

City of Shelbyville
Municipal Zoning Ordinance
Effective April 15, 2015

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**LIST OF ORDINANCES AMENDING THE MUNICIPAL ZONING ORDINANCE
JANUARY 1, 2016 – APRIL 28, 2017**

Planning Commission Resolution No.	City Council Ordinance No.	Topic	Effective Date
2016-23	2016-18	Article 1, Section 1.8 re: date and time of Historic Zoning Commission meetings	09/23/16
2016-24	2016-1019	Amend Article 5, Section 5.3(H) re: Accessory Buildings	09/23/16
2016-18	2016-1013	Amend Article 5, Section 5.3(G) re: Incidental Structures in Setbacks	08/26/16
2016-12	2016-1006	Amend Article 3, Section 3.10(A)(2)(B) re: Home Occupation Prohibited Uses	07/06/16
2016-13	2016-1005	Amend Article 6, Section 6.4(N) re: Automotive/Vehicular Sales and Services	07/06/16
2016-11	2016-1002	Amend Article 2 re: definition of irregular lot	05/27/16
2016-31	2017-1033	Amend Article 4 re: Paving Exceptions	03/24/17
2016-32	2016-1026	Complete Revision of Planned Unit Development Regulations; Article 5, Section 5.8	12/23/16

**LIST OF ORDINANCES AMENDING THE MUNICIPAL ZONING MAP
JANUARY 1, 2016 – APRIL 28, 2017**

Resolution No.	Ordinance No.	Parcel ID	Effective Date
2017-4		Tax Map 079, Parcel 7.06	
2017-3		Tax Map 078G, Group G, Parcel 13	
2017-2		Tax Map 078J, Group A, Parcel 14	
2017-1		Tax Map 089B, Group G, Parcel 8	
2016-30	2016-1024	Tax Map 079, Parcels 7.01, 7.06 & 7.07	11/25/16
2016-29	2016-1023	Tax Map 079, Parcels 7.08 & 7.09	11/25/16
2016-22	2016-1017	112 S. Main Street (Argie Cooper) Landmark Status	09/23/16
2016-21	2016-1014	Tax Map 089B, Group G, Parcel 9.01	09/23/16
2016-20	2016-1016	Tax Map 089A, Group C, Parcel 2.01	09/23/16
2016-19	2016-1015	Tax Map 089A, Group C, Parcel 2	09/23/16
2016-16	2016-1004	Tax Map 069, Parcel 40.01	08/08/16
2016-14	2016-1012	Tax Map 089I, Group D, Parcel 2.01	07/29/16
2016-15	2016-1011	Tax Map 078G, Group G, Parcel 5.01	07/29/16
2016-17	2016-1010	Tax Map 078G, Group F, Parcel 3.02	07/29/16
2016-06	2016-1003	Tax Map 50, Parcel 38.08	05/27/16
2016-04	2016-998	Tax Map 50, Parcel 38.07	05/05/16
2016-01	2016-99	Tax Map 78, Parcel 41.14	04/29/16
2016-03	2016-997	Tax Map 50, Parcel 38.06	04/29/16
2016-02	2016-996	Tax Map 50, Parcel 58.05	04/29/16
2016-05	2016-995	Tax Map 50, Parcel 38	04/29/16
2016-08	2016-992	Union Station – McKeesport	03/25/16
2016-09	2016-991	Union Station- Portsmouth	03/25/16
2016-10	2016-990	Union Station – Hartford	03/25/16
2016-07	2016-989	Union Station – Chesapeake	03/25/16
2015-18	2016-988	Tax Map 078G, Group A, Parcel 38.01	02/26/16

**ARTICLE I
GENERAL PROVISIONS**

SECTION

- 1.1 Title
- 1.2 Authority
- 1.3 Effective Date
- 1.4 Purpose
- 1.5 Applicability
- 1.6 Rules for Construction of Language
- 1.7 Planning Commission
- 1.8 Historic Zoning Commission
- 1.9 Severability
- 1.10 Interpretation
- 1.11 Penalties
- 1.12 Remedies

1.1 TITLE: This ordinance shall be known as “The Zoning Ordinance of Shelbyville, Tennessee”, referred to as “this ordinance”. The Zoning Map shall be referred to as the Official Zoning Map of Shelbyville, Tennessee, and all explanatory matter thereon is hereby adopted and made a part of this ordinance.

1.2 AUTHORITY: This ordinance is enacted pursuant to authority granted by the Tennessee Code Annotated, Sections 13-7-201 and Section 13-7-401 through 13-7-409.

1.3 EFFECTIVE DATE: This ordinance shall take effect and be in force fifteen (15) days after the third and final reading by the City of Shelbyville City Council.

1.4 PURPOSE: The purpose of this ordinance is to promote the public health, safety, morals, convenience, order, prosperity and general welfare by:

- A. Enhancing the character and stability of residential, business, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- B. Preventing overcrowding of land;
- C. Conserving the value of land and buildings;
- D. Minimizing traffic hazards and congestion;
- E. Preventing undue concentration of population;

- F. Providing for adequate light, air, privacy, and sanitation;
- G. Reducing hazards from fire, flood, and other dangers;
- H. Assisting in the economic provision, utilization, and expansion of all services provided by the public, including but not limited to roads, water and sewer service, recreation, schools, and emergency services;
- I. Encouraging the most appropriate uses of land;
- J. Enhancing the natural, man-made and historical amenities of Shelbyville, Tennessee.

1.5 APPLICABILITY:

- A. **General:** The provisions of this zoning ordinance shall apply to the development of all land within the jurisdiction of the City of Shelbyville. No development shall be undertaken without prior authorization pursuant to this zoning ordinance, and no land use may occur that is inconsistent with this zoning ordinance.
- B. **Minimum Requirements:** The requirements of this zoning ordinance shall be considered as the minimum requirements for land use and development within the City of Shelbyville.
- C. **New Uses and Development:** Upon the adoption of this zoning ordinance or any subsequent amendment, any new building or structure or tract of land shall be used, constructed, or developed only in accordance with all applicable provisions of this zoning ordinance.
- D. **Existing Uses and Development:** Any use, lot, building or structure existing prior to the adoption of this zoning ordinance that does not comply with all of its provisions shall be subject to the regulations of the nonconforming provisions.
- E. **Relationship to Other Laws and Agreements:**
 - 1. *Conflict with other public laws, ordinance, regulations or permits:* Where provisions of this ordinance impose greater restrictions than those of any other City, State, or Federal regulation, statute, or ordinance the provisions of this ordinance shall be controlling. Where the provisions of any City, State, or Federal regulation, statute, or ordinance imposes greater restrictions than this ordinance, the provisions of such City, State, or Federal regulation, statute, or ordinance shall be controlling.

2. *Conflict with Private Agreements:* This ordinance is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this ordinance shall govern. Nothing in this ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this ordinance. The City shall not be obligated to enforce the provisions of any easements, covenants, or agreements between private third parties.
3. *Transitional Rules:* The purpose of transitional regulations is to resolve the status of properties with pending applications or recent approvals, and properties with outstanding violations, at the time of the adoption of this ordinance.
4. *Violations Continue:* Any violation of previous versions of this ordinance shall continue to be a violation under this ordinance and shall be subject to the penalties and enforcement set forth in this ordinance unless the use, development, construction, or other activity complies with the provisions of this ordinance. Payment shall be required for any civil penalty assessed under the previous regulations, even if the original violation is no longer considered to be a violation under this ordinance.
5. *Uses, Structures, and Lots Rendered Nonconforming:* Where any use, building, structure, or lot that legally existed on the effective date of this ordinance does not meet all standards set forth in this ordinance, such building, structure, or lot shall be considered nonconforming and shall be controlled by the regulations of this ordinance pertaining to Nonconforming Uses and Structures.
6. *Revisions to Projects Approved Under Previous Ordinances:*
 - A. Any complete application that has been submitted or accepted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this ordinance, shall be reviewed in accordance with the provisions of the ordinance in effect on the date the application was deemed complete by the city.
 - B. If the applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application shall expire and subsequent applications shall be subject to the requirements of this ordinance.

- C. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.
- D. An applicant with a pending application may waive review available under prior ordinances through a written letter to the Planning and Community Development Department and request review under the provisions of this ordinance.
- E. Review of projects shall occur under review processes in place at the time of this ordinance.
- F. Vesting rights shall be in accordance with Tennessee Code Annotated Section 13-3-413 or 12-4-310, whichever is applicable, and as amended from time to time.

1.6 RULES FOR CONSTRUCTION OF LANGUAGE:

- A. *Computation of Time:* The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded. In the computation of time for public hearing notice, both the first day (day of the advertisement) and the last day (day of the hearing) shall be excluded.
- B. *Shall and May:* The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- C. *Tense:* Words used in the past or present tense include the future as well as the past or present, unless the context clearly indicates otherwise.
- D. *Text:* In case of any difference of meaning or implication between the text of this zoning ordinance and any figure or table, the text shall control.

1.7 PLANNING COMMISSION:

- A. *Creation and Membership:* Pursuant to the provisions of Tennessee Code Annotated Sections 6-19-101 and 13-4-101, there is hereby created a municipal Planning Commission, hereinafter referred to as the Planning Commission. The Planning Commission shall consist of nine (9) members; one of these shall be the Mayor or a person designated by the Mayor and one shall be a member of the City Council; the other seven shall be appointed by the Mayor. The term of the seven members appointed by the Mayor shall be for three years each. The term of the Mayor or his designee shall run concurrently with the Mayor's term of office. The term of the City Council member appointed by the Mayor and confirmed by the City Council shall be for a period of two years. Any vacancy in an appointive membership shall be filled for the unexpired term by the Mayor.

- B. *Organization, Powers and Duties, Etc.* The Planning Commission shall be organized and shall carry out its powers, functions and duties in accordance with all applicable provisions of Tennessee Code Annotated Section 13-1-101 et seq. Procedural and administrative duties and powers shall be established through By-Laws adopted by the Planning Commission.
- C. *Jurisdiction, Subdivisions:* The rules and regulations governing the subdivision of land heretofore adopted on April 24, 2008 by the Municipal Planning Commission and as may be amended from time to time by the Municipal Planning Commission, shall apply to all subdivisions of land within the area of the City.
- D. *Jurisdiction, Zoning:* The rules and regulations governing the zoning of land heretofore adopted on April 15, 2015 by the Municipal Planning Commission and as may be amended from time to time by the City Council of Shelbyville, shall apply to all subdivisions of land within the area of the City.
- E. *Right to Enter upon Land:* The members of the Planning Commission, in order to further accomplish the purposes of the ordinance, may enter upon any land and make examinations and surveys.
- F. *Liability of Planning Commission Members:* Any Planning Commission member, acting within the powers granted by the Ordinance is relieved from all personal liability for any damage and shall be held harmless by the City government. Any suit brought against any member of the Commission shall be defended by a legal representative furnished by the City government until the termination of the procedure.

1.8 HISTORIC ZONING COMMISSION:

- A. *Establishment and Jurisdiction:* Pursuant to the provisions of Tennessee Code Annotated Sections 13-7-401 through 13- 7- 409, there is hereby created the Historic Zoning Commission, hereinafter referred to as the Historic Zoning Commission. The Historic Zoning Commission shall have jurisdiction relating to historic zoning matters. Anyone who may be aggrieved by the final order or judgment of the Historic Zoning Commission may have the order or judgment reviewed by the courts by the procedures of statutory certiorari as provided for in the T.C.A. Sections 27-9-101 et seq.
- B. *Organization, Powers, Duties, Etc.:* In accordance with Tennessee Code Annotated 13-7-403, a Historic Zoning Commission is hereby established. All procedural and

administrative duties and powers shall be established through By-Laws adopted by the Historic Zoning Commission. The Historic Zoning Commission shall be organized and shall carry out its powers, functions and duties in accordance with all applicable provisions of Tennessee Code Annotated and in accordance with the most current adopted By-Laws.

- C. *Liability of Historic Zoning Commission Members:* Any Historic Zoning Commission member, acting within the powers granted by the Ordinance is relieved from all personal liability for any damage and shall be held harmless by the City government. Any suit brought against any member of the Commission shall be defended by a legal representative furnished by the City government until the termination of the procedure.

- D. *Meeting Date and Time:* The Historic Zoning Commission shall meet at a consistent date and time most conducive to the majority of the members of the Historic Zoning Commission.

1.9 SEVERABILITY: If any court of competent jurisdiction invalidates any provision of this ordinance, then such judgment shall not affect the validity and continued enforcement of any other provision of this ordinance. If any court of competent jurisdiction invalidates the application of any provision of this ordinance to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other building, structure, or situation not specifically included in that judgment. If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment. Whenever a condition or limitation is included in an administrative action authorizing regulatory activity, then it shall be conclusively presumed that the authorizing officer, Commission, or board considered such condition or limitation necessary to carry out the spirit and intent of this ordinance, and that the officer, Commission, or board would not have granted the authorization to which the condition or limitation pertained except in belief that the condition or limitation was lawful.

1.10 INTERPRETATION: Whenever the conditions of this ordinance require more restrictive standards than are required in or under any other statute, the requirements of this ordinance shall govern. Whenever the conditions of any other statute require more restrictive standards than are required by this ordinance, the conditions of such statute shall govern.

1.11 PENALTIES: Any persons violating any provision of this ordinance shall be guilty of a misdemeanor, and shall be fined not less than twenty-five (25.00) dollars nor more than

fifty (50.00) dollars for each offense. Each day violations continue shall constitute a separate offense.

1.12 REMEDIES: In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used, in violation of this ordinance, the Planning Director or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

ARTICLE II DEFINITIONS

SECTION

- 2.1 Scope
- 2.2 Definitions
- 2.3 Use Classification

2.1 SCOPE: For the purpose of this ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as ", or as an individual.
- B. The present tense includes, the future tense, the singular number includes the plural, and the plural number includes the singular
- C. The word "shall" is mandatory.
- D. The word "may" is permissive.
- E. The words "used" or "occupied" includes the words' "intended", "designed", or "arranged to be used" or "occupied".
- F. The word "lot" includes the words "plot" or "parcel".

2.2 DEFINITIONS: The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this ordinance. Terms not herein defined shall have their standard dictionary definition or such as the context may imply.

ACCESS: The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter, and leave property.

ACCESSORY BUILDING: A subordinate building, or structure, the use of which is incidental to that of a principal building and located in the rear yard on the same lot therewith.

ACCESSORY STRUCTURE: A structure which is customarily accessory to and incidental to that of the dwelling and which is located on the same lot.

ACCESSORY USE: A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located with the rear yard upon the same lot therewith. Accessory uses include structure pertaining to detached private garages, swimming pools, tennis courts, pet or livestock enclosures, permanent play structures, and landscape/garden ponds (any pond greater than 64 square feet.)

ADDITION: An extension or increase in floor area or height of a building or structure.

ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE: A commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, or other periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, computer software or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; or
2. Instruments, devices or paraphernalia which are designed for use in connection with “special sexual activities.”

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as an adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of the principal business purposes is the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas.”

ADULT ENTERTAINMENT - Any exhibition of any adult-oriented motion picture, live performance, display or dance of any type, which has as a significant or substantial portion of such exhibition any actual or simulated performance of “specified sexual activities” or “specified anatomical areas.”

ADVERTISING: Includes any writing, printing, painting, display, emblem, drawing, sign, or other device or design used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures, or on buildings structures, milestones, signboards, wallboard, roof board, frames, supports, fences or other man-made structure, and any such advertising is a structure within the meaning of the word "structure" as utilized in this ordinance.

ADVERTISING SIGN OR STRUCTURE: See Sign.

AGRICULTURAL USE: This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods, provided, however; all health codes of Shelbyville, Tennessee are complied with. The feeding or disposal of community or collected garbage to animals shall not be

deemed an agricultural use, nor shall commercial feed lots, the raising of fur-bearing animals, poultry, fish or minnow hatcheries, or dog kennels be so considered.

AGRICULTURAL ACCESSORY USE: Those structures or equipment, which are normally required in the operation of agricultural uses.

ALLEY: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility and public service purposes.

ALTERATION: Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.

AMENITY: Aesthetic or other characteristics of a development that increases its desirability to a community or its marketability to the public. May include unified building design recreational facilities, security systems, views, landscaping and tree preservation or attractive site design.

APPLICABILITY: Words in the text or tables of this ordinance shall be interpreted in accordance with the provisions set forth in this article. Where words have not been defined, the definition found in the most current edition of Webster's Unabridged Dictionary shall be used.

APPLICANT: The owner or optionee of land proposed to be developed or subdivided or their authorized representative.

AREA, BUILDING: The total areas taken on a horizontal plane at the main grade level of the principal building and all necessary buildings exclusive of uncovered porches, terraces, and steps.

AUTOMOBILE WRECKING: The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof.

AUTOMOBILE WRECKING, JUNK, AND SALVAGE YARD: Any lot or place which is exposed to weather and upon which more than five motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative, are placed, located, or found.

AUTOMOTIVE/VEHICULAR SALES AND SERVICE: The retail or wholesale or rental of automobiles, motorcycles, and any other type of vehicle including boat, truck and trailer sales, or recreational equipment, along with incidental services or maintenance.

AUTOMOBILE SERVICE: Includes the sale, from the premises, of goods and the provision of services that are generally required in the operation and maintenance of automotive vehicles and the

fulfilling of motorist needs. This includes the sale of petroleum products together with sale and servicing of tires, batteries and replacement items, lubricating services and performance of minor repairs. This use does not include heavy automotive maintenance activities such as engine overhauls, automotive painting, and body work.

AVERAGE GROUND ELEVATION: The elevation of the mean finished grade of the principal structure at the front of a structure.

BASEMENT: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average ground elevation or when subdivided and used for commercial activities.

BED AND BREAKFAST FACILITY: A use subordinate to the principal use of a single-family dwelling providing four (4) or fewer rooms designated for lodging purposes.

BOARD: The Shelbyville, Tennessee Board of Zoning Appeals.

BOARDING HOUSE: See dwelling definitions.

BUFFER STRIP/ YARD: An area commonly used by more intense land uses to protect adjacent residential properties from non-compatible uses.

BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy via having a roof supported by columns or by walls, including tents, lunch wagons, dining cars, mobile homes and similar structures whether stationary or movable.

BUILDING AREA OF A LOT: That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

BUILDING CONTRACTORS SUPPLY: The construction and incidental storage activities performed by construction contractors on zone lots other than construction sites, as well as the retail or wholesale sale of materials used by construction trades.

BUILDING, ELEVATED: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls

BUILDING ENVELOPE: The area of a lot, minus all required setbacks, easements and buffer yards, on which the principal building (contains the principal use of the lot) can be constructed according to the provisions of this ordinance.

BUILDING HEIGHT: The vertical distance as measured from the average ground elevation to the highest point on the roof of a building.

BUILDING INSPECTOR (CODES ENFORCER): The building inspector for the City of Shelbyville.

BUILDING PERMIT: A permit required by this ordinance for the construction, alteration, expansion, renovation, demolition or change of use of a structure.

BUILDING, PRINCIPAL: A building in which the primary use of the lot on which the building is located is conducted.

BUSINESS SERVICES: Establishments primarily engaged in rendering services to other business establishments on a fee or contract basis, such as advertising and mailing, building maintenance personnel and employment services, protective services, management and consulting services, protective services, equipment rental and leasing photo finishing, copying and printing, travel, office supply and similar services.

BUILDING SETBACK LINE: A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

BUILDING SETBACK LINE, FRONT: A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way has been established as shown on the current, adopted Major Thoroughfare Plan Map, from that future street right-of-way line, and the front of a building on a lot. . The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way. No structure shall be placed in front of this building setback line.

BUILDING SETBACK LINE, REAR: A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

BUILDING SETBACK LINE, SIDE: A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line. Within this area no structure shall be placed.

BULK: Describes the size of buildings or other structures and their relationship to each other and to open areas and lot lines.

BUSINESS AND COMMUNICATION SERVICES: The provision of services of clerical, goods, brokerage, communications of a minor processing nature, including multi-copy and blue-printing services, custom printing, but excluding the printing of books, other than pamphlets and small reports.

CAMPING GROUND: A parcel of land used or intended to be used let or rented for occupancy by campers or for occupancy by motor homes, camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind

CAR WASH: Mechanical facilities for the washing or waxing of private automobiles, light trucks and vans, but not commercial fleets.

CEMETERY: The land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried.

CERTIFICATE OF APPROPRIATENESS: A certificate issued by the Historic Zoning Commission stating its approval of plans for alteration, construction, removal, or demolition of a landmark or of a structure within a historic district.

CERTIFICATE OF ECONOMIC HARDSHIP: A certificate issued by the Historic Zoning Commission authorizing an alteration, construction, removal, or demolition, even though a Certificate of Appropriateness has previously been denied.

CHILD CARE: The wide variety of arrangements made by parents or guardians for the care outside of their home of children less than 17 years of age, for less than 24-hour periods without transfer of custody.

CHILD CARE CENTER: Per Tennessee Department of Human Services, this is defined as an establishment that provides care for 13 or more children.

CHILD CARE CENTER, DROP-IN: Per Tennessee Department of Human Services, this is an establishment that provides care for 15 or more children not to exceed 14 hours per week and for not more than 7 hours per day for any individual child during regular working hours, Monday - Friday 6:00 a.m. to 6:00 p.m. Drop-in centers can also provide up to 6 additional hours of care per week during evening (after 6 PM) and weekend (until 10 PM on Sunday) hours, as long as the total number of hours per week does not exceed 20 hours for any individual child, exclusive of snow days.

CHILD CARE HOME, FAMILY: An establishment that provides care for at least five but not more than seven unrelated children. Up to 5 additional children related to the primary caregiver may also receive care in this type of facility.

CHILD CARE HOME, GROUP: Establishments that provide care for at least 8 but not more than 12 children. Up to 3 additional school age children may receive care before and after school, on school holidays, on snow days, and during summer vacation.

CLINIC: See Medical Facility.

CONDITIONAL USE: A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in a zoning district as conditional uses by the Planning Commission, but only when specific provisions for such use are made in this Ordinance.

CONSTRUCTION: The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

CONVENIENCE SALES: The retail sale of small convenience items such as toiletries, tobacco, and magazines. The dispensing of petroleum products may be included as accessory to convenience food products retailing.

CONVENIENCE SERVICES: Services, which are typically needed frequently such as barber and beauty, care; and includes the operation of self-service Laundromats and other apparel, cleaning and garment repair services.

CONVENIENCE STORE: An establishment where a limited supply of food stuffs, tobacco, patent medicines, periodicals and other similar items or household convenience is kept for retail sale to the public.

COVERAGE: The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.

COUNCIL: The City Council of Shelbyville, Tennessee.

COUNTRY CLUB: A chartered, nonprofit membership club, with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities: golf, riding, club house, pool, dining facilities, and lounge.

DAY CARE: The wide variety of arrangements made by parents or guardians for the care outside of their home of children under 17 years of age, for less than 24-hour periods without transfer of custody.

DAY CARE CENTER - Any place operated by a person, society, agency, corporation or institution, or any other group wherein are received for pay 13 or more children under the age of 17 years for group care without the transfer of custody.

DAY CARE HOME - An occupied residence, licensed by the State of Tennessee in which a person provides day care for children other than his/her own family. Such care in a family day care home is limited to that care given between five (5) and 12 children, including children living in the home.

DAY CARE HOME, FAMILY: A home (an occupied residence) operated by a person for the purpose of receiving therein a minimum of five and a maximum of seven children under 17 years of age, who are not related to such person and whose parent(s) or guardian(s) are not residents in the same house, for less than 24 hours per day for care, without transfer of legal custody.

GROUP HOME, DAY TIME CARE: Any facility operated by a person, social agency, corporation or institution, or any other group which receives a minimum of eight and a maximum of 12 children (and up to three additional school-age children who will only be present before and after school, on school holidays, on school snow days, and during school summer vacation) for less than 24 hours per day for care outside their own homes, without transfer of legal custody. Before a group day care home opens, fire safety and environmental inspectors must approve the facility.

DECIBEL A-WEIGHTED (DBA): A unit for describing the amplitude of sound as measured on a sound level meter using the A-weighting network.

DEMOLITION: Any act or process that destroys in part or in whole a structure.

DESIGN GUIDELINE: A standard of appropriate activity that will preserve the historic and architectural character of a structure or area.

DEVELOPMENT: The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, renovation, conversion, structural alteration, relocation or enlargement of any buildings or structures; any use or change in use of any buildings, structures or land; any extension of any use of land; or any clearing, grading or other movement of land, for which permission may

be required pursuant to this ordinance. This term shall also relate to the consolidation of tracts.

DISTRIBUTIVE BUSINESS/WHOLESALE: The sale and transport, from the premises, of goods to other firms for resale.

DISTRICT: Any section or sections of the area lying within Shelbyville, Tennessee, for which the regulations governing the use, density, bulk, height, and coverage of buildings and other structures are in force.

DRAINAGE: The removal of surface water or groundwater from land by drains, grading or other means. Drainage includes the control of runoff, to minimize erosion and sedimentation during and after development, and the means necessary for water supply preservation or prevention or alleviation of flooding.

DWELLING: A building or part thereof used as a habitation under one of the following categories:

APARTMENT DWELLING means a building and accessories thereto principally used, designed, or adapted for use as occupancy by three (3) or more families each of which has separate living quarters.

