



CITY OF SHELBYVILLE, INDIANA

# Subdivision Control Ordinance

EFFECTIVE DATE: JANUARY 1, 2004



RATIO

**CITY OF SHELBYVILLE, INDIANA**  
SUBDIVISION CONTROL ORDINANCE

# Contents

**Prepared by:**

*The City of Shelbyville, Indiana*

**with the Assistance of:**

*RATIO Architects, Inc.*

*107 South Pennsylvania Street*

*Schrader Building, Suite 100*

*Indianapolis, IN 46204*

*ph: 317.633.4040*

*fax: 317.633.4153*

*www..RATIOarchitects.com*

**Article 1: Basic Provisions** **Page #**

1.1	Title & Document Format .....	1-2
1.2	Authority & Purpose .....	1-4
1.3	Interpretation & Application .....	1-5
1.4	Adoption & Amendments .....	1-8

**Article 2: Administration** **Page #**

2.1	Administrative & Enforcement .....	2-2
2.2	Commercial & Industrial Subdivisions .....	2-4
2.3	Waivers of Subdivision Regulations .....	2-5
2.4	Notice of Public Hearing .....	2-7
2.5	Technical Review Committee .....	2-8

**Article 3: Minor Subdivisions** **Page #**

3.1	Application & Review Process .....	3-2
3.2	Sketch Plan .....	3-4
3.3	Preliminary Plat .....	3-6
3.4	Final Plat & Construction Plans .....	3-12

**Article 4: Major Subdivisions** **Page #**

4.1	Application & Review Process .....	4-2
4.2	Sketch Plan .....	4-4
4.3	Preliminary Plat .....	4-6
4.4	Final Plat & Construction Plans .....	4-14
4.5	Construction of Public Improvements .....	4-19

**Article 5: Surety** **Page #**

5.1	Surety Requirements .....	5-2
5.2	Release of Performance Surety .....	5-4
5.3	Release of Maintenance Surety .....	5-6

<b>Article 6: Design Standards</b>		<b>Page Number</b>
6.1	Purpose & Use .....	6-2
6.2	General Standards .....	6-3
6.3	Lot Standards .....	6-4
6.4	Block Standards .....	6-7
6.5	Street Arrangement Standards .....	6-8
6.6	Street Geometric Standards .....	6-12
6.7	Street Construction Standards .....	6-18
6.8	Cul-de-Sac Standards .....	6-20
6.9	Curb & Gutter Standards .....	6-22
6.10	Sidewalk and Pedestrian Path Standards .....	6-23
6.11	Street Lighting Standards .....	6-25
6.12	Subdivision & Street Name Standards .....	6-26
6.13	Easement Standards .....	6-27
6.14	Street Tree Standards .....	6-28
6.15	Waste Disposal Standards .....	6-30
6.16	Water Supply Standards .....	6-31
6.17	Environmental Standards .....	6-32
6.18	General Drainage Standards .....	6-35
6.19	Covenant Standards .....	6-39
6.20	Monument & Marker Standards .....	6-40

<b>Article 7: Definitions</b>		<b>Page #</b>
7.1	Defined Words .....	7-2
7.2	Definitions .....	7-3

**ARTICLE 1**  
**BASIC PROVISIONS**

**1**

## 1.1 Title &amp; Document Format

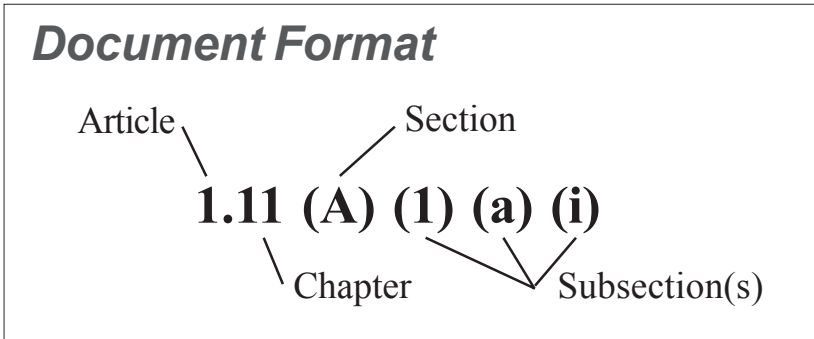
## Title &amp; Document Format

**See Also:**

*"Glossary of Zoning, Development, and Planning Terms" published by the American Planning Association as Planning Advisory Service (PAS) Report #491/492*

- A. **Title:** This Ordinance shall be formally know as the “City of Shelbyville Subdivision Control Ordinance,” and it may be cited and referred to as the “Subdivision Regulations” or “Subdivision Control Ordinance”. This document refers to itself as “this Ordinance”.
- B. **Defined Words:** Words used in a special sense in this Ordinance are defined in Article 7, Definitions. The general meaning of all other terms not specifically defined by this Ordinance shall be consistent with the definitions provided by the *Glossary of Zoning, Development, and Planning Terms* published by the American Planning Association as Planning Advisory Service (PAS) Report #491/492 and any subsequent amendments. All other words, terms, and/or phrases not specifically defined by this Ordinance and not generally defined by the glossary noted above shall have the meaning inferred from their context in this Ordinance or their ordinarily accepted definitions.
- C. **Meanings:** The following rules of construction shall apply to the text of this Ordinance:
1. The particular and specific provisions of this Ordinance shall supersede any general requirements that are established.
  2. The words “shall” and “will” are always mandatory and not discretionary. The word “may” is permissive.
  3. Words used in the present tense include the future; words used in the singular number include the plural; and the plural includes the singular. Words of the masculine gender will include the feminine and the neutral gender will refer to any gender, unless the context plainly indicates the contrary.
  4. A "building" or "structure" includes any part thereof.
  5. The phrase “used for” includes arranged for, designed for, intended for, maintained for, or occupied for.
  6. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
  7. Unless it is plainly evident from the context that a different meaning is intended, a regulation which involves 2 or more items, conditions, provisions, or events connected by the conjunction “and, or,” or “either . . . or,” the use of the conjunction is defined as follows:
    - a. “And” means that all the connected items, conditions, provisions, or events apply together and not separately.
    - b. “Or” means that the connected items, conditions, provisions, or events apply separately or in any combination.
    - c. “Either . . . or” means that the connected items, conditions, provisions, or events apply separately but not in combination.
  8. The word “includes” does not limit a term to the specified examples, but is intended to extend the term’s meaning to all other instances or circumstances of like kind or character.
  9. The word "city" means the City of Shelbyville, Indiana, the word “county” means Shelby County, Indiana, and the word “state” means the State of Indiana.

- D. **Format:** The structure of the text of this Ordinance is as follows: Article (indicated by 1, etc.), Chapter (indicated by 1.1, etc.), Section (indicated by A, etc.), and subsequent Subsections (indicated by 1, a, i, etc.)



## 1.2 Authority &amp; Purpose

## Authority &amp; Purpose

**See Also:**

*Indiana Code  
36-7-4-700 series  
(Subdivision  
Control Ordinance)*

*Indiana Code 36-7-4-701(C)  
(Contiguous Unincorporated  
Jurisdiction)*

*Note: The Board of Zoning Appeals does not have the authority to hear or grant requests for waivers of the regulations of this Ordinance, but may grant variances from the requirements of the Zoning Ordinance. The Plan Commission does not have the authority to grant variances from the requirements of the Zoning Ordinance, but may grant waivers of the requirements of this Ordinance..*

- A. **Authority:** This Subdivision Control Ordinance is adopted by the City of Shelbyville pursuant to its authority under the laws of the State of Indiana, 36-7-4 et seq., specifically the provisions of the IC 36-7-4-700 series. Whenever codes cited in this Ordinance refer to Indiana Code that has been amended or superseded, this Ordinance shall be deemed amended in reference to the new or revised Code.
- B. **Jurisdiction:** This Ordinance shall apply to all land within the jurisdiction of the City of Shelbyville Plan Commission and the City of Shelbyville Board of Public Works & Safety, being all properties and areas incorporated as a part of the City. In no instance shall this Ordinance be interpreted as applying to properties beyond the incorporated limits of the City of Shelbyville, consistent with IC 36-7-4-701(C).
- C. **Purpose:** The purpose of this Ordinance is to protect and promote public health, safety, and general welfare, and to:
1. **Comprehensive Plan:** Provide guidance for future growth and development in accordance with the City of Shelbyville Comprehensive Plan;
  2. **Stability:** Protect the character and social and economic stability of the area;
  3. **Orderly Development:** Encourage the orderly development of the City;
  4. **Property Values:** Protect and conserve the value of land, structures, and other improvements to the land;
  5. **Land Use Conflict:** Discourage conflicts between the uses of land and structures;
  6. **Planned Subdivisions:** Avoid scattered and uncontrolled subdivisions of land that would result in the imposition of an excessive expenditure of public funds for the distribution or supply of infrastructure and/or services;
  7. **Reasonable Standards & Procedures:** Establish reasonable standards and procedures for subdivisions and re-subdivisions, in order to further the orderly layout and use of land;
  8. **Recording & Monumenting:** Ensure proper legal descriptions, legal recording, and monumenting of subdivided land;
  9. **Drainage:** Ensure the provision of drainage facilities, the safeguarding of the water table, and protection from flooding;
  10. **Natural Resources:** Encourage the protection of natural resources in order to preserve the integrity, stability, natural beauty, topography, and the value of land; and
  11. **Balance:** Plan for a balance between land uses, natural resources, and public ways that is beneficial to the community as a whole, both currently and in the future.



- A. **Conflicting Requirements:** The provisions of this Ordinance shall be the minimum requirements necessary for the protection of the health, safety, comfort, convenience, and general welfare of the community. The provisions are also designed to establish and maintain reasonable community standards for the physical environment. If two or more provisions of this Ordinance are in conflict, or are inconsistent with one another, then the provision that is most restrictive shall control.
- B. **Overlapping Regulations:** When this Ordinance, along with private covenants; private contracts; commitments; permits; agreements; state laws; Federal laws; and/or other regulations apply to a structure or parcel of land, the greater restriction shall control. In no instance shall this Ordinance be interpreted as altering or negating any other applicable regulations.
1. **Public Provisions:** This Ordinance is not intended to interfere with, supercede, or annul any other ordinance, rule, regulation, statute, or other provision of law. Where any provision of this Ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law; whichever provisions are more restrictive, or impose higher standards, shall apply.
  2. **Private Provisions:** This Ordinance is not intended to supercede any easement, covenant, or any other private agreement or restriction; however, where the provisions of this Ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this Ordinance shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations that are more restrictive, or higher standards than the requirement of these regulations, and such private provisions are not inconsistent with this Ordinance, then such private provisions shall be supplemental to this Ordinance. (Note: Private provisions are only enforced privately, and are not subject to enforcement by the City of Shelbyville.)
- C. **Compliance:** No person shall divide, record, transfer, or sell any parcel of land before the proposed subdivision has been approved in accordance with the processes and provisions of this Ordinance, and filed with the County Recorder, unless otherwise specified by this Ordinance.
- D. **General Specifications:** The following general specifications shall apply to all subdivisions:
1. **Public Safety:** Land to be subdivided and developed must be able to be done so without adding peril to public safety, welfare, or health.
  2. **Accessibility:** Land shall not be subdivided unless appropriate road access and capacity is demonstrated to be possible.
  3. **Permitted Uses:** No land shall be subdivided unless the intended use of the individual lot is in conformance with the City of Shelbyville Zoning Ordinance.

*See Also:*

*Indiana Code 32-25 series  
(Condominiums)*

*Indiana Code 36-7-4-702(e)  
(Condominiums)*

### 1.3 Interpretation & Application *(cont.)*

#### Interpretation & Application

4. **Historic/Natural Features:** In all subdivisions, due regard shall be given to the preservation of historically significant sites and natural features such as large trees, water courses, wetlands, floodways, and scenic views.
  5. **Plan Commission Approval:** No plat or re-plat of a subdivision of land located within the jurisdiction of this Ordinance shall be recorded until it has been approved by the Shelbyville Plan Commission, and such approval has been certified on the plat by the President and Secretary of the Commission.
  6. **Permits:** No Improvement Location Permit or Certificate of Occupancy shall be issued for any parcel of land that was created by subdivision after the effective date of, and not in conformity with, the provisions of this Ordinance. No excavation of land or construction of any public or private improvements shall take place except in conformity with the regulations contained in this Ordinance, any other applicable standards adopted by the City of Shelbyville, and the standards of the local utility providers.
- E. **Subdivision Defined:** The division of any lot for the purpose of sale, transfer, gift, or lease that results in the creation of 1 or more new building sites shall be considered a subdivision and shall be subject to the requirements of this Ordinance. This Ordinance recognizes and regulates 2 types of subdivisions that shall be defined as follows:
1. **Minor Subdivisions:** Minor subdivisions are those that (1) create 3 or fewer total lots, including any remaining tract, (2) front on an existing street, and (3) do not include the construction of new public improvements. Minor subdivisions include only the upgrade of existing public improvements, such as the construction of sidewalks along an existing street, the dedication of additional street right-of-way, and the extension of utilities services to the newly created lots.
  2. **Major Subdivisions:** Major Subdivisions are those that create more than 3 total lots, including any remaining tract, and/or require the creation of any new public improvements.
- F. **Legal Non-Conforming Subdivisions:** Any parcel that is recorded prior to the effective date of this Ordinance that was officially approved and met all the requirements of the subdivision ordinance in effect at the time of its recording, or complies with the specifications of Section 1.4(A) is a legal nonconforming (grandfathered) subdivision.

- G. **Exemptions:** The following subdivisions of land are exempt from the provisions of this Subdivision Control Ordinance subject to the specifications described for each. All exempt divisions shall be recorded through metes-and-bounds legal descriptions in the office of the Shelby County Recorder.
1. **Legal Description Correction:** A division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional building sites are created, and no additional public improvements are required or created.
  2. **Right-of-Way Acquisition:** A division of land for the Federal, state, or local government to acquire right-of-way.
  3. **Transfer Between Adjoining Property Owners:** A division of land for the transfer of a tract or tracts between adjoining lots provided that (a) no additional building sites are created (b) no non-conforming lots are created, and (c) no additional public improvements are required or created by the subdivision.
  4. **Condominiums:** A division of land for the establishment of condominiums that are regulated by IC 32-25 series (consistent with IC 36-7-4-702(e)).
- H. **Vested Rights:** No vested rights shall accrue to any plat by reason of Sketch Plan, Preliminary Plat, or Construction Plan approval until the signing of the Final Plat by the Plan Commission President and Secretary and by the members of the Board of Public Works & Safety.
1. **Conditions:** All regulations, conditions, and requirements applied to a subdivision by the City of Shelbyville shall apply to that subdivision throughout the approval process unless otherwise specified.
  2. **Consistent Requirements:** Requirements and conditions established for a subdivision by the Plan Commission at the time of Preliminary Plat approval shall not be revised, expanded, or added to at the time of Final Plat review.

## 1.4 Adoption & Amendments

### Adoption & Amendments

**See Also:**

*Indiana Code 36-7-4-701,  
(Amendments)*

*Indiana Code 36-7-4-602,  
(Amendments)*

*Indiana Code 36-7-4-603,  
(Decision Criteria)*

- A. **Transition Rules:** The following transition rules shall apply to the adoption of this Ordinance:
1. **Previously Filed Subdivision Applications:** Any subdivision submitted and docketed for a public hearing prior to the adoption of this Ordinance shall be regulated by the terms and conditions of the subdivision control ordinance and zoning ordinance that were in place at the time of its docketing. However, all administrative procedures and penalties shall follow those set forth by this Ordinance. In no instance shall this be interpreted as permitting the future use or development of lots in the subdivision in a manner inconsistent with the zoning ordinance in effect at that time.
  2. **Previously Filed Permit Applications:** Any application for an Improvement Location Permit that has been filed with the Plan Commission and is complete, prior to the effective date of this Ordinance, shall be regulated by the terms and conditions of the subdivision control ordinance that was in place at the time of filing. However, all administrative procedures and penalties shall follow those set forth by this Ordinance.
  3. **New Building Sites:** All new building sites shall meet the requirements of this Ordinance unless:
    - a. An Improvement Location Permit for the site has been issued and is still valid, or
    - b. A buildable lot was approved by the Plan Commission or the Board of Zoning Appeals prior to the effective date of this Ordinance.
  4. **Previous Approvals:** All Preliminary Plats regulated by this Ordinance that were approved prior to the effective date of this Ordinance, and not yet executed through either (a) the receipt of an Improvement Location Permit authorizing construction of any phase of the development, or (b) the recording of the Final Plat in the office of the Shelby County Recorder, shall expire and become void 1 year following the effective date of this Ordinance. All approvals that expire and/or become void shall comply with all applicable provisions of this Ordinance if re-issued.
- B. **Amendments:** The following provisions shall apply to amendments to this Ordinance. Consistent with IC 36-7-4-701, this section provides that this Subdivision Control Ordinance may be amended or repealed in the same manner as the zoning ordinance.
1. **Ordinance Text Amendment Process:** The Common Council or the Plan Commission may initiate a proposal to amend or partially repeal the text of this Ordinance according to the procedure of IC 36-7-4-602(b) and the adopted Plan Commission Rules and Procedures.

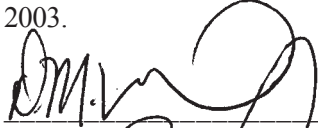
2. Decision Criteria: In the review of the text amendment proposals, the Plan Commission and Common Council shall pay reasonable regard to (consistent with IC 36-7-4-603):
  - a. the most recently adopted Shelbyville Comprehensive Plan;
  - b. current conditions and the character of structures and uses in each district;
  - c. the most desirable use for which the land in each district is adapted;
  - d. the conservation of property values throughout the jurisdiction;
  - e. responsible development and growth; and
  - f. the public health, safety and welfare.
- C. **Repealer:** The City of Shelbyville, Indiana Subdivision Control Ordinance dated October 6, 1975 (adopted as ordinance number 1612) and all subsequent amendments are hereby repealed. This City of Shelbyville, Indiana Subdivision Control Ordinance shall replace the repealed ordinance as of the effective date listed in Section 1.4(F).
- D. **Severability:** If any provision, or the application of any provision, of this Ordinance is held unconstitutional or invalid by the courts, the remainder of the Ordinance, or the application of such provision to other circumstances shall not be affected.
- E. **Saving Provision:** This Ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous subdivision ordinance. Also, this Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

1.4 Adoption & Amendments (cont.)

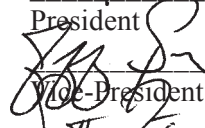
Adoption & Amendments

F. **Effective Date:** This Ordinance, Number 03-2476, shall be in full force and in effect on January 1, 2004. The effective date is based on the passage and notice of adoption as required by law.

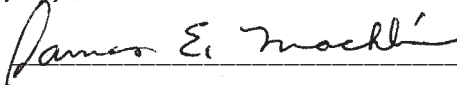
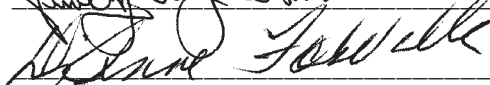
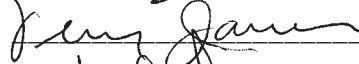
This Ordinance was recommended for adoption by the Plan Commission of the City of Shelbyville, Indiana on the 28th day of September, 2003.



President



Vice-President



**1.4 Adoption & Amendments (cont.)**

This Ordinance was passed and adopted by the Shelbyville, Indiana Common Council on the 26th day of October, 2003.

*Ollie Brown*

President

*Cheryl A. Atwood*

*Jeffrey J. Martin Sr.*

*John Hootson*

*Jan Sleet*

*Scott Fry*

ATTEST:

*Rodney Fry*

Clerk-Treasurer

**ARTICLE 2**  
**ADMINISTRATION**

**2**



## 2.1 Administration & Enforcement

### Administration & Enforcement

- A. **Administrative Officer:** The administrator of this Ordinance shall be the City of Shelbyville Plan Commission Director (including any designee(s) of the Plan Commission Director).
1. **Enforcement Authority:** The Plan Commission Director is hereby authorized and directed to enforce and carry out all provisions of this Ordinance both in letter and spirit, pursuant to state statute.
  2. **Delegation Authority:** The Plan Commission Director is hereby empowered to delegate the duties and the powers granted to, and imposed upon, him/her under this Ordinance. As used in this Ordinance, "Plan Commission Director" shall include any authorized representative(s).
- B. **General Administrative Provisions:** The following general administrative provisions shall apply:
1. **Appeals:** Any person aggrieved by a decision of the Plan Commission may present a duly verified petition to a Shelby County court of jurisdiction that (a) asserts that the aggrieving decision is illegal and (b) specifies the grounds for the illegality. The petition shall be submitted to the court within 30 days of the decision that is being appealed.
  2. **Inspection of Improvements:** The subdivider shall notify the City Engineer 72 hours prior to the planned installation of improvements within the development. The City Engineer will notify any other appropriate City departments that have the responsibility for inspecting and testing streets, curbs, sub-bases, pavement depth and quality, sidewalks, sewer lines, drainage improvements, and any other site improvements to verify that they conform to the regulations of this Ordinance, and all other applicable, adopted construction standards of the City of Shelbyville.
  3. **Replats:** The following provisions shall apply to the replatting of existing subdivisions:
    - a. *Plan Commission Approval:* Any change in an approved or recorded subdivision plat that affects any street layout shown on such plat, creates an additional building site, reduces the size of any lot, or alters any right-of-way or easement, shall be reviewed by the Plan Commission by the same procedure and regulations as for the original subdivision plat. The Plan Commission Director shall specify which subdivision process (minor or major) is to be followed for each re-plat based on the definition of major and minor subdivision and the extent of the proposed re-plat.
    - b. *Exemptions:* Any change in an approved or recorded subdivision plat that results in only the combination of 2 or more lots, or the division of a lot between adjoining property owners in a manner that does not result in the creation of an additional building site, partial remaining tract, or lot in violation of the provisions of the Zoning Ordinance, change shall be exempt from this Ordinance consistent with Section 1.3(G)(3).

