ordinance as certified and submitted by the Plan Commission;
 2. *Plan and Ordinance Amendments:* Adopt, reject, or amend proposals to amend or partially repeal the text of the *City of Shelbyville Comprehensive Plan*, any strategic plans, the Unified Development Ordinance as certified and submitted by the Plan Commission;
 3. *Zoning Map Amendments:* Adopt, reject, or amend proposals to amend the Official Zoning Map certified and submitted by the Plan Commission;
 4. *Planned Unit Developments:* Adopt, reject, or amend proposals for a Planned Unit Development as certified and submitted by the Plan Commission;
 5. *Fee Schedule:* Adopt, reject, or amend proposals to adopt or amend a Fee Schedule as certified and submitted by the Plan Commission; and
 6. *Other Duties:* All additional duties as established by Indiana Code.
- B. **Powers:** Powers should be interpreted as activities that are optional and may be initiated by the Common Council and include:
1. *Plan and Ordinance Amendments:* Initiate amendments to the text of the *City of Shelbyville Comprehensive Plan*, any strategic plans or the Unified Development Ordinance;
 2. *Zoning Map Amendments:* Initiate amendments to the Official Zoning Map; and
 3. *Other Powers:* All additional powers as permitted by Indiana Code.

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1.27 Plan Commission Duties and Powers

The powers and duties of the Plan Commission with regard to this Ordinance are defined by Indiana Code, and are described in this Article. These powers and duties are further described by the Plan Commission Rules and Procedures. All powers and duties shall be executed consistent with the provisions of this Ordinance.

- A. **Duties:** Duties should be interpreted as activities that are obligations. Plan Commission duties include:
1. *Rules and Procedures:* Supervise and make rules for the administration of the affairs of the Plan Commission (*IC 36-7-4-401(a)(1)*);
 2. *Procedures:* Prescribe uniform rules pertaining to investigations and hearings (*IC 36-7-4-401(a)(2)*);
 3. *Record Keeping:* Maintain a complete record of all proceedings (*IC 36-7-4-401(a)(3)*);
 4. *Meeting Time and Records:* Fix the time for holding regular meetings each month, or as necessary, keep minutes of all meetings, and maintain all minutes and records in the office of the Plan Commission (*IC 36-7-4-306*);
 5. *Certification:* Adopt a seal and certify all official acts (*IC 36-7-4-401(a)(6) and (7)*);
 6. *Recommendations:* Make recommendations to the Common Council concerning the adoption and amendment of the *City of Shelbyville Comprehensive Plan*, the Unified Development Ordinance (including the zoning map), and Planned Unit Development district ordinances (*IC 36-7-4-405(a)(1)*);
 7. *Decisions:* Approve or deny plats, re-plats, and amendments to plats consistent with the *IC 36-7-4-700 series* (*IC 36-7-4-405(a)(2)*);
 8. *Surety:* Record and file all bonds and contracts and assume responsibility for the custody and preservation of all Commission documents and papers (*IC 36-7-5-401(a)(4)*);
 9. *Publications:* Prepare, publish, and distribute reports, ordinances, and other material relating to the activities (*IC 36-7-4-401(a)(5)*);
 10. *Fiscal Supervision:* Supervise the fiscal affairs of the Plan Commission (*IC 36-7-4-401(b)(1)*);
 11. *Budgeting:* Prepare and submit an annual budget to the Common Council, and be limited in all expenditures to the provisions made for those expenditures by the Common Council (*IC 36-7-4-401(b)(2)*);
 12. *Employees:* Prescribe the qualifications of, appoint, remove, and fix the compensation of the employees of the Plan Commission, consistent with the compensation fixed by the Common Council (*IC 36-7-4-402(a)*);
 13. *Street Names and Addresses:* Assign street numbers to lots and structures, renumber lots and structures, assign street names, and approve or deny proposed street names in new developments (*IC 36-7-4-405(b)(1), (2), and (3)*);
 14. *Board of Zoning Appeals Meeting Facilities:* Provide suitable facilities for conducting Board of Zoning Appeals hearings and for the preserving of records, documents, and accounts (*IC 36-7-4-914*); and
 15. *Other Duties:* All additional duties as established by Indiana Code.
- B. **Powers:** Powers should be interpreted as activities that are optional and may be initiated by the Plan Commission and include:
1. *Advisory Committees:* Establish advisory committees as necessary, composed of specific members and organized for specific purposes (*IC 36-7-4-407*);
 2. *Executive Committee:* Establish an executive committee (*IC 36-7-4-408*);
 3. *Funding Assistance:* Seek funding assistance through grant programs as necessary (*IC 36-7-4-409*) and accept gifts, donations, and grants (*IC 36-7-4-310*);
 4. *Fee Schedule:* Establish a schedule of fees to defray the administrative costs of the official actions of the Plan Commission (*IC 36-7-4-411*);
 5. *Secretary:* Appoint and fix the duties of a secretary (*IC 36-7-4-304*);
 6. *Professional Services:* Contract for special or temporary services and any professional counsel (*IC 36-7-4-311*); and
 7. *Other Powers:* All additional powers as permitted by Indiana Code.