BOARDING HOUSE: A building that contains a dwelling unit and guest room(s) that number no more than five (5) that are designed to be occupied by longer-term residents and rented or are designed or intended to be rented, but which guest rooms, individually or collectively, do not constitute separate dwelling units.

CONDOMINIUM means an apartment building or townhouse containing three or more dwelling units being under or intended for separate ownership, in which individual living accommodations are provided for each family

DETACHED DWELLING, SINGLE means a building and accessories thereto principally used, designed, or adapted for use by a single family. This excludes mobile homes and trailers.

DUPLEX DWELLING means a building and accessories thereto principally used, designed, or adapted for use by two (2) families, the living quarters of each of which are completely separate.

MOBILE HOME OR TRAILER means a vehicular, portable structure designed and constructed in accordance with the requirements of American National Standards Institute Standard built on a chassis designed for year-round occupancy, and designed to have no foundation other than

wheels, jacks, or skirtings, and which is capable of being moved, towed, at transported by another vehicle.

MULTI-FAMILY means a townhouse or apartment dwelling. For purposes of these regulations, regardless of how rental units are equipped, any multi-family dwelling in which units are available for rent partly monthly and partly for a shorter period of time, but with more than thirty (30) percent of the living units under the same ownership or management on the same zone lot occupied on a less than monthly basis, shall be considered as semi-transient residential activity. If over thirty (30) percent of such multi-family units under the same management or ownership are occupied on a biweekly basis or less, they shall be considered as transient lodging activity. (See definition of Transient Habitation)

PREFABRICATED DWELLING means a single detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer, if it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal or on-site systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this ordinance when they have a minimum gross floor area of 1,400 square feet. When such a structure meets the above stated requirements as well as all the requirements of the current adopted International Building Code, it shall qualify as a single detached dwelling.

QUADRUPLE DWELLING means four units designed for use by four families located on the same tract (zone lot).

ROOMING HOUSE means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and without owner provided cooking and dining facilities. (See semi transient habitation definition).

TOWNHOUSE: A single family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and yard or public way on at least two sides.

TRIPLEX DWELLING means three units designed for use by three families located on the same tract (zone lot)

DWELLING, ATTACHED: A building containing one dwelling unit, attached at the side or sides in a series of four or more principal buildings. At points of attachment, such buildings shall be separated from each other by fire walls extending from footings through roofs without openings which would permit the spread of fire from one building to another. The term attached dwelling is

intended to apply to townhouses, patio or atrium houses, or any form however termed which conforms to this definition.

DWELLING, DETACHED: A building located on a single zone lot containing not more than two dwelling units surrounded by yards of open area on the same zone lot

EASEMENT - Authorization by a property owner for another party to use or otherwise control one or more property rights for a specified purpose any designated part of his property.

ECONOMIC HARDSHIP: An economic burden imposed upon the owner which is unduly excessive and prevents a realization of a reasonable rate of return upon the value of property.

EDUCATIONAL FACILITY – A place of instruction under the jurisdiction of a government authority and a place of instruction (excepting a commercially operated trade or vacation school) offering courses equivalent to those customarily offered in a place of instruction under the jurisdiction of a governmental authority, and includes a day nursery and residence buildings for staff and students, provided that such buildings are on the same lot as the place of instruction.

EMERGENCY MEDICAL SERVICE - Any institution, building or other premises established for the provisions of emergency medical services to persons afflicted with or suffering from sickness, disease, or injury without the provision of overnight or long term stays.

EMERGENCY SERVICES: Services for the community that include the Police Department, Fire Department, and Ambulance and associated services used to address threatening issues with life and property.

ENTERTAINMENT (COMPLEX) - A structure or facility for the presentation of the performing arts, including indoor motion picture theaters, theaters for live performances and indoor and outdoor concert halls.

ENTERTAINMENT FACILITY - A building, structure or lot used or intended to be used for night clubs, cabarets, cinemas, theaters and the like.

EXTERIOR ARCHITECTURAL APPEARANCE: The architectural character and general composition of the exterior of a structure, including but not limited to the kind, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.

FAMILY - An individual, or two (2) more persons related by blood, marriage, or law, living together in a dwelling unit. Servants and temporary nonpaying guests having common housekeeping facilities with a family are a part of the family for this the purpose of this ordinance.

FAST FOOD RESTAURANT WITH DRIVE THROUGH - A building where prepared food for sale or sold to the public for consumption on or off premises but not to include a full-service restaurant where meals are served to customers at tables on the premises.

FILLING - The depositing on land, whether submerged or not, of sand, gravel, earth or other materials of any composition.

FINANCIAL, CONSULTING AND ADMINISTRATIVE: Includes the provision of financial, insurance, real estate brokerage services, as well as the provision of advice, designs, information, or consultation of a professional nature. Also includes the executive, management, administrative, and desired activities of private, profit-oriented firms, other than public utility firms. These activities do not include the storage of goods and chattel for the purpose of sale unless otherwise permitted by other provisions of this regulation.

FINANCIAL INSTITUTION: The premises of a bank, trust company, finance company, mortgage company or an investment company.

FLOOR AREA: The total of the gross horizontal areas of all floors, including habitable basements and cellars, below the roof and within the outer surfaces of the main walls of principal or accessory buildings.

FLOOR AREA RATIO (FAR): The total floor area of all structures on a lot divided by the total horizontal area of the lot. FAR is used as a measure of development density, primarily for non-residential development.

FOOD SERVICE STANDS: A stand, vehicle, trailer, or other device of temporary, portable nature, usually without permanent water/sewer services, not enclosed in a building structure that sells food and related items, not including mobile delivery food services that are parked for a few minutes to complete the sale and delivery of food.

FRONTAGE: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

FUNERAL HOME: A building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for internment or cremation.

GASOLINE SALES AND OR SERVICES: A premises where motor vehicle fuels or lubricants are kept for retail sale, and where only minor or emergency repairs essential to the actual operation of motor vehicles may be performed, and where grease, anti-freeze, tires, spark-plugs and other automobile supplies may also be sold incidentally, and where motor vehicles may also be oiled or greased, but where no other activities or a public garage are carried out.

GASOLINE SERVICE STATION: Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil, (but no butane or propane fuels), or automobile accessories, and incidental services including facilities for lubricating, hand car washing, and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

GENERAL RETAIL: The selling of goods, wares, merchandise, substances, articles or things at retail but not including auto or vehicular sales, rent-all shops and rental vehicle/equipment businesses.

GRADE, FINISHED: The completed surfaces of lawns, walks/and roads brought to grades as shown on official plans or designs relating thereto.

GRADING: Any operation or occurrence by which the existing site elevations are changed by cutting, filling, borrowing or stockpiling, or where any ground cover, landscaping or trees, natural or manmade, is removed, or any buildings or other structures are removed or any watercourse or body of water, either natural or manmade, is relocated on any site, thereby creating an unprotected area.

GROUP HOME, RESIDENTIAL: In accordance with T.C.A. § 13-24-102, the classification "single family residence" includes any home in which eight (8) or fewer unrelated persons with disabilities reside, and may include three (3) additional persons acting as support staff or guardians, who need not be related to each other or to any of the persons with disabilities residing in the home.

HABITABLE: Any floor of a residential or non-residential building, usable for the purposes of living, working, sleeping, eating, cooking or recreation, or any combination thereof.

HEAVY EQUIPMENT SALES AND SERVICE: The retail or wholesale sale or rental of heavy motorized vehicles or equipment, along with incidental service or maintenance such as, but not limited to, construction equipment rental yards, farm equipment and moving trailer rental. Heavy equipment sales and service does not include the selling and servicing of conventional cars and trucks.

HEALTH DEPARTMENT: The Bedford County Health Department.

HEIGHT OF BUILDING OR STRUCTURES: The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building(s) or structure(s).

HISTORIC DISTRICT: An area designated as a historic district by ordinance of the city council and which may contain within definable geographic boundaries one (1) or more landmarks and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.

HISTORIC LANDMARK: A building, structure, site or object, its appurtenances and the property it is located on, of high historical, cultural, architectural or archaeological importance and whose demolition or destruction would constitute an irreplaceable loss to the quality and character of Shelbyville and which meets one (1) or more of the following criteria:

1. That is associated with an event which has made a significant contribution to local, state, or national history;
2. That is associated with the lives of persons significant in local, state, or national history;
3. That embodies the distinctive characteristics of a type, period or method of construction, or that represents the work of a master, or that possesses high artistic value;
4. That has yielded or may be likely to yield archaeological information important in history or prehistory; or
5. That is listed in the National Register of Historic Places.

HOME OCCUPATION: An occupation, service, profession or enterprise employing no more than one employee other than the resident of the home, and located entirely within a residential building, secondary to the use of the building for dwelling purposes, and does not change the essential residential character or appearance of such building.

HOSPITAL: A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an inpatient basis, including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, and administration, and services to patients, employees, or visitors.

HOTEL: A building or group of buildings containing individual rooms or suites, each having a private bathroom, for the purpose of providing overnight lodging facilities to the general public, for periods not to exceed thirty (30) days, for compensation with or without meals, and which has common facilities for reservations and cleaning services and on-site management.

HOUSEHOLD: A person or group of persons occupying an individual dwelling unit.

IMMOBILE: A vehicle incapable of moving under its own power.

IMPERVIOUS SURFACE RATIO (ISR): A ratio derived by dividing the amount of the site that is covered by any material that substantially reduces or prevents the infiltration of storm water by the total horizontal area of the lot. Impervious surfaces include, but are not limited to; roofs, streets, sidewalks, and parking lots paved with asphalt, concrete, compacted sand, compacted gravel or clay.

INCIDENTAL: A secondary land use, on the same lot or tract that is customarily associated with the primary use of the land as regulated by law.

INDOOR SHOOTING RANGE: The use of a facility designed for shooting at targets for archery and/or firearms for the purposes of training, target practice, or competitions, completely enclosed within a building.

INDUSTRIAL SERVICES: Businesses that are engaged in the repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products. Industrial service firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Also includes firms such as contractors and building maintenance services and similar establishments engaged in performance of services off-site.

INDUSTRY, LIGHT: A use that involves the manufacturing, production, processing, fabrication, assembly, treatment, repair or packaging of finished products, predominantly from previously prepared or refined materials (or from raw materials that do not need refining.) Warehousing, wholesaling, and distribution of the finished products produced at the site is allowed as part of this use.

INDUSTRY, HEAVY: Manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides herbicides, or other hazardous materials in the manufacturing or other associated processes.

JUNK OR SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof. Any lot containing two (2) or more immobile or unlicensed cars shall be deemed a junkyard. (See immobile).

KENNEL: Any premises, except where accessory to an agricultural use, where domestic animals, such as dogs, and cats are boarded, trained or bred.

KENNEL, COMMERCIAL: The boarding, breeding, raising, grooming or training of four or more animals, four months of age or older that may or may not be owned by the kennel owner for commercial purposes.

LANDSCAPING: The planting and maintenance of trees, shrubs, lawns and other ground cover or materials.

LAND WITH INCIDENTAL IMPROVEMENTS: A tract of land, which contains improvements including buildings or other structures having a total assessed valuation of five thousand dollars (\$5,000) or less.

LIGHT INDUSTRY: Is defined, for the purpose of this ordinance, on the basis of performance in terms of absence of objectionable noise, smoke, odor, dust, dirt, noxious gases, glare and heat; and of the creation of hazards to health and life by reason of fire, effects of industrial wastes, psychological effects and generation of an undue amount of motor vehicle traffic.

LOADING SPACE: An area twelve (12) feet by sixty-five (65) feet with a fourteen (14) foot height clearance provided for the standing, loading, or unloading of a truck or other vehicle.

LOT: A tract, plot or portion of a subdivision or parcel of land intended as a unit for the purpose, whether immediate or future, for transfer of ownership or for building development.

LOT AREA: The total surface land area included within lot lines.

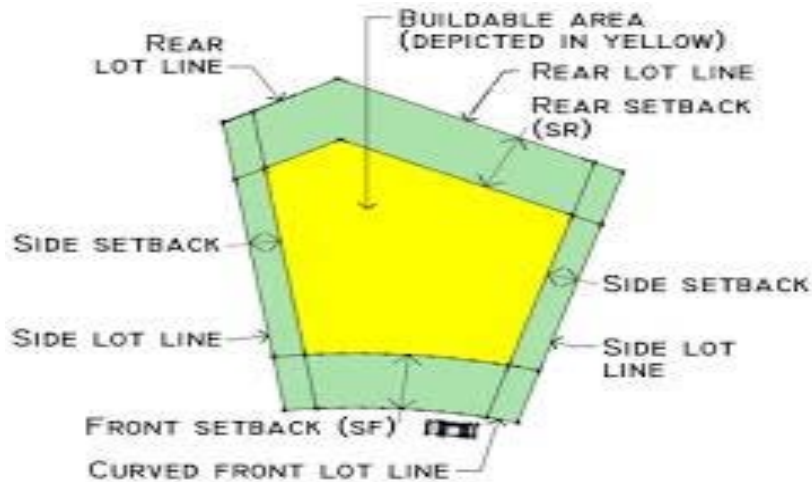
LOT, CORNER: A lot of which at least two adjoining sides abutting their full lengths on a street.

LOT DEPTH: The average distance from the street line of the lot to its rear line, measured in the general direction of the sidelines of the lot.

LOT FRONTAGE: That part of the lot that abuts on a street or right-of-way.

LOT, INTERIOR: A lot other than a corner lot.

LOT, IRREGULAR: A lot of such shape or configuration that technically meets the area, frontage and width to depth requirements of this Ordinance, but does do by incorporating unusual elongations, angles, curvilinear lines unrelated to topography or other natural land features. Setbacks shall be set parallel to the corresponding lot lines.



LOT LINE: A boundary of a lot. Lot line terms used are:

- A. Front lot line - The lot line from which a front setback is designated or required.
- B. Rear lot line- The lot line from which a rear setback is designated or required.
- C. Side lot line- The lot line from which a side setback is designated or required.

LOT, NONCONFORMING - A lot legally existing at the effective date of this chapter, or any subsequent amendment thereafter, which is not in conformity with all provisions of this chapter.

LOT OF RECORD - Any validly recorded lot, in existence before the date of incorporation of the City, which at the time of its recordation complied with all applicable laws, ordinances and regulations.

LOT WIDTH: The horizontal distance between side lot lines measured at the minimum required front yard setback.

MANUFACTURED HOUSING: Single-family detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act, which is transportable and is built on a permanent chassis. This term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary (HUD) and complies with the standards established under this title. For mobile homes built prior to June 15, 1976, a label certifying compliance to the standard for Mobile Homes, NFPA 501, in effect at the time of manufacture is required. For the purpose of these provisions, a mobile home shall be considered a manufactured home.

MANUFACTURING, HEAVY: The manufacturing or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic materials, or explosive materials needed for the manufacturing process. These activities include outdoor operations as part of their manufacturing process.

MANUFACTURING, LIGHT: The manufacturing, predominately from previous prepared material, including processing, fabrication, assembly, treatment and packaging of such products and incidental storage, sales and distribution of such products, but excluding basis industrial processing and custom manufacturing.

MARINA: A facility for the docking and servicing of boats.

MEDICAL FACILITIES:

CONVALESCENT, REST OR NURSING HOME: a health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

DENTAL CLINIC OR MEDICAL CLINIC: A facility for the examination and treatment of ill and afflicted human outpatients, provided, however, that patients are not kept overnight except under emergency conditions.

HOSPITAL: An institution providing health services primarily for human in-patient medical care, for sick or injured and including related facilities such as services, and staff offices, which are an integral part of the facility.

PUBLIC HEALTH CENTER: A facility utilized by a health unit for the provision of public health services.

MEDICAL OFFICE - A building or structure where members of the medical profession, dentists, chiropractors, osteopaths, and physicians or occupational therapists provide diagnosis and treatment to the public without overnight accommodation.

MINIMUM FLOOR ELEVATION: The lowest elevation permissible for the construction, erection, or other placement of any floor, including a basement floor.

MINI-WAREHOUSES: A building or portion thereof designed or used exclusively for storing the excess personal property of an individual or family, such as motor vehicles, personal household items, boats, motorcycles, and other such items. Commercial or industrial storage may be allowed as long as the facility is not used as a transfer (distribution) and storage business where the use of vehicles is part of such business.

MIXED USE DEVELOPMENT: A tract of land or structure developed for both residential and nonresidential uses. Such uses may be vertically integrated within a multi-story building or horizontally integrated within a single-story building or on a lot or development site.

MOBILE HOME: A transportable, factory-manufactured dwelling designed for and occupied by not more than one (1) family constructed as a single self-contained unit and mounted on a single chassis. All mobile homes shall meet minimum standards of HUD specifications and shall be mounted on a permanent foundation.

MOBILE HOME PARK: Any parcel of land containing at a minimum of two (2) acres of land and at least ten (10) mobile home spaces available at the time of first occupancy. Any parcel not meeting the above standard shall not be utilized as a mobile home park.

MODULAR HOME: A factory-manufactured dwelling designed for and occupied by not more than one (1) family certified as meeting the specifications of the International Building Code and/or the Tennessee Modular Building Code, and mounted on a permanent foundation.

MOTEL: A building or group of buildings containing individual rooms or suites, each having a private bathroom, for the purpose of providing overnight lodging facilities to the general public, for periods not to exceed thirty (30) days, for compensation with or without meals, and which has common facilities for reservations and cleaning services and on-site management.

MOTOR VEHICLE REPAIR - A facility, which is used for painting, body and fender work, engine overhauling or other major repair of motor vehicles.

NEW CONSTRUCTION: Means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

NONCONFORMING STRUCTURE: A structure that was originally legally constructed, but which now does not meet one or more of the standards or requirements (other than use) of the zoning district in which it is located.

NONCONFORMING USE: A use originally legally established, but which now does not currently conform to the applicable use regulations of the zoning district in which it is located.

NON-COMPLYING:

- A. Any lot of record, which does not contain sufficient lot area to conform to the area requirements for the zoning district in which the lot is located.
- B. Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations, or

C. Any lawful use other than a nonconforming use, which does not "comply with any part or anyone (1) or more of the applicable regulations pertaining to:

1. Location along district boundary, or
2. Accessory off-street parking and loading; either on the effective date of this ordinance or because of any subsequent amendment thereto.

NOXIOUS MATTER: Material in gaseous, liquid, or solid form which is capable of causing injury to living organisms, chemical reactions, or detrimental effects upon the social, economic or psychological well-being of individuals.

OPEN SPACE: The portion of a site consisting of reserved agricultural forested or grassland common areas, not including required buffer yards. Open space should clearly be an integral part of the development and remain undeveloped in perpetuity.

ORDINARY REPAIR AND MAINTENANCE: Any work, the purpose of which is to correct any deterioration or decay of or damage to a structure or any part thereof and to restore the same as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials or those materials available which are as close as possible to the original.

OVERALL DENSITY: The residential density in minimum lot size per family or stated dwelling units per acre of any total lot, or development area.

OVERLAY DISTRICT: A mapped geographic area applied to the Official Zoning Map that provides a means of addressing specific aspects of land use control or development design that transcend conventional zoning district provisions.

OWNER: Includes his duly authorized agent or attorney, a purchaser, devisee, fiduciary, and a person having a vested or contingent interest in the property in question.

OWNER OF RECORD: The person, corporation, or other legal entity listed as owner on the records of the County Recorder of Deeds.

PARKING LOT: An off-street facility including parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access, and for entrance and exit.

PARKING SPACE: An off-street space available for parking one motor vehicle and having an area of not less than one hundred sixty-two (162) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

PARTY WALL: A wall on an interior lot line used or adapted for joint service between two buildings. Such walls shall extend from the foundation to the underside of the roof sheathing, without openings which otherwise would permit the spread of fire from one building to another, and shall fully comply with fire and all other provisions and standards established for such walls in the current adopted International Building Code and International Fire Code for firewalls.

PERSON: An individual, proprietorship, corporation, club, or other legal entity.

PERSON WITH A DISABILITY: Per T.C.A. § 13-24-101, does not include persons who have a mental illness and, because of such mental illness, pose a likelihood of serious harm as defined in T.C.A. § 33-6-501, or who have been convicted of serious criminal conduct related to such mental illness.

PERSONAL SERVICES: A service which administers to the individual and personal needs of persons and includes barber shops, beauty parlors, laundromats, shoe repair shops and depots for collecting dry cleaning and laundry, haberdashery, and similar uses.

PLANNED UNIT DEVELOPMENT (PUD): A land tract, in which a multiplicity of land uses may be permitted, designed to facilitate the flexible techniques of land development and site design by providing relief from zone requirements for convention developments. It requires approval of a master, or concept plan, and usually promotes common objectives similar to cluster developments. Rezoning is required since the PUD is an overlay district placed over an existing base zone.

PLANNING COMMISSION: The Shelbyville Municipal Planning Commission.

PLANNING DIRECTOR: The staff member responsible for overseeing the activities of the Planning and Community Development Department of the City of Shelbyville, Tennessee.

PLAT: A map, plan, or layout indicating the location and boundaries of individual properties.

PRINCIPAL STRUCTURE: A structure, which constitutes the principal activity or use located on a zone lot on which it is located.

PRINCIPAL USE: The specific primary purpose for which land or a building is used.

PRIVATE WASTEWATER TREATMENT: Individual subsurface sewage disposal systems, (i.e., septic tanks) package treatment plants or individual aeration systems employed for collection and treatment and/or disposal of wastewater, as approved by the appropriate Bedford County Health Department official.

PROFESSIONAL OFFICE: A building or structure designed, intended, or used for the practice of a profession but shall not include a retail commercial use, any industrial use, clinic, financial institution or place of amusement or place of assembly.

PUBLIC USES: Public parks, schools, and administrative, cultural, and service buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

PUBLIC WASTEWATER SYSTEM: A municipal, community, or utility district sewerage treatment and disposal system of a type approved by the State Department of Health and Environment and the Public Service Commission.

PUBLIC WATER: A municipal, community or utility district water treatment and distribution system of a type approved by the State Department of Health and Environment and the Public Service Commission.

REACH: A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the floodplain where flood heights are primarily controlled by man-made or natural floodplain obstructions or restrictions.

RECREATION CENTER: Recreational facilities such as community centers, playgrounds, parks, swimming pools and playing fields that is available to the membership of a club or the general public.

RECREATION, COMMERCIAL, INDOOR: A commercial recreational land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletic and health clubs, auditorium, bowling alley, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, photographic studio, pool or billiard hall, skating rink, swimming pool, or tennis court.

RECREATION, COMMERCIAL, OUTDOOR: A commercial recreation land use conducted outside, including paintball, motocross, confidence course, golf course, amphitheater, etc.

RECREATIONAL AND ATHLETIC FACILITIES: A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

RECREATIONAL EQUIPMENT: A vehicle which provides sleeping and other facilities for short periods of time, while traveling or vacationing, designed to be towed behind a motor vehicle, or self-propelled.

RELIGIOUS INSTITUTION: A Church, a Synagogue, a Bible Institute, a Christian Science reading room, a religious library, or a religious school.

REMOVAL: Any relocation of a structure on its site or to another site.

RENOVATION: As applied to a building, structure, or sign, means a change or rearrangement in the structural parts, or an enlargement, whether by extending a side or by increasing its height or structural changes, other than repairs that would affect safety. The term “renovate” in its various modes and tenses and its practical forms, refers to the renovation or “alteration” of any building, structure, or sign.

REPAIR: Any change that is not construction, removal, or alteration.

REQUIRED YARD: That portion of a zone lot that is required by the specific district regulation to be open from the ground to the sky, and which may contain only explicitly listed obstructions.

RESTAURANT: A place where food and drink is served to the public for consumption either inside or outside of the building.

RETIREMENT CENTER/SENIOR HOUSING: Planned residential attached or multi-family housing for individuals in need of assisted living facilities due to age (55 years or older) or infirmity. Retirement centers may include, but are not limited to, community open space or recreational areas, a community or recreation center, a therapeutic center, and a congregate eating facility. Congregate independent or assisted living facilities are considered by this ordinance as retirement centers.

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by public facilities such as a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water main, sanitary or storm sewer line or for another special use. Rights-of-way are publicly owned areas of land not to be confused or interpreted as easements.

ROAD: A publicly maintained right-of-way, other than an alley, that affords a means of vehicular access to abutting property.

ROADWAY: The actual road surface including necessary road shoulders and drainage facilities including ditches and curbs and gutters, which is used to transport motor vehicles.

ROOMING UNIT: Living accommodations occupied partly on a monthly or longer basis and partly for a shorter time, but with more than thirty (30) percent of time living units under the same

ownership, control, or management on the same zone lot being occupied on a less than monthly basis.

SANITARY LANDFILL: An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State Department of Health and Environment.

SCREENING: An opaque barrier which visually conceals specific areas. Examples of screening methods include trees, bushes, walls, and fences.

SEDIMENTATION: The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a result of erosion.

SELF-STORAGE FACILITY: A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

SEMI-TRANSIENT HABITATION: Living accommodations occupied partly on a monthly or longer basis and partly for a shorter time, but with more than thirty (30) percent of the living units under the same ownership, control or management on the same zone lot being occupied on more than a biweekly basis but on less than a monthly basis. (See transient habitation definition).