- C. **Enforcement:** The enforcement of this Ordinance shall be consistent with the following provisions:
1. **Investigation of Suspected Violations:** Suspected violations of the provisions of this Ordinance shall be investigated by the Plan Commission Director consistent with the Enforcement and Penalties provisions of the Shelbyville Zoning Ordinance.
  2. **Enforcement & Penalties:** The enforcement of any violations of this Ordinance shall be consistent with the provisions for enforcement and penalties established by the Shelbyville Zoning Ordinance. However, in addition to remedies provided by the Zoning Ordinance, the enforcement of violations of this Ordinance may also include the following alternatives:
    - a. *Permits Withheld:* The Plan Commission Director shall reserve the right to withhold Improvement Location Permits for a lot or lots in a subdivision if the subdivider has failed to (i) comply with the procedures of this Ordinance (ii) properly install, maintain, or otherwise provide for all of the required public improvements, or (iii) conform with any requirement of this Ordinance.
    - b. *Occupancy Withheld:* A permanent Certificate of Occupancy shall not be issued for any lot until any required sidewalks are installed for that lot, or a performance bond is posted to the City of Shelbyville by the applicant (consistent with Article 5 of this Ordinance) for the installation of the sidewalk.
    - c. *Improvements Delayed:* No public board, agency, commission, official, or other authority shall proceed with, or authorize the construction of, any public improvements required for a subdivision until the proposed subdivision has been approved in accordance with this Ordinance. Upon the request of the Plan Commission Director, the installation and/or authorization of improvements shall be delayed until the remedy of any violations present on the property.

### Commercial & Industrial Subdivisions

#### Policy Statement

*It is recognized by this Ordinance that the development of commercial and industrial subdivisions is required, by the nature of the marketing of such projects, to deviate from the standard procedure used for residential subdivisions. Chapter 2.2 describes the alternate procedure to be used for non-residential subdivisions.*

- A. **General Provisions:** If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision shall be consistent with the following provisions:
1. **Site Development Plan Approval:** Any required Site Development Plan approval, as specified by the Zoning Ordinance, and the subdivision approval may proceed simultaneously at the discretion of the Plan Commission Director.
  2. **Additional Standards:** In addition to the principles and standards provided by these regulations the subdivider shall demonstrate to the satisfaction of the Plan Commission that the subdivision proposed is specifically adapted to the uses anticipated, and takes into account other uses in the area. The following standards shall apply:
    - a. Each non-residential area or parcel shall be shown with its intended use indicated on the plat.
    - b. Proposed lots and blocks shall be suitable in area and dimension to the general type of development anticipated.
    - c. Special requirements may be imposed by the Plan Commission with respect to streets, street access, curbs, and sidewalk design and construction.
    - d. Special requirements may be imposed by the Plan Commission with respect to the installation of public utilities.
- B. **Review Emphasis:** In reviewing commercial and industrial subdivisions, the initial emphasis of the Commission shall be on street layout and block arrangement.
- C. **Procedure:** The subdivider shall follow the procedure for subdivisions provided in this Ordinance, but in terms of lot arrangement shall only be required to show two defined lots, including the parent tract and a block layout.
1. The subdivider may prepare a Final Plat for only the lots identified, and shall provide subsequent final plats as additional lots become necessary.
  2. All commercial and industrial preliminary plats shall expire 10 years from the date of approval by the Plan Commission.

- A. **General Provisions:** Where the Plan Commission finds that (1) extraordinary hardships or practical difficulties may result from strict compliance with these regulations, or (2) the purposes and intent of these regulations may be served to a greater extent by an alternative proposal, it may grant waivers of the standards set forth in this Ordinance so that substantial justice may be done and the public interest served. No waiver shall be granted in relief of mere inconveniences or financial disadvantages of the subdivider.
- B. **Decision Criteria:** The Plan Commission shall not approve any waivers of the subdivision regulations unless it makes written findings based upon the evidence presented by the petitioner in each specific case, indicating how:
1. **Public Welfare:** The granting of the waiver will not be detrimental to the public safety, health, and/or welfare;
  2. **Adjacent Property:** The granting of the waiver will not be injurious to the reasonable use and development of other property;
  3. **Unique Conditions:** The conditions upon which the request for the waiver is based are unique to the property for which it is sought and are not applicable generally to other property;
  4. **Physical Conditions:** Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved a hardship to the owner would result if the strict letter of these regulations were carried out; and
  5. **Comprehensive Plan:** The waiver will not contradict the intent of the City of Shelbyville Comprehensive Plan.
- C. **Public Facility Waiver:** Where the waiver impacts the design, construction, or maintenance of required public improvements, it shall not be granted unless the appropriate public agency has reviewed the proposed development and indicated approval, in writing, to the Plan Commission.
- D. **Conflict of Authority:** No waiver of these Subdivision Regulations shall conflict with the powers and duties of the Board of Zoning Appeals. The Board of Zoning Appeals does not have the authority to hear or grant requests for waivers to the regulations of this Ordinance. The Plan Commission does not have the authority to grant variances of the Zoning Ordinance.
- E. **Procedure:** The procedure for review of waiver requests is as follows:
1. **Waiver Requests:** At the time of filing a subdivision application, consistent with this Ordinance, the applicant must submit a detailed written statement documenting all waivers requested as part of the application and reasons for the waiver request(s) consistent with the decision criteria outlined in Section 2.3(B). The waiver requests may be modified and added to by the applicant at any time prior to public notice of the subdivision request being provided.

*Note: The Board of Zoning Appeals does not have the authority to hear or grant requests for waivers of the regulations of this Ordinance, but may grant variances from the requirements of the Zoning Ordinance. The Plan Commission does not have the authority to grant variances from the requirements of the Zoning Ordinance, but may grant waivers of the requirements of this Ordinance..*

Waivers of Subdivision Regulations

2. Limitations: Only those waivers specifically described in the public notice may be considered by the Plan Commission.
3. Conditions: Waivers may only be granted in a public hearing, and shall be considered at the time of the Preliminary Plat review by the Commission. The Commission may make reasonable conditions an element of any waiver approval.
4. Recording: The Plan Commission action taken on all waiver requests and the reasons for each action taken shall be recorded in the minutes of the Plan Commission. Any conditions imposed by the Commission as part of the waiver approval shall be included in writing on the recorded plat of the subdivision.

## 2.4 Notice of Public Hearing

For all public hearings, notice shall be provided consistent with the requirements of this Chapter and the Rules & Procedures of the Plan Commission. Required public notice shall include the following:

- A. **Legal Notice:** The applicant shall prepare and pay for a legal notice consistent with the requirements of IC 5-3-1 for publication in the local newspaper. The legal notice shall appear in the newspaper no less than 1 time at least 10 days prior to the public hearing, not including the date of the hearing. Legal notices shall include each of the following:
1. **Property Location:** The general location of the subject property, including its common address and a legal description,
  2. **Available Plans:** That the project plans are available for examination at the office of the Shelbyville Plan Commission,
  3. **Hearing Information:** That a public hearing will be held, giving the date, place, and hour of the hearing, and
  4. **Written Comments:** That written comments on the application will be accepted prior to the public hearing and may be submitted to the Plan Commission Director.
- B. **Notice to Interested Parties:** The applicant shall prepare and distribute written notice of the application to all interested parties. In no instances shall streets, alleys, streams, or other features be considered boundaries for precluding notification.
1. **Notice Information:** The notice shall contain the same information as the legal notice that is published in the newspaper as outlined in Section 2.4(A).
  2. **Responsibility:** The distribution and cost of the notice shall be the responsibility of the applicant.
  3. **Ownership Information:** The applicant shall obtain the names and mailing addresses of those to be notified from the Property Transfer Books contained in the Shelby County Auditor's Office. The names and addresses of these property owners shall be submitted to the Plan Commission Director at the time the application is filed.
  4. **Notification Requirements:** Property owners shall be notified at least 1 time in one of the following ways:
    - a. Via a Certificate of Mailing through the United States Postal Service, postmarked a minimum of 10 days before the date of the public hearing.
    - b. Via Certified Mail through the United States Postal Service, postmarked a minimum of 10 days before the date of the public hearing.
    - c. Via hand delivered notice in accordance with the Plan Commission Rules and Procedures.
  5. **Notification Certification:** A copy of the materials provided to each property owner, the completed mailing and/or delivery forms, and a completed Affidavit of Notice certifying the correctness of the mailing list shall be provided to the Plan Commission Director by the applicant a minimum of 2 business days prior to the date of the public hearing.

### Notice of Public Hearing

*See Also:*

*Indiana Code 5-3-1  
(Notice of Public Hearings)*

### Technical Review Committee

#### **Intent:**

*The intent of the Technical Review Committee is to provide a coordinated and thorough review of all proposed subdivisions and to ensure that all applicable requirements are met. By establishing this body, applications can be reviewed by all necessary departments, local agencies, and utility providers at one meeting. Such review helps to identify issues early in the process, and eliminates the need for multiple meetings and individual correspondence between the applicant and each of these departments and agencies.*

*To provide flexibility in the subdivision review process, the Technical Review Committee may meet on a regular schedule and as determined is otherwise necessary by the Plan Commission Director.*

*All approval processes and actions of the Technical Review Committee shall be consistent with the requirements of Indiana Law.*

- A. **General Provisions:** The following general provisions shall apply to the functions of the Technical Review Committee:
1. **Accountability:** All information provided to the Committee, including that shown on all drawings, should be accurate. This specifically applies to the existing and proposed locations of utilities.
  2. **Utility Standards:** Representatives of local utilities shall review the applications before the Committee consistent with each utility's minimum standards. Adjustments to the determinations of the Committee regarding utility locations may be made by the utilities in response to unforeseen site conditions. These adjustments shall not require additional review by the Technical Review Committee.
- B. **Authority & Approvals:** The authority of the Technical Review Committee and appeals of its decisions shall be as follows:
1. **Approval Authority:** The Technical Review Committee, as the staff of the Plan Commission, shall have the authority to approve **Subdivision Construction Plans and Final Plats**.
  2. **Review Authority:** The Technical Review Committee shall have the authority to review **Major and Minor Subdivision Preliminary Plats**, forwarding comments to the Shelbyville Plan Commission.
  3. **Appeal Rights:** All decisions of the Technical Review Committee may be appealed to the Plan Commission following the procedure outlined in Section 2.5(G) of this Chapter.
- C. **Committee Structure:** The Plan Commission Director shall serve as the staff for the Technical Review Committee. He/she shall distribute all appropriate materials and keep all necessary files and meeting records. The organization of the Technical Review Committee shall be as follows:
1. **Membership:** The Technical Review Committee shall, at a minimum, consist of the following members:
    - a. the Plan Commission Director;
    - b. the City Engineer (member of the Plan Commission);
    - c. the Police Chief or his/her designee;
    - d. the Fire Chief or his/her designee;
    - e. the Street Commissioner or his/her designee;
    - f. the wastewater treatment plant superintendent;
    - g. a representative of the appropriate school corporation(s);
    - h. no less than 2 and no more than 4 members of the Plan Commission, appointed by the Plan Commission (including the City Engineer, listed as 2.5(C)(1)(b) above);
    - i. a representative of each of the local gas, water, cable television, electricity, and telephone utilities; and
    - j. any others deemed necessary by the Plan Commission Director (such as representatives of the Soil and Water Conservation District, Park Board, Health Department, etc.).

2. Attendance: It is expected that members of the Committee shall be present at the time of the scheduled Committee meeting. Regardless of attendance, members must submit written comments regarding each specific application to the Plan Commission Director prior to the appropriate meeting.
    - a. Each committee member shall only comment on the aspects of each application that directly relate to their area of expertise regarding the applicable adopted standards of the City of Shelbyville or the utility they are representing.
    - b. If no comments are received from any member of the Committee it shall indicate that individually they have no objection to any aspect of the application.
  3. Duties of the Plan Commission Director: The Plan Commission Director shall oversee the operation of the Technical Review Committee and shall make the final determination regarding any specific aspect of a application on which members of the Technical Review Committee disagree.
    - a. In cases of disagreement and at his/her discretion, the Plan Commission Director may forward any application before the Technical Review Committee to the Plan Commission for a determination on the request.
    - b. The Plan Commission Director shall determine the action to be taken on each application by the Committee based on the comments of the Committee members.
  4. Continued Applications: All applications which are not approved by the Technical Review Committee and not forwarded to the Plan Commission shall be denied or continued and placed on the agenda for the next appropriate Committee meeting.
    - a. Prior to that meeting the applicant shall address the comments of the Committee, making appropriate modifications to the application materials.
    - b. The applicant shall provide appropriate copies of the revised materials prior to the next Committee meeting based on the adopted Calendar of Meeting and Filing Dates.
    - c. The applicant may withdraw any application following the review of the Committee by submitting a notice of such withdrawal in writing to the Plan Commission Director. Any applications that are withdrawn and are subsequently re-filed shall be considered a new application and shall be subject to all applicable requirements for new applications (including fees) established by this Ordinance.
- D. **Attendance Required:** The applicant and/or any representative of the applicant shall be required to attend all Technical Review Committee meetings at which their application is to be reviewed. If the applicant or their representative is not present, the application shall automatically be tabled and placed on the agenda for the next appropriate Committee meeting.



Technical Review Committee

- E. **Meeting Record:** The Plan Commission Director shall make written documentation of the comments and findings of the Technical Review Committee for each application and make those findings available to the applicant within 5 business days of the Committee’s review. The written documentation shall consist of the following:
  - 1. Action Taken: a letter to the applicant stating the action taken by the Committee, and
  - 2. Outstanding Comments: a list of any unresolved comments made by the members of the Committee, including references to appropriate sections of adopted, applicable requirements of the City of Shelbyville, the local utility providers, the State of Indiana, and/or the Federal government.
  
- F. **Decision Criteria:** In all cases, the Technical Review Committee shall only consider the applicable adopted requirements of this Ordinance, the Shelbyville Subdivision Control Ordinance, the Shelbyville Construction Standards, and any other adopted and applicable standards of the City of Shelbyville, the State of Indiana, and/or the Federal government. The minimum standards and specifications of each utility shall also be considered.
  - 1. Mandatory Approval: In all cases in which the Committee has approval authority and a application conforms to the applicable standards, that application shall be approved.
  - 2. Committee Member Comments: In no case shall any applicant be required to make any modifications to any application based solely on the opinions or other undocumented standards of any member of the Committee.
    - a. This shall not be interpreted as prohibiting any committee member from providing comments that express their professional opinions regarding a application being forwarded to the Plan Commission.
    - b. This shall further not be interpreted as preventing the City Engineer or private utility representatives from establishing requirements for individual applications based on professional norms.
  
- G. **Appeals:** Any applicant or interested party may appeal the decision of the Technical Review Committee to the Plan Commission.
  - 1. Relief from Specific Requirements: Applicants seeking relief from specific development standards or other requirements of the Zoning Ordinance that are unrelated to the Committee’s interpretation of the applicable requirements shall be required to obtain variance approval from the Board of Zoning Appeals.
  - 2. Appeal Procedure: All appeals of determinations of the Committee shall meet the following requirements:
    - a. The appealing party shall be required to provide the Plan Commission Director with written notice of the appeal within 30 days of the date of the Committee decision.

- b. The Plan Commission Director shall place the appeal on the agenda for the next appropriate Plan Commission meeting consistent with the adopted Calendar of Meeting and Filing Dates.
  - c. Public notice for the meeting shall be required, consistent with the provisions Chapter 2.4.
  - d. The Plan Commission shall consider the provisions of this Ordinance and all other documented, applicable standards in deciding the appeal.
- H. **Consistency:** In all cases, the application materials, including any drawings that are presented to the Plan Commission or provided to the Plan Commission Director with an Improvement Location Permit application following TRC review shall be completely consistent with those that were approved by the TRC, with the exception of any corrections or revisions requested by the Committee. Any application that is inconsistent with the version approved by the Technical Review Committee shall be referred back to the TRC for review and comment.

**ARTICLE 3**  
**MINOR SUBDIVISIONS**

**3**

Application & Review Process

**Minor Subdivision Defined**

*Minor subdivisions are those that (1) create 3 or fewer new lots, including any remaining tract, (2) front on an existing street, and (3) do not include the construction of new public improvements. Minor subdivisions include only the upgrade of existing public improvements, such as the construction of sidewalks along an existing street, the dedication of additional street right-of-way, and the extension of utility services to the newly created lots.*

**Policy Statement**

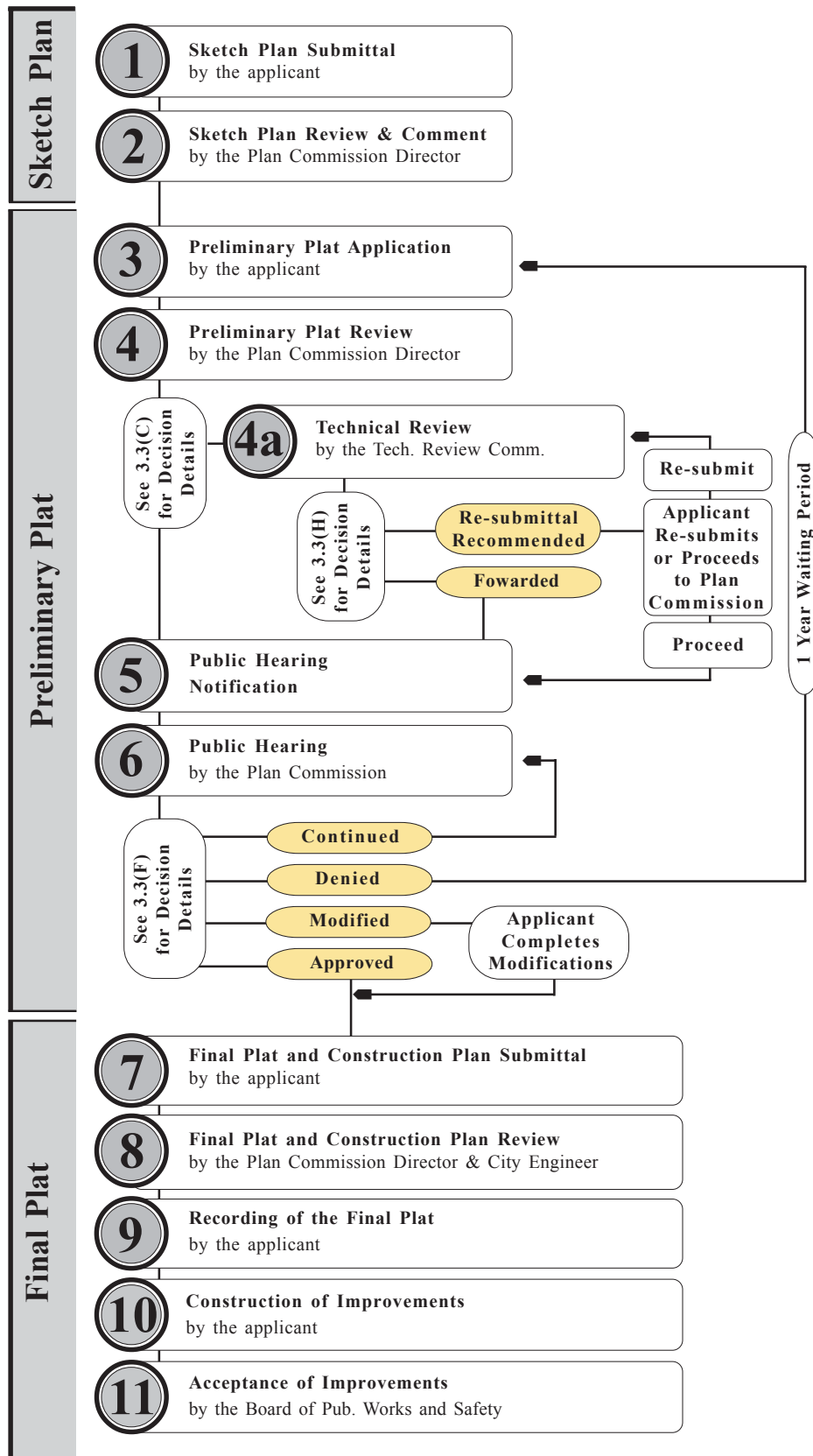
*It is recognized by this Ordinance that the development of commercial and industrial subdivisions is required, by the nature of the marketing of such projects, to deviate from the standard procedure used for residential subdivisions. Chapter 2.2 describes the alternate procedure to be used for non-residential subdivisions.*

- A. **General Application Requirements:** All applications may be obtained through the Plan Commission Director's office. Fees shall be paid at the Director's office at the time the applications are submitted.
  - 1. **Application Forms:** All applications shall be made on forms provided by the Plan Commission Director. All applicants shall submit original applications that are completed in their entirety in ink or typed.
  - 2. **Copies Required:** All applicants shall submit copies of applications and necessary attachments as required by the adopted policies of the Plan Commission Director and the applicable Rules and Procedures of the Plan Commission.
  