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1.28 Board of Zoning Appeals Duties and Powers

The powers and duties of the Board of Zoning Appeals with regard to this Ordinance are defined by Indiana Code, and are described in this Article. These powers and duties are further described by the Board of Zoning Appeals Rules and Procedures. All powers and duties shall be executed consistent with the provisions of this Ordinance.

- A. **Duties:** Duties should be interpreted as activities that are obligations. Board of Zoning Appeals duties include;
1. *Meeting Time:* Fix a reasonable time for the hearing of administrative appeals, special exceptions, and variances (*IC 36-7-4-920*);
 2. *Minutes:* Keep minutes of its proceedings and record the vote on all actions taken, file all minutes and records in the office of the Board of Zoning Appeals, and make written findings of fact in all cases (*IC 36-7-4-915*);
 3. *Rules and Procedures:* Adopt rules concerning the filing of appeals, applications, public notice, the conduct of hearings, and the determination of whether a variance application is for a variance of use or for a variance from the development standards (*IC 36-7-4-916(a)*);
 4. *Publications:* Make adopted rules available to all applicants and other interested persons (*IC 36-7-4-916(c)*);
 5. *Variations:* Review, hear, and approve or deny all applications for variances from development standards (such as height, setback, or area) and variances of use (*IC 36-7-4-918.4 and 36-7-4-918.5*);
 6. *Special Exceptions:* Review, hear and approve or deny all applications for special exceptions (*IC 36-7-4-918.2*);
 7. *Administrative Appeals:* Review, hear, and decide appeals of decisions made under this Ordinance or in the enforcement of this Ordinance by the Zoning Administrator or other Plan Commission staff, committees, administrative boards, or any other bodies (except the Plan Commission) (*IC 36-7-4-918.1*); and
 8. *Other Duties:* All additional duties as established by Indiana Code.
- B. **Powers:** Powers should be interpreted as activities that are optional and may be initiated by the Board of Zoning Appeals, and include;
1. *Hearing Officer:* Appoint a hearing officer (*IC 36-7-4-923*);
 2. *Secretary:* Appoint a secretary and other employees as necessary for the discharge of Board of Zoning Appeals duties (*IC 36-7-4-913*); and
 3. *Other Powers:* All additional powers as permitted by Indiana Code.

Ordinance Certification

1.29 Plan Commission Certification

The Unified Development Ordinance was certified with a favorable recommendation for adoption then forwarded to the legislative body. Amendments were made to the certified draft by the Common Council. The amendments to the Unified Development Ordinance were then certified on the 28th of November, 2011 by the City of Shelbyville Advisory Plan Commission. The certification was made by the following Plan Commission vote:

Signatures:

The Advisory Plan Commission of Shelbyville, Indiana.

AYE

NAY

_____	David Finkel, President	_____
_____	Mike Evans, Vice President	_____
_____	Terry James, Member	_____
_____	Rodger Keller, Member	_____
_____	Jim Conner, Member	_____
_____	Dennis Baker, Member	_____
_____	Wade Lewis, Member	_____
_____	Linda Sanders, Member	_____
_____	Jeff Sponsel, Member	_____

Attest:

_____ Date: _____
Tom DeBaun, Plan Commission Secretary, Shelbyville, Indiana

Form and content approved by: Trent Meltzer, City Attorney

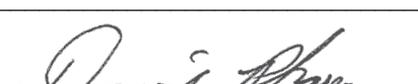
Ordinance Adoption

1.30 Unified Development Ordinance Adoption and Effective Date

The Unified Development Ordinance was adopted by the Common Council of Shelbyville, Indiana on the 18th of January, 2012. The Unified Development Ordinance shall become effective on February 18th. The document was adoption by the following Common Council vote:

Signatures:

The Common Council of Shelbyville, Indiana

AYE		NAY
 _____	Rob Nolley, Chairman	_____
 _____	David Carmony, Member	_____
 _____	Richard Fero, Member	_____
 _____	Ron Hamilton, Member	_____
 _____	Jason Brown, Member	_____
 _____	Brian Asher, Member	_____
 _____	David Phares, II, Member	_____

Attest:



Tom DeBaun, Mayor, Shelbyville, Indiana

Date: 1/18/2012



Frank M. Zerr, Clerk Treasurer, Shelbyville, Indiana

Date: 1/18/2012

Form and content approved by: Trent Meltzer, City Attorney