SETBACK: The distance a structure must be built from a lot line in accordance with this zoning ordinance. Required setbacks are also referred to as yards. The following setback types are referenced:

- A. Front setback (a.k.a. street setback) - A setback extending along the full length of the lot line abutting a street.
- B. Rear setback - A setback extending for the full length of a lot line not abutting a street, on the opposite end of a lot from a front setback.
- C. Side setback - A setback extending along a lot line from the front setback to the rear setback.

SHELTER, FALL OUT: A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fallout, air raids, storms, or other emergencies.

SHOPPING CENTER: A group of compatible commercial establishment, planned, developed, and managed as a unit, with an automobile parking area provided on the property; the center must also be related in location, size, and type of shop to its trade area.

SHRUB: A woody plant with a multiple stem capable of growing to a height of no more than fifteen (15) feet.

SIGHT TRIANGLE: The area located at the intersection of two streets, whether public or private, or a street and private driveway through which an unobstructed view of approaching traffic is necessary for motorists.

SITE PLAN: A graphic depiction of features on a site such as existing and proposed structures, paved areas, ingress/egress points and landscaped areas along with certain information as required in this Ordinance.

SPECIAL EXCEPTION: A use which is specifically permitted if the owner can demonstrate to the satisfaction of the Board that it will meet certain standards, enumerated safeguards, or qualifying conditions.

SPECIFIED ANATOMICAL AREAS: Less than completely and opaquely covered human genitals, pubic region, buttocks; and female breasts below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely covered or opaquely covered.

SPECIFIED SEXUAL ACTIVITIES – MEANS human genitals in a state of sexual arousal; Acts of human masturbation, oral copulation, sexual intercourse or sodomy; or fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

STABLES/ANIMAL BOARDING FACILITIES - A building or part of a building in which horses or other animals are boarded or kept for commercial purposes.

START OF CONSTRUCTION: The date the building permit is issued provided the actual start of activity was within 180 days of the permit date. The actual start of activity means either the first placement of permanent construction of a structure on the 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 modular home on a foundation. Permanent construction does not include land preparation, such as clearing, grading or filling; nor does it include installation of roads and/or sidewalks; nor does it include excavation for a basement, footings, piers or 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

STONE QUARRYING: The excavation or extraction from the earth on a parcel of property of rock or stone by cutting, digging, blasting or any other means, except where such excavation or extraction is necessary on that parcel pursuant to a properly issued construction permit, or for site development pursuant to properly issued grading permit, and in compliance with all state and

federal laws and regulations. Stone quarrying includes but is not limited to the extraction of stone on or off the parcel or property in commercial processes and the extraction of stone for any purpose or use on or off the parcel from which it was extracted unless necessary for the construction or site development as described herein.

STORY: A portion of a building between the surface of any floor and the surface of the floor above it, or, if there is no floor above it, the space between such floor and the ceiling above it. A basement or cellar shall not be deemed a story if the finished floor level directly above is not more than six (6) feet above the average elevation of the adjacent finished grade.

STREET: A public road, highway, or thoroughfare which constitutes, or is designed to constitute, the main access to more than one lot and which has been legally dedicated and accepted for public use.

STRUCTURE: Anything that is erected, built or constructed of parts joined together with a fixed location on the ground, or attached to something having a fixed location in or on the ground and shall include buildings, decks, walls or any sign, but does not include fences that do not exceed six feet in height, or open air surfaced areas.

SUBDIVISION: Any subdivision or re-division of a parcel of land as defined under Tennessee Code Annotated.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a principal structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either before the improvement or repair or before the damage occurred. For the purposes of this ordinance, substantial improvement is considered to occur when the alteration of any wall, ceiling, floor, or other structural part of the building commences, that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for the improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions, or (2) any alteration or restoration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

TELECOMMUNICATION TOWERS AND ANTENNAS: A free-standing structure or any structure to be attached to a building or other structure that is used for telecommunications.

TEMPORARY SIGN: Temporary signs shall include any sign, banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose of sign is intended to be displayed for a short period of time only.

TOWER, COMMUNICATIONS/OTHER: Towers and accessory buildings for transmitting and receiving radio, television, telephone, satellite, and other broadcast signals, including Radar surveillance.

TOXIC MATERIALS: Materials (gaseous, liquid, solid, particulate), which can cause injury to living organisms even when present in relatively small amounts.

TRANSIENT HABITATION: Separate lodging or living accommodations for rent or lease of a commercial nature. Such uses as hotels, motels, tourist homes and courts, as well as commercial camp grounds (sporting and recreational vehicle camps) falls under this classification Multi-family dwelling complexes of all types in which more than thirty (30) percent of their units are occupied on a biweekly basis or less shall be considered as being transient habitation.

TRAVEL TRAILER (MOTOR HOME): A vehicular, portable structure designed as a temporary dwelling for travel recreation and vacation uses.

TRAVEL TRAILER (MOTOR HOME) PARK: A plot of land designed and equipped to accommodate travel trailers for short periods of time.

TREE: A woody plant with a single trunk, or multiple trunks capable of growing to a height of fifteen (15) feet or more.

USE: A function or operation that constitutes an activity occurring on the land.

UTILITY FACILITY: Any above-ground structures or facilities used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil or electronic signals.

VEHICULAR SALES: The retail or wholesale sale or rental of automobiles, motorcycles or recreational equipment, along with incidental service or maintenance.

VETERINARY OFFICE: A building or part of a building used in the medical care of animals.

WAREHOUSING AND WHOLESALING: A building or part thereof, which is used primarily for the housing, storage, adapting for sale, package or wholesale distribution of goods, wares, merchandise, food stuff substances, articles and the like but does not include a fuel storage tank

YARD: The distance a structure must be built from a lot line or road right-of-way in accordance with this zoning ordinance.

ZONE LOT: For purposes of this ordinance, a lot is a parcel of contiguous land which is or may be developed or utilized under one ownership as a unit site for a use or group of uses and which is of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required.

ZONING MAP: A map or series of maps and special overlays showing districts and overlay districts that are established under the provisions of, and are thereby a part of this Ordinance.

ZONING PERMIT: A written permit issued by the Zoning Administrator being required before commencing any construction, reconstruction, alteration of any building or other structure or before establishing, extending, or changing any activity or use on any zone lot.

2.3 USE CLASSIFICATION.

The purpose of these provisions is to classify uses into several specific categories based on their common functional characteristics and compatibility. This provides a basis for regulation of uses in according to criteria, which are relevant to the public interest in differentiating between zoning districts. A general statement appears with each broad use classification, which is intended to provide guidance as to what their common characteristics are. It is not intended that every use within a grouping should necessarily be permitted within a given zone district. Where specific uses within a particular use grouping are individually listed, only those particular uses are permitted.

2.3.1 LISTING OF ACTIVITY CLASSIFICATIONS.

All activities are hereby classified into the following activity types. Vacant land itself shall not constitute an activity type. The list of permitted uses, special exceptions, and conditional uses for each classification may be found in the Table of Uses, located in the appendix of this Zoning Ordinance.

2.3.1.1 RESIDENTIAL ACTIVITIES; CLASS AND TYPES.

- A. **PERMANENT RESIDENTIAL ACTIVITIES:** This grouping is intended to include permanent residential activities, which involve the occupancy of a dwelling unit as defined by the Ordinance. This form of occupancy shall not be construed to include:
1. Institutional living arrangements involving the provisions of special care or forced residence, such as nursing homes, convalescent homes, rest homes, orphanages, asylums, and prisons; or

2. Semi-transient accommodations such as rooming houses and boarding house, as well as multi-family dwelling complexes having more than thirty (30) percent of their living units occupied on less than a monthly basis; or
 3. Transient accommodations such as transient hotels, motels, tourist homes, or similar establishments; or
 4. Dormitories, nurse's residences, fraternity or sorority houses, monasteries or convents, or similar establishments containing group living or sleeping accommodations; or
 5. In a building with mixed use occupancy that part of the building used for any nonresidential uses excepting accessory residential uses.
- B. SEMI-TRANSIENT RESIDENTIAL ACTIVITIES: This grouping is intended to include residential activities which are semi-transient in nature and involve the occupancy of a rooming unit as defined by this ordinance. This form of occupancy shall not be construed to include institutional living arrangement involving provisions of special care or forced residence, such as nursing homes, convalescent homes, rest homes, orphanages, asylums, and prisons.

2.3.1.2 COMMUNITY FACILITY ACTIVITIES: CLASS AND TYPES.

- A. GOVERNMENT ADMINISTRATIVE SERVICES: This grouping is intended to include the activities typically performed by public, utility, and private nonprofit administrative offices.
- B. COMMUNITY ASSEMBLY: This grouping includes a broad range of facilities utilized as public Gathering places in conjunction with various social and recreational events. This grouping is not intended, to include facilities primarily utilized for Profit, nor is it to include any facility, which has the characteristics associated with extensive impact community facilities.
- C. COMMUNITY EDUCATIONAL FACILITIES: This grouping is intended to include services and facilities typically performed by public, parochial, and primary and secondary schools. The grouping is not intended to include the special training and schooling services offered by private individuals for profit, or by technical schools, colleges, and universities.
- D. CULTURAL AND RECREATIONAL SERVICES: This grouping is intended to include services and facilities of a cultural or recreational nature, which are either owned by, or operated for the use, and enjoyment of, the general public. The grouping is not intended to include entertainment and amusement facilities, which are operated by private persons as profit making ventures.
- E. ESSENTIAL PUBLIC TRANSPORT, COMMUNICATION, AND UTILITY SERVICES: This grouping is intended to include facilities necessary and incidental to the operation of transport,

communication, and utility services. The grouping is not intended to include major transport terminals or utility production and processing facilities.

- F. **EXTENSIVE IMPACT FACILITIES:** This grouping includes public activities and facilities which have a high degree of impact upon surrounding land use due to hazard and nuisance characteristics, traffic generation, and parking requirements.
- G. **HEALTH CARE FACILITIES:** This grouping includes medical and other health care facilities, which are required for the promotion and protection of public health and safety. This grouping is not intended to include the offices, clinics, laboratories, etc., of private physicians or other health care professionals.
- H. **INTERMEDIATE IMPACT FACILITIES:** This grouping is intended to include activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of the permitted institutions or installations.
- I. **PERSONAL GROUP CARE FACILITIES:** This grouping is intended to include facilities for the care of very young and/or disabled persons who have need of special care and supervision. This grouping is not intended to include facilities primarily oriented to the provision of medical care or to the long-term care of-rehabilitation and medical patients nor is it to include facilities for delinquent minors, the criminally dangerous psychotic.
- J. **RELIGIOUS FACILITIES:** This grouping is intended to include facilities utilized by various religious organizations for worship or community services functions. The grouping is not intended to include facilities which primarily function to produce products, including printed matter, for sale or general membership of the organization.

2.3.1.3 COMMERCIAL ACTIVITIES: CLASS AND TYPES.

- A. **ANIMAL CARE AND VETERINARIAN SERVICES:** This grouping is intended to include the activities or facilities utilized by veterinarians in the care of small domestic pets. The grouping is not intended to include facilities or services for treatment of large farm animals.
- B. **AUTOMOTIVE PARKING:** This grouping is intended to include the facilities for parking and/or storage of operative automotive vehicles. The grouping is not intended to include the storage of junk or scrap vehicles.
- C. **AUTOMOTIVE SERVICES AND REPAIR:** This grouping is intended to include establishments primarily engaged in furnishing auto repair services to the public.

- D. BUILDING MATERIALS AND FARM EQUIPMENT SALES: This grouping includes firms engaging in the retail and wholesale sale and storage of materials used in the construction of buildings and other structures as well as the retail and wholesale sale and storage of implements, equipment, as well as feed and seed used in agricultural pursuits.
- E. CONTRACT CONSTRUCTION SERVICES: This grouping is intended to include firms engaged in the retail sale, from the premises of goods and services which are needed immediately and often, which are purchased where it is most convenient for the shopper; as well as the provision of personal convenience services which are typically needed frequently and recurrently.
- F. CONVENIENCE COMMERCIAL: This grouping includes the retail sale, from the premises, of groceries, drugs, and other frequently needed personal convenience items, as well as the provision of personal convenience services which are typically needed frequently or recurrently, provided that no establishment shall exceed 5,000 square feet of gross floor area.
- G. CONSUMER REPAIR SERVICES: This grouping is intended to include establishments primarily engaged in the repair of miscellaneous objects. The grouping does not include automobile repair of any type.
- H. ENTERTAINMENT AND AMUSEMENT SERVICES: This grouping is intended to include establishments engaged in providing amusement or entertainment on payment of a fee for admission charge.
- I. FINANCIAL, INSURANCE, REAL ESTATE, AND CONSULTING SERVICES: This grouping includes firms engaged in the provision of financial, insurance, and real estate brokerage services, as well as advice, designs, information, or consultations of a professional nature (other than those classified as Community Facility Activities, Medical and Professional Service, or Business and Communication Services). These also include the executive, management, or administrative activities of private, profit oriented firms but exclude the sale and/or storage of goods or chattel unless otherwise permitted by this ordinance.
- J. FOOD AND BEVERAGE SERVICES: This grouping is intended to include the retail establishments selling prepared foods and drinks to the general public primarily for consumption on the premises. The grouping is not intended to include food preparation facilities that are not open to the general public and are operated as a subordinate service for benefit of employees engaged in other activities.

- K. FOOD SERVICE- DRIVE IN: This grouping is intended to include establishments engaged in the retail sale of prepared food or beverages for either take out or on premises consumption, either within the principal structure or within a vehicle parked car on the same lot.
- L. GENERAL BUSINESS SERVICES: This grouping includes firms engaged in the provision of clerical, goods brokerage, communications, copying and blueprinting services, custom printing (except books) but exclude the sale and or storage of goods and chattel unless otherwise permitted by this ordinance.
- M. GENERAL PERSONAL SERVICES: This grouping includes firms engaged in the retail sales or rental from the premises, primarily for personal or household use, or goods and/or services but excluding goods and services listed in other classifications herein.
- N. GENERAL RETAIL TRADE: This grouping includes the retail sales or rental from the premises, primarily for personal or household use, of goods and or services; but excluding goods and services listed under other activity types.
- O. GROUP ASSEMBLY: This grouping includes the provisions of cultural, entertainment, educational, and athletic services, other than those classified as Community Facilities, to large groups of assembled spectators and/or participants (500 or more) or that has a substantial potential impact upon adjoining property.
- P. PROFESSIONAL SERVICES- MEDICAL: This grouping is intended to include establishments primarily engaged in providing medical, dental, and other health services to individuals. The grouping does not include services provided at general care facilities located with Community Facilities- Health Care.
- Q. PROFESSIONAL SERVICES – NON-MEDICAL: This grouping is intended to include a broad listing of generally recognized professions, other than medicine, which are compatible with one another and tend to exert similar impacts upon their surroundings.
- R. TRANSIENT HABITATION: This grouping is intended to include commercial and institutional establishments engaged in furnishing lodging, or lodging and meals on a fee basis.
- S. VEHICULAR, MARINE CRAFT, AIR CRAFT, AND RELATED EQUIPMENT, SALES, RENTAL AND DELIVERY: This grouping is intended to include the retail dealers selling new and used automobiles, boats, aircraft, recreational vehicles, utility trailers, and motorcycles. Repair Shops and Parts Sales Facilities are to be included, along with Gasoline Service Stations. The grouping is not intended to include automotive distributors, from which the greater part of

whose sales are to dealers or to institutional or industrial users (See Wholesale Trade Durable Goods).

- T. WAREHOUSING, GOODS TRANSPORT, AND STORAGE: This grouping is intended to include establishments and facilities associated with the warehousing storage, and transport of goods. Due to the very close relationship between the extensive impact of the truck traffic, etc., associated with these uses, they are included within this grouping even though certain aspects of these uses are closely aligned with wholesale trade activity.
- U. WHOLESALE SALES: This grouping includes the storage and sale from the premises of goods to other firms for resale, as well as the storage of goods and their transfer to retail outlets but exclude sale or storage of motor vehicles, except for parts and accessories.

2.3.1.4 INDUSTRIAL ACTIVITIES: CLASS AND TYPES

- A. MANUFACTURING- LIMITED: This grouping is intended to include manufacturing activities that include on-site production of goods by methods other than agricultural or extractive in nature.
- B. MANUFACTURING – INTERMEDIATE: This grouping is intended to include a broad range of manufacturing operations. All activities and operations within this grouping shall, in all respects, comply on a continuous basis with the performance standards applicable within any Industrial District. The grouping includes the manufacture, compounding assembling, packaging, treatment, or fabrication of various products.
- C. MANUFACTURING – EXTENSIVE: This grouping is intended to include all Intermediate Manufacturing Activities (described above) and the exceptions listed above for that grouping, except the uses listed in the Table of Uses of this Zoning Ordinance.

2.3.1.5 AGRICULTURAL AND EXTRACTIVE ACTIVITIES: CLASS AND TYPES

- A. AGRICULTURAL SERVICES: This grouping is intended to include a variety of service functions, which are directly linked to the agricultural activities, which these functions support.
- B. CROP AND ANIMAL RAISING: This grouping is intended to include the raising of tree, vine, field, forage, and other plant crops intended to provide food or fiber, as well as keeping, grazing, or feeding animals for animal products, animal increase, or value increase, but specifically excluding commercial feed lots and facilities for the processing, packaging, or treatment of agricultural products.

- C. FEED LOTS AND STOCKYARDS: This grouping is intended to include facilities and operations involved in the storage and feeding (other than pasture grazing) of animals for resale or slaughter.

- D. MINING AND QUARRYING: This grouping is intended to include operations and facilities either utilized by, or in support of the extraction of minerals, ores, petroleum, and natural gas, or in the quarrying and collection of stone, sand, and gravel, clay, and other non-metallic minerals (such as phosphate rock).

- E. PLANT AND FOREST NURSERIES: This grouping is intended to include the cultivation for sale of horticultural specialties, such as flowers, shrubs, and trees intended for ornamental, landscaping, or tree planting purposes.

**ARTICLE III
SUPPLEMENTARY PROVISIONS AND
ADMINISTRATIVE PROCEDURES**

SECTION

- 3.1 Scope
- 3.2 Application Fees
- 3.3 Administration
- 3.4 Enforcement Officer
- 3.5 Lots of Record
- 3.6 Principal Structures
- 3.7 Corner Lots
- 3.8 Absolute Minimum Lot Size
- 3.9 Building Requirements in Commercial or Industrial Zones
- 3.10 Administrative Approvals
- 3.11 Amendments to the Ordinance
- 3.12 Requirements for Sketch Plans for Temporary Accessory Structures
- 3.13 Site Plan

3.1 SCOPE: For the purpose of the zoning ordinance, there shall be certain general provisions which shall apply, except as specifically noted, to the City as a whole.

3.2 APPLICATION FEES: Standardized fee schedules may be established to partially defray the processing and administration costs associated with each type of application associated with this ordinance. A fee schedule shall be authorized by passage of a Resolution by the Shelbyville City Council. All application fees shall be paid to the City of Shelbyville by the applicant at the time of filing. Fees shall be waived for the following:

- A. Applications initiated by any Federal, State, County or City of Shelbyville government.
- B. Applications initiated by any non-profit organization.
- C. Any large area rezoning initiated by the Planning Commission or City Council to implement the City of Shelbyville Comprehensive Plan.

3.3 ADMINISTRATION: Except as otherwise provided, no structure, building, site, land, or sign shall, after the effective date of this ordinance, be used and no structure, building, or sign, or part thereof, shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. All permitted uses are subject to all

regulations established in this ordinance. Furthermore, all permitted uses are subject to all applicable laws of, including but not limited to, Federal, State, County and Shelbyville governments.

3.4 ENFORCEMENT OFFICER: The provisions of the ordinance shall be administered and enforced by the City Planning Director and/or their designee. In performance of administering and enforcing this ordinance, s/he shall:

- A. Issue notifications of determinations of Planning Commission, Board of Zoning Appeals, and Historic Zoning Commission; make and maintain records thereof.
- B. Issue and renew, where applicable all Temporary Use Permits and make and maintain records thereof.
- C. Maintain and keep current zoning maps and records of amendments thereto.
- D. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board is required to act under the provisions of this ordinance.

3.5 LOTS OF RECORD: The following provisions shall apply to all existing lots of record:

- A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as in the opinion of the Board of Zoning Appeals is possible.
- B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance, and no yard, court or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.
- C. Where two or more lots of record with a continuous frontage is under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

3.6 PRINCIPAL STRUCTURES: There may be more than one structure and its customary accessory building or structure(s) built any lot, provided that all applicable provisions of this Ordinance are met. However, there may not be more than two (2) structures on any given lot that are intended for human habitation. R.V.s and single-wide mobile homes shall not be permitted as secondary structures on any residentially zoned lot.

- 3.7 CORNER LOTS:** The side yard setback requirements for corner lots shall be the same as the front setback requirements.
- 3.8 ABSOLUTE MINIMUM LOT SIZE:** In no case shall the Planning Director or the Board of Zoning Appeals permit any zone lot in a residential district to be used as building site, which is less than six thousand (6,000) square feet in total area and thirty (30) feet in width at its narrowest point or has a front setback of less than fifteen (15) feet and a side setback of less than five (5) feet, with the exception of officially approved planned developments. This section shall not apply when a portion of a lot is acquired for a public purpose.
- 3.9 BUILDING REQUIREMENTS IN COMMERCIAL OR INDUSTRIAL ZONES:** Any building in a commercial or industrial zone shall be site-built, or if pre-fabricated, be originally designed and constructed for commercial purposes, installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to the municipal water and sewer systems, and permanently connected to such systems, and meet all requirements of the currently adopted building codes.
- 3.10 ADMINISTRATIVE APPROVALS:** The following may be approved administratively by the Planning and Community Development Director. Should the Director have any question about the appropriateness of issuing an administrative approval, the Director reserves the right to bring the item before the Board of Zoning Appeals for interpretation of the Ordinance.

A. ADMINISTRATIVE APPROVAL OF HOME OCCUPATIONS

1. GENERAL PROVISIONS

- A. No person other than members of the family residing on the premises shall be engaged in such occupation;
- B. Home Occupations shall not be identified by the display of goods or signs on the lot on which it is located.
- C. No outdoor display of signs is permitted greater than (1) square foot in area.
- D. No outdoor display of goods or outside storage of equipment, parts, or materials of any kind used in the home occupation shall be permitted;
- E. No more than 20% of the total floor area is devoted to the home occupation.
- F. The site may not be used as a storage facility for a commercial activity conducted elsewhere.
- G. No materials, goods and/or equipment indicative of the home occupation shall be visible from any public road or stored outside.
- H. The use shall not generate noise, fumes or smoke, nor create a nuisance of any kind

which would affect the residential character of the area in which it is located.

- I. No traffic shall be generated by the home occupation in greater volume than would normally be expected in the area.
 - J. There shall be no on-site sales allowed. Business transactions conducted via telecommunication devices shall not be considered as on-site sales for the purpose of this article.
 - K. Teaching, including but not limited to tutoring and art, music or dance lessons, shall be permitted provided that it is limited to no more than two pupils at any given time.
 - L. Customary home occupations will be limited to goods and services provided to individuals or groups not exceeding (5) in number.
 - M. No home occupation shall be conducted in any accessory building;
 - N. No home occupation shall require internal or external alterations, construction features, or the use of any equipment that would change the fire rating of the structure.
 - O. No such use shall be of adult or sexually oriented businesses.
2. The following are specifically prohibited as home occupations:
- A. Sale of firearms and other weapons
 - B. The repair, automotive detailing, and other associated like services for commercial purposes.
 - C. Tea rooms
 - D. Tourist homes (not to include Bed and Breakfast facilities)
 - E. Convalescent homes
 - F. Mortuaries/ crematoriums
 - G. Kennels and veterinarian clinics or hospitals;
 - H. Retail sales business (other than internet sales)
 - I. Medical and dentist offices involving patient visitation;
 - J. Barber and beauty shops exceeding one chair.
 - K. Substance Abuse Treatment Facility involving client visitation.
3. The following are considered Permitted Home Occupations:
- A. Offices for such professionals as but not limited to architects, counselors, contractors, clergy, draftspersons and cartographers, engineers, financial planners, insurance agents, lawyers, real estate agents, accountants, psychologists, psychiatrists, surveyors, cleaning services, salespersons and manufacturer's representatives;
 - B. Personal services including barber and beauty shops (limited to one chair), tattooing, therapeutic massage, manicure and pedicure shops, pet grooming/sitting, catering, tailors and dressmakers, and typing and word processing services;

- C. Instructional services including but not limited to dance, music, arts and crafts, and tutoring;
 - D. Studios for artists, sculptors, musicians, and photographers and similar activities;
 - E. Repair services for jewelry, watches and clocks, small appliances, computers, and electronic devices;
 - F. General construction related contracting business;
 - G. Lawn care businesses.
 - H. Internet sales are allowed as long as they do not fall under category of prohibited.
4. It is recognized that this list is not totally inclusive. The Planning Department shall make the determination of whether an unlisted business is similar to a permitted use. An appeal of the Planning Department's determination may be made to the Board of Zoning Appeals.

B. ADMINISTRATIVE APPROVAL OF TEMPORARY USES.

1. TEMPORARY USE PERMITS: It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the City Planning and Community Development Director. Application for a Temporary Use Permit shall be made in writing to the Planning and Community Development Director or on the form provided for that purpose. A schedule of fees shall be established by the Shelbyville City Council. Until the appropriate fee has been paid in full, no action shall be taken on any application.
2. TEMPORARY USE REGULATIONS: The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Application for a Temporary Use Permit shall be made to the Planning Director. Said application shall contain a graphic description of the property to be utilized and a site plan to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located.
3. TEMPORARY BUILDINGS: In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six-month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon expiration of the Temporary Use Permit, whichever occurs sooner.