- B. **Review Schedule:** All applications shall be assigned reference and/or docket numbers by the Plan Commission Director. Applications shall be scheduled by the Plan Commission Director for the appropriate public hearings based on the completeness of the application consistent with the requirements of this Article and the adopted Calendar of Filing and Meeting dates for the Plan Commission.

### 3.1 Application & Review Process (cont.)

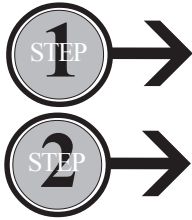
#### Application & Review Process

## Minor Subdivision Process Diagram



## 3.2 Sketch Plan

### Sketch Plan



- A. **Sketch Plan:** Sketch Plan review is recommended, but not required. The Sketch Plan review is a process that provides early guidance and recommendations to the applicant. Sketch plan review is especially encouraged for those applicants that are unfamiliar with the Shelbyville subdivision processes and procedures.
- B. **Sketch Plan Review:** At his/her discretion, the applicant may meet with the Plan Commission Director to discuss the proposed subdivision. The applicant should provide a sketch of the proposed subdivision and the parcel(s) involved.
1. The Plan Commission Director shall provide the applicant with comments regarding the proposed subdivision.
  2. The Plan Commission Director may invite the City Engineer, Street Commissioner, or other persons to also comment on the Sketch Plan at his/her discretion.
  3. The Plan Commission Director shall advise the applicant (1) if the requested subdivision would qualify as a minor or major subdivision, (2) to contact any other official or agencies that must approve certain aspects of the subdivision, and (3) of the review procedure, schedule, and standards that shall apply to the subdivision.
  4. If the proposed subdivision qualifies as a major subdivision, the appropriate provisions of this Ordinance shall be applied to any future reviews and approvals.
- C. **Sketch Plan Documents:** Sketch Plan application materials shall be prepared in pen, pencil, or electronic media, and shall include the following:
1. Sketch Plan: The Sketch Plan shall be at an appropriate scale and shall include the following:
    - a. *Property Name:*
      - i. The name of the subdivision (if the subject property is within a previously platted subdivision); or
      - ii. A proposed name (if the property is not within a previously platted subdivision). The proposed name shall not duplicate the name of any subdivision in Shelby County that has been previously recorded; or
      - iii. The common name of the property if no subdivision name has been chosen (the name by which the property is locally known).
    - b. *Property Description:*
      - i. A written description of the location of the property, including both street address and legal description. The legal description shall state the total area of the subdivision in acres.
      - ii. The size of all existing properties included in the proposed subdivision in acres. If any properties to be included in the subdivision are less than 1 acre, they shall also be described in terms of square footage.

- c. *Property Ownership:*
    - i. The name, street address, e-mail address, and telephone number of the legal property owner and the developer of the property or his/her agent.
    - ii. An indication of any existing covenants, rights-of-way, and/or easements affecting the property.
    - iii. The name, street address, e-mail address, and telephone number of any professional person(s) responsible for the Sketch Plan application materials.
  - d. *Subdivision Drawing:*
    - i. The location of any existing property lines, structures, streets, easements, and rights-of-way within or immediately adjacent to the property.
    - ii. A description of the topography of the property, including streams, suspected wetlands (based on the National Wetlands Inventory), wooded areas, and 100-year floodplains and floodways. The topographic details may be based on USGS data, a field survey, and/or other suitable data sources (as determined by the Plan Commission Director).
    - iii. The current zoning of the property.
    - iv. The general layout of sidewalks and any other pedestrian pathways.
    - v. Preliminary proposals for connection with existing sanitary sewage and drainage systems.
    - vi. A general description of the size, dimensions, and number of lots to be created in the subdivision.
2. **Contiguous Holdings Map:** Whenever the Sketch Plan covers only a part of an applicant's contiguous property holdings, the applicant shall also submit a map of all contiguous holdings, drawn at a convenient scale. The map shall include a sketch of the proposed subdivision area and an indication of the likely future street and drainage system serving the remaining portion of the property.

### 3.3 Preliminary Plat

#### Preliminary Plat



- A. **Application Requirements:** In order to officially begin the subdivision review process the applicant shall file an application for Preliminary Plat Review with the Plan Commission Director.
1. **Application Materials:** Required application materials include the following:
    - a. *Application Form:* Application shall be made on forms available at the Plan Commission office, be typed or completed in ink, and be signed by the owner and subdivider.
    - b. *Document Copies:* The application shall be accompanied by the required copies of a Preliminary Plat, Vicinity Map, and Contiguous Holdings Map (if necessary) meeting the requirements provided by Section 3.3(B).
    - c. *Fee:* The application shall be accompanied by a fee in the amount established by the City's adopted Fee Schedule.
    - d. *Performance Standard Documentation (if applicable):* If the applicant is proposing to use the performance zoning option established by the Shelbyville Zoning Ordinance, all completed documentation required by the Plan Commission Director shall be provided, indicating the ways in which the proposed subdivision meets the performance zoning criteria.
  2. **Processing Standards:** No application shall be processed, and no docket number shall be assigned, until the application is filled out correctly, and all required attachments, including the fee, are presented to the Plan Commission Director.
  3. **Meeting Dates Established:** In accordance with IC 36-7-4-705, the Plan Commission Director shall announce the date of a hearing before the Plan Commission within 30 days after receipt of a final and complete application. The dates of all hearings regarding the application shall be based on the adopted Calendar of Meeting and Filing Dates and the date on which the application for Preliminary Plat review is filed with the Plan Commission Director.
- B. **Preliminary Plat Documents:** Preliminary Plat application materials shall be prepared and certified by a land surveyor or engineer registered by the State of Indiana. They shall include the following:
1. **Preliminary Plat:** The Preliminary Plat shall be at an appropriate scale; shall be prepared in pen or electronic media; and shall include the following:
    - a. *Property Name:*
      - i. The name of the subdivision (if the subject property is within a previously platted subdivision); or
      - ii. A proposed name (if the property is not within a previously platted subdivision). The proposed name shall not duplicate the name of any subdivision in Shelby County that has been previously recorded.



- b. *Property Description:*
  - i. A written description of the location of the property, including current zoning, street address, and legal description. The legal description shall state the total area of the subdivision in acres.
  - ii. A dimensioned drawing of the parcel of land that is being subdivided, including any remaining tract. The drawing shall show the subdivision boundary with benchmarks, the legal description point of beginning, and all dimensions, including the size of all existing properties included in the proposed subdivision in acres. If any properties to be included in the subdivision are less than 1 acre, they shall also be described in terms of square footage.
- c. *Property Ownership:*
  - i. The name, street address, e-mail address, and telephone number of the legal property owner and the developer of the property or his/her agent. The ownership information shall include the citation of the last instrument conveying titles to each property involved in the proposed subdivision, giving grantee, date, and book and page or instrument number reference.
  - ii. An indication of any existing covenants, rights-of-way, and/or easements affecting the property.
  - iii. The name, street address, e-mail address, and telephone number of any professional person(s) responsible for the Preliminary Plat application materials.
- d. *Preliminary Plat Drawing:*
  - i. A legend and notes, including a graphic scale, north arrow, and date.
  - ii. The location of existing burial grounds, watercourses, 100-year floodplains and floodways (including elevations), wooded areas, wetlands (certified by a professional possessing a U.S. Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), and other natural features.
  - iii. The location(s) of any existing structure(s) on the site and a description of their future demolition or incorporation into the proposed subdivision.
  - iv. Topographic contours consistent with the requirements of the City Engineer, referenced to sea level and an established bench mark.
  - v. The location, area (indicated in square feet and acres), and dimensions of each lot. The location of all monuments and the buildable area of each lot, per applicable zoning district setback requirements and any other regulatory or natural limitations, shall also be indicated.

### 3.3 Preliminary Plat *(cont.)*

#### Preliminary Plat

- vi. All existing and proposed easements and rights-of-way, including the location, width, and purpose of each.
  - vii. The location of existing and proposed streets, street trees, and sidewalks within or immediately adjacent to the property.
  - viii. Any parcels of land proposed to be dedicated or reserved for common areas, schools, parks, playgrounds, or other public, semi-public, or community purposes.
  - ix. The location and sizes of existing sewers, water mains, storm drains, gas or oil transmission lines, and any other known underground structures within or immediately adjacent to the property.
  - x. Proposals for connection with sanitary sewage and storm water systems.
  - xi. Provisions for collecting and discharging surface storm water.
  - xii. A drainage report meeting the requirements of the City Engineer (at the City Engineer's discretion).
  - xiii. All proposed landscaping, signage, development entrance features, screening, and attempts at preserving natural terrain and open space. (The Plan Commission, Technical Review Committee, or Plan Commission Director may request that a landscaping plan be submitted on a separate sheet).
2. Vicinity Map: A vicinity map, drawn at a convenient scale, showing the location of the proposed subdivision, the streets, and the general development of the area within 500 feet of the proposed subdivision.
  3. Contiguous Holdings Map: Whenever the Preliminary Plat covers only a part of an applicant's contiguous property holdings, the applicant shall also submit a map of all contiguous holdings, drawn at a convenient scale. The map shall include a sketch of the proposed subdivision area and an indication of the likely future street and drainage system serving the remaining portion of the property.
  4. Subdivision Covenants: The protective covenants applicable to the subdivision shall be prepared by the applicant and shall be legally sound. Either the covenants, or a reference to the covenants, shall be incorporated on the plat. At a minimum, covenants or other plat documentation shall provide a means for the maintenance and upkeep of drainage swales and other drainage facilities and any common areas or entry features. The covenants shall specifically provide that the maintenance of drainage swales and other drainage features be the responsibility of a lot owner's association and that the proper function and maintenance of the drainage system may be enforced by the Board of Public Works & Safety and the City Engineer.

C. **Preliminary Plat Review (by the Plan Commission Director):** The Plan Commission Director shall review the application for Preliminary Plat and all supporting information. The Plan Commission Director shall advise the applicant (1) if the requested subdivision would qualify as a minor or major subdivision, and (2) of the review procedure and standards that apply to the subdivision. If the proposed subdivision qualifies as a major subdivision, the appropriate provisions of this Ordinance shall be applied to any future reviews and approvals.

1. **Technical Review Committee Review:** The Plan Commission Director may forward the Preliminary Plat to the Technical Review Committee for review and comment at his/her discretion based on the subdivisions's (a) proposed drainage features, (b) proposed access and traffic features (including frontage on a non-local road), (c) proposed utility features, and (d) any needed requests for waivers of the Subdivision Regulations.
2. **Plan Commission Director Review and Comment:** If no Committee review is required, then the Plan Commission Director shall provide comments to the applicant at least 14 days prior to the date of the Plan Commission meeting at which the application is scheduled to be reviewed.

D. **Preliminary Plat Review (by the Technical Review Committee):** If the Preliminary Plat is forwarded to the Technical Review Committee it shall be placed on the agenda for the next Technical Review Committee meeting, based on the adopted Calendar of Meeting and Filing Dates. The applicant shall be responsible for providing copies of the Preliminary Plat and other materials necessary for Committee review.

1. **Review Criteria:** In reviewing the application, the Technical Review Committee shall consider the provisions of this Ordinance, the Zoning Ordinance, and other applicable requirements.
2. **Possible Action:** The Committee shall make comments regarding the application. Based on those comments, the Plan Commission Director shall either forward the application to the Plan Commission or recommend further review.
  - a. *Forward to Plan Commission:* The Plan Commission Director shall forward the application for Preliminary Plat approval to the Plan Commission if addressing the Committee comments will not require the applicant to significantly alter the proposed subdivision features. The applicant shall revise the Preliminary Plat consistent with the comments received from the Committee and supply revised application materials to the Plan Commission Director in preparation for the Plan Commission hearing.



### 3.3 Preliminary Plat (cont.)

Preliminary Plat



- b. *Recommend Re-submittal:* The Plan Commission Director may recommend further review of the Preliminary Plat application if addressing the Committee comments will require significant alterations to the proposed subdivision features. If the applicant agrees to further review, the application shall be placed on the agenda for the next Technical Review Committee meeting. The applicant shall revise the Preliminary Plat consistent with the comments received from the Committee and supply revised application materials to the Plan Commission Director in preparation for either further review by the Technical Review Committee, or for the Plan Commission hearing.
  - i. No additional fees shall be required for the re-submittal, however the Plan Commission Director shall announce an updated Plan Commission hearing date.
  - ii. There shall be no limit to the number of times the Plan Commission Director may recommend the re-submittal of any application.

E. **Notice of Public Hearing:** Notice of Public Hearing shall be given in accordance with the requirements of Chapter 2.4 of this Ordinance prior to the Plan Commission meeting when the proposed Preliminary Plat application is to be heard.

F. **Plan Commission Hearing:** The Plan Commission shall hold a public hearing on the application, considering the Preliminary Plat materials, a report from the Plan Commission Director, and testimony from the applicant and any interested parties.

- 1. Possible Action: At the public hearing, the Plan Commission shall approve, approve with conditions, continue, or deny the Preliminary Plat.
  - a. *Approve:* The Plan Commission shall approve the Preliminary Plat if it is found to be completely consistent with the decision criteria listed in Section 3.3(F)(2).
  - b. *Approve with Conditions:* The Plan Commission shall approve the Preliminary Plat with conditions if it is generally consistent with the decision criteria, but specific minor modifications are required to meet all of the applicable requirements.
  - c. *Continue:* The application may be continued based on a request by the Plan Commission Director, the applicant, a remonstrator, or an interested party. The application shall be continued in the case of an indecisive vote, a determination by the Commission that additional information is required prior to action being taken on the request, or if an appropriate representative of the application fails to appear at the public hearing.
    - i. Additional legal notice shall not be required unless specified by the Plan Commission.
    - ii. The continuing of all applications shall be consistent with the Rules and Procedures of the Plan Commission.

- d. *Deny*: The Plan Commission shall deny the Preliminary Plat if it is found to be inconsistent with the decision criteria and requires modifications that would result in significant changes to the characteristics of the subdivision. If the Preliminary Plat application is denied, the petitioner may not resubmit the same application for 1 year from the date of disapproval. Fees and procedures for a resubmitted Preliminary Plat application shall be the same as if it were an original submittal.
    2. Decision Criteria: In reviewing applications for Preliminary Plat approval, the Plan Commission shall consider the following criteria.
      - a. *Subdivision Control Ordinance Requirements*: The consistency of the proposed Preliminary Plat with the requirements of this Ordinance;
      - c. *Zoning Ordinance Requirements*: The consistency of the proposed Preliminary Plat with the standards of the zoning district in which it is located; and
      - d. *Other Requirements*: The consistency of the proposed Preliminary Plat with any other applicable standards.
    3. Documentation of Findings: The Plan Commission shall make written findings documenting its decision. These written findings shall be signed by the Plan Commission President and Secretary. The Plan Commission Director shall provide the applicant with a signed copy of the written findings of the Commission, that indicate the date of the Commission's decision, within 10 business days of the decision. The Plan Commission Director shall maintain 1 file copy of the proposed Preliminary Plat, all application materials, and the signed, dated findings letter.
  - G. **Expiration of Approval**: The approval of the Preliminary Plat shall expire 1 year from the date of the Commission's decision if the applicant has not proceeded with the development by applying to the Plan Commission Director for Final Plat review. Extensions of time may be granted by the Plan Commission upon the request of the applicant.

## 3.4 Final Plat & Construction Plans

### Final Plat & Construction Plans



**See Also:**

*Indiana Code 36-7-4-705  
(Primary Approval of Plat)*

*Chapter 2.4,  
Notice of Public Hearing*

- A. **Application Requirements:** The applicant shall file an application for Final Plat review with the Plan Commission Director. A Final Plat may be sectionalized and include only a portion of the lots included in the preliminary plat. The application shall:
1. **Application Form:** Be made on forms available at the Plan Commission office, be completed in ink or typed, and be signed by the owner and developer;
  2. **Final Plat Copies:** Be accompanied by the required copies of the Final Plat meeting the requirements provided by Section 3.4(B);
  3. **Electronic Data (if available):** Be accompanied by a computer disk containing an electronic version of the Final Plat in a form specified by the Plan Commission Director;
  4. **Fee:** Be accompanied by a fee in the amount established by the adopted Fee Schedule; and
  5. **Construction Plans and Surety:** Be accompanied by construction plans and surety for sidewalks and utility extensions. All surety shall meet the requirements of Article 5.
- B. **Final Plat Documents:** All Final Plats shall substantially comply with the approved Preliminary Plat for the subdivision. The Final Plat shall be prepared by a land surveyor or engineer registered in the State of Indiana, shall be shown at an appropriate scale, shall be drawn on reproducible mylar, and shall include the following information on a sheet meeting the size and clarity requirements of the Shelby County Recorder:
1. **Property Name:** The name of the subdivision followed by the words "Minor Subdivision Final Plat" (the name shall not duplicate the name of any subdivision in Shelby County that has been previously recorded).
  2. **Property Description:**
    - a. *Legal Description:* An accurate metes and bounds description of the property boundary.
    - b. *Boundary Lines:* An accurate property boundary line expressed in feet and hundredths of a foot, with dimensions and angles, and the bearings of all lines to a minimum of 1/2 minute.
    - c. *Benchmark:* Accurate distances and directions to the nearest official monument, including reference corners.
  3. **Property Ownership:**
    - a. *Owner/Developer:* The name, street address, e-mail address, and telephone number of the legal property owner and the developer of the property or his/her agent. The ownership information shall include the citation of the last instrument conveying titles to each parcel of property involved in the proposed subdivision, giving grantee, date, and book and page or instrument number reference.
    - b. *Professionals Involved:* The name, street address, e-mail address, and telephone number of the professional land surveyor or engineer responsible for the Final Plat.

4. Subdivision Drawing:
  - a. *Legend, & Notes:* A complete legend and notes, including north arrow, graphic scale, and date.
  - b. *Existing Features:* Accurate locations of all pre-existing easements, rights-of-way, and other pertinent features on the property and/or intersecting the boundaries of the tract; including a description of their future use or abandonment.
  - c. *Public Ways:* The location, width, and other dimensions of the rights-of-way and easements for any streets and alleys. Street rights-of-way shall include street names, setbacks and/or build-to lines.
  - d. *Lots:* The location, dimensions (expressed in feet and hundredths of a foot), area (expressed in acres and square feet), and the bearing of all lines to 1/2 minute for every lot and/or block created by the subdivision, including any remaining tract. All lots shall be consecutively numbered and all blocks shall be lettered in alphabetical order, consistent with the Preliminary Plat.
  - e. *Easements:* Accurate locations, widths, and other dimensions of all easements, including a description of their use.
  - f. *Monuments:* The location, type, material, and size of all existing and proposed monuments and markers included in the subdivision.
  - g. *Set-Aside Areas:* Accurate locations and dimensions for any property to be dedicated or reserved for public, semi-public, or community use, including common areas.
  - h. *Setbacks:* All building lines and setback locations and dimensions throughout the subdivision.
  - i. *Covenants & Restrictions:* The text of, or references to, any restrictions that will run with the land and become covenants in the deeds for lots.
  - j. *Explanations:* An explanation of all easements and reservations.
  - k. *References:* Sufficient data acceptable to the City Engineer to readily determine the location, bearing, and length of all lines for the reproduction of such lines on the property.
  - l. *Endorsement:* A statement signed and dated by the property owner(s) endorsing the Final Plat.
  - m. *Land Surveyor Certification:* Certification by a registered land surveyor.

**3.4 Final Plat & Construction Plans (cont.)**

Final Plat & Construction Plans

- n. *Plan Commission Approval Statement:* A form indicating the approval of the Final Plat and providing a place for the signature of the Plan Commission President and Secretary and the date of Preliminary Plat approval.
- o. *Other Endorsements & Signatures:* Forms providing the necessary statements, signatures, and dates for the recording of the Final Plat in the Shelby County Recorder’s Office.

**CERTIFICATE OF APPROVAL**

After having given public notice of the time, place and nature of hearing on the application for primary approval of this subdivision by publication in a newspaper of local circulation more than ten (10) days before the hearing thereon, under authority provided by Chapter 138, Acts 1957, enacted by the General Assembly of the State of Indiana, and all acts supplemental and amendatory thereof, this plat was given approval by a majority of the members of the Shelbyville Plan Commission at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

City of Shelbyville Plan Commission by:

\_\_\_\_\_,  
President

\_\_\_\_\_,  
Secretary

This plat is hereby recommended for acceptance by the City of Shelbyville by:

\_\_\_\_\_,  
Plan Commission Director



### 3.4 Final Plat & Construction Plans *(cont.)*

#### Final Plat & Construction Plans

- C. **Final Plat and Construction Plan Review:** The Plan Commission Director shall review the Final Plat submittal and associated materials to verify its consistency with the approved Preliminary Plat, and that all Plan Commission required modifications have been made to the plat.
1. **Plan Commission Signing:** After verification by the Plan Commission Director, both the Plan Commission President and Secretary shall sign the Final Plat.
  2. **Board of Works Signing:** Following the signing of the Final Plat by the Plan Commission President and Secretary, the applicant shall contact the Board of Public Works and Safety to have the Final Plat scheduled for review at its next available meeting. At that meeting, the Board shall review the Final Plat's public dedications and surety and, if deemed acceptable, shall sign the Plat.
- D. **Recording:** It shall be the responsibility of the applicant to file the approved and signed Final Plat with the Shelby County Recorder within 30 days of the date of signature by the Board of Public Works and Safety. Simultaneously with the filing of the Final Plat, the applicant shall record any agreements of dedication and any covenants, together with any other legal documents that are required to be recorded by the Plan Commission or other applicable government agency. The filing and recording of a plat is without legal effect unless signed by the Plan Commission President, Plan Commission Secretary, and the Board of Public Works and Safety.
- E. **Recorded Copy Provided:** The applicant shall be required to submit a copy of the recorded Final Plat to the Plan Commission Director for the records of the Plan Commission.
1. **Improvement Location Permits:** No Improvement Location Permits shall be issued for the subdivision until the copy of the Final Plat is provided.
  2. **Occupancy Restrictions:** No permanent Certificate of Occupancy shall be issued for any lot or structure in the subdivision until all required improvements have been completed for the lot. In no instance shall this provision be interpreted as preventing the issuance of a temporary Certificate of Occupancy allowing the use of structures prior to the installation of required sidewalks. Sidewalk installation may only be deferred in the event of unsuitable weather conditions, as defined by the City Engineer.
- F. **Construction of Improvements:** The applicant shall obtain from the Plan Commission Director information regarding the current Shelbyville policies for the installation and inspection of public improvements. The applicant shall construct the subdivision consistent with the approved Construction Plans, and the policies and procedures of the appropriate inspecting agencies. No site work or earthwork shall be allowed until the Improvement Location Permit signifying the approval of the Construction Plans & recording of the Final Plat has been issued by the Plan Commission Director.



Final Plat &  
Construction Plans



1. **Improvements Required:** All required improvements shall be made by the applicant, at his/her expense, without reimbursement by the City or any other improvement district. Prior to the acceptance of the public improvements by the Board of Public Works and Safety, all applicants shall complete all of the required improvements for subdivision construction as depicted on the approved Construction Plans.
2. **Certified Compliance:** The applicant shall be required to maintain at his/her expense a licensed civil engineer who shall certify that the subdivision construction is in compliance with the approved Construction Plans at the time the acceptance of public improvements request is submitted to the Board of Public Works and Safety.
3. **Correction of Errors:** If the Plan Commission Director or City Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the approved Construction Plans, the applicant shall be responsible for correcting any errors in construction and completing the improvements consistent with the approved plans.

**G. Acceptance of Public Improvements:** Following the completion of the public improvements and their certification, the applicant shall place the matter on the agenda of the Board of Public Works and Safety.

1. **Materials Required:** The following materials shall be required for the acceptance of public improvements:
  - a. Copies of “as-built” drawings showing the location, dimensions, and materials used to construct all public improvements within the subdivision.
  - b. A computer disk containing an electronic version (if available) of the “as-built” drawings in a format specified by the Plan Commission Director.
  - c. Maintenance surety meeting the requirements of Article 5.
2. **Review Materials:** The Board of Public Works and Safety shall review the condition of the public improvements and surety. The Board shall consider input from the City Attorney, Plan Commission Director, and the city departments responsible for the maintenance of the improvements.
3. **Approval:** If the condition of the public improvements and the surety are deemed to be acceptable, the Board shall accept the improvements.

**ARTICLE 4**  
**MAJOR SUBDIVISIONS**

**4**

Application & Review Process

**Major Subdivision Defined**

*Major Subdivisions are those that create more than 3 new lots, including any remaining tract, and/or that require the creation of any new public improvements (excluding the construction of sidewalks along an existing street, the dedication of additional street right-of-way, and the extension of utility services to the newly created lots.).*

**Policy Statement:**

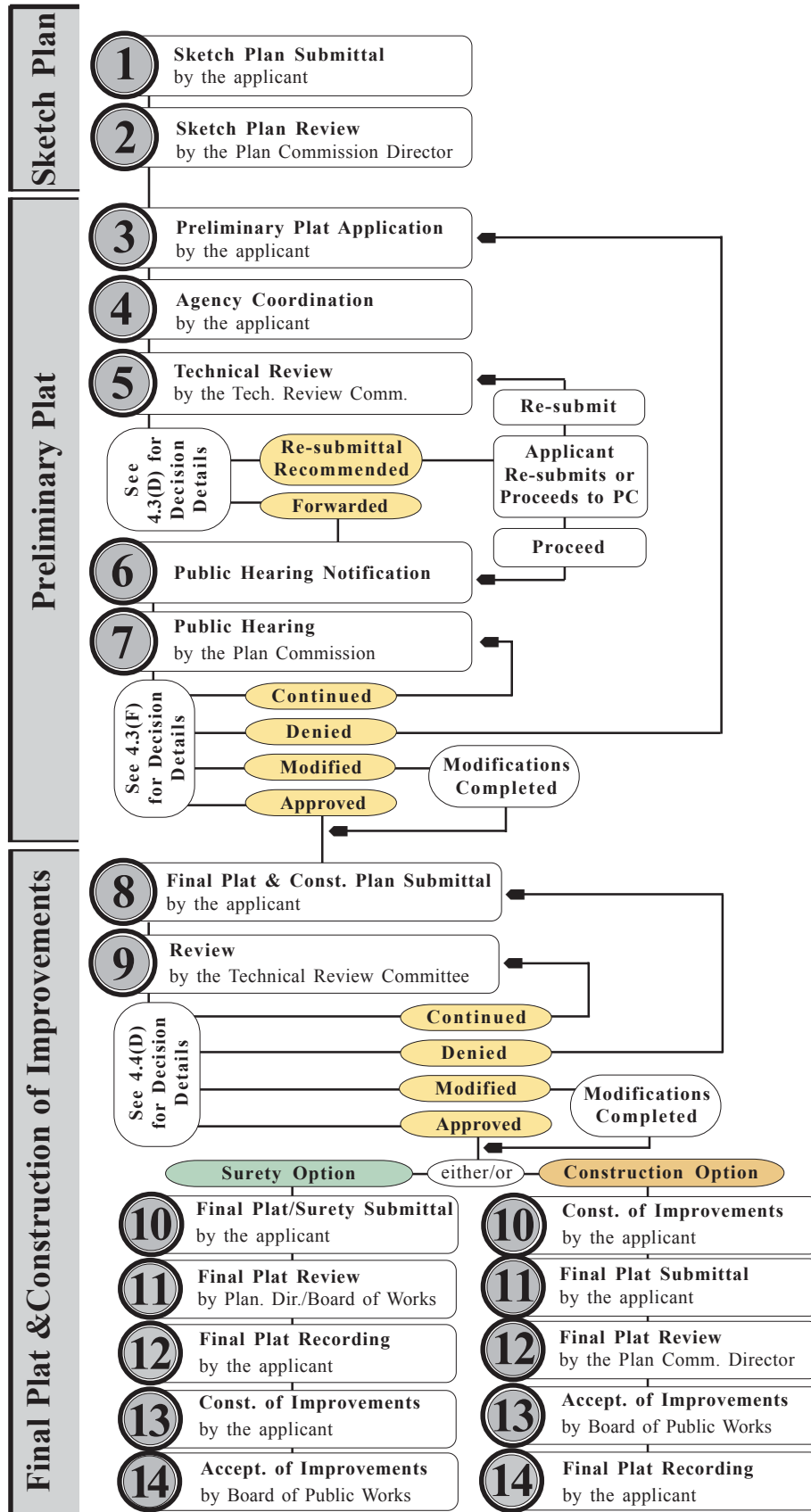
*It is recognized by this Ordinance that the development of commercial and industrial subdivisions is required, by the nature of the marketing of such projects, to deviate from the standard procedure used for residential subdivisions. Chapter 2.2 describes the alternate procedure to be used for non-residential subdivisions.*

- A. **General Application Requirements:** All applications may be obtained through the Plan Commission Director's office. Fees shall be paid at the Director's office at the time the applications are submitted.
  - 1. **Application Forms:** All applications shall be made on forms provided by the Plan Commission Director. All applicants shall submit original applications that are completed in their entirety in ink or typed.
  - 2. **Copies Required:** All applicants shall submit copies of applications and necessary attachments as required by the adopted policies of the Plan Commission Director and the applicable Rules and Procedures of the Plan Commission.
  
- B. **Review Schedule:** All applications shall be assigned reference and/or docket numbers by the Plan Commission Director. Applications shall be scheduled by the Plan Commission Director for the appropriate public hearings based on the completeness of the application consistent with the requirements of this Article and the adopted Calendar of Filing and Meeting dates for the Plan Commission.

# 4.1 Application & Review Process

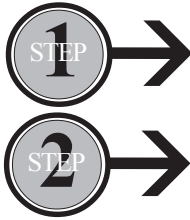
## Application & Review Process

### Major Subdivision Process Diagram



## 4.2 Sketch Plan

### Sketch Plan



- A. **Sketch Plan:** Sketch Plan review is recommended, but not required. The Sketch Plan review is a process that provides early guidance and recommendations to the applicant. Sketch plan review is especially encouraged for those applicants that are unfamiliar with the Shelbyville subdivision processes and procedures.
- B. **Sketch Plan Review:** At his/her discretion, the applicant may meet with the Plan Commission Director to discuss the proposed subdivision. The applicant should provide a sketch of the proposed subdivision and the parcel(s) involved.
  - 1. The Plan Commission Director shall provide the applicant with comments regarding the proposed subdivision.
  - 2. The Plan Commission Director may invite the City Engineer, Street Commissioner, or other persons to also comment on the Sketch Plan at his/her discretion.
  - 3. The Plan Commission Director shall advise the applicant (1) if the requested subdivision would qualify as a minor or major subdivision, (2) to contact any other official or agencies that must approve certain aspects of the subdivision, and (3) of the review procedure, schedule, and standards that shall apply to the subdivision.
  - 4. If the proposed subdivision qualifies as a minor subdivision, the appropriate provisions of this Ordinance shall be applied to any future reviews and approvals.
- C. **Sketch Plan Documents:** Sketch Plan application materials shall be prepared in pen, pencil, or electronic media and shall include the following:
  - 1. Sketch Plan: The Sketch Plan shall be at an appropriate scale and shall include the following:
    - a. *Property Name:*
      - i. The name of the subdivision (if the subject property is within a previously platted subdivision); or
      - ii. A proposed name (if the property is not within a previously platted subdivision). The proposed name shall not duplicate the name of any subdivision in Shelby County that has been previously recorded; or
      - iii. The common name of the property if no subdivision name has been chosen (the name by which the property is locally known).
    - b. *Property Description:*
      - i. A written description of the location of the property, including both street address and legal description. The legal description shall state the total area of the subdivision in acres.
      - ii. The size of all existing properties included in the proposed subdivision in acres. If any properties to be included in the subdivision are less than 1 acre, they shall also be described in terms of square footage.

- c. *Property Ownership:*
    - i. The name, street address, e-mail address, and telephone number of the legal property owner and the developer of the property or his/her agent.
    - ii. An indication of any existing covenants, rights-of-way, and/or easements affecting the property.
    - iii. The name, street address, e-mail address, and telephone number of any professional person(s) responsible for the Sketch Plan application materials.
  - d. *Subdivision Drawing:*
    - i. The location any existing property lines, structures, streets, easements, and rights-of-way within or immediately adjacent to the property.
    - ii. A description of the topography of the property, including streams, suspected wetlands (based on the National Wetlands Inventory), wooded areas, and 100-year floodplains and floodways. The topographic details may be based on USGS data, a field survey, and/or other suitable data sources (as determined by the Plan Commission Director).
    - iii. The current zoning of the property.
    - iv. The general layout of sidewalks and any other pedestrian pathways.
    - v. Preliminary proposals for connection with existing sanitary sewage and drainage systems.
    - vi. A general description of the size, dimensions, and number of lots to be created in the subdivision.
2. **Contiguous Holdings Map:** Whenever the Sketch Plan covers only a part of an applicant's contiguous property holdings, the applicant shall also submit a map of all contiguous holdings, drawn at a convenient scale. The map shall include a sketch of the proposed subdivision area and an indication of the likely future street and drainage system serving the remaining portion of the property.

### 4.3 Preliminary Plat

#### Preliminary Plat



**See Also:**

Chapter 2.4,  
Notice of Public Hearing

- A. **Application Requirements:** In order to begin the subdivision process the applicant shall file an application for Preliminary Plat Review with the Plan Commission Director.
1. **Application Materials:** Required application materials shall include the following:
    - a. *Application Form:* Application shall be made on forms available at the Plan Commission office, be typed or completed in ink, and be signed by the owner and subdivider.
    - b. *Document Copies:* The application shall be accompanied by the required copies of a Preliminary Plat, Vicinity Map, and Contiguous Holdings Map (if necessary) meeting the requirements provided by Section 4.3(B).
    - c. *Fee:* The application shall be accompanied by a fee in the amount established by the City’s adopted Fee Schedule.
    - d. *Performance Standard Documentation (if applicable):* If the applicant is proposing to use the performance zoning option established by the Shelbyville Zoning Ordinance, all completed documentation required by the Plan Commission Director shall be provided, indicating the ways in which the proposed subdivision meets the performance zoning criteria.
  2. **Processing Standards:** No application shall be processed, and no docket number shall be assigned, until the application is filled out correctly, and all required attachments, including the fee, are presented to the Plan Commission Director.
  3. **Meeting Dates Established:** In accordance with IC 36-7-4-705, the Plan Commission Director shall announce the date of a hearing before the Plan Commission within 30 days after receipt of a final and complete application. The dates of all hearings regarding the application shall be based on the adopted Calendar of Meeting and Filing Dates and the date on which the application for Preliminary Plat review is filed with the Plan Commission Director.
- B. **Preliminary Plat Documents:** Preliminary Plat application materials shall be prepared and certified by a land surveyor or engineer registered by the State of Indiana. They shall include the following:
1. **Preliminary Plat:** The Preliminary Plat shall be at an appropriate scale; shall be prepared in pen or electronic media; and shall include the following:
    - a. *Property Name:*
      - i. The name of the subdivision (if the subject property is within a previously platted subdivision); or
      - ii. A proposed name (if the property is not within a previously platted subdivision). The proposed name shall not duplicate the name of any subdivision in Shelby County which has been previously recorded.



- b. *Property Description:*
  - i. A written description of the location of the property, including current zoning, street address and a legal description. The legal description shall state the total area included in the subdivision in acres.
  - ii. A dimensioned drawing of the parcel of land that is being subdivided, including any remaining tract. The drawing shall show the subdivision boundary with benchmarks, the legal description point of beginning, and all dimensions, including the size of all existing properties included in the proposed subdivision, in acres. If any properties to be included in the subdivision are less than 1 acre, they shall also be described in terms of square footage.
- c. *Property Ownership:*
  - i. The name, street address, e-mail address, and telephone number of the legal property owner and the developer of the property or his/her agent. The ownership information shall include the citation of the last instrument conveying titles to each parcel of property involved in the proposed subdivision, giving grantee, date, and book and page or instrument number reference.
  - ii. An indication of any existing covenants, rights-of-way, or easements affecting the property.
  - iii. The name, street address, e-mail address, and phone number of the professional person(s) responsible for the Preliminary Plat application materials.
- d. *Preliminary Plat Drawing:*
  - i. A legend and notes, including a graphic scale, north arrow, and date.
  - ii. The location of existing burial grounds, watercourses, 100-year floodplains and floodways (including elevations), wooded areas, wetlands (certified by a professional possessing a U.S. Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), and other natural features.
  - iii. The location(s) of any existing structure(s) on the site and a description of their future demolition or incorporation into the proposed subdivision.
  - iv. Topographic contours consistent with the requirements of the City Engineer, referenced to sea level and an established bench mark.
  - v. The location, area (indicated in square feet and acres), and dimensions of each lot. The location of all monuments and the buildable area of each lot per applicable zoning district setback requirements and any other regulatory or natural limitations, shall also be indicated.
  - vi. All existing and proposed easements and rights-of-way, including the location, width, and purpose of each.

### 4.3 Preliminary Plat (cont.)

Preliminary Plat

- vii. All existing and proposed street systems on and adjoining the site of the proposed subdivision showing the proposed names, functional classifications, right-of-way widths, approximate gradients, types and widths of pavements, curbs, sidewalks, on-street parking areas, street signs, street trees, and streetlights.
  - viii. All proposed sidewalks and/or pedestrian pathways.
  - ix. Any parcels of land proposed to be dedicated or reserved for common areas, natural areas, schools, parks, playgrounds, or other public, semi-public, or community purposes (including common areas and linear open space surrounding pedestrian paths).
  - x. The location, size, slope, and invert elevation of utilities existing and proposed adjacent to and on the site, including storm and sanitary sewers; water mains (including fire hydrants); electrical, telephone, and cable television lines.
  - xi. The location of any temporary stakes to enable the Plan Commission Director and City Engineer to find and appraise features of the Preliminary Plat by visiting the property.
  - xii. All proposals for connecting to the sanitary sewer and storm water systems.
  - xiii. A form indicating the approval of the Plat and providing a place for the signature of the Plan Commission President and Secretary and the date of Preliminary Plat approval (see sample form provided on p3-14).
2. Vicinity Map: On a separate sheet, at a convenient scale, a vicinity map must be submitted that includes the following information:
- a. *Property Location:* The location of the proposed subdivision within the City, referencing surrounding streets and subdivisions.
  - b. *Adjacent Property Owners:* Existing subdivisions and lots adjacent to or within 250 feet of the proposed subdivision. The owners of each of these properties shall be identified on the drawing with the date and book and page (or instrument number) of the last conveyance of ownership.
  - c. *Related Facilities:* Existing schools, parks, playgrounds, neighborhood commercial businesses, or other similar facilities that will serve the proposed subdivision.
  - d. *Utilities:* Location and size of all utilities adjacent to or within 250 feet of the subdivision site, including sanitary and storm sewers, gas lines, electric lines, telephone lines, water mains, fire hydrants, and cable television lines.
  - e. *Thoroughfares:* All public thoroughfares/rights-of-way adjacent to or within 250 feet of the site.

- f. *Street & Pedestrian Systems:* Existing streets and rights-of-way on and adjoining the site of the proposed subdivision showing the names, functional classifications, roadway widths, surface types, widths of pavement, and presence of curbs, street trees, sidewalks, on-street parking, and street lights.
        - g. *Boundaries:* Any municipal, fire district, school district, utility service, or other boundaries lying within or contiguous to the subdivision property.
3. **Contiguous Holdings Map:** Whenever the Preliminary Plat covers only a part of an applicant's contiguous property holdings, the applicant shall also submit a map of all contiguous holdings, drawn at a convenient scale. The map shall include a sketch of the proposed subdivision area, with its proposed street and drainage system, and indication of the likely future street and drainage system serving the remaining portion of the property.
4. **Subdivision Phasing Description:** If the Preliminary Plat is to be divided into sections for the phasing of development, the preliminary boundaries and numbers of such sections shall be shown.
5. **Subdivision Covenants:** Any protective covenants applicable to the subdivision shall be prepared by the applicant and be legally sound. Either the covenants, or a reference to the covenants shall be incorporated on the plat.
  - a. *Drainage Maintenance:* At a minimum, covenants or other plat documentation shall provide a means for the maintenance and upkeep of drainage swales and other drainage facilities and any common areas or entry features. The covenants shall specifically provide that the maintenance of drainage swales and other drainage features be the responsibility of a lot owner's association and that the proper function and maintenance of the drainage system may be enforced by the Board of Public Works & Safety and the City Engineer.
  - b. *Consistency:* All covenants shall be consistent between all subdivision phases that result from a single Preliminary Plat.
6. **Drainage Plan and Report:** The subdivider shall provide a drainage report describing the existing and proposed drainage conditions and evaluating the ability of the proposed water courses, channels, drainage tiles, farm tiles, storm sewers, culverts, and other improvements to accommodate the additional run-off generated by the proposed subdivision.
  - a. *Drainage Report:* A registered professional engineer or land surveyor shall prepare the report, which shall include:
    - i. The conditions of the watershed that may affect run-off, such as subsoil type, positive drainage, and obstructions.
    - ii. The location of all subsurface drainage tiles and a plan to preserve or relocate the tiles.
    - iii. Estimates of the water entering the subdivision.