4. **TEMPORARY DWELLING UNITS DURING CONSTRUCTION:** The temporary use of a camper, RV, travel trailer, and/or dwellings on wheels may be permitted during the time of construction or reconstruction of a residence, whether such action is voluntary, due to fire, or natural disaster. Under no circumstance are dwellings on wheels eligible to become permanent housing structures in any zone in the City of Shelbyville. The *Tennessee Code Annotated* §68-126-311 explicitly prohibits the modification of ready-removable structures for residential use (e.g.; pre-made sheds, mini-barns, storage units converted to small dwelling units). Therefore, ready-removable structures may not, under any circumstance, be considered eligible for placement in any zone for habitation purposes, whether temporary or permanent.

A. Initial Permit Approval and Duration: The initial issuance of a permit shall remain in effect for 6 months, and may be issued administratively.

B. Requests for First Extension, Approval and Duration: Requests for second extension of Temporary Dwelling Unit Permit may be submitted in writing to the Planning and Community Development Department Director in accordance with the approved Submittal and Review Calendar. A second extension may be administratively approved and is valid for a three (3) month period of time only. A complete request includes submittal and remittance of a non-refundable \$250.00 fee to the City of Shelbyville.

C. Requests for Second and Final Extension, Approval and Duration: An applicant may request a second and final three (3) month extension, which will be decided by the Shelbyville Planning Commission. A complete request includes submittal and remittance of a non-refundable \$250.00 fee to the City of Shelbyville.

D. Limitations of Temporary Dwelling Units During Construction include the following:

A. The temporary dwelling shall be sited consistent with the zoning district's setback regulations.

B. Required water and sanitary facilities must be provided.

C. The temporary dwelling shall be removed from the property within thirty (30) days of issuance of any occupancy permit for the rehabilitated or new residence.

D. The applicant shall be required to provide express consent and authorization to the City of Shelbyville to remove the temporary dwelling at the owner's expense upon termination of the temporary permit if the owner fails to do so.

5. TEMPORARY DWELLING UNIT IN CASES OF SPECIAL HARDSHIP: When fire or natural disaster has rendered a single-family residence located in any residentially zoned district unfit for human habitation, or when a property owner desires to live in temporary housing on his property located in the a residentially zoned district while his home is being built, the temporary use of a mobile home located on the single-family lot during rehabilitation of the original residence, or construction of a new residence, is permitted subject to the following additional regulations:
 - A. The mobile home dwelling shall be sited consistent with the zoning district's setback regulations.
 - B. Required water and sanitary facilities must be provided.
 - C. Maximum length of permit shall be six (6) months, but the Planning Director may extend the permit for an additional six (6) months in the event of circumstances beyond the control of the owner.
 - D. Application for the extension shall be made at least fifteen (15) days prior to expiration of the original permit.
 - E. The mobile home shall be removed from the property within thirty (30) days of issuance of any occupancy permit for the rehabilitated or new residence.
 - F. The applicant shall be required to provide express consent and authorization to the City of Shelbyville to remove the mobile home at the owner's expense upon termination of the temporary permit if the owner fails to do so.

6. TEMPORARY DWELLING UNIT IN CASES OF MEDICAL HARDSHIP: In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wide's excluded) temporarily on a lot which already contains a residential structure, provided that the purpose of such temporary placement shall be to make it possible for a resident of either structure to provide assistance to a person who requires daily assistance due to a physical or mental disability, and provided further that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a Temporary Use Permit as provided under this Subsection must produce a written statement from a physician certifying that the specific disability requires assistance from someone in close proximity as evidence of such disability, and a written statement from the Bedford County Health Department and/or the appropriate Utilities System approving the water supply and the sewage disposal system of the proposed temporary structure. Such permit may be initially issued for twelve (12) months. A permit may be renewed for (12) months at a time, subject to producing a new statement from a physician certifying that the assistance is still required due to the disabling condition. The temporary permit shall be revoked and the structure removed immediately upon expiration of the permit or upon a change in the condition under

which such permit was issued. The temporary structure must not violate the underlying zoning of the property. The person requiring assistance due to the disabling condition may be a resident of either the temporary or permanent structure. The temporary residence shall be treated as an accessory building.

C. ADMINISTRATIVE APPROVAL OF SITE PLANS.

A. ELIGIBILITY: The Planning and Community Development Director may administratively approve site plans for new buildings or additions to existing buildings in multi-family, industrial and commercial zones, provided the following apply:

1. The square footage of the building(s) is less than 5,000 square feet.
2. The site plan does not feature a current or proposed use that would require approval by the Board of Zoning Appeals.

B. Applications that fall under Administrative Approval authority shall still adhere to the Pre-Planning and Plans Review process as established by the Planning and Community Development Department.

C. The Planning and Community Director reserves the right to route projects through the Planning Commission if any situation arises that contradict the provisions of Section 3.10.2 (A) above during any part of the administrative evaluation process.

3.11 AMENDMENTS TO THE ORDINANCE: The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed by the City Council of Shelbyville. Any member of the City Council may introduce such legislation, or any official, board, or any other person may present a petition to the City Council requesting an amendment or amendments to this ordinance. Amendments may be in the form of text amendments, annexation/de-annexation of property in corporate limits, and/or rezoning of property located in Shelbyville corporate limits.

An application as provided by the Planning and Community Development Department must be completed by the individual requesting such amendment. An application is considered complete when submitted timely to the Planning and Community Development Department in accordance with the posted Submittal and Review Schedule; contain all application materials as required by this ordinance; and shall be accompanied by a fee appropriate to the requested action as approved by the Shelbyville City Council. The Planning Commission shall review and make recommendations to the mayor and city council on all proposed amendments to this ordinance. In its review and recommendation to the Mayor and City Council, the Planning Commission shall make specific findings with

regard to the following grounds for an amendment and shall note the same in the official record as follows:

- A. It has been determined that the legal purposes for which zoning exists are not contravened;
- B. It has been determined that there will not be adverse effect upon adjoining property owners unless such adverse effect can be justified by the overwhelming public good or welfare;
- C. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

No amendment, change or departure from the text or maps to or of this ordinance shall become effective or made unless it shall have been proposed by or shall have first been submitted to the Shelbyville Municipal Planning Commission for review and recommendation.

3.11.1 PROCEDURE FOR REZONING APPLICATIONS

- A. Applicant shall file application for rezoning and submit associated fee timely, in accordance with the Planning and Community Development Department's established submittal and review calendar.
- B. With application and fee, applicant shall provide to the Planning Department evidence that all property owners adjoining the subject property have been notified about the request. This shall be accomplished by the applicant sending by United States Postal Service a letter with Return Receipt Requested, signature required, with the return address being Shelbyville City Hall, Planning Department, 201 N. Spring Street, Shelbyville, TN, 37160. Applicant shall provide to the Department a list of recipients; all return receipts must be received by the Department by the Thursday before the Planning Commission meeting.
- C. Applicant shall also provide proof of ownership of the subject property by submitting with the applicant the Deed of Trust indicating ownership.
- D. Applicants for rezoning shall be subject to the same provisions as other applicants in terms of deferral and withdrawal of applications, as provided for the in Planning Commission By-Laws.

3.12 REQUIREMENTS FOR SKETCH PLANS FOR ACCESSORY STRUCTURES

- A. SKETCH PLAN REQUIRED: Sketch plans for accessory buildings and structures shall be required for review by the City of Shelbyville Pre-Planning Team prior to the issuance of any building permits or construction of any accessory structure as defined in this Ordinance.
- B. PAYMENT OF FEES: All sketch plans submitted to the City of Shelbyville Planning and Community Development Department are subject to application and review fees as approved by the Shelbyville City Council.

C. SKETCH PLAN REVIEW PROCESS: All applicants shall submit to the Planning and Community Development Department four hard copies of the sketch plan and a PDF emailed to the Planning Director for circulation to the Pre-Planning Review Team.

D. SKETCH PLAN CHECKLIST:

1. A to-scale drawing of the subject parcel
2. Owner's name and address
3. Address of subject parcel
4. Tax Map and Parcel Number
5. Zoning designation of subject parcel
6. Location of front, side, and rear setbacks of subject property
7. Square footage of subject parcel
8. Location and square footage of existing structures on the subject parcel
9. Location and square footage of proposed accessory building
10. Total lot coverage percentage
11. Location of utility easements
12. Depiction of any proposed points of ingress/egress

3.13 SITE PLAN.

A. SITE PLAN REQUIRED: Site plans shall be required for review by the Shelbyville Planning Commission for the following:

1. All commercial development.
2. All industrial development.
3. All Planned Unit Developments.
4. All Multi-Family structures.
5. All Mobile Home Parks and Recreational Vehicle Areas

B. PAYMENT OF FEES: All plats and site plans submitted to the City of Shelbyville Planning and Community Development Department are subject to the application and review fees as approved by the Shelbyville City Council.

C. PERIOD OF VALIDITY: Site plans shall be valid for eighteen (18) months. If construction has not begun within that time the approved site plan shall become invalid. The above applications must be supported by any other information or data as might be deemed necessary by the Shelbyville Municipal Planning Commission.

D. SITE PLAN REVIEW PROCESS: All applicants and/or their designees shall participate in the City of Shelbyville Pre-Planning Process, unless otherwise notified by City Staff. Failure to participate may result in application being denied; all fees submitted shall be non-refundable.

- E. SITE PLAN CHECKLIST: A required site plan shall be submitted to the Planning and Community Development Department for Planning Commission in accordance with the submittal and review schedule available in the Planning and Community Development Department. This checklist is intended to aid an applicant in making a complete submittal of a Site Plan but does not preclude the applicant from reviewing and applying the requirements of the Site Regulations. The applicant shall sign indicating that all checklist items have been addressed on the site plan. The applicant shall submit this Checklist with the Site Plan application; the appropriate number of copies of the site plan, an electronic copy of the document and pay the appropriate fees. This checklist is intended to aid an applicant in making a complete submittal of a Site Plan but does not preclude the applicant from reviewing and applying the requirements of the Site Regulations. The applicant shall sign indicating that all checklist items have been addressed on the site plan.

The applicant shall submit this Checklist with the Site Plan and associated application.

1. Name of the development and the street address.
2. Name and address of the Owner of record.
3. Name and address of the Developer/Applicant (if other than Owner).
4. Tax identification number of the subject parcel.
5. The current zoning of the subject parcel.
6. Names of the property owners for the adjoining properties.
7. The current zoning of the adjoining parcels and the parcels across any rights-of-way.
8. The name, address, signature, registration number and seal of the professional shall be shown on all sheets of the plan.
9. Are there any special exceptions, variances, or conditional use permit approvals that affect the site? If so, the conditions, identifying number and approval date need to be provided on the plan.
10. The height of the building in feet.
11. The intended use of the building.
12. Building setback lines as required by the Zoning Ordinance.
13. Parking Calculations:
 - a. Parking requirement formula
 - b. Number of required parking spaces,
 - c. Number of provided parking spaces
 - d. Number of required and provided handicap parking spaces.
14. The parking stalls and drive aisles shall be clearly dimensioned (including handicap spaces and striped areas).
15. The City standard pavement cross section for drive aisles and parking stalls shall be provided.
16. Site Statistical data:

- a. Total site area
 - b. Developed area
 - c. Pre-construction impervious area
 - d. Post construction impervious area
17. Green Area Calculations: Required and Provided
 18. Proposed water and sewer connections.
 19. Existing utilities (location and size)
 20. Location of all fire hydrants.
 21. If the Developed Area is less than the Total Site, is the Developed Area clearly delineated on the site plan?
 22. Are transitional buffers required between zoning districts? If so, are they shown and labeled on the site plan?
 23. Limits of clearing delineated.
 24. Methods of collecting, retaining, directing or disposing of stormwater (including appropriate drainage calculations) shown and provided.
 25. Landscape plan (providing the number, location, size and species of landscaping material) provided.

ARTICLE IV

PARKING AND ACCESS REGULATIONS

SECTION

- 4.1 Access Control
- 4.2 Lot Must Abut a Public Street
- 4.3 Rear Yard Abutting a Public Street
- 4.4 Off-street Parking Requirements
- 4.5 Obstruction of Vision
- 4.6 Future Street Lines
- 4.7 District Specific Parking Calculations

4.1 ACCESS CONTROL: To promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply.

1. **WIDTH:** A point of access for vehicles onto a street shall not exceed the following widths in each category:

- A. No wider than thirty (30) feet for all residential land uses.
- B. No wider than forty (40) feet for all retail and commercial land uses.
- C. No wider than forty-five (45) feet for all industrial land uses
- D. All points of access shall be constructed to provide for proper drainage of property and public streets.
- E. A minimum of a fifteen (15) inch culvert shall be provided in the ditch line regardless of base zone.
- F. Any access on a State highway shall adhere to Tennessee Department of Transportation regulations.

2. **POINTS OF ACCESS:**

- A. There shall be no more than two (2) points of access to any one public street for each four hundred (400) feet of lot frontage, or fraction thereof. Lots less than one hundred (100) feet in width shall have no more than one point of access to any one public street.

B. No point of access shall be allowed within twenty-five (25) feet of the right-of-way line of any public intersection. On collectors or arterials this minimum shall be forty (40) feet.

3. **CURBS:** No curbs on city streets or rights-of-way shall be cut or altered without approval of the Shelbyville Public Works Department Director, or if a state highway, a permit must be obtained from the Tennessee Department of Transportation.

4. **DRIVEWAYS:** Where two driveways are provided for one lot frontage, the clear distance between any two driveways shall not be less than twenty-five (25) feet. No modes of ingress or egress shall be designed so that vehicles are required to back directly onto a public street.

4.2 LOT MUST ABUT A PUBLIC STREET: No building shall be erected on a lot commercial or industrial zoned which does not abut at least one (1) publicly approved and accepted street for a distance required by the underlying base zone and/or any requirements of any overlays zoning districts. Said publicly approved street must have been shown on a final subdivision plat or as a proposed permanent street right of way as approved by the Shelbyville Municipal Planning Commission. If subdivision plats do not have approved right of ways (proposed or actual), the plat shall be brought back to the Planning Commission to obtain such approval.

4.3 REAR YARD ABUTTING A PUBLIC STREET: When the rear yard of a through lot that abuts two public streets, the rear of the property must have a natural buffer between the property and the public street. The natural buffer vegetation must be maintained at a height not less than 6 feet and located a minimum of 10 feet off the rear property line. No structures shall be in any required side setback unless specifically allowed in the underlying base zone or overlay district. This regulation shall apply to residentially zoned properties only.

4.4 OFF-STREET PARKING REQUIREMENTS: In all districts, accessory off-street parking shall be provided in conformity with the requirements set forth in this section for all uses permitted by right or as a conditional use. For an enlargement or modification resulting in a net increase in the floor area or other applicable unit of measure specified herein, the same requirements shall apply to such net increase in the floor area or other specified unit of measurement.

1. Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established.

2. One (1) vehicle space shall be one hundred sixty-two (162) square feet in size (9 feet

x 18 feet).

3. Such space shall be provided with vehicular access to a street or alley.
4. Handicapped parking spaces shall be provided according to the standards provided in the City's currently adopted International Building Code.
5. The required number of parking spaces shall be provided on property owned by the relevant property owner. Street or highway right-of-way shall not be utilized to meet the minimum number of required parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth in Article 4, Section 4.8.
6. For buildings and land uses not referred to in the pre-cited activity classifications and specifically listed in the corresponding use classification listings cited within this ordinance, the Board of Zoning Appeals shall determine the off-street parking requirements.

4.5 CERTIFICATION OF MINIMUM PARKING REQUIREMENT: Each application for a building permit shall include information as to the location and dimensions of off-street parking spaces and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Planning Director to determine whether the requirements of this section are met.

4.6 COMBINATION OF REQUIRED PARKING SPACE: The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

4.7 REMOTE PARKING SPACE: If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use, provided such land is in the same ownership or lease as the principal use. Such land shall be used for no other purpose so long as no other adequate provisions of parking space, me

4.8 REQUIREMENTS FOR DESIGN OF PARKING LOTS:

- A. All areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.

- B. Each parking space shall be no less than one hundred sixty-two (162) square feet in area. Each space shall be 9' x 18'. All parking spaces shall be clearly marked.
- C. Entrances and exits for all off-street parking lots shall comply with the requirements of this ordinance.
- D. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.
- E. There shall be a parking aisle at least 22 feet wide serving all 90 degree and 60-degree angled parking spaces. For all 30 and 45 degree, angled parking spaces there shall be a minimum parking aisle of 16 feet in width. Angled parking may be required for maximum safety and traffic flow benefit.
- F. Any lighting used to illuminate off-street parking areas shall be so arranged to prevent direct glare onto any public or private property or streets.
- G. No parking space(s) serving any residential development shall be located further than sixty (60) feet from the respective dwelling unit such space(s) serve.
- H. All off-street parking areas shall be surfaced with asphalt, concrete, or other dustless surface materials, and be constructed to provide for adequate drainage for both on and off sites.

4.9 EXCEPTION TO PAVING REQUIREMENT: If a new building additions smaller than 450 square feet is added to an already existing structure, said addition will not trigger the paving provisions of this Article. However, any subsequent additions, regardless of size, shall require adherence to all provisions of this Article pertaining to access and paving.

4.10 OBSTRUCTION OF VISION: In any district at the intersecting of any street and the entrance driveway to any commercial, industrial, or multifamily property, there shall be no obstruction to vision between the height of three (3) feet and a height often (10) feet above the grade of each street or railroad or driveway at the corner formed by their intersection, within a "sight triangle" formed by drawing lines along the edge of each pavement or railroad, and joining points on such lines 75 feet from their intersection; provided however, that the sight triangle for the intersection of streets and driveways shall use points 25 feet from the intersection of the street lines. The requirement of this section shall not be construed to prohibit any necessary retaining wall.

4.11 FUTURE STREET LINES: For providing adequate space for the future widening of streets, required setbacks or front yards shall be determined by the right-of-way as shown on the most current official Shelbyville, Tennessee Major Thoroughfare Plan Map.

4.12 DISTRICT SPECIFIC PARKING CALCULATIONS

A. Residential Activities (Permanent and Semi-Transient): Minimum of 2 parking spaces per dwelling unit.

B. Commercial Zones:

0- 1,200 square feet:	7 spaces minimum
1,201 – 1, 400 square feet:	14 spaces minimum
1,401 square feet or larger:	21 spaces minimum

C. Industrial Zones:

- *0-5,000 square feet of office space:* Minimum of 7 spaces plus 1 space for every 2 employees.
- *5,001- 10,000 square feet of office space:* Minimum of 10 spaces plus 1 space for every 2 employees.
- *10,001 square feet of office space or larger:* Minimum of 15 spaces plus 1 for every 2 employees.

**ARTICLE V
ZONING DISTRICTS**

SECTION

- 5.1 Classification of Districts
- 5.2 Official Zoning Map
- 5.3 General Base Regulations Applicable to All Districts
- 5.4 General Base District Regulations – Residential Districts
- 5.5 General Base District Regulations- Commercial Districts
- 5.6 General Base District Regulations – Industrial
- 5.7 Historic Zoning Overlay District
- 5.8 Planned Unit Development District Overlay
- 5.9 Floodplain Overlay District

5.1 CLASSIFICATION OF DISTRICTS.

For this ordinance, the following zoning districts are hereby established in the City of Shelbyville, Tennessee:

Residential

Low Density Residential	R-1
Medium Density Residential	R-2
High Density Residential	R-3
Multi-Family Residential	R-4
Mobile Home Park	MHP

Commercial

Central Business	C-1
General Commercial	C-2
Neighborhood Commercial	C-3

Industrial

Light Industrial	I-1
General Industrial	I-2
Outdoor Industrial	I-3

Overlay Districts: Historic Overlay (H-1) and Planned Unit Development (PUD)

5.2 OFFICIAL ZONING MAP

- A. ZONING MAP ESTABLISHED: The zoning districts established by this ordinance shall be depicted on the Official Zoning Map of Shelbyville, which is hereby incorporated into the provisions of this code.
- B. ZONING DISTRICT BOUNDARIES: The following rules shall be used to determine the precise location of any zone boundary shown on the Official Zoning Map of Shelbyville.
- C. CORPORATE LIMITS: Boundaries shown as following or approximately following the City of Shelbyville corporate limits shall be construed as following such limits.
- D. CENTERLINES: Boundaries shown as following or approximately following streets, railroads, water courses, or pronounced topographic features shall be interpreted to fall along the centerlines of those features.
- E. LOT OR PROPERTY LINES: Boundaries shown as following or approximately following platted lot lines or deeded property lines shall be construed as following such lines.
- F. BOUNDARY INTERPRETATIONS: In cases of uncertainties, the location of a zoning boundary shall be interpreted by the Board of Zoning Appeals.
- G. ZONING OF ANNEXED TERRITORY: All territory which may hereafter be annexed to the City of Shelbyville shall be zoned Low-Density Residential, R-1. Such annexed territory shall retain such zoning classification until:
 - 1. The necessary studies are made by the Planning Commission and the Official Zoning Map is amended in the manner provided in this ordinance, or
 - 2. The Applicant specifically requests an alternative zoning designation at the time of annexation.

5.3 GENERAL BASE REGULATIONS APPLICABLE TO ALL DISTRICTS.

The regulations that follow shall apply in the zoning and zoning overlay districts established in this ordinance.

- A. PERMITTED USES: Appendix 1: Table of Uses shall be referred to in ordinance to define the various uses prohibited or permitted, whether by right or Special Exception, in the following district regulations.

- B. PROHIBITED USES: Uses not specifically permitted; or uses not permitted upon approval as a special exception or Special Exception are considered prohibited uses and shall not be allowed.
- C. PARKING REQUIREMENTS: Parking requirements for each district shall be governed by the provisions of this ordinance.
- D. DISTRICT STANDARD TERMS: See the definitions contained in this ordinance for definitions of terms contained in this article.
- E. IRREGULARLY SHAPED LOTS: In all districts, wherever a lot is of such irregular shape that the setback provisions cannot be readily applied, the Planning Director shall interpret the application of the setback provisions.
- F. CORNER LOTS: In all districts, corner lots shall be considered to have one (1) front yard, two (2) sides and one (1) rear yard. For determining setbacks, the rear yard shall be the yard on the opposite side of the structure that has been used for property addressing.
- G. PERMITTED INCIDENTAL STRUCTURES WITHIN SETBACKS: Items or structures that are incidental and subordinate to the primary structure of the property may be allowed to encroach on established front and rear setbacks, provided the incidental structures are not placed over or within permanent utility and drainage easements. Examples of incidental structures include those which can be removed and/or relocated if necessary, and whose location does not pose an obvious threat to life or safety. Decks, stoops, porches that are not considered integral to the structural integrity of any structure to which it may be attached may encroach 6 feet into front and rear setbacks. The Planning Director may use reasonable discretion to interpret the application of this regulation pertaining to encroachments on side setbacks.
- H. ACCESSORY BUILDINGS: The following regulations shall apply to all new development, regardless of zoning district.
1. Accessory buildings are to be subordinate to principal buildings on any lot.
 2. No accessory building shall exceed 2,000 square feet in size.
 3. Structures larger than 2,000 square feet in size shall not be classified as accessory structures.
 4. Accessory buildings shall be administratively approved by the Shelbyville Planning Department in accordance with the review provisions as specified in Article 3, Section 3.12, *Requirements for Sketch Plans for Accessory Structures*.

5. Single wide trailers, recreational vehicles, recreational vehicles and the like shall not be permitted as accessory structures.
6. Any person who initiates construction or installation of an accessory structure without necessary approvals and/or permits shall be subject to all penalties as prescribed by this Ordinance.
7. The Planning Director, the Building Official, or their designees, may require the accessory structure to be removed or relocated if its placement is found to be in violation of the requirements of this Ordinance.

5.4 GENERAL BASE DISTRICT REGULATIONS – RESIDENTIAL

The Residential Districts established by this ordinance are designed to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. The general goals include, among others, the following specific purposes:

1. To provide sufficient space in appropriate locations for residential development to meet the housing needs of the City's present and expected future population, with due allowance for the need for a choice of sites and building types;
2. To protect residential areas, as far as possible, against heavy traffic and against through traffic of all kinds;
3. To protect residential areas against congestion, by regulating the density of population and the bulk of buildings in relation to the land around them and to one another, and by providing for off-street parking spaces;
4. To require the provision of open space and a maximum conservation of natural, sites in residential areas, and to encourage-e the provision of additional open space by permitting planned development of moderately higher density and intensity coverage with higher standards of open space, in order to provide large open areas with greater utility for rest and recreation; and to encourage the development of more attractive and economic and monotonous building forms, by providing freedom of architectural and site design;
5. To provide for access of light and air to windows-and for privacy by controls over the spacing and height of buildings and other structures;

6. To provide appropriate space for those public and private educational, recreational, health, and similar facilities which serve the needs of nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences;
7. To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the City's tax revenue.