### 4.3 Preliminary Plat (cont.)

Preliminary Plat

- iv. A description of minor and major drainage systems. The minor drainage system shall consist of storm sewers, drainage ditches, grassed swales, and storm inlets or infiltration structures. The major system shall consist of roadways, culverts, bridges, and drainage flow-ways.
    - b. *Watershed Map:* On a separate sheet, a watershed map complementing the Drainage Report using USGS contour information shall be provided, showing:
      - i. The delineation of the drainage area in which the subdivision is located.
      - ii. The location of drainage courses and the existing direction of surface water flow within the drainage area.
    - c. *Drainage Plan Description:* On a separate sheet in the same scale and media as the Preliminary Plat, a description of drainage/topography/natural environment complementing the Drainage Report shall be provided that includes the following information:
      - i. The location of natural streams, regulated drains, 100-year floodplains and floodways (including elevations).
      - ii. The location of any existing or proposed subsurface drain tile, structures, culverts, or swales.
      - iii. A map noting significant physical and topographical features of the tract. This map shall also show the proposed direction of the flow of surface water runoff from the site.
      - iv. A preliminary drainage plan showing the proposed storm water drainage system to an improved outlet. The plan shall include surface drainage system, storm sewer systems, subsurface drainage systems, and storm water detention facilities. Arrows designating the general drainage of all streets and lots shall be included.
- 7. Engineering Capacity Report: A report prepared by a professional engineer or land surveyor registered in the State of Indiana covering sewage, street, and drainage facilities for the subdivision shall be provided which includes, but is not limited to, the following:
  - a. *Utility Systems:* A description of the feasibility of connecting to existing storm and sanitary sewers. This portion of the report shall include the distance from the nearest public sewer and the capacity of the existing system intended to handle the additional waste load.
  - b. *Street Construction:* A preliminary report on the anticipated street construction based on the specifications provided by this Ordinance and any additional requirements of the City Engineer.

### 4.3 Preliminary Plat (cont.)

#### Preliminary Plat

- C. **Agency Coordination:** The applicant corresponds with all applicable regulatory agencies for all other necessary approvals. These may include, but are not limited to the following:
1. the Indiana Department of Transportation;
  2. the Indiana Department of Environmental Management; and
  3. the Indiana Department of Natural Resources.
- D. **Technical Review:** The Plan Commission Director shall place the application for Preliminary Plat review on the agenda of the Technical Review Committee.
1. **Review Criteria:** In reviewing the application, the Technical Review Committee shall consider the provisions of this Ordinance, the Zoning Ordinance, and other applicable requirements.
  2. **Possible Action:** The Committee shall make comments regarding the application. Based on those comments, the Plan Commission Director may either forward the application to the Plan Commission or recommend further review.
    - a. *Forward to Plan Commission:* The Plan Commission Director shall forward the application for Preliminary Plat review to the Plan Commission if addressing the Committee comments will not require the applicant to significantly alter the layout of streets, lots, utility systems, topography, or other proposed subdivision features. The applicant shall revise the Preliminary Plat consistent with the comments received from the Committee and supply revised application materials to the Plan Commission Director in preparation for the Commission hearing.
    - b. *Recommend Re-submittal:* The Plan Commission Director may recommend further review of the Preliminary Plat application if addressing the comments will require significant alterations to the layout of streets, lots, utility systems, topography, drainage ways, or other proposed subdivision features. If the applicant agrees to further review, the application shall be placed on the agenda for the next Technical Review Committee meeting. The applicant shall revise the Preliminary Plat consistent with the comments received from the Committee and supply revised application materials to the Plan Commission Director in preparation for either review by the Technical Review Committee, or the Plan Commission hearing.
      - i. No additional fees shall be required for the re-submittal, however the Plan Commission Director shall announce an updated Plan Commission hearing date.
      - ii. There shall be no limit to the number of times the Plan Commission Director may recommend the re-submittal of any application.
- E. **Notice of Public Hearing:** Notice of Public Hearing shall be given in accordance with the requirements of Chapter 2.4 of this Ordinance prior to the Plan Commission meeting when the Preliminary Plat application is to be heard.



### 4.3 Preliminary Plat (cont.)

Preliminary Plat



- F. **Plan Commission Hearing:** The Plan Commission shall hold a public hearing on the application, considering the Preliminary Plat application materials, a report from the Plan Commission Director, and testimony from the applicant and any interested parties.
  - 1. Possible Action: At the public hearing, the Plan Commission shall approve, approve with conditions, continue, or deny the Preliminary Plat.
    - a. *Approve:* The Plan Commission shall approve the Preliminary Plat if it is found to be completely consistent with the decision criteria listed in Section 4.3(F)(2).
    - b. *Approve with Conditions:* The Plan Commission shall approve the Preliminary Plat with conditions if it is generally consistent with the decision criteria, but specific minor modifications are required to meet all of the applicable requirements.
    - c. *Continue:* The application may be continued based on a request by the Plan Commission Director, the applicant, a remonstrator, or an interested party. The application shall be continued in the case of an indecisive vote, a determination by the Commission that additional information is required prior to action being taken on the request, or if an appropriate representative of the application fails to appear at the public hearing.
      - i. Additional legal notice shall not be required unless specified by the Plan Commission.
      - ii. The continuing of all applications shall be consistent with the Rules and Procedures of the Plan Commission.
    - d. *Deny:* The Plan Commission shall deny the Preliminary Plat if it is found to be inconsistent with the decision criteria and requires modifications that would result in significant changes to the characteristics of the subdivision. If the Preliminary Plat application is denied, the applicant may not resubmit the same application for 1 year from the date of disapproval. Fees and procedures for a resubmitted Preliminary Plat application shall be the same as if it were an original submittal.
  - 2. Decision Criteria: In reviewing applications for Preliminary Plat approval, the Plan Commission shall consider the following criteria.
    - a. *Subdivision Control Ordinance Requirements:* The consistency of the proposed Preliminary Plat with the requirements of this Ordinance;
    - c. *Zoning Ordinance Requirements:* The consistency of the proposed Preliminary Plat with the standards of the zoning district in which it is located; and
    - d. *Other Requirements:* The consistency of the proposed Preliminary Plat with any other applicable standards.

3. Documentation of Findings: The Plan Commission shall make written findings documenting its decision. These written findings shall be signed by the Plan Commission President and Secretary. The Plan Commission Director shall provide the applicant with a signed copy of the written findings of the Commission that indicate the date of the Commission's decision within 10 business days of the decision. The Plan Commission Director shall maintain 1 file copy of the proposed Preliminary Plat, all application materials, and the signed and dated findings letter.
- H. **Sectionalized Plats:** For the purpose of phased construction, Preliminary Plats may be divided into sections. Construction Plans and Final Plats may be developed based on these sections. In no case shall any 1 section of a residential Preliminary Plat contain less than 10% of the total number of lots approved on that plat.
- G. **Expiration of Approval:** The approval of the Preliminary Plat shall expire 1 year from the date of the Commission's decision if the applicant has not proceeded with the development by applying to the Plan Commission Director for Construction Plan and Final Plat review.
1. Sectionalized Preliminary Plats: In the case of Preliminary Plats that are divided into sections for the purpose of a phased construction, the Preliminary Plat shall expire 5 years after the date of approval of the Construction Plans and Final Plat for the most recently developed section if Construction Plans and Final Plat for the subsequent section have not been approved and the installation of public improvements in that section commenced.
  2. Extensions: Extensions of time may be granted by the Plan Commission upon the request of the applicant.

## 4.4 Final Plat & Construction Plans

### Final Plat & Construction Plans



- A. **Application Requirements:** It shall be the responsibility of the applicant to prepare and have certified, by a land surveyor or professional engineer licensed in the State of Indiana, a Final Plat and a complete set of Construction Plans, including profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities, and other subdivision facilities. These materials shall either be prepared for the entire area included in the Preliminary Plat or for each section of that plat. The applicant shall file an application for Final Plat & Construction Plan review with the Plan Commission Director. This application shall:
1. **Application Form:** Be made on forms available at the Plan Commission office, be completed in ink or typed, and be signed by the owner and developer;
  2. **Document Copies:** Be accompanied by the required copies of the Final Plat & Construction Plans meeting the requirements provided by Chapters 4.4(B) and 4.4(C);
  3. **Electronic Data:** Be accompanied by a computer disk containing an electronic version of the documents (if available) in a format specified by the Plan Commission Director.
  4. **Fee:** Be accompanied by a fee in the amount established by the adopted City Fee Schedule.
- B. **Final Plat Drawing:** All Final Plats shall substantially comply with the Preliminary Plat and Construction Plans for the subdivision. The Final Plat shall be prepared by a land surveyor or engineer registered in the State of Indiana, shall be shown at an appropriate scale, shall be drawn on reproducible mylar, and shall include the following information on a sheet meeting the size and clarity requirements of the Shelby County Recorder:
1. **Property Name:** The name of the subdivision followed by the words “Major Subdivision Final Plat” (the name shall not duplicate the name of any subdivision in Shelby County that has previously been recorded).
  2. **Property Description:**
    - a. *Legal Description:* An accurate metes and bounds description of the property boundary.
    - b. *Boundary Lines:* An accurate property boundary line expressed in feet and hundredths of a foot, with dimensions and angles, and the bearings of all lines to a minimum of 1/2 minute.
    - c. *Benchmark:* Accurate distances and directions to the nearest official monument, including reference corners.



3. Property Ownership:
  - a. *Owner/Developer*: The name, street address, e-mail address, and telephone number of the legal property owner and the developer of the property or his/her agent. The ownership information shall include the citation of the last instrument conveying titles to each parcel of property involved in the proposed subdivision, giving grantee, date, and book and page or instrument number reference.
  - b. *Professionals Involved*: The name, address, and telephone number of the professional land surveyor or engineer responsible for the Final Plat.
4. Subdivision Description:
  - a. *Legend & Notes*: A complete legend and notes, including north arrow, graphic scale, and date.
  - b. *Existing Features*: Accurate locations of all preexisting easements, rights-of-way, and other pertinent features on the property and/or intersecting the boundaries of the tract, including a description of their future use or abandonment.
  - c. *Public Ways*: The location, width, and other dimensions of the existing and proposed rights-of-way and easements for all streets, alleys, and pedestrian pathways. Street rights-of-way shall include street names and setbacks or build-to lines.
  - d. *Curve Table*: A complete curve table for all curves included in the plat.
  - e. *Lots*: The location, dimensions (expressed in feet and hundredths of a foot), area (expressed in acres and square feet), and the bearing of all lines to 1/2 minute for every lot and/or block created by the subdivision, including any remaining tract. All lots shall be consecutively numbered and all blocks shall be lettered in alphabetical order, consistent with the Preliminary Plat.
  - f. *Easements*: Accurate locations, widths, and other dimensions of all easements, including a description of their use.
  - g. *Monuments*: The location, type, material, and size of all existing and proposed monuments and markers included in the subdivision.
  - h. *Set-Aside Areas*: Accurate locations and dimensions for any property to be dedicated or reserved for public, semi-public, or community use, including any common areas and linear open space surrounding pedestrian pathways.
  - i. *Setbacks*: All building lines and setback locations and dimensions throughout the subdivision.
  - j. *Covenants & Restrictions*: The text of, or references to, any restrictions that will run with the land and become covenants in the deeds for the lots.
  - k. *Explanations*: An explanation of all easements and reservations.

## 4.4 Final Plat & Construction Plans (cont.)

### Final Plat & Construction Plans

- l. *References*: Sufficient data acceptable to the City Engineer to readily determine the location, bearing, and length of all lines for the reproduction of such lines on the property.
  - m. *Endorsement*: A statement signed and dated by the property owner(s) endorsing the Final Plat.
  - n. *Land Surveyor Certification*: Certification by a registered land surveyor.
  - o. *Plan Commission Approval Statement*: A form indicating the approval of the Final Plat and providing a place for the signature of the Plan Commission President and Secretary and the date of Preliminary Plat approval (see example on Page 3-14).
  - p. *Other Endorsements & Signatures*: Forms providing the necessary statements, signatures, and dates for the recording of the Final Plat in the Shelby County Recorder's Office.
- C. **Construction Plan Documents**: The Construction Plans shall be based on the approved Preliminary Plat and shall be consistent with the Final Plat. Construction plans shall be prepared for all required improvements, and shall be designed on state plane coordinates. The Construction Plans shall include the following:
1. **Topographical Features Map**: A map noting significant physical and topographical features of the property. For plats containing more than 2 lots, a topographical map at typical contour intervals, meeting the requirements of the City Engineer, that extends 100 feet beyond the boundary lines of the proposed tract shall be submitted. This map shall also show the direction of the flow of surface water runoff to and from the site.
  2. **Street Profiles**: Profiles showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within 100 feet of the intersection shall be shown. Radii of all curves, lengths of tangents, central angles on all streets, and intersection details shall be shown.
  3. **Street Cross-Sections**: Plans and profiles showing the location and typical cross-section of streets including curbs, gutters, rights-of-way, drainage facilities and easements, manholes, and catch basins.
    - a. *Street Systems*: Plans shall also identify each street's functional classification (consistent with the Shelbyville Thoroughfare Plan) and show the location of all street trees, street lights, street signs, sidewalks and/or pedestrian pathways, and permitted on-street parking areas.
    - b. *Utility Systems*: Plans shall also show the location, size, and invert elevations of existing and proposed sanitary sewers, stormwater drains, water lines, gas lines, and fire hydrants. They shall show systems, connections to any existing or proposed utility systems, and the exact location and size of all underground utilities and structures.

4. Grading Plan: A site grading plan for the entire subdivision.
  5. Significant Features: Location, size, elevation, and other appropriate descriptions of any other existing physical and natural features or facilities including 100-year floodplains and floodways, water bodies, trees, the points of connection to proposed facilities and utilities, and the approximate high- and low-water elevations of all ponds, lakes, and streams.
  6. Other Approvals: Copies of any necessary approvals from other agencies, such as any required approvals from the US Army Corps of Engineers, Indiana Department of Environmental Management, Indiana Department of Transportation, or Indiana Department of Natural Resources regarding modifications to wetlands or the regulatory floodplain.
  7. Other Features: Any other construction details required to be shown by the Plan Commission Director, City Engineer, or Technical Review Committee.
- D. **Technical Review:** The Plan Commission Director shall place the application for Final Plat & Construction Plan review on the agenda for the applicable meeting of the Technical Review Committee and distribute copies of the submittals to the Committee members.
1. Other Approvals: The applicant shall be responsible for obtaining the necessary approvals of any utility providers and other county, state, or Federal agencies not represented on the Technical Review Committee.
  2. Possible Action: The Committee shall make comments regarding the application and either approve, approve with modifications, continue and recommend modifications, or deny the Final Plat and Construction Plans.
    - a. *Approve:* The Committee shall approve the Final Plat and Construction Plans if they are consistent with the approved Preliminary Plat, applicable provisions of this Ordinance, and other applicable standards.
    - b. *Approve with Modifications:* The Committee shall approve the Final Plat and Construction Plans with modifications if minor modifications are required for the plans to be completely consistent with the approved Preliminary Plat, applicable provisions of this Ordinance, and other applicable standards. Minor modifications are those that can be adequately agreed upon by the Committee and the applicant at the meeting and that do not impact other aspects of the subdivision's construction in a way that would require subsequent review. The requested modifications shall be made by the applicant, and revised Final Plat and Construction Plan materials shall be provided to the Plan Commission Director within 90 days of the Committee decision.



## 4.4 Final Plat & Construction Plans *(cont.)*

### Final Plat & Construction Plans

- c. *Continue & Recommend Modifications:* The Committee shall continue and recommend modifications to the Final Plat and Construction Plans if they require significant modifications to be consistent with the approved Preliminary Plat, all applicable provisions of this Ordinance, and other applicable standards. The application shall be placed on the agenda for the next Technical Review Committee meeting. The applicant shall provide the required revised Final Plat and Construction Plan materials to the Plan Commission Director prior to that meeting consistent with the adopted Calendar of Meeting and Filing Dates.
  - d. *Deny:* The Committee shall deny the Final Plat and Construction Plans if they are found to be generally inconsistent with the approved Preliminary Plat, any applicable provisions of this Ordinance, or other applicable standards. Applicants may again apply for Final Plat and Construction Plan approval following a denial, and shall be required to pay all applicable fees consistent with the procedure for original applications established by this Chapter.
- E. **Documentation of Findings:** The Plan Commission Director shall make written findings documenting the Committee's decision. The Plan Commission Director shall provide the applicant with a signed copy of the written findings of the Committee that indicate the date of the Committee's review, within 10 business days of the review. The Plan Commission Director shall maintain 1 file copy of the proposed Final Plat and Construction Plans, all application materials, and the signed, dated findings letter.

## 4.5 Construction of Public Improvements

### Construction of Public Improvements

- A. **Surety or Construction Options:** Upon approval of the Final Plat and Construction Plans by the Technical Review Committee, the applicant has 2 procedural options for completing the required improvements. The applicant may select either of the following procedures:
1. **Performance Surety:** The applicant may submit performance surety for the required improvements as described by Section 4.5(B).
  2. **Construction of Improvements:** The applicant may construct all required improvements as described by Section 4.5(C).
- B. **Performance Surety Option:** If the applicant chooses to submit performance surety prior to constructing the required improvements, the following process shall be followed:
1. **Final Plat and Performance Surety Submittal:** Upon Technical Review Committee Approval of the Final Plat and Construction Plans, the applicant shall submit the following to the Plan Commission Director:
    - a. *Final Plat and Construction Plans:* The approved Final Plat and Construction Plans with all required modifications. The Final Plat shall be shown at an appropriate scale, shall be drawn on reproducible mylar, and shall be on a sheet meeting the size and clarity requirements of the Shelby County Recorder.
    - b. *Electronic Data (if available):* A computer disk containing an electronic version of the Final Plat in a form specified by the Plan Commission Director.
    - c. *Surety:* Performance surety for all required subdivision improvements. The surety shall meet all requirements of Article 5 of this Ordinance.
  2. **Final Plat Review:** The Plan Commission Director shall review the Final Plat submittal and associated materials to verify its consistency with all previous approvals and to verify that all required modifications have been made to the plat.
    - a. *Plan Commission Endorsement:* The approval of the Final Plat by the Technical Review Committee shall be certified on behalf of the Plan Commission by the President and Secretary who shall affix their signatures to the Final Plat original.
    - b. *Board of Public Works and Safety Endorsement:* Following the signing of the Final Plat by the Plan Commission President and Secretary, the applicant shall contact the Board of Public Works and Safety to have the Final Plat scheduled for review at the next available Board meeting. At that meeting, the Board shall review the Final Plat's public dedications and other improvements, as well as the submitted performance surety for the construction of those improvements. If deemed acceptable, the Board of Public Works and Safety shall sign the Final Plat.

**Surety Option:**  
see Page 4-21 for  
Construction Option  
Description



Construction of Public Improvements



3. Final Plat Recording: It shall be the responsibility of the applicant to file the approved and signed Final Plat with the Shelby County Recorder within 30 days of the date of signature by Board of Public Works and Safety.
  - a. *Other Documents:* Simultaneously with the filing of the Final Plat, the applicant shall record any agreements of dedication, covenants, and commitments together with any other legal documents that are required to be recorded. The filing and recording of a plat is without legal effect unless signed by the Plan Commission’s President and Secretary and the Board of Public Works and Safety.
  - b. *Final Copy Provided:* The applicant shall be required to submit a copy of the recorded Final Plat to the Plan Commission Director for the records of the Plan Commission.
4. Construction of Improvements: The applicant shall obtain from the Plan Commission Director information regarding the current Shelbyville policies for the installation and inspection of public improvements. The applicant shall construct the subdivision consistent with the approved Construction Plans and the policies and procedures of the appropriate inspecting agencies. No site work or earthwork shall be allowed until the Improvement Location Permit signifying the approval of the Construction Plans & recording of the Final Plat has been issued by the Plan Commission Director.
  - a. *Improvements Required:* All required improvements shall be made by the applicant, at his/her expense, without reimbursement by the local government or any other improvement district. Prior to the acceptance of the public improvements by the Board of Public Works and Safety, all applicants shall complete all of the required improvements for subdivision construction as depicted on the approved Construction Plans.
  - b. *Certified Compliance:* The applicant shall be required to maintain at his/her expense a licensed civil engineer who shall certify that the subdivision construction is in compliance with the approved Construction Plans at the time the acceptance of public improvements request is submitted to the Board of Public Works and Safety.
  - c. *Correction of Errors:* If the Plan Commission Director or City Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the approved Construction Plans, the applicant shall be responsible for correcting any errors in construction and completing the improvements consistent with the approved plans.

## 4.5 Construction of Public Improvements (cont.)

### Construction of Public Improvements

5. Acceptance of Public Improvements: Following the completion of the public improvements and their certification the applicant shall request that the matter be placed on the agenda of the Board of Public Works and Safety.
  - a. *Materials Required:* The following materials shall be required for the acceptance of public improvements:
    - i. Copies of “as-built” drawings showing the location, dimensions, and materials used to construct all public improvements within the subdivision.
    - ii. A computer disk containing an electronic version (if available) of the “as-built” drawings in a format specified by the Plan Commission Director.
    - iii. Maintenance surety meeting the requirements of Article 5.
  - b. *Review Materials:* The Board of Public Works and Safety shall review the condition of the public improvements and surety. The Board shall consider input from the City Attorney, Plan Commission Director, City Engineer, and the city departments responsible for the maintenance of the improvements.
  - c. *Approval:* If the condition of the public improvements and the surety are deemed to be acceptable, the Board shall accept the improvements.



- B. **Construction of Improvements Option:** If the applicant chooses to construct all required improvements prior to the recording of the Final Plat this process is followed. Upon Technical Review Committee Approval of the Final Plat and Construction Plans, the applicant shall submit to the Plan Commission Director the approved Final Plat and Construction Plans with all required modifications. An Improvement Location Permit for the construction of the subdivision improvements shall then be issued.

**Construction Option:**  
see Page 4-19 for  
Surety Option  
Description

1. Construction of Improvements: The applicant shall obtain from the Plan Commission Director information regarding the current Shelbyville policies for the installation and inspection of public improvements. The applicant shall construct the subdivision consistent with the approved Construction Plans and the policies and procedures of the appropriate inspecting agencies. No site work or earthwork shall be allowed until the Improvement Location Permit signifying the approval of the Construction Plans & Final Plat has been issued by the Plan Commission Director.
  - a. *Improvements Required:* All required improvements shall be made by the applicant, at his/her expense, without reimbursement by the local government or any other improvement district. Prior to the acceptance of the public improvements by the Board of Public Works and Safety, all applicants shall complete all of the required improvements for subdivision construction as depicted on the approved Final Plat and Construction Plans.



## 4.5 Construction of Public Improvements (cont.)

### Construction of Public Improvements



- b. *Certified Compliance:* The applicant shall be required to maintain at his/her expense a licensed civil engineer who shall certify that the subdivision construction is in compliance with the approved Construction Plans at the time the acceptance of public improvements request is submitted to the Board of Public Works and Safety.
      - c. *Correction of Errors:* If the Plan Commission Director or City Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the approved Construction Plans, the applicant shall be responsible for correcting any errors in construction and completing the improvements consistent with the approved plans.
3. Final Plat Submittal: Upon completion of the public improvements, the applicant shall submit the following with the Plan Commission Director:
  - a. *Final Plat:* An approved Final Plat shown at an appropriate scale, drawn on reproducible mylar, and on a sheet meeting the size and clarity requirements of the Shelby County Recorder.
  - b. *Electronic Data (if available):* A computer disk containing an electronic version of the Final Plat in a form specified by the Plan Commission Director.
4. Final Plat Review: The Plan Commission Director shall review the Final Plat submittal and associated materials to verify its consistency with all previous approvals. The approval of the Final Plat by the Technical Review Committee shall be certified on behalf of the Plan Commission by the President and Secretary who shall affix their signatures to the Final Plat original.
5. Acceptance of Public Improvements: Following the completion of the public improvements, their certification, and the signing of the Final Plat by the Plan Commission President and Secretary, the applicant shall request that the matter be placed on the agenda of the Board of Public Works and Safety.
  - a. *Materials Required:* The following materials shall be required for the Final Plat approval and acceptance of public improvements:
    - i. A copy of the Final Plat signed by the Plan Commission President and Secretary
    - ii. Copies of “as-built” drawings showing the location, dimensions, and materials used to construct all public improvements within the subdivision.
    - iii. A computer disk containing an electronic version (if available) of the Final Plat and “as-built” drawings in a format specified by the Plan Commission Director.
    - iv. Maintenance surety meeting the requirements of Article 5.



## 4.5 Construction of Public Improvements (cont.)

### Construction of Public Improvements

- b. *Review Materials:* The Board of Public Works and Safety shall review the Final Plat's public dedications and other improvements, submitted maintenance surety for those improvements, and the condition of the constructed public improvements. The Board shall consider input from the City Attorney, City Engineer, Plan Commission Director, and the city departments responsible for the maintenance of the improvements.
  - c. *Approval:* If the Final Plat, completed public improvements, and maintenance surety are deemed to be acceptable, the Board shall sign the Final Plat.
6. **Final Plat Recording:** It shall be the responsibility of the applicant to file the approved and signed Final Plat with the Shelby County Recorder within 30 days of the date of signature by the Board of Public Works and Safety.
- a. *Other Documents:* Simultaneously with the filing of the Final Plat, the applicant shall record any agreements of dedication, covenants, and commitments together with any other legal documents that are required to be recorded. The filing and recording of a plat is without legal effect unless signed by the Plan Commission's President and Secretary and the Board of Public Works and Safety.
  - b. *Final Copy Provided:* The applicant shall be required to submit a mylar copy of the recorded Final Plat to the Plan Commission Director for the records of the Plan Commission.
- D. **Permit Restrictions:** No Improvement Location Permit shall be issued by the Plan Commission Director for any subdivision improvements or for any structure on any subdivision lot prior to the receipt of a copy of the recorded Final Plat for the records of the Plan Commission, except in the following instances:
1. **Temporary Structures:** The Plan Commission Director may issue Improvement Location Permits for temporary structures, such as construction trailers, signs, and home sales trailers subject to the following conditions.
    - a. The structure shall be provided with adequate access from a public street.
    - b. The structure shall be provided with adequate sewage disposal and utility facilities.
    - c. The location and placement of the temporary structure shall not cause a hazard to the welfare of any members of the public as a result of the construction activities on the site.
  2. **Model Homes:** The Plan Commission Director may issue Improvement Location Permits for model homes subject to the following conditions:
    - a. The home shall be provided with adequate access from a public street.
    - b. The home shall be provided with adequate sewage disposal and utility facilities.



## 4.5 Construction of Public Improvements *(cont.)*

### Construction of Public Improvements

- c. The location and placement of the home shall not cause a hazard to the welfare of any members of the public as a result of the construction activities on the site.
  - d. Appropriate grading and drainage shall be completed for the model home site prior to the model's placement or construction.
  - e. No more than 1 home may be located on any existing parcel or property. *Example: If the subdivision is occurring on one parcel of property then only one model home may be constructed prior to the recording of the Final Plat and the legal establishment of additional lots. Additional model homes are permitted following the recording of the Final Plat.*
- E. **Occupancy Restrictions:** No permanent Certificate of Occupancy shall be issued for any structure until all required public improvements have been completed and accepted by the Board of Public Works and Safety for the lot that the structure occupies. In no instance shall this provision be interpreted as preventing the issuance of a temporary Certificate of Occupancy allowing the use of structures prior to the acceptance of public improvements.

**ARTICLE 5**  
**SURETY**

**5**

## 5.1 Surety Requirements

### Surety Requirements

- A. **Surety Required:** At the time when the Final Plat is placed on the Board of Public Works and Safety agenda for their signatures, the petitioner shall provide appropriate surety for the public improvements related to the subdivision (including both on and off-site improvements). All surety shall be filed with the Plan Commission Director and maintained in the office of the City of Shelbyville Clerk-Treasurer.
- B. **Sectionized Plat Surety:** For plats that have been divided into sections for the purpose of a phased development, surety shall only be required to be provided for the public improvements included in the section that is the subject of the Final Plat approval request. This provision shall not be interpreted as relieving the subdivider of surety requirements for off-site improvements or those in previously recorded or future sections, that were/shall be required at the time of their respective Final Plat approval.
- C. **Surety Specifications:** All surety shall be in a format and amount consistent with the requirements of this Article, including the following requirements:
1. Recipient: The surety shall be drawn in favor of the “City of Shelbyville, Indiana”.
  2. Improvements Requiring Surety: Performance surety shall be provided for all incomplete public improvements, including but not limited to street compaction, subsurface, base, and surface; street signs; pedestrian pathways; sanitary sewers; curbs; gutters; sidewalks; surface swales; subsurface and storm drainage systems; seeding/erosion control; landscaping; required through lot buffering & screening; and any other public improvements required by this Ordinance, the Plan Commission, or other appropriate public agency.
  3. Asphalt Surface Exception: A developer may request permission, in writing, of the City Engineer to delay the installation of the 1 inch surface layer of asphalt until the binder layer has had a sufficient time period to prove its durability under the stress of traffic. The developer shall be required to submit a separate performance bond to cover the cost of the installation of the surface layer of asphalt.
  4. Amount & Time Frame: The surety shall be in an amount and time period sufficient to adequately maintain completed improvements or to install yet incomplete improvements in compliance with this Ordinance. The petitioner’s engineer or contractor shall supply an estimate of the cost of the improvements and their installation to aid the City Engineer in the determination of the amount of the surety. The petitioner’s estimate, however, shall not be binding.
    - a. *Maintenance Surety:* Maintenance surety shall be provided in an amount equal to 15% of the cost of the public improvements and their installation and shall be provided for a period of 3 years from the date the improvements are accepted by the Board of Public Works & Safety.

- b. *Performance Surety*: Performance surety shall be provided in an amount equal to 125% of the cost of the yet incomplete public improvements and their installation, and shall be provided for a time period sufficient to ensure the installation of the improvements, but not less than 2 years.
    - c. *Multiple-Use Surety*: If multiple types of improvements (such as street surface and sanitary sewers) are included on a single bond, the Board of Public Works & Safety shall be permitted to use the entire bond amount for the installation of a single improvement, regardless of any itemization that has been established.
  5. *Form of Surety*: The surety shall be provided in the form of either a bond or an irrevocable letter of credit. All forms of surety shall be securable by the “City of Shelbyville, Indiana”. Updates and extensions to any irrevocable letters of credit used shall be provided to the City Engineer annually for the duration for which the surety is required.
  6. *Applicability*: The surety shall specifically list the name of the subdivision (including phase and/or section) to which it applies, the date from which it is valid, the time period for which it is valid, the public improvements to which it applies, and whether it is “maintenance” or “performance” surety. The surety shall further comply with all statutory requirements and shall be satisfactory to the City Attorney, City Engineer, Plan Commission Director, and Clerk-Treasurer as to form, sufficiency, and manner of execution as set forth in this Ordinance.
- D. **Performance Surety Reduction**: The amount of performance surety may be reduced upon the actual dedication and acceptance of portions of the public improvements for which the surety was originally posted. A maximum of 2 reductions are permitted during the life of any surety. Any such reduction shall be at the discretion of the Board of Public Works & Safety, based on the recommendation of the City Engineer. The reduction of performance surety shall follow the procedure for the release of performance surety provided by Chapter 5.2.

## 5.2 Release of Performance Surety

### Release of Performance Surety

---

- A. **Release Request:** Upon completion of the public improvements for which performance surety has been provided, the subdivider shall make a written request to the City Engineer for the release of the surety and the acceptance of public improvements. The request shall include the following:
1. Description of Improvements: a description of the public improvements that have been completed;
  2. Engineering Report: a report from the subdivider's engineer, who must be licensed by the State of Indiana, certifying that the improvements were completed consistent with all applicable requirements and standards, and that the improvements are free and clear of all liens and other encumbrances; and
  3. Maintenance Surety: maintenance surety for the public improvements consistent with the requirements Chapter 5.1 of this Article.
- B. **Inspection of Improvements:** The Plan Commission Director and City Engineer shall provide appropriate inspections of the public improvements.
1. Testing: Before any performance surety covering a street installation is released, the Plan Commission Director or City Engineer may request that core borings of the street be done at the subdivider's expense. Cores shall be reviewed by an independent testing laboratory or registered engineer for analysis. Any requests for testing by the Plan Commission Director and/or City Engineer may be appealed by the subdivider to the Board of Public Works & Safety.
  2. Satisfactory Findings: If, based upon the recommendations of the Plan Commission Director and City Engineer, the Board of Public Works and Safety finds that the public improvements were completed consistent with all applicable standards and that appropriate maintenance surety is provided, it shall accept the improvements.
  3. Unsatisfactory Findings: If, based upon the recommendations of the Plan Commission Director and City Engineer, the Board of Public Works and Safety finds that the public improvements have not been completed in a satisfactory manner then it may deny the request for the release of the performance surety, providing a written statement of denial to the subdivider that includes a detailed list of required corrections. The applicant shall make the required corrections and reapply for the release of the surety.

- C. **Decision Criteria:** In reviewing requests for the release of performance surety the Board of Public Works and Safety shall consider the following:
1. Whether or not the improvements were completed in a manner consistent with the approved Preliminary Plat, approved Construction Plans, and all applicable standards and requirements;
  2. Whether or not the report provided by the subdivider's engineer is complete and satisfactory; and
  3. Whether or not the public improvements are in good condition and appropriate for use by the public.
    - a. All streets, sidewalks, and other pedestrian pathways shall be clear of all dirt, debris, standing water, and construction equipment and/or supplies.
    - b. All drainage structures shall be clear of sedimentation, debris, or other obstructions and be adequately secured to prevent access by the public.
    - c. All erosion control measures shall be consistent with applicable standards for the limiting of erosion and sedimentation.
    - d. The areas adjacent to all sidewalks and other pedestrian pathways shall be graded and seeded.
    - e. All sanitary sewer infrastructure and facilities meet the inspection, testing, and other requirements of the Waste Water Treatment Superintendent.
- D. **Default:** In any case where the required public improvements have not been completed prior to the date the performance surety expires, and the Board of Public Works and Safety and the subdivider are unable to reach agreement on an extension of the time frame for the surety and the completion of the public improvements, the Board may declare the surety to be in default. The required public improvements may then be installed by the City, using the funds from the surety.

## 5.3 Release of Maintenance Surety

### Release of Maintenance Surety

- A. **Maintenance Required:** The subdivider shall be required to ensure that the public improvements covered by the maintenance surety remain free of construction related defects for the term of the surety.
1. **Inspections:** The public improvements shall be subject to periodic inspection by the City. Written notice shall be provided to the subdivider of any defects that are detected and any corrections that are required. The subdivider shall make the necessary corrections consistent with all applicable construction requirements.
  2. **Surety for Repairs:** The Board of Public Works and Safety may require that additional maintenance surety be provided for any portion of the public improvement that was subject to repair for a time period of 3 years from the date the repair was completed.
- B. **Release Request:** Two months prior to the expiration of the surety, the subdivider shall make a written request to the City Engineer for the release of the surety on the expiration date. The request shall include the following:
1. **Description of Improvements:** a description of the public improvements to which the surety applies; and
  2. **Engineering Report:** a report from the subdivider's engineer, who must be licensed by the State of Indiana, certifying that the improvements remain free of construction related defects, and that the improvements are free and clear of all liens and other encumbrances.
- C. **Inspection of Improvements:** The Plan Commission Director and City Engineer shall provide appropriate inspections of the public improvements, including a final on-site inspection.
1. **Satisfactory Findings:** If, based upon the recommendations of the Plan Commission Director and City Engineer, the Board of Public Works and Safety finds that the public improvements are in satisfactory condition and free of construction related defects, it shall release the maintenance surety and assume complete responsibility for the upkeep of the improvements.
  2. **Unsatisfactory Findings:** If, based upon the recommendations of the Plan Commission Director and City Engineer, the Board of Public Works and Safety finds that the public improvements are not in satisfactory condition and do contain unresolved construction related defects then it may deny the request for the release of the maintenance surety, providing a written statement of denial to the subdivider that includes a detailed list of required corrections. The applicant shall make the required corrections and reapply for the release of the surety.



3. Substitution of Performance Surety: Subject to the approval of the Board of Public Works and Safety, the subdivider may provide a performance surety for any portion of the public improvements to be corrected in lieu of the completion of the correction in order to obtain the release of the maintenance surety.
  - a. Generally, the use of performance surety in this manner shall be limited to instances when weather conditions or other features unique to the subdivision or nature of the public improvements prevent the timely completion of the required corrections.
  - b. In no case may the time period provided for the completion of the corrections and the performance surety be more than 1 year from the date that notice of the required corrections is provided to the subdivider.
- D. **Decision Criteria:** In reviewing requests for the release of maintenance surety the Board of Public Works and Safety shall consider the following:
  1. Whether or not the improvements are free of construction related defects;
  2. Whether or not the report provided by the subdivider's engineer is complete and satisfactory;
  3. Whether or not the public improvements are in good condition and appropriate for use by the public.
    - a. All streets, sidewalks, and other pedestrian pathways shall be clear of all dirt, debris, standing water, and construction equipment and/or supplies.
    - b. All drainage structures shall be clear of sedimentation, debris, or other obstructions and be adequately secured to prevent access by the public.
    - c. All erosion control measures shall be effective consistent with applicable standards for the limiting of erosion and sedimentation.
    - d. The areas adjacent to all sidewalks and other pedestrian pathways shall be graded and seeded.
    - e. All sanitary sewer infrastructure and facilities meet the inspection, testing, and other requirements of the Waste Water Treatment Superintendent.
- E. **Default:** In any case where the public improvements are not deemed to be free of construction defects and otherwise in unsatisfactory condition prior to the date the maintenance surety will expire, and the Board of Public Works and Safety and the subdivider are unable to reach agreement on an extension of the time frame for the surety and the correction of the public improvements, the Board may declare the surety to be in default. The required corrections to the public improvements may then be made by the City, using the funds from the surety.

**ARTICLE 6**  
**SUBDIVISION STANDARDS**

**6**

## 6.1 Purpose & Use

### Purpose & Use

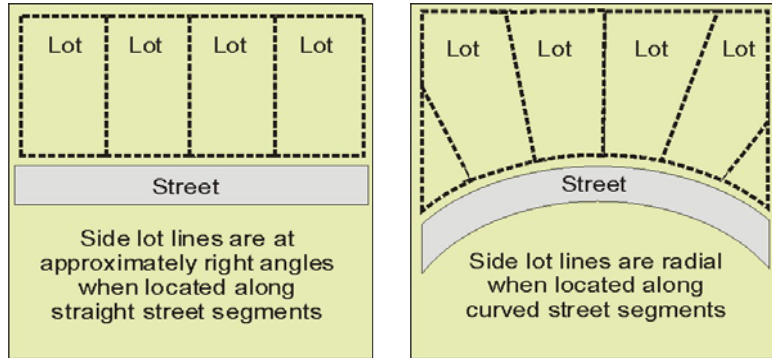
- A. **Design Standards:** This Article provides the standards for all subdivisions. Every subdivider shall be required to install these general and public improvements consistent with the requirements of this Ordinance and any other applicable regulations.
- B. **Purpose:** The purpose of these regulations is to:
1. promote the proper arrangement of streets and other infrastructure,
  2. prevent congestion of streets and promote traffic safety,
  3. secure adequate public spaces,
  4. provide adequate public improvements,
  5. insure the accurate survey and proper preparation of plats, and
  6. protect the health, safety, and general welfare of the community.
- C. **Standards:** No Preliminary or Final plat of land will be approved unless it conforms with the Zoning Ordinance. Whenever there is a variance between the minimum standards set forth in these regulations and those contained in the zoning ordinance, building code, or other regulations, the highest standards shall apply.

- A. **Land Suitability:** No land shall be subdivided for any use if the land is considered by the Plan Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth or rock formations, incompatible topography, or other features harmful to the health, safety and welfare of future residents or visitors or to the community as a whole.
- B. **General Welfare:** The subdivision design and layout shall be such that it protects the health, safety, and general welfare of the residents of the City of Shelbyville as defined by the standards of this Ordinance.
- C. **Applicable Regulations:** In addition to the requirements established in this Ordinance, all subdivision plats shall comply with the following guidelines, rules, laws, and regulations:
  - 1. The zoning ordinance, building code, and all other applicable laws of the City of Shelbyville and the statutory provisions of the State of Indiana.
  - 2. The current Comprehensive Plan, Parks & Recreation Master Plan, and any other applicable plans of the City of Shelbyville.
  - 3. The rules and regulations of the Indiana Department of Environmental Management, Department of Natural Resources, Board of Health, and other appropriate State agencies.
  - 4. The rules, regulations and standards of the Indiana Department of Transportation (if the subdivision abuts a state highway and/or affects an airport or railroad).
  - 5. All applicable planning and regulatory guidelines, including access control and driveway manuals, parking and traffic control ordinances, and other applicable guides published or adopted by the City of Shelbyville.
  - 6. The “Indiana Manual of Uniform Traffic Control Devices” and AASHTO Manual as specified by the City Engineer.
  - 7. The applicable specifications and requirements of the utility providers serving each subdivision.
- D. **Design Requirements:** All subdivisions should be designed on state plane coordinates. All Final Plats and “As-Built” drawings shall be made available to the City of Shelbyville in an electronic format specified by the Plan Commission Director that can be referenced to state plane coordinates (if possible).
- E. **Historic Assets:** All historically significant features (such as those listed on the *National Register of Historic Places*, and/or listed on the *Indiana Register of Historic Sites & Structures*) should be preserved through careful subdivision design.

**6.3 Lot Standards**

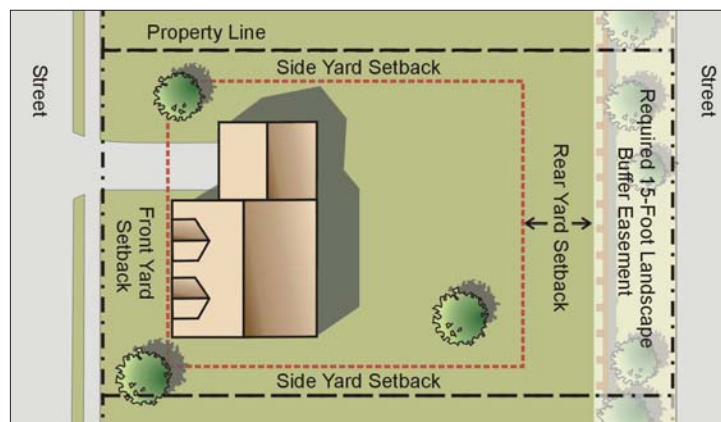
Lot Standards

- A. **Health Department Compliance:** When not served by a water utility and public sewer, the lot sizes and other dimensions shall also conform with any additional requirements for the adequate provision of sewage treatment and water supply as determined by the Shelby County Health Department. In cases where the provisions of the Zoning Ordinance and requirements of the Health Department are in conflict, the more restrictive shall apply.
- B. **Orientation to Streets:** The lot size, width, depth, shape, grade, location, and orientation shall be in proper relation to the street and block design and to existing and proposed topographical conditions.
  - 1. **Side Lot Lines:** Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this requirement is permissible, but irregular lots, such as flag lots shall be avoided.