5.4.1 LOW DENSITY RESIDENTIAL DISTRICTS (R-1 AND R-2)

A. DISTRICT DESCRIPTIONS: These districts are designed to provide suitable areas for low density residential development characterized by an open appearance. The residential development will consist of single family detached dwellings and accessory structures. These districts also include community facilities, public utilities and open uses which serve specifically the residents of these districts. Further, it is the intent of this chapter that these districts be located so that the provision of appropriate urban services will be physically and economically feasible and so that provision is made for the orderly expansion and maintenance of urban residential development.

B. USES PERMITTED/PROHIBITED: Refer to Appendix 1, Table of Uses

C. BULK REGULATIONS: All uses permitted in these Low Density Residential Districts shall comply with the following requirements except as provided elsewhere in this ordinance. All residential dwelling units are required to have two off street parking spaces. The actual size of the proposed lot of development will be rounded to meet the criteria of the nearest dimensional district criteria below.

MEASURED IN SQUARE FEET	R-1	R-2
MIN. LOT SIZE	15,000	10,000
MIN. AREA PER FAMILY	15,000	10,000
MIN. LOT WIDTH AT BLDG. SETBACK	100	75
MIN. LOT WIDTH AT BLDG. SETBACK/CUL-DE-SAC	75	50
MIN. FRONT YARD SETBACK	35	25
MIN. SIDE YARD SETBACK	10	10
MIN. REAR YARD SETBACK	30	20
MIN. STREET FRONTAGE	75	75
MIN. STREET FRONTAGE/CUL-DE-SAC	25	25
MAX. BUILDING HEIGHT	45	45
MAX. LOT COVERAGE	35%	35%

5.4.2 MEDIUM DENSITY RESIDENTIAL DISTRICT (R-3)

- A. DISTRICT DESCRIPTION:** These districts are designed to provide suitable areas for medium density residential development where appropriate urban services and facilities are provided or where the extension of such services and facilities will be physically and economically feasible. Generally, these districts will be characterized by single family detached dwellings. These districts may also include community facilities, public utilities and open uses which serve the residents of these districts. This district strives to protect environmentally sensitive areas, such as floodplains and steep slopes; provide for compact development to protect open spaces; and provide conditions and standards to help ensure the compatibility of new development with surrounding neighborhoods.

- B. USES PERMITTED/PROHIBITED:** Refer to Appendix 1, Table of Uses

- C. BULK REGULATIONS:** All uses permitted in the Medium Density Residential District shall comply with the following requirements except as provided elsewhere in this ordinance. All residential dwelling units are required to have two off street parking spaces. The actual size of the proposed lot of development will be rounded to meet the criteria of the nearest dimensional district criteria below.

<u>MEASURED IN SQUARE FEET</u>	<u>SINGLE DETACHED</u>	
	<u>DWELLING</u>	<u>DUPLEX</u>
MIN. LOT SIZE	7,500	15,000
MIN. AREA PER FAMILY	7,500	7,500
MIN. LOT WIDTH AT BLDG. SETBACK	75	75
MIN. LOT WIDTH AT BLDG. SETBACK/CUL-DE-SAC	50	50
MIN. FRONT YARD SETBACK	25	40
MIN. SIDE YARD SETBACK	10	12
MIN. REAR YARD SETBACK	20	20
MIN. STREET FRONTAGE	75	75
MIN. STREET FRONTAGE/CUL-DE-SAC	25	25
MAX. BUILDING HEIGHT	45	45
MAX. LOT COVERAGE	35%	35%

5.4.3 HIGH DENSITY RESIDENTIAL DISTRICTS (R-4)

- A. DISTRICT DESCRIPTIONS:** These districts are designed to provide suitable areas for multifamily residential developments where sufficient and appropriate urban facilities are available or where the extension of such facilities will be physically and economically feasible. It is not the intent of this district to restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on the lot relative to the number of dwelling units. These districts also include community facilities, public utilities and open uses which serve the residents of these districts.
- B. USES PERMITTED/PROHIBITED:** Refer to Appendix 1, Table of Uses
- C. BULK REGULATIONS:** All uses permitted in the High Density Residential District shall comply with the following requirements except as provided elsewhere in this ordinance. All residential dwelling units are required to have two off street parking spaces. The actual size of the proposed lot of development will be rounded to meet the criteria of the nearest dimensional district criteria below.

MEASURED IN SQUARE FEET	DUPLEX	MULTI-FAMILY
MIN. LOT AREA	12,000	15,000
MIN. AREA PER FAMILY	6,000	3,000
MIN. LOT WIDTH AT BLDG. SETBACK	75	75
MIN. LOT WIDTH AT BLDG. SETBACK/CUL-DE-SAC	50	25
MIN. FRONT YARD SETBACK	40	40
MIN. SIDE YARD SETBACK	12	15
MIN. REAR YARD SETBACK	20	20
MIN. STREET FRONTAGE	75	75
MIN. STREET FRONTAGE/CUL-DE-SAC	25	25
MAX. BUILDING HEIGHT	45	45
MAX. LOT COVERAGE	40%	40%

5.4.4 MOBILE HOME PARK RESIDENTIAL OVERLAY DISTRICT

A. DISTRICT DESCRIPTION: These districts are designed to provide suitable areas for mobile home park residential development where appropriate urban services and facilities will be physically and economically feasible. These districts will be characterized by single family mobile home dwellings in mobile home parks and accessory structures. These districts also include community facilities, public utilities and open uses which serve the residents of these districts.

B. BULK REGULATIONS: All uses permitted in the Mobile Home Park District shall comply with the following requirements except as provided elsewhere in this ordinance. All residential dwelling units are required to have two off street parking spaces. The actual size of the proposed lot of development will be rounded to meet the criteria of the nearest dimensional district criteria below.

1. DIMENSIONAL REQUIREMENT FOR PARKS:

- a. Each mobile home park shall have a front yard of thirty (30) feet exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to the use.
- b. Each mobile home park shall provide rear and side yards of not less than fifteen (15) feet, exclusive of any required yards for each mobile home space, from the parcel boundary.
- c. In instances where a side or rear yard abuts a public street, said yard shall not be less than thirty (30) feet.
- d. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.
- e. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only.
- f. **DENSITY:** The maximum number of mobile homes permitted within any mobile home park shall in no case exceed twelve (12) homes per net acre. From the gross acreage located within the site of the mobile home park the following shall be subtracted to obtain the net acreage:

- i. Any portion of the site lying within a (F-1) flood district; sink holes and other extremely low lying areas, and any other areas overly subject to being, or being covered by water;
 - ii. Any portion of the site exceeding 15% in slope;
 - iii. 10% of the remainder for street usage.
2. **DIMENSIONAL REQUIREMENTS FOR MOBILE HOME SPACE:** Each mobile home space shall be of sufficient size that, in addition to the mobile home, the following space shall be provided:
 - a. Minimum lot area for each mobile home space shall be thirty-six hundred (3,600) square feet. For double-wide mobile homes the minimum lot size shall be six thousand square feet (6,000).
 - b. Each mobile home space shall be at least thirty-six (36) feet wide and such space shall be clearly defined by permanent markers. A space for double wide mobile homes shall be a least sixty (60) feet wide.
 - c. There shall be a front yard setback of ten (10) feet from all access roads within the mobile home park.
 - d. Mobile homes shall be harbored on each space so there shall be at least a 20-foot clearance between mobile homes; provided, however, with respect to mobile homes parked rod-to-end, the end- to-end clearance shall not be less than twenty (20) feet.
 - e. No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park.
 - f. There shall be at least two (2) off-street parking spaces for each mobile home space, at least one of which shall be on the same site as the dwelling served.
 - g. Under no circumstances shall any parking space be located more-than sixty (60) feet from the mobile home it serves. All such parking spaces shall be at a minimum ten (10) feet by twenty (20) feet in size.
 - h. The minimum access aisle in any parking lot shall not be less than twenty-five (25) feet.

C. GENERAL REQUIREMENTS:

1. No part of the park shall be used for nonresidential purposes, except such uses as are required for the direct servicing and well-being of park residents and for the management and maintenance of the park such as service buildings and Essential Public Transport, Communication, and Utility Services.
2. Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. All mobile home parks shall be located on well-drained sites, properly graded to insure rapid drainage, and to avoid the possibility of stagnant pools of water. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion of the project shall be subject to flooding or erosion. Neither shall it be used for any purpose which would expose persons or property to hazards.
3. Water Supply and Distribution System: An accessible, adequate, safe and potable supply of water shall be provided in each mobile home development on trunk lines not less than six (6) inches. Where a public supply of water of satisfactory quantity, quality, and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply use exclusively.
4. Sewage Disposal: Each mobile home park shall be served by public sewer with service provided each trailer site.
5. Solid Waste Disposal System: Solid waste collection stands shall be provided for waste containers for each mobile home. Such stands shall be so designed as to prevent containers from being tipped, to minimize spillage and containers deterioration, and to facilitate cleaning around them. Any central waste containers shall be screened from view with access appropriately provided.
6. Service Buildings: Service buildings housing sanitation and laundry facilities shall be permanent structures, comply with all applicable ordinances and statutes, regulations, buildings, electrical installations, and plumbing and sanitation systems standards.
7. Fire Protection: Each mobile home park shall be equipped with fire hydrants spaced no more than 500 feet apart. The water system shall be capable of providing a required fire flow of 500 gallons per minute for one (1) hour duration.

8. Insect and Rodent Control: Each mobile home park shall be maintained free of litter and accumulation of any kind of debris which may provide rodent harborage or breeding places for flies, mosquitoes, or other pests.
9. Recreation Area: Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units. Attractive outdoor sitting areas shall be provided, appropriate in size, type, and number to the needs of the residents. Well-equipped playgrounds of adequate size and number shall also be provided.
10. Buffer and Screening: A suitable landscape buffer shall be provided along the perimeter of the site boundaries not less than fifteen (15) feet in width; except that a minimum buffer area to be established from any public street shall be no less than twenty (20) feet in width. Within the landscaped buffer of a continuous fence six (6) to eight (8) feet high or landscaped screen shall be provided. Such fence shall be opaque and such screening shall be a year-round evergreen four (4) feet wide at least four (4) feet high at the time of planting and expected to achieve a height of six (6) feet within three (3) years. No landscaped, screen or fence shall be provided within fifteen (15) feet of any vehicular entrance and/or exit to the park.
11. Each mobile home space shall be provided with the connection to the sanitary sewer line.
12. Trailers, with or without toilet facilities that cannot be connected to an approved sewer system shall not be permitted in a mobile home park.
13. Cabanas, travel trailers, and other similar enclosed structures are prohibited.
14. Mobile homes shall not be used for commercial, industrial or non-residential uses within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office.
15. Ground anchors shall be installed at each mobile home space to permit tie downs of mobile homes.
16. *Mobile Home Stands*: The mobile home stands shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. In addition, such stand shall comply with the publication ANSI A225.1 NFPA, 501A Manufactured Home Installations, 1982.

17. Each mobile home space shall be provided with a pad which shall be a minimum of twelve (12) feet by fifty (50) feet, which shall be constructed of four (4) inches of compacted gravel.
18. No inoperative automobiles, junk, or non-contained trash shall be allowed within the park.
19. **PENALTIES:** Any person violating any provisions of this Section shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. Any unapproved extension of an existing mobile home park is considered a noncomplying use and is hereby prohibited unless said park is brought up to the standards herein stated.
20. **PERMIT AND LICENSE:** All regulations relating to permits, licensing, fees, and application procedures as set forth in Title 5, Section 702 through 704, Shelbyville Municipal Code shall apply to all mobile home parks.
21. **APPLICATION FOR PERMITS:** The construction or extension of a mobile home park may not commence within the area of jurisdiction of this ordinance until a zoning compliance permit has been issued by the Planning Director. Such permit may be issued for a mobile home park only after the Shelbyville Municipal Planning Commission has reviewed and approved the site plans of the proposal, as required herein. Where the planning commission attaches conditions, they shall be included as part of the zoning compliance certificate.
22. **REVOCAION OF PERMITS:** The City Council may revoke any permit to maintain and operate a park when the permittee has been found guilty by a court of competent jurisdiction of violating any provisions of this article. After such conviction, the permit may be reissued if the circumstances leading to conviction have been remedied and the park is being operated and maintained in full compliance with this article.
23. **STREETS**
 - A. **GENERAL:** All mobile home developments shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by streets, driveways or other means. All internal streets shall be private.
 - B. **ENTRANCE STREETS:** Entrances to mobile home developments shall have direct connections to a public street and shall be designed to allow free movement of

traffic on such adjacent public streets. No parking shall be permitted on the entrance street for a distance of one hundred (100) feet from its point of beginning.

C. CIRCULATION: The street system should provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to 500 feet and their closed end shall be provided with an adequate turn-around (60 feet diameter cul-de-sac).

D. PAVEMENT WIDTHS: Pavement widths (in feet) shall be as follows:

	<u>No Parking</u>	<u>On Street Parking</u>
Collector Street	20	36
Minor Street	18	34
One-Way Minor	12	28

E. CONSTRUCTION:

1. SUBGRADE: The subgrade shall be well-drained, uniformly graded and compacted.
2. BASE: The base shall consist of crushed stone or gravel, six (6) inches in depth, compacted.
3. SURFACE: The surface shall be paved with asphaltic concrete plant mix, one (1) and two (2) inches thick, compacted.

D. Site Design: The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan. Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

1. Site Plan Required: A zoning permit may only be issued for the construction or extension of a mobile home park, upon submission and approval by the planning commission of a site development plan meeting the following minimum requirements. The following information shall be shown on the required site plan:
 - A. The location and legal description of the proposed mobile home park.
 - B. The location and size of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.

- C. The proposed use of buildings shown on the site plan.
- D. The location and size of all mobile home spaces.
- E. The location of all points of entry and exit for motor vehicles and the internal circulation pattern.
- F. The location of all off-street parking facilities.
- G. The location of park and recreation areas.
- H. The name and address of the applicant.
- I. A comprehensive drainage plan.
- J. Such other architectural, engineering, and topographic data as may be required to permit the local health department, Planning Director and/or designees, and the Board of Zoning Appeals to determine if the provisions of these regulations are being complied with shall be submitted with the site plan.
- K. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide to proposed services. Said time shall be for a period of not more than one (1) year.
- L. The location and size of all servicing water and sewer lines, as well as their required easements when required.
- M. Maintenance agreements and covenants.
- N. All mobile home parks which do not conform to the provisions of the zoning ordinance shall be governed in accordance with the provisions of Article VI of this ordinance.

5.5 GENERAL BASE REGULATIONS - COMMERCIAL DISTRICTS

The Commercial Districts established by this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity and other aspects of the general welfare. These goals include, among others, the following:

- A. To provide sufficient space, in appropriate locations in proximity to established residential areas, for local retail and service trades catering specifically to the recurring shopping needs of the occupants of nearby residences.
- B. To protect both retail and service developments and nearby residences against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences.
- C. To protect both retail and service developments and nearby residences against congestion by regulating the intensity of retail and service developments consistent with their marketing functions, by restricting those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities.
- D. To provide sufficient space in appropriate locations for commercial districts to satisfy function needs of Shelbyville, and in particular the need for medical services and the needs of the general public travel along major highways.
- E. To provide sufficient space in appropriate locations for the mixture of compatible high density residential and restricted commercial developments where standards for development will provide protection for the environmental essentials of either.
- F. To provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities.
- G. To enhance the central business district and to promote and protect its service attributes, to lessen congestion in the district, to provide for high intensity of land use consistent with land valuation, and to protect its intended functional aspects against encroachment by detrimental influences.
- H. To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of commercial development, to strengthen the economic districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect Shelbyville's tax revenues.

- I. **MINIMUM REQUIRED YARD AREA:** Regardless of the orientation of buildings, no less than the minimum yards required by the district regulations in which such development is located shall be maintained along the outer boundaries of the zone lot.
- J. **SUBDIVISION OF ZONE LOT AFTER DEVELOPMENT:** In all districts, after any portion of a zone lot has been developed under the provisions of this Section, such zone lot may be subdivided into smaller zone lots only if each resulting zone lot and building or buildings thereon comply with all of the appropriate regulations pertaining to bulk, yards, open space, and parking and loading requirements of the district in which they are located.
- K. **PARKING REQUIREMENTS:** Parking requirements for each district shall be governed by the provisions of this ordinance.

5.5.1 CENTRAL BUSINESS DISTRICT (C-1)

A. DISTRICT DESCRIPTION: The purpose of this district is to allow for various services needed by the city’s residents, such as shopping, dining, health care, financial services, and civic facilities within a clearly delineated area that avoids negative impacts to residential areas. Primary uses are retail, services, offices, and public/institutional.

B. USES PERMITTED/PROHIBITED: Refer to Appendix 1, Table of Uses

C. BULK REGULATIONS: All uses permitted in the Central Business District shall comply with the following requirements except as provided elsewhere in this ordinance. The actual size of the proposed lot of development will be rounded to meet the criteria of the nearest dimensional district criteria below.

MEASURED IN SQUARE FEET

MIN. LOT SIZE	NONE
MIN. LOT WIDTH AT BLDG. SETBACK	NONE
MIN. FRONT YARD SETBACK	10
MIN. SIDE YARD SETBACK	NONE
MIN. SIDE YARD SETBACK IF ADJOINING RESIDENTIAL	20
MIN. REAR YARD SETBACK	20
MIN. REAR YARD SETBACK IF ADJOINING RESIDENTIAL	25
MIN. STREET FRONTAGE	75
MIN. STREET FRONTAGE/CUL-DE-SAC	35
MAX. BUILDING HEIGHT	NONE
MAX. LOT COVERAGE	NONE

5.5.2 GENERAL BUSINESS DISTRICT (C-2)

- A. DISTRICT DESCRIPTION:** The purpose of this district is to allow for larger-scale; heavy retail commercial uses to serve the town and the general area and that are better suited near a major arterial. Primary uses are large retail, accompanied by smaller retail, services, offices, and similar uses, etc., as out-parcels or part of planned commercial centers. Access control is emphasized because of high traffic generation created by these uses. This district is intended to promote economic development through a diverse mixture of business uses; minimize conflicts between uses through landscape and buffering requirements; and to promote high-quality commercial development.
- B. USES PERMITTED/PROHIBITED:** Refer to Appendix 1, Table of Uses
- C. BULK REGULATIONS:** All uses permitted in the General Business District shall comply with the following requirements except as provided elsewhere in this ordinance. The actual size of the proposed lot of development will be rounded to meet the criteria of the nearest dimensional district criteria below.

MEASURED IN SQUARE FEET

MIN. LOT AREA	NONE
MIN. LOT WIDTH AT BLDG. SETBACK	NONE
MIN. FRONT YARD SETBACK	35
MIN. SIDE YARD SETBACK	NONE
MIN. SIDE YARD SETBACK IF ADJOINING RESIDENTIAL	10
MIN. REAR YARD SETBACK	20
MIN. REAR YARD SETBACK IF ADJOINING RESIDENTIAL	30
MIN. STREET FRONTAGE	75
MIN. STREET FRONTAGE/CUL-DE-SAC	35
MAX. BUILDING HEIGHT	75
MAX. LOT COVERAGE	70%

5.5.3 NEIGHBORHOOD BUSINESS DISTRICT (C-3)

- A. DISTRICT DESCRIPTION:** This district permits a variety of small-scaled uses. The purpose of this district is to protect the fragility and dynamics of this historic, human-scaled, mixed-use area, and to encourage compatible infill development to reinforce the unique characteristics of this area. Primary uses are retail, services, offices, and housing. The provisions of this district intent to promote quality development by providing standards for office development so that the office uses may serve as a transition use between downtown and surrounding residential neighborhoods while protecting adjacent residential neighborhoods.
- B. USES PERMITTED/PROHIBITED:** Refer to Appendix 1, Table of Uses
- C. BULK REGULATIONS:** All uses permitted in the Neighborhood Business District shall comply with the following requirements except as provided elsewhere in this ordinance. The actual size of the proposed lot of development will be rounded to meet the criteria of the nearest dimensional district criteria below.

	<u>MEASURED IN SQUARE FEET</u>
MINIMUM LOT SIZE	6,000
MAXIMUM LOT SIZE	45,000
MIN. LOT WIDTH AT BLDG. SETBACK	NONE
MIN. FRONT YARD SETBACK	35
MIN. SIDE YARD SETBACK	NONE
MIN. SIDE YARD SETBACK IF ADJOINING RESIDENTIAL	10
MIN. REAR YARD SETBACK	20
MIN. REAR YARD SETBACK IF ADJOINING RESIDENTIAL	30
MIN. STREET FRONTAGE	75
MIN. STREET FRONTAGE/CUL-DE-SAC	35
MAX. BUILDING HEIGHT	35
MAX. LOT COVERAGE	60%

5.6 GENERAL BASE REGULATIONS - INDUSTRIAL DISTRICTS

The Industrial Districts established by this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. These goals include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the area of Shelbyville's expected economic expansion for all types of distributive, industrial and related activities, with due allowance for the need for choice of suitable sites.
2. To protect distributive; industrial and related activities, as well as residential and related activities by providing for the separation of these uses, and, as far as possible, provided that appropriate space needs for distributive and industrial activities are available by prohibiting the use of such space for residential purposes.
3. To encourage industrial development which is free from danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust or other particulate matter and other hazards, and from offensive noise, vibration, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products and processes involved.
4. To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of industrial and related activities, by restricting those industrial activities which involve danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust, or other particulate matter, and other hazards, or create offensive noise, vibration, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products or processes involved.
5. To protect industrial activities and related development against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by requiring space off public ways for parking and loading facilities associated with such activities.
6. To promote the most desirable use of land and direction of building development, to promote stability of industrial and related development, to strengthen the economic base of the Shelbyville area, to protect the character of these districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect Shelbyville's tax revenues.

7. **DISTANCE BETWEEN BUILDINGS:** Where buildings are separated, the distance between them shall be at least ten (10) feet.
8. **PERMITTED AND PROHIBITED USES:** Refer to Appendix 1: Table of Uses.
9. **PARKING REQUIREMENTS:** Parking requirements for each district shall be governed by the provisions of this ordinance.
10. **PERMITTED INCIDENTAL STRUCTURES WITHIN SETBACKS:** None allowed.
11. **SCREENING FROM RESIDENTIAL ZONES:** Any industrial use shall be screened on all side yard and rear yard lot lines adjoining a residential use or zone by one (1) of the methods given below, as selected by the owner.

Option 1:

A greenbelt planting strip, not less than fifteen (15) feet in width. Such greenbelt shall be composed of at least one row of deciduous and evergreen trees, spaced not more than fifteen (15) feet apart, at least eight (8) feet tall, and with a minimum trunk diameter of one and one-half (1-1/2) inches at planting, and one row of shrubs, with a ratio of two deciduous to one evergreen shrub, spaced an average of five (5) feet apart. Such shrubs shall be a minimum of thirty (30) inches in height at planting and expected to grow to a height of eight (8) feet in 3 or 4 full growing seasons; or

Option 2:

- A. Natural vegetation can be retained if it meets the intent of this section, or supplemented to meet the intent of this section; or
- B. A sight obscuring screen (either solid or veil block, or some form of fence that is at least 50% opaque (excluding material made of fabric or synthetic fabrics) and at least six (6) feet high).

5.6.1 LIGHT INDUSTRIAL DISTRICT (I-1)

- A. DISTRICT DESCRIPTION:** This district provides opportunities for office, light industrial, and some warehouse uses. It is intended that these types of uses be geographically concentrated so as to minimize any potential negative impacts on adjacent uses. This district is designed to provide space for a wide range of industrial and related uses which conform to a high level of performance standards and have the least objectionable characteristics. It is required that all operation of such establishments be carried on within completely enclosed buildings, thus preventing any adverse characteristics from affecting neighboring properties. These districts may provide a buffer between other districts and other industrial activities which have more objectionable influences. Residential uses are excluded from these districts. The I-1 District shall provide open space, landscape, and buffering in order to achieve desirable site development.
- B. USES PERMITTED/PROHIBITED:** Refer to Appendix 1, Table of Uses
- C. BULK REGULATIONS:** All uses permitted in the Neighborhood Business District shall comply with the following requirements except as provided elsewhere in this ordinance. The actual size of the proposed lot of development will be rounded to meet the criteria of the nearest dimensional district criteria below.

	<u>MEASURED IN FEET EXCEPT WHERE OTHERWISE NOTED</u>
MINIMUM LOT SIZE	1 ACRE
MIN. LOT WIDTH AT BLDG. SETBACK	NONE
MIN. FRONT YARD SETBACK	60
MIN. SIDE YARD SETBACK	30
<i>Min. Side Yard Setback if Adjoining Residential</i>	40
MIN. REAR YARD SETBACK	50
<i>Min. Rear Yard Setback if Adjoining Residential</i>	60
MIN. STREET FRONTAGE	100
MIN. STREET FRONTAGE/CUL-DE-SAC	75
MAX. BUILDING HEIGHT	NONE
MAX. LOT COVERAGE	50%

5.6.2 GENERAL INDUSTRIAL DISTRICT (I-2)

A. DISTRICT DESCRIPTION: These districts are designed to provide space for a wide range of industrial and related uses which by reasons of volume of raw materials or freight, scale of operation, type of structures required or other similar characteristics require locations relatively well segregated from nonindustrial uses. Residential uses are excluded from these districts.

B. USES PERMITTED/PROHIBITED: Refer to Appendix 1, Table of Uses

C. BULK REGULATIONS: All uses permitted in the Heavy Industrial District shall comply with the following requirements except as provided elsewhere in this ordinance. The actual size of the proposed lot of development will be rounded to meet the criteria of the nearest dimensional district criteria below.