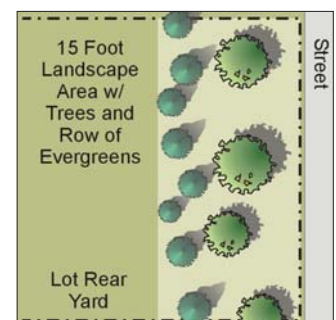
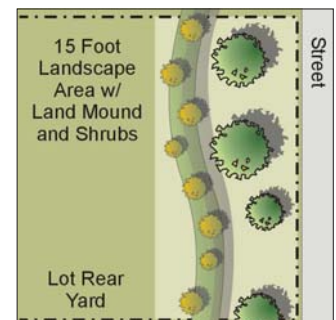
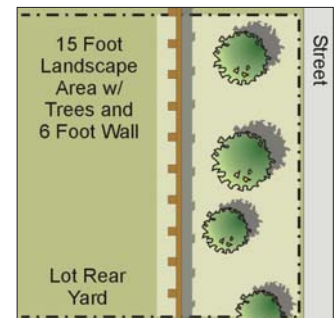
- 2. **Street Frontage:** Every lot shall abut a public street consistent with the requirements of this Ordinance and the Shelbyville Zoning Ordinance.
- C. **Double-Frontage Lots:** Double Frontage lots (also known as through lots) shall be avoided except where essential to provide separation of residential development from arterial and collector streets or to overcome specific disadvantages of topography and orientation.
  - 1. For all residential through lots, a landscape common area or easement shall be provided between what will be used as the rear yard of the lots and the right-of-way of the adjacent street.
  - 2. The landscaped area shall be a minimum of 15 feet in width and shall meet the following requirements:
    - a. The landscape area shall be in addition to the minimum lot area required by the Shelbyville Zoning Ordinance and not a part of the typical sized lot.
    - b. A row of deciduous canopy trees shall be planted parallel to the adjacent street, within the common area or easement, with one tree provided for every 300 square feet of landscape area. The trees shall measure 2 1/2 inches in diameter at 6 inches above the rootball at the time of planting.

- c. A 6 foot tall opaque wooden fence or brick or stone wall, a 4 foot tall undulating mound planted with shrubs, or a row of evergreen trees shall be placed within the landscape common area between the deciduous trees and the rear yard of the lots.
  - i. If an undulating mound is used to fulfill the requirements, 1 shrub for every 5 feet of continuous boundary shall be planted on the mound. All required shrubs shall measure 18 inches in height, measured from grade, at the time of planting.
  - ii. If a row of evergreen trees is used to meet the requirements, 1 tree shall be placed every 10 feet along the common area.
- d. An association of lot owners in the subdivision shall be responsible for the maintenance and upkeep of any landscape common area.



- D. **Multiple Frontage Lots:** Corner lots, through lots, and other lots that have frontage on more than 1 street shall be required to provide front yard setbacks on all frontages, and shall be designed with adequate size and width to accommodate the required setbacks and to provide an adequate buildable area.
- E. **Lot Numbering:** Lots shall be numbered consecutively throughout the entire subdivision and shall be consistent with any phasing that may be planned for the development.
- F. **Lots Abutting a Watercourse:** Lots abutting a watercourse, drainage way, channel, stream, or flood plain shall have additional minimum width or depth as required to provide an adequate building site and accommodate the minimum setbacks required by the Zoning Ordinance.

## Landscape Buffer Options



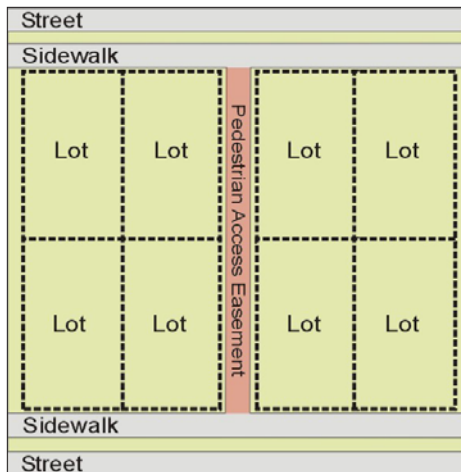
Lot Standards

- G **Street Access:** Lots should not, in general, derive access exclusively from an Arterial or Collector street. Where several adjoining lots are designed with access from an Arterial or Collector street, the Plan Commission may require the use of shared driveways for those lots. The use of shared drives is specifically encouraged where non-residential uses access an Arterial or Collector street (*see Zoning Ordinance Chapter 6.16 for additional access standards*). The street access of individual lots shall be restricted as follows:
1. Collector & Arterial Streets: Lots in all developments shall generally be designed so as to prevent vehicles from having to back into any Arterial Street.
  2. Local Streets: All non-residential lots (including multifamily residential lots) shall generally be designed so as to prevent vehicles from having to back into any public street.

## 6.4 Block Standards

### Block Standards

- A. **Block Dimensions:** Block length, width, and acreage within bounding streets shall be appropriate to accommodate the size of lot required by the Zoning Ordinance for the district in which the subdivision is to be located, and to provide convenient access, circulation control, and traffic safety.
1. **Block Width:** Blocks shall have sufficient width to provide for 2 tiers of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted where reverse or double frontage lots are used in blocks adjacent to Arterial or Collector streets, watercourses, or industrial or commercial areas.
  2. **Block Length:** Blocks shall not exceed 800 feet in length, nor be less than 200 feet in length. Block length shall be measured as the distance between intersecting streets.
- B. **Pedestrian Access:** In blocks exceeding 600 feet in length, the Plan Commission may require that a common area or easement be provided through the block to accommodate utilities, drainage, or pedestrian pathways. These pedestrian pathways shall be a minimum of 5 feet in width.



1. **Common Area/Easement Standards:** Any required common area or easement shall be a minimum of 10 feet in width and shall be provided near the center and entirely across the block.
2. **Construction Standards:** All required pedestrian walkways shall be constructed consistent with the sidewalk standards provided in Chapter 6.10.
3. **Maintenance & Ownership:** An association of lot owners in the subdivision shall be responsible for the maintenance and upkeep of any common area and walkway.



## 6.5 Street Arrangement Standards

### Street Arrangement Standards

*See Also:*

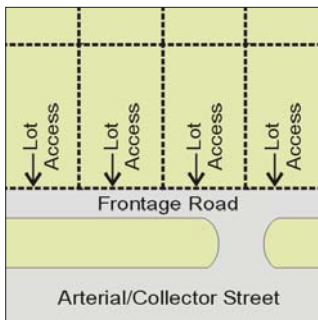
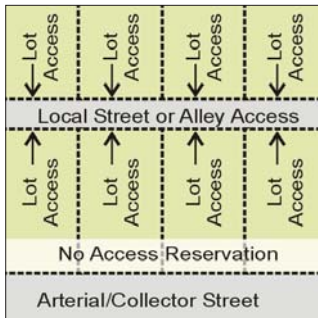
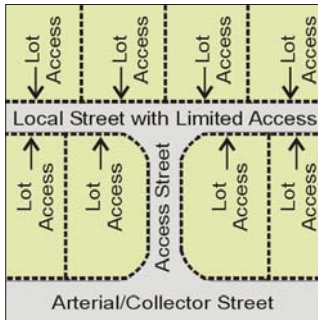
*Shelbyville Thoroughfare Plan (in Comprehensive Plan)*

- A. **General Requirements:** The arrangement, character, width, grade, and location of all streets shall be consistent with existing and planned streets, existing topography, public convenience and safety, and the proposed land uses in the subdivision.
  - 1. **Thoroughfare Plan:** The arrangement of all streets within each subdivision shall conform to the City of Shelbyville Thoroughfare Plan. Where the Thoroughfare Plan indicates the development of street system extensions or improvements, the construction and dedication of those streets shall be incorporated into the subdivision design. Rights-of-way shall be platted by the subdivider in the location and of the width recommended by the Thoroughfare Plan.
  - 2. **Natural Features:** Proposed streets shall be adjusted to the contour of the land in order to produce usable lots, provide streets of reasonable gradient, and preserve the aesthetic quality and natural drainage provided by the topography and natural features of the property.
  - 3. **Access:** The street layout shall provide adequate vehicular access to all lots and within the subdivision, to any remaining tract, and to all adjacent undeveloped properties and stubbed street systems.
- B. **Private Streets:** The use of any private street is specifically discouraged.
  - 1. **Construction Standards:** All private streets shall comply with all City of Shelbyville standards for public street construction. This shall include, but not be limited to, sidewalks, street trees, pavement width and construction, and drainage.
  - 2. **Width:** All private streets shall be included in an easement of width equal to the right-of-way that would be required if the street were public. This easement shall not be counted as a part of any lot for the purpose of that lot meeting the minimum size requirements for the district in which it is located.
- C. **Design Considerations:** In designing and reviewing subdivision street systems, the following factors shall receive consideration:
  - 1. accessibility for emergency vehicles and school buses;
  - 2. safety for both vehicular and pedestrian traffic;
  - 3. efficiency of service for all users;
  - 4. connectivity between subdivisions and the development of complete communities; and
  - 5. economy of both construction and use of land.

- D. **Street Arrangement:** The arrangement of street systems in all subdivisions shall promote the continuation of existing and proposed street systems, as well as the street system to be provided as a result of the subdivision construction.
1. **Street Functions:** Local streets shall be designed and arranged to discourage their use by through traffic. Arterial and Collector streets shall be designed to promote through traffic. Collector streets shall be used to create connections between subdivisions consistent with the Shelbyville Thoroughfare Plan.
  2. **Continuation of Existing and Proposed Street Systems:** The arrangement of streets in all subdivisions shall provide for the continuation of existing and proposed streets on immediately adjacent properties and in surrounding areas consistent with the Shelbyville Thoroughfare Plan.
  3. **Continuation of Subdivision Streets:** Right-of-way of proposed streets shall be extended to the boundary lines of the proposed subdivision so that either (1) at least one connection may be made to each adjacent undeveloped property, or (2) at least one connection may be made for every 1,600 feet of property line shared between the subdivision and adjacent undeveloped property. In cases where these provisions are in conflict, that which provides the most points of connectivity shall apply.
    - a. The Plan Commission may waive this requirement in cases where the Commission deems that any such extension is not feasible due to topography or other physical conditions, or not appropriate for the development of adjacent property consistent with the Comprehensive Plan.
    - b. No subdivision shall be designed so as to create or perpetuate the land-locking of any adjacent property.
  3. **Temporary Dead-End Streets:** A temporary dead-end street shall be permitted in any case in which a street is designed to be extended to adjacent properties in the future.
    - a. Any dead-end street that extends more than 200 feet in length shall be provided with a temporary cul-de-sac or other turn-around consistent with the requirements of the City Engineer.
    - b. Any temporary turn-around shall be included in a roadway easement that shall be vacated to the property owners at the time the street is extended or the City Engineer determines that the turn-around is no longer needed.
    - c. All temporary dead-end streets shall be provided with street signs that indicate the road as being a “temporary dead-end”. The subdivider shall assume all costs of the installation of the signs.

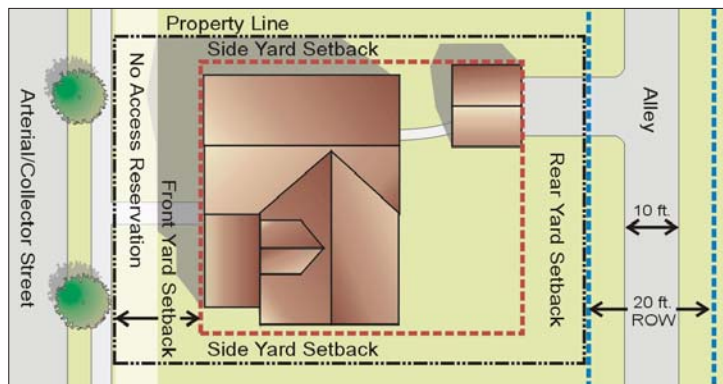
Street Arrangement Standards

**Traffic Separation Options**

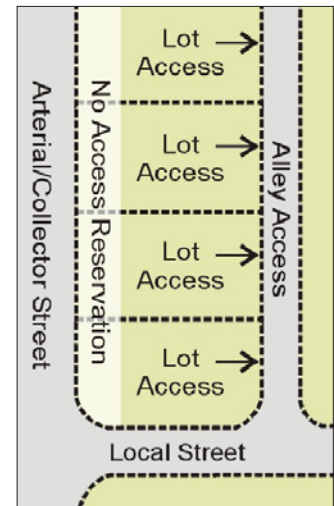


- E. **Traffic Separation Requirements:** Where a subdivision abuts or contains an existing or proposed Arterial or Collector street as shown in the Thoroughfare Plan, the Plan Commission may require:
  1. marginal access streets;
  2. double frontage lots that include a no-access reservation along the property line shared with the Arterial or Collector street,
  3. frontage roads,
  4. lots with rear service ways or alleys, or
  5. any other treatments as may be necessary for adequate protection of residential properties, and/or to afford separation of through and local traffic.
  
- F. **Service Road Requirements:** Where a subdivision borders on, or contains an existing or proposed interstate or other limited access highway or arterial road as shown on the Thoroughfare Plan or a railroad right-of-way, the Plan Commission may require a street approximately parallel to, and on each side of the right-of-way, at a distance suitable for the appropriate use of the intervening land.
  1. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations.
  2. The Plan Commission may require that the intervening land strips be dedicated to the City or to a lot owners association for the subdivision in which they are located.
  
- G. **Half-Streets (Single Lane Streets):** The construction and/or dedication of half-streets shall be prohibited. Whenever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted and constructed within the tract.
  
- H. **Improvement of Existing Streets:** Whenever a proposed subdivision borders or includes an existing street, the Commission may require the reconstruction or widening of such street, the provision of sidewalks, and any other improvement consistent with the requirements of this Ordinance for new streets developed as a part of a subdivision.
  1. Right-of-Way: Additional dedication of right-of-way may be required consistent with the adopted Thoroughfare Plan.
  2. Limitations: This provision shall not be interpreted as requiring the acquisition and dedication of right-of-way or the completion of improvements extending onto property on the opposite side of a street adjacent to the subdivision, where such property is not included in the street right-of-way and not owned or otherwise controlled by the subdivider.

- I. **Alleys:** Alleys shall be required at the discretion of the Plan Commission.
  - 1. **Standards:** All alleys shall have a minimum pavement width of 10 feet and a minimum right-of-way width of 20 feet. All alleys shall be consistent with the construction standards provided in this Ordinance for local roads and shall meet any additional requirements of the City Engineer. Dead-end alleys shall be prohibited.
  - 2. **Use:** The use of alleys shall be considered in the following circumstances.
    - a. *Service Access:* Alleys may be provided in order to accommodate service access and off-street parking and loading.
    - b. *Rear Access:* Where blocks are developed along an Arterial or Collector street alleys may be provided to allow vehicle access to lots fronting on that street. All such alleys shall run parallel to the Arterial or Collector street and shall not create an intersection with that street.



### Typical Alley Layout



## 6.6 Street Geometric Standards

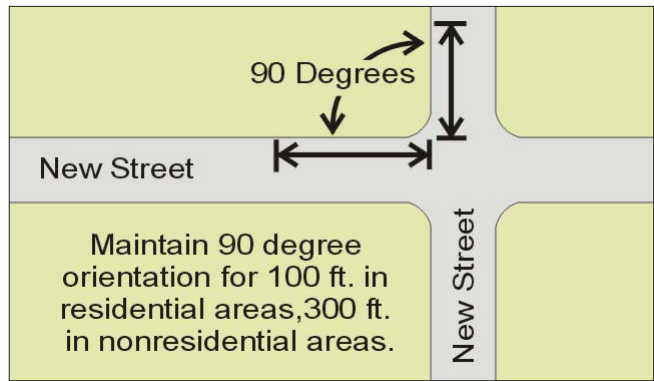
### Street Geometric Standards

**See Also:**

*Shelbyville Thoroughfare Plan (in Comprehensive Plan)*

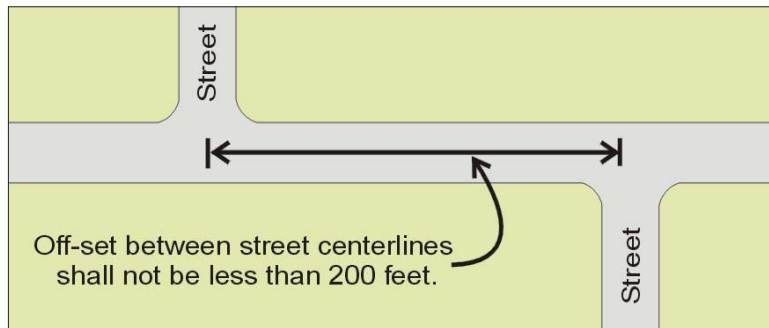
*Zoning Ordinance Chapter 5.18, Sight Visibility Standards*

- A. **General Requirements:** The functional classification of all streets shall be defined by the Thoroughfare Plan. The Plan Commission shall assign a classification, based on the provisions of the Thoroughfare Plan, to all proposed streets at the time of Preliminary Plat review and approval.
- B. **Street Measurement:** Street width shall be measured from back of curb to back of curb or from the edge of pavement where no curbs are present.
- C. **Intersection Requirements:** Street intersections shall be designed to promote the maintenance of the sight visibility triangle requirements of the Shelbyville Zoning Ordinance and shall be consistent with the following additional requirements:
  - 1. **Intersection Angle:** Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of 2 new streets at an angle of less than 75 degrees shall not be acceptable. All streets shall intersect at 90 degrees whenever possible and maintain the 90 degree orientation for a minimum distance of 100 feet in residentially used and/or zoned areas and a minimum distance of 300 feet in non-residentially zoned or used areas.



- 2. **Maximum Intersecting Streets:** Not more than 2 streets shall intersect at any 1 point, unless specifically required to promote efficient and safe traffic movement or in response to a recommendation of the Thoroughfare Plan.
- 3. **Intersection Radii:** Street intersections shall be rounded by minimum radii consistent with the Street Geometric Design Requirements table in this Chapter (page 6-16). The minimum radii shall be increased as required by the City Engineer when the angle of street intersection is less than 90 degrees in commercial and industrial areas and/or where necessary to accommodate a school bus or emergency vehicle.

4. Approach Grade: Intersections shall be designed with a flat grade wherever practical. A leveling area shall be provided having not greater than a 2% grade in level terrain, and not greater than a 5% grade in hilly or rolling terrain. The leveling area shall extend for a distance of 100 feet in either direction of the intersection, measured from the center line of the intersecting street.
5. Intersection Off-sets: Proposed new intersections along 1 side of an existing street shall, whenever practicable, coincide with any existing or proposed intersection on the opposite side of such street. Street jogs with center line offsets of less than 200 feet shall not be permitted. Where necessary to accommodate turning lanes and other features, longer off-sets may be required by the City Engineer.



6. Additional Requirements: At any intersection acceleration and deceleration lanes, passing or left turn lanes, and other traffic management features may be required by the Plan Commission and/or City Engineer.
- D. **Corner Right-of-Way:** The right-of-way shall follow the curb line on all corners in order to maintain a consistent distance between the back-of-curb and the edge of the right-of-way.
  - E. **Reverse Curve Requirements:** A tangent of at least the length specified in the Street Geometric Design Requirements table in this Chapter (page 6-16) shall be introduced between reverse curves on all streets.
  - F. **Sight Distance Requirements:** Sight distance is the measurement from a driver's eye which is assumed to be 3.5 feet above the pavement surface, to an object 6 inches high on the pavement. A clear sight distance, measured along the centerline of the road shall be provided for the minimum distance established by the City Engineer based on applicable AASHTO standards and common practices.

**Street Geometric Standards**

*Note: The on-street parking design requirements do not mandate the on-street parking of vehicles, but rather are intended to result in street designs that accommodate on-street parking in higher-density areas where it is likely to occur. In no instance shall this on-street parking be considered a substitute for the off-street parking required by the Zoning Ordinance. The on-street parking areas are intended only for the temporary storage of motor-vehicles. The long-term storage of vehicles, sports equipment, recreational vehicles, etc. may be considered a traffic code violation and shall be enforced by the City of Shelbyville.*

- G. Vertical Grade Requirements:** The maximum vertical grade shall not exceed a maximum of 5% for commercial and industrial streets and 7% for all residential streets. In order to ensure proper drainage, the minimum grade for all streets shall be 0.6%.
- H. Curve Requirements:** Vertical curves shall be used at all changes in grade. The minimum length of any vertical curve shall be 100 feet. The minimum horizontal curves on Arterial streets shall have a radius of 400 feet, on collector streets 200 feet, and on local streets 100 feet.
- I. On-Street Parking Design Requirements:** Street designs shall include provisions for on-street parking consistent with the Street Geometric Design Requirements table on page 6-16. On-street parking shall be provided at the discretion of the Plan Commission, consistent with the following guidelines.
1. Residential Requirements: On-street parking guidelines for residential areas shall be as follows:
    - a. *Local Street No Parking:* On-street parking should not be required in residential subdivisions where the gross density is less than 1 dwelling/unit per acre.
    - b. *Local Street 1-side Parking:* On-street parking should be required on 1 side of all local streets in residential subdivisions where the gross density is at least 1 dwelling unit per acre but less than 4 dwelling units per acre.
    - c. *Local Street 2-side Parking:* On-street parking should be required on both sides of all local streets in residential subdivisions where the gross density is 4 dwelling units per acre or greater.
    - d. *Collector Street Parking:* On-street parking shall be provided on Collector streets in residential subdivisions at the discretion of the Plan Commission.
  2. Non-Residential Requirements: On-street parking shall not be required in any non-residential subdivisions, but shall be provided at the discretion of the Plan Commission.