	<u>MEASURED IN FEET EXCEPT WHERE OTHERWISE NOTED</u>
MINIMUM LOT AREA	2.5 ACRES
MIN. LOT WIDTH AT BLDG. SETBACK	NONE
MIN. FRONT YARD SETBACK	100
MIN. SIDE YARD SETBACK	50
<i>Min. Side Yard Setback if Adjoining Residential</i>	75
MIN. REAR YARD SETBACK	50
<i>Min. Rear Yard Setback if Adjoining Residential</i>	75
MIN. STREET FRONTAGE	200
MIN. STREET FRONTAGE/CUL-DE-SAC	100
MAX. BUILDING HEIGHT	NONE
MAX. LOT COVERAGE	50%

5.6.3 HEAVY INDUSTRIAL DISTRICT (I-3)

A. DISTRICT DESCRIPTION: This district is designed to provide suitable areas for those uses which have some special impact or uniqueness such that their effect on the surrounding area and environment cannot be determined in advance of the use being proposed for a particular location. This district is also intended to be the primary location for industrial activities that are embarked upon primarily in open air.

B. USES PERMITTED/PROHIBITED: Refer to Appendix 1, Table of Uses

C. BULK REGULATIONS: All uses permitted in the Outdoor Industrial Use Zone shall comply with the following requirements except as provided elsewhere in this ordinance. The actual size of the proposed lot of development will be rounded to meet the criteria of the nearest dimensional district criteria below.

	<u>MEASURED IN FEET EXCEPT WHERE OTHERWISE NOTED</u>
MINIMUM LOT AREA	25 ACRES
MIN. LOT WIDTH AT BLDG. SETBACK	500
MIN. FRONT YARD SETBACK	150
MIN. SIDE YARD SETBACK	100
<i>Min. Side Yard Setback if Adjoining Residential</i>	150
MIN. REAR YARD SETBACK	100
<i>Min. Rear Yard Setback if Adjoining Residential</i>	150
MIN. STREET FRONTAGE	200
MIN. STREET FRONTAGE/CUL-DE-SAC	100
MAX. BUILDING HEIGHT	40 FEET
MAX. LOT COVERAGE	40%

5.7 HISTORIC ZONING OVERLAY DISTRICT

A. PURPOSE AND CHARACTER:

The character of the Historic Preservation Overlay District, referred to as the “H-1 District”, is defined as that which is intended to protect and preserve the heritage and historic sites of the city. The H-1 District embodies important elements of social, economic, cultural, political or architectural history. It will create an aesthetic atmosphere and foster civic beauty, stabilize and enhance property values, stimulate business and tourism, and promote the education and heritage of present and future citizens. The uses permitted in an underlying base district shall be permitted in the H-1 District.

B. CLASSIFICATIONS WITHIN HISTORIC OVERLAY DISTRICT

There are hereby created classifications of historic district and landmarks as a part of this ordinance.

1. The Historic District, whose boundaries shall be shown on the zoning map as overlays which are made a part of this ordinance and noted by name on maps in which no structure shall be constructed, altered, repaired, relocated or demolished in this district unless the action complies with the requirements set forth in this ordinance.
2. The Historic Landmark, whose boundaries shall be shown on the zoning map as overlays which are made a part of this ordinance and noted by name on said maps, in which no structure shall be constructed, altered, repaired, relocated or demolished unless the action complies with the requirements set forth in this ordinance.

C. CONSIDERATIONS FOR INCLUSION IN HISTORIC OVERLAY DISTRICT OR AS LOCAL HISTORIC LANDMARKS:

1. The quality of significance in American history, architecture, archaeology, and culture is present;
2. Sites, buildings, and structures possess integrity of location, design, setting, materials, workmanship, feeling, and association with events that have made a significant contribution to the broad patterns of history, or with the lives of persons significant in the past;
3. Sites, buildings, and structures embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;

4. Sites, buildings, and structures have yielded, or may be likely to yield, archaeological information; or
5. It is listed in the National Register of Historic Places.

D. GENERAL ADMINISTRATION:

1. Administration shall be by the Planning and Community Development Department and the Historic Zoning Commission and all items and regulations within the H-1 District shall be submitted to the Historic Zoning Commission for its review. All alterations, additions or new construction which, previous to the establishment of this H-I District, required that application be made for a Building Permit and approval obtained before the work on such alterations, additions, or new construction can begin. In addition it shall be required that application be made in the same manner for any work including but not limited to, alterations, additions, demolition, removal or new construction which alters or contributes to the exterior appearance of existing structures.
2. No building permit for construction, major alteration or rehabilitation, moving, or demolition to be carried on within the H-1 District or on designated landmarks shall be issued by the Building Inspector until it is submitted to and receives approval in writing by the Historical Zoning Commission.
3. Applications for building permits within the H-I District shall be made to the office of the Building Inspector and all such applications shall be referred directly to the Historic Zoning Commission. The Historic Zoning Commission shall have broad powers to request detailed construction plans and related data pertinent to thoroughly review any application.
4. Upon receiving an application for a Building Permit the Historic Zoning Commission shall, within thirty (30) days following the availability of sufficient data, issue to the office of the Building Inspector a Certificate of Appropriateness stating its approval with or without attached conditions or disapproval with the grounds for disapproval stated in writing.
5. The office of the Building Official or shall additionally review applications for Building Permits (which have received written approval from the Historic Zoning Commission) in the same manner review is made of Building Permit applications outside of the H-I District, and final issuance or rejection shall additionally be based upon the adopted Building Codes of the City of Shelbyville. The fee charged for Building Permits within the H-I District shall conform to existing fee schedules for Building Permits in any other zoning district within the City of Shelbyville.

- E. CERTIFICATE OF APPROPRIATENESS REQUIRED:** No construction, alteration, or rehabilitation, moving, or demolition to be conducted within the H-1 District or on any other structure subject

to the HZC Design Guidelines shall be performed until the project has been reviewed and received a Certificate of Appropriateness from the HZC.

- F. GENERAL ADMINISTRATIVE APPROVAL PROCESS FOR DISTRICT OR LANDMARK DESIGNATION:
1. An Application for H-1 District or Landmark Designation shall be submitted to the Planning and Community Development Department in accordance with the submittal schedule utilized by the Shelbyville Municipal Planning Commission.
 2. Upon complete and timely submission of application and accompanying materials, the item shall be agendaized for the next regular meeting of the Shelbyville Historic Zoning Commission.
 3. The Historic Zoning Commission shall consider the application and either recommend approval or denial to the Shelbyville Municipal Planning Commission.
 4. The Shelbyville Municipal Planning Commission shall hear the item at their next regularly scheduled meeting and upon deliberation, recommend approval or denial of the request to the Shelbyville City Council.
 5. Upon deliberation at the City Council via three readings and one public hearing, the City Council may approve or deny the request. Upon approval, the designation shall become effective by Ordinance fifteen days after the date of third and final reading. The Official Zoning Map of the City of Shelbyville shall be amended to show the location of the "H-1 Historic District or H-1 Landmark". Upon denial, the application shall be considered null and void.
 6. The Historic Zoning Commission shall have the following discretion in terms of reviewing applications coming before them for deliberation:
 - a. To request detailed construction plans and related data pertinent to thorough review of any proposal before the Commission in relation to the provisions of the Historic Overlay District.
 - b. The Historic Zoning Commission shall, within thirty (30) days following availability of sufficient data, issue a Certificate of Appropriateness directing the granting of a building permit with or without conditions or direct the refusal of a Certificate of Appropriateness, providing the grounds for refusal are stated in writing.
 - c. Upon review of the application for a Certificate of Appropriateness, the Historic Zoning Commission shall evaluate projects based upon Design Guidelines adopted by the City Council and in place at the time of project application.
- G. Amendment and Rescission of Designation: Designation may be amended or rescinded upon petition to the Historic Zoning Commission and Compliance with the same procedure and according to the same criteria set forth herein for designation.

- H. REMEDYING OF DANGEROUS CONDITIONS: City enforcement agencies may make a determination, in consultation with, at a minimum, the Department of Planning and Community Development, that the condition of a property is determined to be dangerous to life, health, or property. Upon making such a determination, when a city enforcement agency orders or directs the construction, removal, alteration, or demolition of an improvement in the H-1 District for the purpose of remedying conditions determined to be dangerous to life, health, or property, then nothing contained in this subsection shall be construed as making it unlawful for a person, without prior issuance of a Certificate of Appropriateness pursuant to this ordinance, to comply with the order or direction.
- I. INJUNCTIVE POWERS AND PENALTIES: Where it appears that the owner or person in charge of an improvement on a landmark site or in a historic district threatens or is about to do or is doing any work in violation of the ordinance, the City Attorney for the City of Shelbyville shall, when directed by the Mayor or City Council, forthwith apply to an appropriate court for an injunction against such violation of this ordinance. If an order of the court enjoining or restraining such violation does not receive immediate compliance, the City Attorney shall forthwith apply to an appropriate court to punish said violation pursuant to law.
- J. ECONOMIC HARDSHIP: Where, by reason of unusual circumstances, the strict application of any provision of this Ordinance would result in the exceptional practical difficulty or undue economic hardship upon any owner of a specific property, the Commission, in passing upon applications, shall have the power to vary or modify strict adherence to said provisions, or to interpret the meaning of said provisions, so as to relieve such difficulty or hardship; provided such variances, modifications or interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the property shall be conserved and substantial justice done. In granting a certificate of economic hardship, the Commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Ordinance. An economic hardship shall not be a situation of the person's own making.

5.8 FLOODPLAIN OVERLAY DISTRICT

Current and previous Flood Plain regulations have been removed from the Zoning Ordinance and re-established as a separate ordinance administered by the Building and Codes Department. All development in the City of Shelbyville located in an area of Special Flood Hazard Area must adhere to the applicable standards contained in the current Flood Plain Ordinance.

5.8 PLANNED UNIT DEVELOPMENT DISTRICT OVERLAY

Sections:

- 5.8.1 Purpose
- 5.8.2 Standards of Review
- 5.8.3 Procedures for Review
- 5.8.4 Application Requirements
- 5.8.5 Other Issues

5.8.1 Purpose: The Planned Unit Development District (PUD) is a distinct, stand-alone zoning district which is intended to encourage innovative land planning and design and avoid the monotony sometimes associated with large developments by:

- A. Providing flexibility in the application of land development regulations that will encourage innovative development and redevelopment for residential and nonresidential purposes so that a growing demand for other housing and other development and land use may be met by variety in type, design, and layout of dwellings and other buildings and structures, including traditional neighborhood development;
- B. Providing flexibility in architectural design, placement, and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian facilities and parking; and related site design considerations;
- C. Encouraging the conservation of natural features, preservation of open space and critical and sensitive areas, and protection from natural hazards;
- D. Providing efficient use of public facilities;
- E. Encouraging and preserving opportunities for energy-efficient development and redevelopment;
- F. Promoting attractive and functional environments for nonresidential areas that are compatible with surrounding areas; and
- G. Accommodating developments that are exclusively residential, exclusively non-residential, or a compatible and complementary mix of residential and non-residential units.
- H. To allow increases in density beyond what is typically found in a conventionally zoned tract of land or to offset any reduction in developable lands (i.e. land dedicated to open space).

5.8.2 Standards of Review: All applications for PUD approval will be evaluated using the following standards of review:

A. Ownership and Division of Land: An application for the approval of a PUD may be submitted by one or more owners of the property to be included in the PUD. The holder of a written option to purchase or any governmental agency shall be considered an owner for the purposes of this section. Unless otherwise provided as a condition of approval of the PUD, the landowner of an adopted planned development may divide and transfer parts of such development provided that the transferee shall be obligated to complete each such part, and use and maintain it in strict conformance with the approved PUD.

B. Adequate Public Facilities: Approval of a PUD shall be based upon a finding that streets, utilities, and drainage features have adequate capacity to serve the proposed development. The applicant for a PUD shall present any applicable studies (i.e. traffic studies) and documentation with their application that demonstrates all relevant utility companies and governmental departments have been consulted and that adequate capacity exists for their development. If deficiencies do exist, the applicant shall offer to upgrade or otherwise provide adequate facilities to support their development.

C. Connectivity

1. *Street System Connectivity.* An interconnected street system is necessary to promote orderly and safe development by ensuring that streets function in an interdependent manner, provide adequate access for emergencies and service vehicles, enhance access by ensuring connected transportation routes and provide continuous and comprehensible traffic routes. Applications for planned developments are encouraged to provide public street access to adjoining properties, including connections into any existing streets that currently stub into the property. At the same time, staff understands that connections to all properties may not be practical. Therefore, the following information shall be required with all PUD applications:

- A. A plan showing all proposed connections to adjacent properties;
- B. If the applicant feels that there are certain connections that are not practical or possible to make, or if they feel that their development meets the intent of this section with the connections proposed, a written explanation of their position shall be submitted with their plan.

2. *Bicycle/Pedestrian Connectivity.* Walkways are encouraged to be provided within the PUD in a manner which promotes pedestrian safety and

circulation. Walkways shall be separated from vehicular traffic except where roadway crossings are necessary. Where appropriate the plan shall provide pedestrian/bicycle access to, between or through open space areas and to appropriate off-site amenities. Informal trails may be constructed of gravel, wood chip or other similar material.

- D. Off-Street Parking:** Off-street parking requirements shall conform to the standards located in the Zoning Ordinance, unless otherwise stated in the applicant's regulating pattern book. A parking study may be submitted as part of the PUD application to demonstrate the amount of proposed off- street parking and its ability to accommodate the proposed uses.
- E. Perimeter Requirements:** PUDs shall be harmonious and not conflict with the surrounding residential neighborhood. Use of landscaping, screening, open space, architectural compatibility measures, change in density, and the placement of buildings shall be accepted land use planning tools by which this harmonious relationship can be created.
- F. Architectural Design:** PUD architecture should demonstrate the cohesive planning of the development and present a clearly identifiable design feature throughout. It is not intended that buildings be totally uniform in appearance or that designers and developers be restricted in their creativity. Rather, cohesion and identity can be demonstrated in similar building scale or mass; consistent use of facade materials; similar ground level detailing, color, or signage; consistency in functional systems, such as roadway or pedestrian way surfaces, signage, or landscaping; the framing of outdoor open space and linkages, or a clear conveyance in the importance of various buildings and features on the site.
- G. Bulk Regulations:** The legislative body may approve a development plan that modifies and establishes lot size limits, setback requirements, height limits, maximum lot coverage and other bulk requirements. Any modifications to the bulk regulations shall adhere to any applicable building codes. Unless otherwise stated in the applicant's regulating pattern book, bulk regulations shall be consistent with the zoning regulations most consistent with the development type (i.e. residential, commercial, etc.) based on the interpretation of the Planning Director. Regulations for accessory structures shall remain consistent with the provisions of the Zoning Ordinance, unless otherwise stated in the applicant's regulating pattern book and approved by the City Council.
- H. Minimum Building Separation:** Required building separation is determined by applicable building and fire codes. In developments where building separation will be less than 15 feet, the applicant shall be required to demonstrate adequate

fire protection.

I. Waiver of Board of Zoning Appeals Action: No action of the Board of Zoning Appeals shall be required in the approval of a PUD.

J. Open Space

1. **Required Open Space.** In all residential PUDs, a minimum of 10 percent of the gross project area shall be set aside as open space. At least 50 percent of this land shall be Usable Open Space, as defined in this chapter. All PUDs that are completely non-residential are exempt from this requirement.

2. **Definitions:**

A. Open Space: Any land or area within the boundaries of a development, the preservation of which in its present use would:

1. Conserve and enhance natural or scenic resources;
2. Protect streams or water supply;
3. Promote the conservation of soils, wetlands, or other environmentally sensitive areas;
4. Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or
5. Enhance recreation opportunities.

B. Usable Open Space: An area or areas within the boundaries of a development that are designed, set aside and maintained for either active or passive recreation, or both, and are available and accessible for use and enjoyment by all residents of the development, or designated portion of a development.

3. **Permitted Uses.**

A. Open space containing natural features worthy of preservation may be left unimproved. Permitted uses for open space may include, but are not limited to:

- i. Greenbelts that serve as a buffer between land uses, using existing vegetation, or an aesthetic amenity such as boulevard trees;
- ii. Preservation of important natural features.

B. Usable open space must be suitably improved for its intended use. Active recreation facilities are encouraged. Permitted uses for usable open space may include, but are not limited to:

- i. Pedestrian, bike, and multi-purpose trails;

- ii. Passive recreation areas, including pocket parks; and
- iii. Active recreation areas, such as ball fields and playgrounds, if they are limited in impervious area to 10 percent of the required open space.

4. Location and Configuration. Where relevant and appropriate, open, and usable open space shall be located so as to be readily accessible by residents and uses of the development. To the extent practicable, open space and usable open space should provide the following;

- A. Focal points for the development, such as public gathering areas, fountains, etc.
- B. Connectivity within the development so that an interconnected network of open space can be enjoyed by the residents.
- C. An extension and enlargement of presently existing or planned trail, park, or other open area land adjacent to the development.

5. Stormwater Management Facilities: Stormwater detention/retention facilities may be allowed by the City as part of an open space plan subject to the following criteria:

- A. The detention pond shall be constructed to drain fully when precipitation is not occurring (i.e. no standing water may be left) unless the pond is designed as an aesthetic amenity.
- B. The side slope of the detention pond shall not exceed thirty- three percent unless slopes are existing, natural and covered with vegetation.
- C. If detention facilities are located adjacent to or near a natural, year-round stream or wetland, these systems shall be left in natural or near-natural condition.
- D. The detention area shall be landscaped in a manner which is both aesthetic and able to withstand the inundation expected.
- E. Use of a dedicated usable open space area for storm water detention/retention shall not be acceptable if the area must be fenced or otherwise rendered unsuitable or unavailable for recreation use during dry weather.
- F. In the case of joint use of usable open space for detention and recreation, the property owners' association shall be responsible for maintenance of the facilities.

6. Areas not considered open space or usable open space.

- A. The area within a public street right-of-way or private road access easements or other easements that include roads, drives, or utility lines;
- B. The area within any manmade storm water detention or retention pond, unless improved consistent with the above section.

B. Phasing of open space and usable open space. The phasing plan shall coordinate the improvements of open space and common open space in the development. No occupancy permits shall be issued for any portion of the phase unless and until the open space and usable open space which is part of that phase has been improved and dedicated to a maintenance organization.

C. Maintenance of open space and usable open space. If the open space and usable open space is deeded to a property owners' association, the developer shall file with the Planning Commission a declaration of covenants and restrictions that will govern the association to be submitted with the application for preliminary subdivision plat or site plan approval. The City Attorney will review the documentation as to form prior to Planning Commission Approval. The provisions shall include, but not be limited to the following:

- A. The association must be set up before the properties are sold;
- B. Membership must be mandatory for each buyer and any successive buyer;
- C. The open space and usable open space restrictions must be permanent, not just for a period of years;
- D. The association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities; and
- E. Property owners must pay their prorated share of the cost to the assessment levied by the association to meet changed needs.

D. Project Phasing: The Shelbyville City Council may elect to permit the development of a PUD in phases; in which case, the following provisions shall be complied with:

- 1. Any phasing plan shall be approved during the PUD review process and shall be sufficient in terms of size and scope in order for the phase to exist as a "stand alone" project, in the event the applicant does not implement subsequent phases of the PUD as proposed and approved.
- 2. Each phase shall be designed and sequenced to ensure that the impacts

of the development upon the surrounding community and properties will not be detrimental or a deterrent to further development of the community and adjacent properties.

3. *Time extension for Concept Plans.* The owner and/or applicant who requested the PUD may request an extension of the Concept Plan in one-year increments. The request shall require a revised phasing plan to be submitted. Approval of a time extension is at the discretion of the Planning Commission. However, the total time extension shall not exceed two years without re-approval being granted by the Shelbyville City Council. When considering approval of a time extension, the Planning Commission may recommend the concept plan be modified to comply with regulations adopted since the PUD was approved and/or to address changes to surrounding properties since the PUD was approved.

E. Inactive PUDs.

1. A PUD shall be considered inactive if any of the following situations occur:
 - A. If a preliminary subdivision plan or site plan has not been approved by the Planning Commission within one year of the effective date of the PUD;
 - B. If a final subdivision plat has not been recorded by the Planning Commission within two (2) years of the Commission's approval of a preliminary subdivision plat; or
 - C. If actual construction has not begun on an approved site plan within 36 months of Planning Commission approval consistent with the Tennessee Vested Rights Act. For the purposes of this subsection, actual construction is defined to include permanent fastening of construction materials on-site or extensive grading including demolition or removal of existing structures necessary for the development; or
 - D. If at any time the PUD, or phase of the PUD has not been developed according to a schedule established with the original approval of the PUD, unless the Planning Commission has granted time extensions.
2. If a PUD is inactive, the Planning Commission shall give notice by certified mail to the owner/applicant who requested the PUD and shall schedule a public hearing to take any of the following actions:
 - A. Recommend extending, removing, or modifying the schedule for development;

- B. Recommend amendments to the concept plan;
- C. Recommend rezoning of the property to its former zoning classification.

5.8.3 Landscaping: Landscaping is intended to make uses more compatible by requiring a screen or buffer between the uses to minimize the potentially harmful impact of noise and objectionable views. At a minimum, landscaping shall conform to the following minimum standards.

- A. **Purpose:** The purpose of this section is to provide landscaping regulations that will enhance the environment and visual character as development occurs within the City. The preservation of existing trees and vegetation, and the planting of new trees and vegetation will protect public and private investments, and promote high-quality development. Areas of transition will be created between land uses, to minimize adverse visual impacts, noise, light and air pollution. Therefore, this section requires landscaping to be planted to:
 - A. Encourage the preservation of existing trees and vegetation and replenish vegetation that is removed;
 - B. Facilitate the creation of attractive and harmonious communities with the intent to enhance property values;
 - C. Improve the visual quality of the City by minimizing the negative impacts of development;
 - D. Reduce environmental impacts, such as, noise, air and light pollution, reduce stormwater runoff and decrease soil erosion, improve soil and water quality, protect wildlife habitat, and reduce heat convection from impervious surfaces;
 - E. Minimize conflicts between land uses, reduce visual impacts to adjoining properties and public rights-of-way, create a transition between dissimilar land uses, promote and preserve the character and value of an area, and provide a sense of privacy;
 - F. Establish standards for the location, spacing, quantity, type, size, protection, planting and maintenance of landscape materials in order to accomplish the objectives listed above.

B. Applicability:

A. ***New Development.*** No new building, structure or development shall be constructed, or parking area created, unless landscaping is provided as required in this section.

B. ***Changes to Existing Buildings, Structure, and Developments.*** The requirements of this section shall apply to existing buildings, structures, and developments under the following circumstances:

- i. If there is change in uses of an existing building, structure, or development, which requires rezoning of the property to allow the new use, then the entire building, structure or development including parking area shall comply with the requirements of this section.
- ii. If a new and separate building, structure, development, or parking area is constructed on the same lot of record as an existing building, structure, or development, only the separate and new building or parking area must meet the requirements of this section.

C. Definitions: The definitions listed below in this section are specific to these regulations and are, therefore, not included in Article II, Definitions.

A. **Buffer Yard:** A transitional space which consists of horizontal space (land) and vertical elements (plants, berms, fences, or walls) for the purpose of physically separating and visually screening adjacent land uses that are not fully compatible.

B. **Critical Root Zone:** A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained for the tree's survival.

C. **Deciduous:** Those plants that annually lose their foliage.

D. **Disturbed Area:** The area of land where grading, excavation or other construction activities will take place on a site.

E. **Evergreen:** Those plants that retain their foliage throughout the year.

- F. Landscaping: The area within the boundaries of a given lot that consists of planting materials, including but not limited to trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials.
- G. Tree, Ornamental: A small to medium tree, growing 12 feet to 25 feet at maturity often used for aesthetic purposes such as colorful flowers, interesting bark or fall foliage.
- H. Tree, shade or canopy: A large tree growing over 25 feet in height at maturity, usually deciduous, planted to provide canopy cover shade.
- I. Shrub: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground. These plants may be deciduous or evergreen.

D. General Requirements.

- A. **Landscaping Plan Requirements**: A separate landscaping plan will be required as part of the PUD review process established in Ordinance. A licensed landscape architect shall be required to draw and stamp the landscaping plan if the total floor area of all buildings exceeds 50,000 square feet in size or the applicant is seeking an alternative method of compliance as described in this Article. The plan shall include:
 - 1. Project information including the total square footage of the property, the total linear feet of property lines, the square footage of the building areas, parking, and other vehicular use areas.
 - 2. Each project's calculations, i.e., dimensional attributes and resulting amount of planted areas;
 - 3. Location of proposed buildings, parking areas, and access points including required vision triangles including a note that the landscaping plan shall be reviewed when designing the lighting plan to avoid conflict;
 - 4. Location, size, and type of planting material, both existing and proposed;
 - 5. If applicable, a tree preservation plan with methods and details for

protecting existing plants with critical root zones designated and established to receive tree credits;

6. Location and description of other improvements such as berms, fences, and walls;
7. Location of hose attachment or note that a permanent automatic irrigation system, designed/ built by an experienced designer and/ or contractor, shall be provided for all proposed landscape beds;
8. Location of utility and drainage easements;
9. Zoning designation of the subject property and the adjacent properties.

B. Landscaping Requirements for Parking and Vehicular Use Areas: All off-street parking and vehicular use areas (including driveways and loading docks) shall have landscaping covering at least 10% of the entire parking and vehicular use area. Landscaping shall be provided in accordance with the following:

1. **Total Required Plant Material:** To determine the total required planting area, multiply the entire square footage of off-street parking and vehicular use area by 10%. Within the planting area, plant material is required as follows:
 - i. 1 shade tree for every 200 square feet of required planting area or 1 ornamental tree for every 150 square feet;
 - ii. Shrubs are required in addition to trees and at a rate of 1 per every 50 square feet of planting area.
2. **Planting Area Location:** All landscaping must be located between parking spaces, at the end of parking columns, in the immediate vicinity of the structure, along street frontage, or between parking spaces and the property lines. The location of landscaping shall adhere to the following:
3. **Interior Landscaping:** Interior planting areas shall be located to provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic. Parking rows will be divided, begun, or terminated with a landscape island. Between every 10 to 15 spaces, 1 landscaped parking island with a minimum dimension of 9 feet by

19 feet shall be provided. Each island shall contain 1 shade tree. All the remaining land in the island shall be covered by shrubs, ground cover, sod, or mulched with a 3 to 4-inch layer of bark.

4. **Perimeter Landscaping:** the perimeters of parking areas shall be separated from the edge of the right-of-way and adjacent property lines by a minimum of 7.5 feet of green space. The remaining required planting area shall be dispersed along any adjacent right-of-way or within the front yard setback. Required landscaping is encourage to be grouped in defined beds or mass planting areas as oppose to being placed in a linear design to achieve a more naturalistic appearance. No landscaping area shall be less than 100 square feet in area. All areas not covered by buildings, parking areas, vehicular use areas, sidewalks or other approved landscaping materials shall be landscaped with grass.

C. **Water Quality:** The use of water quality filters/ swales within landscaping areas to enhance stormwater drainage is strongly encouraged and must be approved by the Public Works Director and/or their designee.

D. **Tree Protection During Construction:**

1. Protective barricades shall be placed around the critical root zone of all trees designated in the tree preservation plan prior to the start of development activities and shall remain in place until development activities are complete.
2. A protection barrier or tree fence shall be installed at a minimum of 3 feet in height around the tree or tree grove that is identified to be protected. The tree fence shall be constructed of a barrier material securely fastened to a wood or metal frame properly braced by 2 by 4 inch minimum structural members with cross braces, or another form of substantial barrier approved by the Director of Building Codes.
3. The area within the protective barricade shall remain free of all building materials, dirt or other construction debris, and vehicles. No substantial disturbance shall occur within the protective barricade including compaction of soil, trenching, placing backfill, grading, or dumping trash, oil, paint, or other materials detrimental to plant health.
4. Failure to comply with these requirements will result in the modification of the landscaping plan to represent the new tree plantings, requiring approval by the City Council and possible review fees.

- E. **Other Existing Landscape Material:** Existing landscape material which is proposed to be used to fulfill buffer yard/landscaping requirements shall be shown on the required Landscaping Plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, the Planning Director determines such material meets the requirements and achieves the objectives of this section.
- F. **Utility and Drainage Easements:** Required landscaping shall not be permitted in utility easements unless approved by the utility provider in writing, and if approved, the property owner shall execute and record a restrictive covenant agreeing to full replacement of plant materials which may be removed by the utility in the exercise of its rights within the easement. Required landscaping shall not be permitted in drainage easements without the written consent of the Public Works Director and/or their designee.
- G. **Vision Triangle:** All required landscaping must incorporate vision triangles that preserve the visibility of pedestrians and motorist. Any plant material taller than 30 inches shall not be permitted within vision triangles.
- H. **Mixture of Plants:** To promote variety and to minimize the potential impact of disease, sites that require the planting of more than 6 trees shall provide a minimum of 2 different tree species. Sites that require the planting of more than 9 shrubs shall provide a minimum of 2 different shrub species.

7. Installation, Maintenance, and Enforcement

- A. **Timing of Installation and Surety Requirements:** Required landscaping must be installed on site before issuance of a Certification of Occupancy. With the concurrence of the Planning Director, the Director of Building Codes may authorize a delay where planting season conflicts would produce high probability of plant loss. In the event the Director of Building Codes authorizes a delay, a temporary certificate of occupancy may be issued. No temporary certificate of occupancy will be issued until a Letter of Credit from a bank chartered in Tennessee for 110% of the cost of any uncompleted landscaping, including labor, shall be submitted to the City Recorder and Planning Department. To determine the total cost, the applicant shall furnish a cost estimate prepared by a qualified landscape contractor or nurseryman using prevailing material and labor costs. The surety must be placed by the owner of the property. The life of the bond shall not exceed 14 months. The bond will be released after landscaping is installed in accordance with the landscaping plan.
- B. **Installation Standards:** All landscaping materials shown and listed on the approved plans shall be installed in a sound, workmanship like manner and according to accepted, good construction and planting procedures. Plants installed

shall meet the standards for size, form, and quality set out in the American Standard for Nursery Stock, latest edition. Any landscape material that fails to meet the minimum requirements of this section at the time of installation, shall be removed and replaced with acceptable materials. All landscaping shall be planted within 300 feet of a hose attachment or include an underground or aboveground irrigation system.

- C. **Maintenance:** The owner shall be responsible for the continued proper maintenance of all landscaping/ buffer yard materials and shall keep them in proper, neat, and orderly appearance, free from refuse and debris at all times. Further:
- A. Proper maintenance shall include regular weeding, mowing of grass, watering, fertilizing, pruning, and other maintenance of all plantings as needed. Shrubs used in buffer yards shall not be pruned to a height less than 5 feet. Topping trees or the severe cutting of limbs to stubs larger than 3 inches in diameter within the tree crown to such a degree as to remove the normal canopy is not proper maintenance of trees as required by this section.
 - B. Plants damaged, diseased or dead shall be replaced by the owner within 60 days of the occurrence of such condition. Should any pre-existing vegetation approved as part of the landscaping plan die, the owner shall replace sufficient landscaping to maintain conformance with the approved Landscaping Plan within 60 days of the occurrence.
 - C. If seasonal conditions are such that replacement cannot be accomplished immediately, this requirement can be temporarily delayed with the approval of the Director of Building Codes, subject to the same provisions as outlined in (J)(1), *Timing of Installation and Surety Requirements*.

8. Alternative Methods of Compliance

1. **Unique features prevent strict compliance.** It is recognized that, on occasion, complete compliance with the requirements in this section may be impractical. Accordingly, an applicant may request approval for an alternative landscaping scheme when one or combination of the below listed conditions exist: The site involves space limitation or unusually shaped parcels or; Soil, natural rock formations, topography or other site conditions are such that full compliance is impossible or impractical.

To have landscape requirements modified due to one or a combination of the above, the applicant must submit a written justification to the Planning Department. Within the justification, the applicant must describe:

- A. Which of the landscaping requirements will be modified and which above condition justifies using alternatives;
- B. What alternative methods will be used (for example substituting ornamental grass for required shrubs due to poor soil conditions); and
- C. How the proposed alternative meets or exceeds what is required.

A. ***Approval of Alternative Landscaping Scheme.*** The Planning Commission shall review the proposed alternative landscaping scheme and determine if it is equivalent and whether it meets the intent and purpose of this section. The Planning Commission shall grant final approval, denial, or approval with amendments. When making the decision, the Planning Commission should consider the unique features of the site; the land use classification of adjacent properties; the number of plantings, species, arrangement, and coverage proposed; and the level of screening, height, spread, and canopy of the proposed plantings at maturity.

5.8.4 Procedure for Review: The review procedure for a PUD shall comply with the following steps:

A. Step 1 – Preliminary Concept Meeting: The applicant shall meet with the Planning Department to discuss the initial concepts of the PUD. The applicant shall supply preliminary information including but not limited to proposed uses, site constraints, road access, utility availability, and proposed density. Staff shall make the applicant aware of any applicable plans and ordinances. All staff comments are advisory in nature.

B. Step 2 - Pre-Application Conference/ Pre-Planning Committee Meeting

1. Within 90 days of the preliminary concept meeting, the applicant shall meet with the Planning Department and other departments, as appropriate, for a Pre-Planning Committee meeting.
2. The applicant shall supply preliminary information to the Planning Department in a form established by the Planning Department. Such information shall be submitted in accordance with the established Planning Commission Submittal and Review Calendar.
3. The purpose of the Pre-Planning Committee shall be to review refined plans and concepts for the PUD, the submittal requirements for the formal application, and the neighborhood meeting.

C. Step 3 - Neighborhood Meeting

1. Provide adequate notice to the Planning Department of the neighborhood meeting, including time, date, and location of the meeting. The meeting must be attended by a staff member of the Planning Department, and/or that Director's designee – coordination of schedules is vital to ensure staff attendance.
2. Conduct the neighborhood meeting within proximity of the location of the proposed development. If it is not possible to hold the meeting in proximity to the location of the proposed development, due to lack of public facilities, the meeting shall be held in a nearby convenient location.
3. An effort shall be made to provide adequate notice of the neighborhood meeting to the community. This notice may include but not be limited to a notice in a local newspaper or an informational letter distributed to area property owners. At a minimum, informational letters shall be distributed to property owners within a 500-foot radius of the proposed PUD. A copy of the letter shall be provided to the Planning Department.
4. Provide the Planning Department with a written summary of the meeting as part of the Concept Plan application. The summary shall include a brief description of the method used to provide notice of the neighborhood meeting to the community and highlight the primary concerns of the neighboring property owners raised at the neighborhood meeting. Staff may submit a supplemental summary with additional information if necessary.
5. The Planning Director may waive the neighborhood meeting requirement for modifications or reapplications under the following circumstances:
 - a. For reapplications: If a formal neighborhood meeting has been conducted for the PUD application in the last 12 months and no changes to the original application are being proposed.
 - b. For modifications: The proposed modifications to the PUD application will not alter the potential impact of the PUD on the neighboring properties.

D. Step 4 – PUD Application

1. Within 90 days of the pre-application conference, the applicant shall apply

for formal review in accordance with this Article's PUD application requirements.

2. If the applicant fails to apply within 90 days of the pre-application conference, the applicant shall be required to begin the review procedure again from the pre-application conference (Step 2).

E. Step 5 – Planning Commission Review and Recommendation: The Municipal Planning Commission (Planning Commission) shall review the PUD application, hold a public hearing, and make a recommendation to the City Council. The Planning Commission shall recommend approval, denial, or approval with conditions within 60 days after the initial consideration of the application. The applicant may waive the 60-day time requirement and consent to an extension or extensions. Said consent shall be provided to the Planning Department in writing.

F. Step 6 – City Council Review: The City Council shall review the PUD application, hold a public hearing, and make a final decision. In making such a decision, the City Council shall consider but not be bound by the recommendation of the Planning Commission. The City Council shall approve, deny, or approve with conditions. The City Council may defer the application for a reasonable amount of time if more information is needed to make an informed decision. Within 30 days after approval of a PUD, the zoning map will be amended to show the PUD as a zoning district.

G. Step 7 - Site Plan and Subdivision Plat Requirements

1. If approved, the PUD Regulating Pattern Book, as described in Subsection 5.8.5(4)., will become the controlling document for all future development in that established PUD zone. Parcels approved for a PUD will continue to be regulated by the Regulating Pattern Book regardless of future subdivision and sale of the property.
2. The procedure for Site Plan review will be required as established in this Ordinance.
3. The procedure for Preliminary and Final subdivision plats review will be required as established in the Shelbyville Municipal Subdivision Regulations.

5.8.5 Application Requirements: The application shall be accompanied by a fee established by the City Council from time to time and shall include the following:

- A. Regulating Pattern Book:** The applicant shall submit 15 paper copies and 1 electronic version of the Regulating Pattern Book to the Planning Department, which shall include the following:
1. Name, address, contact information of applicant and professional architect, planner, or engineer responsible for preparing the Regulating Pattern Book.
 2. A Concept Plan which contains the following minimal information:
 - A. Location, shape and size of property or properties involved in the project;
 - B. The proposed street network within the project which shall include the location and proposed improvements of any road depicted on the Major Thoroughfare Plan. The plan shall show all proposed connections to adjacent properties;
 - C. The location of proposed lots and an indication of the proposed uses for each lot;
 - D. The location of common open space, pedestrian/bicycle connections, areas proposed for public use (i.e. school, fire station);
 - E. For any nonresidential use show the general location of proposed buildings, parking areas, loading zones, and screening.
 3. List of permitted uses within the development;
 4. List of exceptions from zoning and subdivision regulations that are otherwise applicable to the property including but not limited to setbacks, lot size, and street design;
 5. A plot plan, aerial photograph, or combination thereof depicting the subject and adjoining properties including the location of structures on-site and within two hundred feet of the subject property and the identification of the existing uses of those properties;
 6. A graphic rendering of existing natural features including but not limited to topography, soils, woodlands, wetlands, floodplain, and existing drainage patterns which affect the property;
 7. A map showing available utilities, easements, roadways, rail lines and public right-of-way crossing and adjacent to the property;

8. Architectural renderings, architectural plans, or photographs of proposed structures with sufficient clarity to convey the appearance of proposed structures. The plan shall include a written description of proposed exterior building materials, including the siding and roof materials, porches, decks, and any proposed landscaping;
9. For projects that include residential uses, the proposed project density including a tabulation of the maximum number of residential lots for each proposed square footage range;
10. For projects that include nonresidential uses, a tabulation of maximum total square feet of building floor area proposed for commercial and industrial uses, by general type of use; and the maximum total land area, expressed in acres and as a percent of the total development area, proposed to be devoted to commercial and/or industrial uses;
11. A tabulation of the number of lots which would be allowed under the existing zoning. Provide a detailed explanation on how this tabulation was calculated;
12. A tabulation and description of amenities within the PUD including the percentage of open space and usable open space;
13. For projects that include nonresidential uses, a photometric plan of the nonresidential areas, complete with light cut sheets and lighting fixtures examples;
14. If the PUD is proposed to be constructed in stages during a period extending beyond a single construction season, then a Phasing plan shall be established. The Phasing Plan shall include:
 - A. The approximate date when construction of the project will begin;
 - B. The order in which the phases will be built;
 - C. The minimum area and approximate location of common open space and public improvements that will be required at each stage; and
 - D. A breakdown by phase for subsections [9] and [10] above.

B. Concept Plan: The applicant shall submit one 24" x 36" copy of the Concept

Plan, as described in Subsection 5.835(A)(2) at an appropriate scale as determined by staff.

- C. **Continued Maintenance Assurance:** The applicant shall submit the proposed means of assuring the continued maintenance of common open space or other common elements and governing the use and continued protection of the planned development. Any proposed restrictions or covenants to be placed on the development shall be submitted for the record.
- D. **Documentation of Adequate Public Facilities:** The applicant shall submit any applicable studies including but not limited to traffic and environmental studies and documentation that all relevant utility companies and governmental departments have been consulted and that adequate capacity exists or the applicant has agreed to upgrade the facilities.
- E. **Documentation of Neighborhood Meeting:** The applicant shall submit a summary of the neighborhood meeting as described in Subsection 5.8.4(4).
- F. **Additional information may be required:** The planning staff, Planning Commission or City Council may require additional information to be submitted which may be necessary to decide regarding the PUD application.

5.8.6 Other Issues

- A. **Modifications to a PUD:**
 - 1. Following approval of the PUD by the City Council, it is possible that as the development of the PUD progresses, modifications to the approved concept plan may be necessary for a variety of reasons. Minor modifications only require administrative approval from the Planning Director. However, major modifications, as defined below, will be subject to further review by the Planning Commission and City Council and will be required to undergo the process for PUD approval as enumerated in 5.8.4, *Procedure for Review*.
 - 2. A written request from the developer seeking a variation to an approved planned unit development shall be submitted to the Planning Director. The request shall describe the overall effect of the proposed changes, a modified concept plan, the reasons for seeking such amendment, and provide a written description of how the proposed modifications accomplishes the intent of the PUD as originally proposed. Upon receipt of a complete request, the Planning Director will make a written determination on whether the proposed modification is major or minor within ten (10) business days.

3. Modifications that result in the following will be classified as major:
 - A. The changes proposed seeks to amend a specific condition that was imposed by the City Council;
 - B. Proposed amendment results in the increase in the number or dwelling units (density) or maximum square footage (intensity) in the cases of non-residential PUDs;
 - C. The amendment modifies the location and/or number of the PUDs primary access points;
 - D. The amount of open space is reduced;
 - E. Modification of bulk and height restrictions and any other development regulations expressly enumerated in the Regulating Pattern Book.

B. Re-application if Denied: If an application for a PUD is denied by the City Council, a re- application pertaining to the same property with the same regulating pattern book may not be filed within nine (9) months of the date final action was taken on the previous application, unless such re-application is initiated by the Planning Department or the City Council.

**ARTICLE VI
SUPPLEMENTARY REGULATIONS, EXCEPTIONS
AND MODIFICATIONS**

SECTION

- 6.1 Scope
- 6.2 Exception to Front Setback Requirements
- 6.3 Non-Conforming Uses and Structures
- 6.4 Supplementary Regulations for Certain Uses

6.1 SCOPE: This article is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided in this Ordinance.

6.2 EXCEPTIONS TO SETBACK REQUIREMENTS: The front setback requirement of this ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot in residential districts; however, the setback shall in no case be less than fifteen (15) feet from the street right of way line.

6.3 NONCONFORMING USES AND STRUCTURES

A. DEFINITION: Any land use or structure legally existing at the date of passage of this zoning ordinance, or subsequent amendment thereto, but located in a zone in which it would not be permitted as a new use or structure under the terms of this zoning ordinance, is declared to be a legal non-conforming use.

B. CONTINUANCE: Except as noted otherwise in this ordinance, any legal non-conforming use or structure shall be permitted to continue in operation so long as it remains otherwise lawful. All non-conforming uses and structures shall be encouraged to convert to conformity wherever possible.

C. ENLARGEMENT AND EXPANSION: No residential non-conforming use shall be permitted to expand through the acquisition of additional land or additional construction. The non-residential non-conforming use of a building designed and constructed for

nonresidential activities which were permitted prior to the change in zoning may be expanded or changed to another nonconforming use upon a determination by the board of zoning appeals that the new nonconforming use will be more compatible with surrounding land uses than the existing nonconforming use and the land is owned or otherwise controlled by the business owner so the existing business is not expanded through the acquisition of additional land. Enlargement and expansion activities of any and all buildings and structures within a Floodway District shall adhere to the provisions contained in applicable sections of this ordinance, as well as adhere to the provisions set forth in the City of Shelbyville Municipal Floodplain Ordinance.

- D. REPAIRS AND ALTERATIONS: Nothing in this Article shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

- E. DESTRUCTION: If a non-conforming use is destroyed, or partially destroyed through no intention of the owner, to the extent of more than 50 percent of the replacement cost, the structure may be rebuilt. However, the new structure shall comply with all applicable provisions of this ordinance and shall be no larger than 125 percent of the original structure's floor area. If the use is residential and is not rebuilt within twelve (12) months, then the use shall not be rebuilt, restored, or reoccupied for any purpose except for reasonable cause as determined by the Planning Director. If this use is industrial or commercial and is not rebuilt within thirty (30) months, then the use shall not be restored, or reoccupied for any purpose except for reasonable cause as determined by the Planning Director. Non-conforming structures must be rebuilt in accordance with the regulations of this ordinance. No reconstruction of damaged or destroyed facilities utilized by a nonconforming use shall increase the extent of any infringement upon any open space required by this ordinance. The provisions of this ordinance shall apply to the reconstruction of all buildings and structures associated with any non-conforming use located in a Floodway District. Reconstruction of all buildings and structures shall be in accordance with the City of Shelbyville's Municipal Floodplain Regulations.

- F. CHANGE OF USE: A non-conforming use shall not be changed to any use other than a use that is permitted in the zoning district which it is located. Whenever a non-conforming use is changed to a conforming use, such use shall not thereafter be changed back to a non-conforming use.

- G. ABANDONMENT/TERMINATION: A non-conforming residential use which has ceased for twelve (12) months or greater shall be assumed to be abandoned, regardless of the intent to resume or

not to abandon the use, and shall be completely terminated. A non-conforming non-residential use which has ceased for thirty (30) months or greater shall be assumed to be abandoned, regardless of the intent to resume or not to abandon the use, and shall be completely terminated.

6.4 SUPPLEMENTARY REGULATIONS FOR CERTAIN USES

1. **PURPOSE:** The purpose of this section is to establish regulations and standards for certain uses that are determined appropriate by the City of Shelbyville Zoning Ordinance. Any use shall comply with all currently adopted codes of the City of Shelbyville (Federal, State, or local).
2. **PROCEDURE:** In addition to the requirements of the applicable district and the general requirements set forth above, certain supplementary regulations and requirements may be required for certain uses.
 - A. *If the use is permitted by right:* In addition to complying the with Site Plan Checklist, projects will also have to demonstrate either via written statement and/or by depiction on the site plan that the project meets the supplementary regulations for the use, as detailed in the sub-section below. The project will be subject to review by city staff and Shelbyville Municipal Planning Commission in accordance with established submittal and review procedures.
 - B. *If the use is a Special Exception:* The applicant must first appear before the Board of Zoning Appeals to have a determination made as to whether the use shall be permitted in the proposed location.
 1. *If Granted:* If the Board of Zoning Appeals grants the Special Exception, the applicant will then submit a site plan demonstrating compliance with the Site Plan Checklist and additional supplementary regulations for the use as detailed in this Ordinance for review by City staff and the Municipal Planning Commission.
 2. *If denied:* If the Board of Zoning Appeals denies the request for Special Exception, the project application shall be considered null and void, and therefore nothing shall proceed to the Municipal Planning Commission.

A. SUPPLEMENTARY REGULATIONS FOR UTILITY FACILITIES

1. All buildings and vehicle loading areas shall be located a minimum of fifty (50) feet from any existing home or potential home site.

2. Road access shall be adequate to accommodate the vehicular traffic generated by the utility facility and shall not adversely affect the safety and convenience of vehicular and pedestrian flow in the area. The location of road access shall not cause negative impacts on the surrounding area.

B. SUPPLEMENTARY REGULATIONS FOR HOME DAY CARE

1. Minimum lot size shall be 10,000 square feet.
2. All outside areas must be fenced and be set back from side and rear lot lines by a minimum of fifteen (15) feet. Play areas shall contain a minimum of one hundred (100) square feet per child.
3. All refuse shall be contained in completely enclosed facilities, and the facilities shall be located in the rear of the building.
4. Only one (1) sign, which shall not exceed two (2) square feet, may be used to advertise the day care home.
5. One off-street parking space for each five children accommodated in this child care facility shall be provided.
6. Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up or deliver passengers. Such facilities shall provide for driveways that do not require any back-up movements by vehicle to enter or exit the zone lot.

C. SUPPLEMENTARY REGULATIONS FOR DAY CARE CENTERS

1. Obtain license to operate facility from the Tennessee Department of Human Services or show evidence that a license will be issued after approval of the Board.
2. Minimum lot size shall be 10,000 square feet.
3. All outside areas must be fenced and be set back from side and rear lot lines by a minimum of fifteen (15) feet.
4. Play areas shall contain a minimum of one hundred (100) square feet per child.
5. The facility shall be located to be compatible with the surrounding area and provide safety to those using each facility.
6. All refuse shall be contained in completely enclosed facilities, and the facilities shall be in the rear of the building.

7. Only one (1) sign, which shall not exceed two (2) square feet, may be used to advertise the day care home.
8. Two off-street parking space for each five children accommodated in this child care facility shall be provided, plus 4 spaces for staff members.
9. Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up or deliver passengers. Such facilities shall provide for driveways that do not require any back-up movements by vehicle to enter or exit the zone lot.

D. SUPPLEMENTARY REGULATIONS FOR GROUP HOMES

1. A proper license to operate the facility must be secured prior to occupancy.
2. Shall be on a lot that meets the minimum standards for the district.
3. Special fire escapes, garbage disposal facilities and other required structural changes shall be located and screened to minimize the character differences with other structures in the area.
4. There shall be one parking space for each resident who in the facility, plus one parking space for each employee.
5. Total number of residents shall be limited to twenty (20) persons, including staff.

E. SUPPLEMENTARY REGULATIONS FOR BED AND BREAKFAST ESTABLISHMENTS

1. The Bed and Breakfast shall have no more than three (3) guest rooms.
2. The Bed and Breakfast shall serve no more than one (1) morning meal per day.
3. The maximum stay for any guest shall be fourteen (14) consecutive days.
4. There shall be a minimum of 500 feet distance between Bed and Breakfast facilities.
5. The residence is subject to inspection and approval of the building inspector, fire marshal and health department when applicable.
6. The proprietor or owner must reside at the residence.
7. There shall be one (1) parking space for each room plus two (2) additional parking spaces for the owner. All parking spaces shall be off-street parking.

F. SUPPLEMENTARY REGULATIONS FOR VETERINARY OFFICES AND ANIMAL BOARDING FACILITIES

1. Veterinary offices and facilities shall be limited to three thousand five hundred (3,500)

square feet of gross floor per establishment with no more than two (2) establishments per lot.

2. Animal boarding in abutting residential uses shall occur within completely enclosed structures.
3. Outdoor exercise yards shall be completely fenced and used only between 7 a.m. and 7 p.m.
4. Kennels are not allowed for training and breeding under these conditions.

G. SUPPLEMENTARY REGULATIONS FOR GROUP ASSEMBLY ACTIVITIES

1. The minimum size site shall be twenty-five (25) acres;
2. The minimum setback of all structures from all public roads shall be one hundred (100) feet;
3. Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from building entrance of the principal use at the time of approval;
4. Access to such facility shall be by a paved public road and such road shall be either an arterial or a collector street. Traffic shall not be directed through residential streets;
5. Off-street parking shall be provided at a minimum of one (1) space for each four (4) patrons or seats. For those facilities which are not utilized on a regular and frequent basis, parking may be provided on adjacent parcels of land, provided further that any parcel so used is located no more than five hundred (500) feet from the lot boundary;
6. Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property;
7. Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities;
8. Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structures may not be located within any required setback or buffer area.

H. SUPPLEMENTARY REGULATIONS FOR DWELLING UNITS IN COMMERCIAL BUILDINGS

1. Only one (1) dwelling units will be created within any one (1) commercially zoned

building.

2. The dwelling unit will be a complete, separate housekeeping unit that can be isolated from the original unit.
3. The dwelling unit shall be designed so that the appearance of the building remains unchanged. Any new entrances shall be located on the side or in the rear of the building.
4. The design and size of the dwelling unit within the building shall conform to all applicable codes in the health, building, electrical, fire, etc.
5. Additional parking for the dwelling unit shall comply with the requirements for parking as provided in this zoning ordinance.

I. SUPPLEMENTARY REGULATIONS FOR RESIDENTIAL ACCESSORY DWELLING

1. Only one (1) accessory dwelling or apartment is permitted on any given lot.
2. The accessory dwelling or apartment must comply with all setback requirements for the principal building for the zoning district in which it is located.
3. If the accessory unit is not attached to the primary dwelling, it must be separated a minimum of ten (10) feet from the primary dwelling.
4. The accessory dwelling or apartment must meet all building codes requirements for an occupied structure.
5. A minimum of one parking space shall be provided on-site to serve the accessory dwelling or apartment unit.
6. Attached accessory units may not have their primary entrance visible, as viewed from the adjacent streets, when the main entrance of the primary dwelling is visible from the same street.
7. Residential Accessory Dwelling may not be a single wide mobile home (not on a permanent foundation) or any mobile vehicle, including recreational vehicles, campers, fifth-wheels or the like.
8. Public utility connections are required, without exception.
9. No more than two duplexes may be located on any single lot.

J. SUPPLEMENTARY REGULATIONS FOR GASOLINE SERVICE STATION RESTRICTIONS

1. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.

2. Gasoline pumps shall not be located closer than twenty-five (25) feet to any right-of-way line.
3. Sign requirements as established in city sign ordinance shall be met.

K. SUPPLEMENTARY REGULATIONS FOR SELF-STORAGE

1. A minimum of one (1) parking space shall be provided plus one (1) space for each employee.
2. Each storage unit shall be fully enclosed by walls and roof and shall not exceed six hundred (600) square feet in area.
3. Outdoor storage shall not be permitted, except for the parking of recreational vehicles, boats and trailers.
4. Parking of recreational vehicles, boats and trailers may occur in designated areas as delineated on a site plan that must be approved by the Planning Commission.
5. Storage units shall not be used for the manufacture, processing or assembly of goods, the sale of goods or personal services on the premises, or customer pickup.
6. The servicing or repair of motor vehicles, boats, lawn mowers and other similar equipment shall not be conducted on the premises.
7. Active use or activities such as the practice of musical instruments shall not be permitted within individual units or anywhere else on site.
8. Adequate water pressure and volume shall be available for fire protection.
9. No hazardous materials shall be allowed in any storage units.
10. All lights shall be shielded to direct the light onto the established uses and away from all adjacent properties.

L. SUPPLEMENTARY REGULATIONS FOR CAR WASH (SELF-SERVICE/MANUAL)

1. Residential Setback. Whether automatic, free, self-service or by hand, the car wash structure (including wash bays) and outdoor vacuuming machines or areas, shall be located fifty (50) feet from any residential zone district or district permitting residential use.
2. Openings. All washing facilities shall be located within a structure which is enclosed except those openings necessary for vehicular and pedestrian ingress and egress. Such openings shall not face any adjacent residentially zoned property.

3. Hours of Operation. Operation of the car wash shall be prohibited prior to 6 a.m. or after 10 p.m. on any day of the week.
4. Outdoor loudspeakers. There shall be no outdoor loudspeakers or public address systems.
5. Vehicle Sales or Storage. No vehicle may be stored or parked on the premises for the purpose of offering it for sale.

M. SUPPLEMENTARY REGULATIONS FOR CAR WASH- AUTOMATIC

1. One (1) automatic car wash, capable of washing only one (1) car at a time, shall be located fifty (50) feet away from any residential zone district or district permitting residential use. There shall be no more than two (2) wand car washes to every one (1) automatic car wash.
2. All washing facilities shall be located within a building which is enclosed except those openings necessary for vehicular and pedestrian access. Such openings shall not face any adjacent residentially zoned property.
3. Operation of the establishment shall be prohibited prior to 6 a.m. or after 10 p.m. on any day of the week.
4. All building structures shall have a brick veneer covering. No metal walls shall be allowed. Metal roofing is acceptable. No flat roofs shall be allowed.
5. Dumpster area is to be enclosed in brick or split phase architectural walls with a screened gate. Dumpster area pad shall be constructed with reinforced concrete.
6. The minimum front setback for a car wash shall be 60 feet.
7. During the hours of non-operation barriers to ingress and egress must be installed or doors will be installed at each end of the bay to block access.

N. SUPPLEMENTARY REGULATIONS FOR AUTOMOTIVE/VEHICULAR SALES AND SERVICES

1. Primary access to said uses shall not be permitted on any local residential streets.
2. A minimum lot size of 1 acre is required for the establishment of a new business selling new or used vehicles in the City of Shelbyville.
3. A minimum lot size of 1.5 acres is required for co-locating a business activity directly related to passenger automotive activities on the same parcel of land as a business selling new or used passenger vehicles.
4. Minimum street frontage shall be 150 feet.
5. Minimum front building setback shall be 70 feet.

6. All buildings and vehicle loading areas shall be located a minimum of 100 feet from any existing residential uses.
7. Any applicant wishing to utilize a piece of property previously used for automotive sales within the last 30 months (in accordance with the *Tennessee Code Annotated* 13-7-208), upon presenting compelling evidence of such business activity to the Planning Department, may be granted legal non-conforming status for the sale of automobiles in that particular location.
8. Any inoperative motor vehicles kept on the premises of automotive sales operations or related passenger automotive activities shall be screened from view from public right of ways.
9. Repair of any type of vehicle must be performed within buildings with the ability to be closed from public view.
10. Overflow vehicle storage must be located on the same lot as the automotive sales, repair, or like services or activities.

O. SUPPLEMENTARY REGULATIONS FOR CEMETERIES

1. If indicated by the Table of Uses, the Applicant has obtained a Special Exception Permit from the Board of Zoning Appeals.
2. Applicant must demonstrate approval from the State of Tennessee Department of Insurance and Commerce as part of the required application materials.
3. The minimum lot size shall be five (5) acres. Private family cemeteries and cemeteries accessory to a religious institution shall be on a one-quarter ($\frac{1}{4}$) acre lot (for cemetery), minimum.
4. For cemetery developments of twenty-five (25) acres or greater, primary access shall be from a collector or arterial road.
5. The following accessory uses shall be permitted: mausoleums, columbiums, chapels seating less than thirty (30) people, funeral homes, maintenance buildings and other facilities for burial and ceremonial purposes.

P. SUPPLEMENTARY REGULATIONS FOR FEEDLOTS AND STOCKYARDS

1. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the district; provided, however, that if such activity includes outdoor animal pens the minimum lot area shall be four (4) acres.
2. In addition to meeting all requirements of the general site plan checklist, a site plan and/or

other documents submitted with an application which shall provide for the following:

- A. Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contours intervals shall be at two (2) foot intervals.
- B. Location of the area in which the proposed keeping of animals is to be conducted.
- C. Location of all proposed buildings, animal pens, roadways and other facilities proposed on the site.
- D. Proposed method of drainage of the animal pens.
- E. Proposed fencing of the site.
- F. Insect, rodent, and odor control measures shall be provided to the satisfaction of the Planning Commission.

Q. SUPPLEMENTARY REGULATIONS FOR AUTOMOBILE WRECKING, JUNK AND SALVAGE

YARDS: Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property value by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics:

- 1. The minimum lot size for such use is 50 acres.
- 2. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- 3. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than three hundred (300) feet from any established residential zone.
- 4. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the road or street and such fence, screen, or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition.
- 5. The number of vehicular access driveways permitted on any single street frontage shall be limited to:
 - A. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.

- B. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.
- C. Other applicable requirements of this Ordinance shall be met.

R. SUPPLEMENTARY REGULATIONS FOR INCINERATORS AND ATOMIC REACTORS

- 1. Applicant has obtained a Special Exception Permit from the Board of Zoning Appeals.
- 2. The Applicant must demonstrate location of use is at least 1,000 feet away from any schools or residentially zoned property, as measured from property line to property line.
- 3. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.
- 4. All organic or combustible materials delivered to the site shall be burned in the incinerator.
- 5. All residues resulting from the operations of the facility shall be disposed of in compliance with all state and federal regulations.
- 6. All materials which are to be burned shall be placed on or in a concrete slab hopper enclosed by a building, masonry walls or chain link type fencing at least six (6) feet high provided with doors or gates which shall be securely locked when the incinerator is not in operation. The materials shall be transferred from the slab or hopper or hopper into the incinerator as soon as they are received, but in any case, all combustible materials shall be burned during the same day that they were delivered. The slab or hopper shall be kept clear of all materials when not in active use.
- 7. All separation or picking of waste materials shall be conducted in an enclosed building only.
- 8. A watchman shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

S. SUPPLEMENTARY REGULATIONS FOR MANUFACTURE OR STORAGE OF EXPLOSIVES, MUNITIONS, OR FIREWORKS

- 1. Any such facility shall not be located on a site having an area of less than fifty (50) acres.
- 2. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.

3. A security guard shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

T. SUPPLEMENTARY REGULATIONS FOR SOLID WASTE LANDFILLS

1. The Applicant has obtained a Special Exception Permit from the Board of Zoning Appeals
2. All areas used for filling operations shall maintain the minimum setback as required by this section.
3. No burning on site shall be permitted.
4. All separation or picking of waste materials shall be conducted in an enclosed building only.
5. The premises shall be kept neat and clean at all times, no loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by use of calcium chloride or some other approved method.
6. Entrance to the site shall be controlled at all times to prevent improper dumping on the site.
7. In order that the Planning Commission may evaluate the effect on nearby uses and on the community at large, the applicant for this Permit shall furnish complete plans and method of operation, and have present at the hearing for said permit an Engineering Consultant in this phase of industry to fully evaluate all areas of control of vibration, dust, noxious odors, fumes, nuisance factors, etc.

U. SUPPLEMENTARY REGULATIONS FOR HAZARDOUS AND RADIOACTIVE WASTES

1. The Applicant has obtained a Special Exception Permit from the Board of Zoning Appeals.
2. The Applicant must demonstrate location of use is at least 1,000 feet away from any schools or residentially zoned property, as measured from property line to property line.
3. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.
4. All residues resulting from the operations of the facility shall be disposed of in compliance with all State and Federal regulations.
5. All areas used for filling operations shall maintain the minimum setback as required by this section.

6. A security guard shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

V. SUPPLEMENTARY REGULATIONS FOR RECYCLING PROCESSING CENTERS

1. The minimum lot size for this use is 2 acres.
2. All processing such as compacting, shredding, or bailing shall be within an enclosed building.
3. All outdoor storage shall be concealed from view, beyond the limits of the property, by fencing or natural screening;
4. Any other storage shall be within an enclosed building; and
5. No salvaging of parts or dismantling will be permitted.

W. SUPPLEMENTARY REGULATIONS FOR MINING AND QUARRYING ACTIVITY

1. The Board of Zoning Appeals has issued a Use Permit for this particular use.
2. In addition to meeting the general requirements of the Site Plan Checklist, site plans for Mining and Quarry Activities shall indicate the following supplementary information:
 - A. Specific location of the area in which the proposed quarrying activity is to be conducted.
 - B. Location of all proposed buildings, crusher and screening equipment, roadways and other facilities proposed on the site.
 - C. Proposed method of drainage of the quarry area.
 - D. Proposed fencing of the quarry area. Fencing shall be provided around all open excavations.
 - E. Methods proposed for blasting. Open blasting commonly referred to as "pop shots" shall be prohibited
 - F. Finished contours of the site after the quarrying operation has been terminated.
 - G. The site shall be graded and/or filled so as to be in substantial conformity with the topography of the surrounding lands. All fill material shall be non-toxic, non-flammable, and non-combustible solids. All areas that are back-filled shall be left so that adequate drainage is provided.

- H. A comprehensive traffic impact study of both volume and vehicle weight impacts as they relate to the existing and proposed street system.
- 3. Approval for mining and quarrying activity may also include accessory concrete batching plants, asphaltic cement mixing plants and/or rock crushing activities on the same zone lot provided that all supplementary and bulk regulations of this Ordinance are met.

X. Regulations Pertaining to Indoor Sport Shooting Ranges

- 1. Indoor Sport Shooting Ranges are not eligible as Home Based Occupations
- 2. The site design and all accompanying regulatory requirements of all indoor ranges must comply with the current National Rifle Association Gun Range Manual.
- 3. An indoor sport shooting range must be located in a building with a minimum of 5,000 square feet.
- 4. The hours of operation shall be limited to 7:00 A.M. to 9:00 P.M.
- 5. If the facility is located adjacent to residentially zoned property, the hours of operation shall be limited to 8:00 AM to 8:00 PM.
- 6. An indoor sport shooting range shall comply with all federal and state regulations pertaining to firearms and shooting ranges.
- 7. A site plan shall be required for review by the Planning Commission, and submitted in accordance with the approved Submittal and Review Calendar. Site plans for indoor sport shooting ranges are not eligible for administrative approval.
- 8. Before obtaining a Final Certificate of Occupancy, copies of all state and federal permits shall be filed with the Planning and Community Development Department. The applicant shall be solely responsible for maintaining all permits required by state and federal agencies.
- 9. In the event of the sale of an Indoor Sporting Range, copies of permits in the new owner's name issued by state and federal agencies shall be provided to the Planning and Community Development Department at the time of business license application.

**ARTICLE VII
BOARD OF ZONING APPEALS**

SECTION

- 7.1 Purpose
- 7.2 Authority
- 7.3 Variances
- 7.4 Special Exceptions
- 7.5 Specific Requirements for Special Exceptions

7.1 PURPOSE: The Board of Zoning Appeals is a quasi-judicial body responsible for hearing appeals from individuals who are requesting exceptions or variations for City Ordinances regarding land use requirements or from individuals who are questioning the appropriateness of orders made by City officials. It is the Board's goal to treat all individuals fairly and courteously.

7.2 AUTHORITY: The state enabling statutes as cited in Section 13-7-207 of the Tennessee Code Annotated limit the responsibilities of Boards of Zoning Appeals. A listing of these responsibilities in conjunction with a brief narrative thereof is as follows:

A. Administrative Review: The first enumerated power is to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by a City Official in the carrying out or enforcement of any provision of the zoning ordinance. This power concerns the Board's authority to review the actions of the building official in relation to the specifics of the zoning ordinance. In all cases falling under this power, the burden of proof is on the applicant to prove that the administrative official actions are not in conformance with the provisions within the zoning text.

B. Special Exceptions: The second specified power within the Tennessee Code Annotated is to hear and decide, in accordance with the provisions of the zoning ordinance, requests for special exceptions or for interpretation of the zoning map. Each zoning district allows certain uses, and excludes others. Generally, these uses fall into one of two categories: uses by right and uses on appeal. A use by right was discussed earlier. Uses on appeal, also known as special exceptions, are a category intended to provide flexibility in an effort to cope with situations where a particular use or class of

uses, although not inherently inconsistent with the intent and purpose of a particular zone, could create special problems or hazards if allowed to develop and locate as a matter of right.

C. Variances: The purpose of variances is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variances shall be used only where necessary to overcome some obstacle which is preventing an owner from using their property under this ordinance. Each appeal is heard and decided on its own merit. Be advised that the Board of Zoning Appeals may be limited in their authority, if any, to grant a variance from the Zoning Ordinance.

7.3 VARIANCES.

A. STANDARDS FOR VARIANCES: The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

1. The particular physical surroundings, shape, or topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out.
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
3. The variance will not authorize activities in a zone district other than those permitted by this ordinance.
4. Financial returns only shall not be considered as a basis for granting a variance.
5. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance.
6. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
7. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
8. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.
9. The proposed variance will not impair an adequate supply of light and air to adjacent

property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

10. Variances may be issued for the reconstruction rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic places upon a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building, and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historic designation.

7.4 SPECIAL EXCEPTIONS: The following procedure is established to provide procedures for review of a proposed use as a Special Exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required under Sections 13-7-206 of the Tennessee Code Annotated, by this ordinance, or whether a review is requested by the Planning Director, or their designee, to determine whether a proposed use is potentially noxious, dangerous, or offensive.

A. STANDARD REQUIREMENTS APPLICABLE TO ALL SPECIAL EXCEPTIONS: In addition to meeting the specific Special Exception requirements for a use contained in this Article, the Board of Zoning Appeals shall also find the following requirements have been satisfied:

1. Is within the provision of "Special Exception" as set forth in this ordinance.
2. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
3. Has established to the satisfaction of the Board of Zoning Appeals that the operation of such facility shall not have an adverse effect on the properties in the surrounding area.
4. Is necessary for public convenience in the location planned.
5. Ingress and egress to property and proposed structures thereon have been addressed in writing with particular reference to automotive and pedestrian safety and convenience; traffic flow and control; and access in case of fire or catastrophe.
6. The economic, noise, vibrations, glare, or odor effects of the special exception on or by adjoining properties and properties generally in or near the district.
7. General use compatibility with adjacent properties and other property in the district.

- B. RESTRICTIONS: In the exercise of its approval, the Board may impose additional conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.
- C. VALIDITY OF PLANS: All approved plans, conditions, restrictions, and rules made a part of the approval of the Board shall constitute certification on the part of applicant that the proposed use shall conform to such regulations at all times.
- D. TIME LIMIT: All applications reviewed by the Board shall be decided within a reasonable time of the date of application.

7.5 SPECIFIC SPECIAL EXCEPTION REQUIREMENTS

A. SEXUALLY ORIENTED BUSINESSES

1. A sexually oriented business establishment as used in this ordinance shall have the same meaning as the term “adult-oriented establishment” as used in T.C.A. Section 7-51-1102, and, in construing the term, the definitions contained in T.C.A. Sections 7-51-110(1) through (6) and (9) through (26), are likewise incorporated by reference into and made a part of this ordinance
2. No such business shall be conducted within 1,000 feet of the following:
 - A. A place of public assembly used primarily for religious worship and related religious activities;
 - B. A public or private child care or educational facility, including, but not limited to, day care facilities; continuing, elementary, high, intermediate, junior high, middle, nursery, secondary, special education, or vocational schools; kindergartens; preschools; private schools; post-secondary educational institutions, and the grounds of any such facility, provided that the requirement shall not apply to facilities used primarily for another purpose and only incidentally as a school;
 - C. A boundary of any residential zoning district or the property line of a lot devoted to a residential use;
 - D. A public park or recreational area that has been designated for park or recreational activities, including, but not limited to, an athletic field, basketball court, bicycle/pedestrian path, nature trail, park, playground, swimming pool, tennis court, wilderness areas, or similar public land that is under the control, management, or operation of any government park and recreation authority;
 - E. An entertainment business that is oriented primarily towards entertainment for children or families;

- F. Any packaged liquor store; or
 - G. A crematory, funeral home, or mortuary facility.
3. Measurements related to this subsection shall be made in a straight line, without regard to intervening objects or structures, from the nearest portion of the building or structure used as part of the premises where an adult-oriented establishment is conducted to the nearest property line of the premises of a use listed in Subsection 6.2.1.10(2) above. The presence of a city jurisdictional boundary shall be irrelevant for the purposes of calculating and applying the distance requirements of this subsection.
 4. A sexually oriented business lawfully operating as a conforming use shall not be rendered a nonconforming use by the location, subsequent to the commencement of operations of said establishment, of a use listed in Subsection (1) above within 1,000 feet of the adult-oriented establishment.
 5. No sexually oriented business may be established or operated within 500 feet of another sexually oriented business. This distance requirement shall be measured in a straight line, without regard to the intervening objects, political boundaries, or structures, from the closest exterior wall of the structure in which each business is located.
 6. No sexually oriented business may be enlarged so as to violate the provisions of this ordinance.
 7. All regulations of the State of Tennessee and the City of Shelbyville that pertain to the use shall be met.
 8. Messages or signs which are visible or intended to be visible from outside the property (such as on or within doors or windows) shall not display materials, items, publications, pictures, films, or live presentation of persons performing or services offered on the premises.

B. MINING AND QUARRYING ACTIVITY

1. The location of such an activity shall be in an area sparsely developed during the length of time the mining or quarrying activity is anticipated.
2. Approval for mining and quarrying activity may also include accessory concrete batching plants, asphaltic cement mixing plants and/or rock crushing activities on the same zone lot.
3. Before issuing a Special Exception permit the board shall require the owner of the quarry facility to execute a bond not less than one thousand (\$1,000) or more than two thousand dollars (\$2,000) per acre of active quarry throughout a five (5) year period to restore the lands in the manner prescribed herein, including the removal of all structures and machinery.
4. Any Special Exception permit issued hereunder shall not be for a period exceeding five (5)

years. After the expiration date of such special permit, the Board of Zoning Appeals may review and grant an extension of time in the manner and procedure as prescribed for an original application.

5. In order that the Board of Zoning Appeals may evaluate the effect on nearby uses and on the community at large, the applicant for this Permit shall furnish complete plans and method of operation.
6. In all instances in which state or federal surface mining regulations apply, the following additional conditions shall be attached:
 - A. A copy of a pre-blast survey for all properties located within a one (1) mile radius of the area covered by the mining permit shall be filed with the application. A report and recommendation from the City Engineer shall be submitted to the Shelbyville Planning and Community Development staff prior to the Pre-Planning meeting for the month the Special Exception petition is to be heard by the Board of Zoning Appeals.
 - B. A plan of operation shall be prepared and submitted to the Planning and Community Development Department and Public Works Department for approval showing all intended transportation routes within the City of Shelbyville and evidence that all load limits of roads and bridges used in the operation will be met. No variation from the approved route shall be permitted except by written permission of the City Public Works Director. A report from the Public Works Director or their designee shall be submitted to the Planning and Community Development Director prior to the Pre-Planning meeting for the month the Special Exception petition is to be heard by the Planning Commission.
 - C. Any use permitted in I-3 where state or federal surface mining regulations do not apply may be changed to a use where they do apply, subject to approval of the pre-blast survey and haul routes by the City Engineer.

C. INCINERATORS AND ATOMIC REACTORS

1. All organic or combustible materials delivered to the site shall be burned in the incinerator.
2. All residues resulting from the operations of the facility shall be disposed of in compliance with all local, state and federal regulations.
3. All separation or picking of waste materials shall be conducted in an enclosed building only.
4. A watchman shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

5. In order that the Board of Zoning Appeals may evaluate the effect on nearby uses and on the community at large, the applicant for this Permit shall furnish complete plans and method of operation.
6. Any Special Exception permit issued hereunder shall not be for a period exceeding five (5) years. After the expiration date of such special permit, the Board of Zoning Appeals may review and grant an extension of time in the manner and procedure as prescribed for an original application.

D. SOLID WASTE LANDFILLS

1. Entrance to the site shall be controlled at all times to prevent improper dumping on the site.
2. In order that the Board of Zoning Appeals may evaluate the effect on nearby uses and on the community at large, the applicant for this Permit shall furnish complete plans and method of operation.
3. Any Special Exception permit issued hereunder shall not be for a period exceeding five (5) years. After the expiration date of such special permit, the Board of Zoning Appeals may review and grant an extension of time in the manner and procedure as prescribed for an original application.

E. HAZARDOUS AND RADIOACTIVE WASTES

1. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.
2. All residues resulting from the operations of the facility shall be disposed of in compliance with all State and Federal regulations.
3. All areas used for filling operations shall maintain the minimum setback as required by this section.
4. A security guard shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.
5. In order that the Board of Zoning Appeals may evaluate the effect on nearby uses and on the community at large, the applicant for this Permit shall furnish complete plans and method of operation.
6. Any Special Exception permit issued hereunder shall not be for a period exceeding five (5) years. After the expiration date of such special permit, the Board of Zoning Appeals may review and grant an extension of time in the manner and procedure as prescribed for an original application.

F. **FOOD GRADE QUALITY WAREHOUSING:** The Certificate of Food Grade Quality Warehousing must be presented at time of application for Special Exception permit.

G. **INDOOR SPORT SHOOTING RANGES:**

1. The structure housing an indoor sport shooting range shall be a minimum of 200 feet from the boundary of any residentially zoned district, and located only within the zoning districts specified in Appendix 1, Table of Uses.