- J. **Street Geometric Design Requirements:** All streets shall conform to the minimum specifications established by the Street Geometric Design Requirements table (page 6-16) based on the classification provided by the Thoroughfare Plan or otherwise assigned by the Plan Commission.
1. **Urban Application:** The urban cross-section shall be preferred in Shelbyville. The urban cross-section shall be required as follows:
    - a. *Residential Areas:* The urban cross-section shall be required in all residential areas with 1 or more of the following characteristics:
      - i. the gross density of the area included in the subdivision preliminary plat is greater than 1 dwelling unit per acre;
      - ii. the subdivision will provide the continuation of any street system that is designed with an urban cross-section; or
      - iii. the minimum size of any lot is less than 30,000 square feet.
    - b. *Non-Residential Areas:* The urban cross-section shall be required in all non-residential areas with 1 or more of the following characteristics:
      - i. the subdivision will provide the continuation of any street system that is designed with an urban cross-section; or
      - ii. the minimum size of any lot is less than 5 acres.
  2. **Rural Application:** The rural cross section may be used for all other streets unless an urban cross-section is otherwise required by the Plan Commission.
  3. **Waiver Standards:** The Plan Commission shall consider waiver requests for the use of rural rather than urban street cross-sections in urban subdivisions, as defined above, where the rural street design would facilitate a unique design concept or the construction of a preferred natural storm drainage system.
- K. **Bicycle Lanes:** All street designs shall consider any applicable bike lane requirements. Where bike lanes are required they shall be designed consistent with AASHTO standards and the requirements of the City Engineer.
- a. The minimum width for a 2-way path, separated from the street shall be 8 feet.
  - b. All bikeways along the street shall be 1-way paths, moving with the direction of traffic on the street. The minimum width for a 1-way path shall be 4 feet.



## Street Geometric Design Standards - Urban Cross-Section

Design Standard (all measurements in feet)	Local Street		Collector Street		Arterial Street*
	Residential	Non-Residential	Residential	Non-Residential	
Right-of Way Width (no parking)	50	50	50	60	70
Right-of Way Width (parking on 1 side)	50	60	60	60	
Right-of Way Width (parking on 2 sides)	50	60	60	60	
Pavement Width (no parking)	24	26	28	30	36/48
Pavement Width (parking on 1 side)	28	32	30	32	
Pavement Width (parking on 2 sides)	30	40	36	40	
Curb Requirement	Vertical or Rolled	Vertical	Vertical	Vertical	Vertical
Pavement/Sidewalk Separation	5 feet	5 feet***	5 feet	5 feet***	5 feet
Sidewalk Width	4 feet single family 5 feet multi-family	6 feet commercial 4 feet industrial	4 feet single family 5 feet multi-family	6 feet commercial 4 feet industrial	4 industrial** 5 feet multi-family** 6 feet commercial**
Maximum Grade	7%	5%	5%	5%	5%
Minimum Grade	0.6%	0.6%	0.6%	0.6%	0.6%
Minimum Tangent Distance**	100**	100**	150**	150**	200**
Minimum Corner Radius**	25**	25**	30**	30**	35**

\* 2-lane Arterial Street Standards Shown - all Other Arterial Street Designs Shall be Consistent with the Requirements of the City Engineer and INDOT.

\*\* Subject to additional requirements and any alternate standards established by the City Engineer and/or INDOT, based on street design speed.

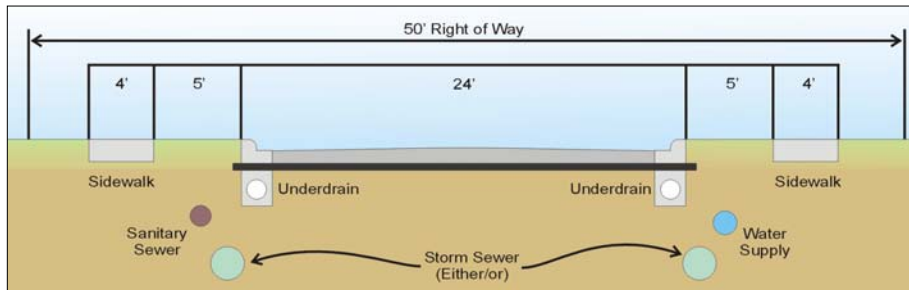
\*\*\* Pavement/Sidewalk separation may be reduced to 4 feet in commercial areas where parking is provided on both sides of the street.

## Street Geometric Design Standards - Rural Cross-Section

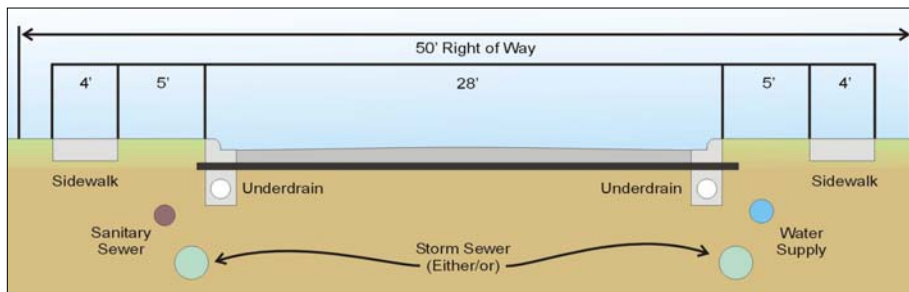
Design Standard (all measurements in feet)	Local Street		Collector Street	Arterial Street*
	Residential	Non-Residential		
Right-of Way Width (no parking)	50	50	50	70
Pavement Width (no parking)	26	26	36	32
Maximum Grade	7%	5%	4%	4%
Minimum Grade	0.6%	0.6%	0.5%	0.5%
Minimum Tangent Distance	100	100	150	200
Minimum Corner Radius	25	25	30	35

\* 2-lane Arterial Street Standards Shown - all other Arterial street designs shall be consistent with the requirements of the City Engineer and INDOT, based on the streets design speed

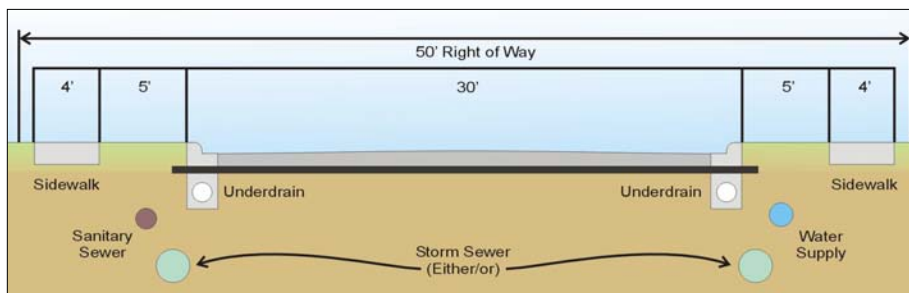
**No parking**



**Parking 1-Side**



**Parking 2-Sides**



**Cross-Section Examples: Local Residential Street Design Options**

**6.7 Street Construction Standards**

Street Construction Standards

- A. **General Requirements:** All streets and alleys shall be completed to the grades shown in the plans, profiles and cross-sections provided in the approved subdivision Construction Plans consistent with the requirements of this Chapter.
  - 1. Design Professionals: All plans shall be prepared by a professional engineer or surveyor licensed in the State of Indiana.
  - 2. Inspections: All stages of street construction must be inspected consistent with the adopted procedures of the City of Shelbyville.
  
- B. **Construction Requirements:** The streets shall be graded, surfaced, and improved to the dimensions shown in the Street Construction Requirements table and shall meet the following standards:
  - 1. Abnormal Use: Additional requirements may be imposed by the City Engineer to account for unusual soil conditions, extraordinary traffic volume, heavy loads, or other abnormal use characteristics.
  - 2. Poor Drainage: Poorly drained ground or unsuitable material may require the use of #2 stone under the base, consistent with the requirements of the City Engineer.
  - 3. Lime Stabilization: A lime stabilized base may be used consistent with the alternative street construction requirements of the City Engineer.
  - 4. Underdrains: Underdrains shall be required unless an alternate is approved by the City Engineer.

**Street Construction Requirements**

Pavement Requirements	Local Street	Collector Street		Arterial Street
		Residential	Non-Residential	
<b>Concrete (Option #1)</b>				
Concrete Pavement	6 inches	7 inches	7 inches	*
Compacted Aggregate #53 Base	4 inches	4 inches	4 inches	
Total Thickness	10 inches	11 inches	11 inches	
<b>Asphalt (Option #2)</b>				
Asphaltic Surface Course #11 or #12	1 inch	1 inch	1 inch	*
Hot Asphaltic Binder Course #8 (or #9 for Local Streets)	4 inches	3 inches	3 inches	
Base #5D		5 inches	5 inches	
Compacted Aggregate #53 Base (2 lifts)	8 inches	8 inches	8 inches	
Total Thickness	13 inches	17 inches	17 inches	
<b>Asphalt (Option #3)</b>				
Asphaltic Surface Course #11 or #12	1 inch	1 inch	1 inch	*
Hot Asphaltic Binder Course #8 or #9	3 inches	3 inches	3 inches	
Base #5		4 inches	4 inches	
Base #5D	5 inches	4 inches	4 inches	
Total Thickness	9 inches	12 inches	12 inches	

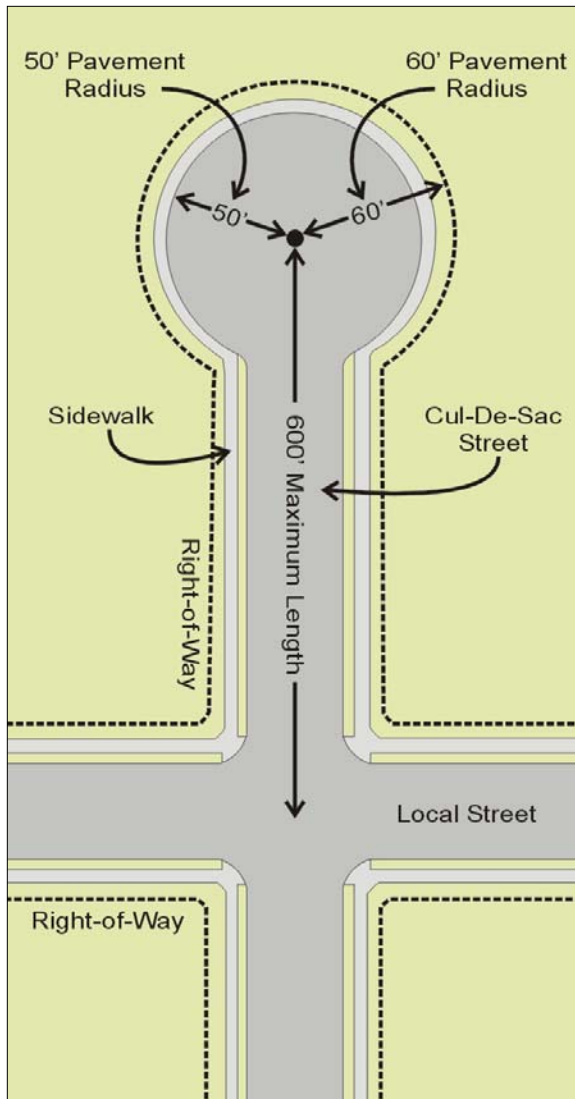
\* Arterial street construction is subject to the standards of the City Engineer and/or INDOT, based on the streets design speed.

5. **Base Grade:** The final grade of the base and all road surfaces shall be 2% from the center to both edges.
  6. **HAC Standards:** All hot asphaltic concrete (HAC) materials and application must meet Indiana Department of Transportation (INDOT) specifications, unless otherwise modified by the provisions of this Ordinance. All HAC mixing and application shall be performed under proper weather conditions as defined by the City Engineer.
  7. **Base Width:** The base for all streets shall extend 2 feet beyond the road surface on both sides of the road. Where curb and gutter is not required, 4 foot wide shoulders of compacted aggregate shall be required on each side of all Local and Collector streets, and 8 foot wide shoulders of compacted aggregate shall be required on all Arterial streets.
  8. **Concrete Street Specifications:** Concrete streets shall be provided with contraction and expansion joints meeting the following requirements:
    - a. *Contraction Joints:* Concrete streets shall have contraction joints linearly every 1/2 street width, at every catch basin and manhole, and elsewhere as specified by the City Engineer. Contraction joints shall be extended through curbs to the full width of the pavement.
    - b. *Expansion Joints:* Concrete streets shall have expansions joints every 100 feet and elsewhere as specified by the City Engineer.
- C. Grading Specifications:** All streets, roads, and alleys shall be graded to their full widths by the subdivider so that street pavements and sidewalks can be constructed on the same level plane. Deviation from this standard due to special topographical conditions will be allowed only with the special approval of the Plan Commission.
1. **Preparation of the Subgrade:** Before grading is started, the entire right-of-way area shall be first cleared of all tree stumps, roots, brush, and other objectionable materials and of all trees not intended for preservation. The subgrade shall be properly shaped, rolled, and uniformly compacted to conform with the accepted cross-section and grades.
  2. **Cuts:** In cuts, all tree stumps, boulders, organic material, soft clay, and other objectionable materials shall be removed to a depth of at least two feet below the graded surface. Rock, when encountered, shall be removed to a depth of at least 12 inches below the graded surface.
  3. **Fills:** In fills, all tree stumps, boulders, organic material, soft clay, and other objectionable materials shall be removed to a depth of at least 2 feet below the natural ground surface. This objectionable matter, as well as similar matter from cuts, shall be removed from the right-of-way area and disposed of so that it will not become incorporated in fills or hinder proper drainage system operation.

## 6.8 Cul-de-Sac Standards

### Cul-de-Sac Standards

- A. **General Requirements:** Cul-de-sacs streets may be permitted by the Plan Commission only in locations where one of the following conditions exist:
1. **Natural Barriers:** the construction of a through street is not possible do to the presence of natural barriers,
  2. **Adjacent Development:** the construction of a through street is not possible do to the presence of adjacent development that provides no opportunities for connecting any through street, or
  3. **Ample Connections:** ample through streets are already provided in the area, or are otherwise proposed to be provided (in the opinion of the Plan Commission).
- B. **Design Requirements:** All cul-de-sacs streets shall meet the following design requirements:
1. **Maximum Length:** The maximum length of all cul-de-sacs streets shall be 600 feet, measured along the centerline from its intersection with the centerline of another street to the center of the turn-around right-of-way.
  2. **Design Standards:** The minimum pavement and right-of-way radius and other design features of all cul-de-sacs shall be consistent with the Cul-de-sac Design Standards table.
  3. **Street/Turn-Around Radii:** The intersection of the cul-de-sac street segment and the cul-de-sac turn-around shall be rounded by radii of at least 30 feet.
  4. **Limitations:** In no case may an Arterial or Collector road terminate in a cul-de-sac.
  5. **Parking Prohibited:** On-street parking shall be prohibited within the turn-around of the cul-de-sac.
  6. **Mailboxes:** All mailboxes for lots accessed from the bulb of the cul-de-sac shall be clustered together at a single location.
  7. **Driveways:** All driveways accessing the bulb of the cul-de-sac shall be clustered at common property lines to maximize the availability of snow storage areas.
- C. **Construction Requirements:** All cul-de-sac streets shall be constructed consistent with the Local street construction standards.



**Residential Cul-de-sac Graphic**

**Cul-de-sac Design Standards**

Design Standard (all measurements in feet)	Residential Street		Non-Residential Street	
	Urban	Rural	Urban	Rural
Right-of Way Radius	60	60	60	60
Pavement Radius	50	50	50	50
Curb Requirement	Vertical/Rolled		Vertical/Rolled	
Pavement/Sidewalk Separation	2 foot min*		2 foot min*	
Sidewalk Width	4 feet - 1 and 2 family 5 feet - multi-family		6 feet - commercial 4 feet - industrial	
Maximum Grade	7%	7%	5%	5%
Minimum Grade	0.6%	0.6%	0.6%	0.6%

\* excluding the "turn-around" portion of the cul-de-sac

## 6.9 Curb & Gutter Standards

### Curb & Gutter Standards

- A. **General Requirements:** Poured concrete curbs and gutters shall be provided on all streets designed with the urban cross-section and on any other street as specifically required by the Plan Commission at the time of Preliminary Plat review.
  - 1. Curb Locations: Where curbs are required, they shall be installed on each side of the street surface and are to be considered as part of the street.
  - 2. Curb Types: Where curbs are required, 2-foot vertical or rolled curbs shall be provided on all streets, consistent with the requirements of the Street Geometric Design Standards table in Chapter 6.6.
- B. **Gutter Grade Requirements:** The minimum grade of any street gutter shall not be less than 0.6%.
- C. **Construction Requirements:** All curbs and gutters shall be constructed to the applicable adopted standards of the City of Shelbyville and the specifications of the City Engineer. Curbs and gutters shall also meet the following requirements.
  - 1. Additional inlets shall be required when encroachment of storm water into the street will disrupt traffic under the 10-year storm design, consistent with Chapter 6.18.
  - 2. Inlet grates should be depressed slightly below the plane of the gutter to improve removal of runoff water. Inlet grates shall be heavy-duty type and appropriate for bicycle traffic.

## 6.10 Sidewalk & Pedestrian Path Standards

- A. **Sidewalk Requirements:** Sidewalks shall be provided on all streets designed with the urban cross-section and on any other street as specifically required by the Plan Commission at the time of Preliminary Plat review.
1. **Location:** Where sidewalks are required, they shall be provided on both sides of the street and shall completely encircle the turn-around of any cul-de-sac.
  2. **Width:** Sidewalks in single-family or two-family housing developments shall be a minimum of 4 feet in width, sidewalks in multi-family or group housing developments shall be a minimum of 5 feet in width, sidewalks in commercial areas shall be a minimum 6 feet in width, and sidewalks in industrial areas shall be a minimum of 4 feet in width.
  3. **Pavement/Sidewalk Separation:** Sidewalks shall be separated from the back of curb of the adjacent road by a minimum width of 5 feet. All areas between the back-of-curb and sidewalk that are not used for accessing individual properties from the street shall be planted and maintained as grass lawns.
  4. **Width Transitions:** Sidewalk width transitions shall occur only at street intersections. The widest required sidewalk shall be provided for the entire length of the block, regardless of the use of individual lots.
  5. **Slope:** The surface of any sidewalk, when completed, shall have a sufficient slope to drain adequately.
- B. **Construction Requirements:** Sidewalks and pedestrian paths shall be constructed consistent with the following requirements:
1. **Sidewalks:** Sidewalks shall be constructed of portland cement concrete within subdivisions in accordance with the Standard Specifications of the Indiana Department of Transportation (Class A), latest edition.
    - a. *Joints:* Contraction joints shall be provided a maximum of every 6 feet, and expansion joints shall be provided for every 48 feet of sidewalk length.
    - b. *Thickness:* Sidewalks shall be a minimum of 4 inches thick in all locations with a 4 inch base of either compacted stone or sand. In instances where sidewalks are crossed by driveways, the sidewalks shall have a minimum thickness of 6 inches.
  2. **Pedestrian Paths:** Pedestrian paths, when provided, shall be a minimum of 8 feet in width. They shall be constructed of 4 inch thick asphalt on an appropriately compacted base and shall meet any additional requirements of the City Engineer.



Sidewalk & Pedestrian Path Standards

- C. **Sidewalk ADA Compliance:** Americans with Disabilities Act compliant ramps for wheelchairs and bicycles shall be provided appropriately on all sidewalks. Ramps are to be located at all intersections, driveways, and other transition access points.
  - 1. Rolled curbs are not a substitute for wheelchair ramps and shall not be considered to meet ADA requirements.
  - 2. It is the legal responsibility of the developer to assure compliance with current ADA laws.
  - 3. The developer and/or his/her engineer may be required to certify compliance with ADA laws to the City Engineer at the time the public improvements are accepted by the City.
  
- D. **Crosswalks:** When a sidewalk or pedestrian path crosses streets within or adjacent to the subdivision, safety devices such as painted crosswalks, alternative cross-walk pavement types, crosswalk signs, traffic calming measures, or traffic control devices shall be installed. All cross-walk treatments shall be subject to the approval of the City Engineer.
  
- F. **Use of Easements:** Easements of at least 10 feet in width shall be provided for sidewalks that, due to topography or other site features, are not completely included in public right-of-way adjacent to a street. Sidewalks and pedestrian paths that link common areas, public sites, or natural features as part of any subdivision's open space design shall be included in the subdivision's common area or an easement on private property.

## 6.11 Street Lighting Standards

- A. **General Requirements:** The subdivider shall be responsible for the initial cost of the purchase and installation of all street lights.
- B. **Locations within the Subdivision:** Generally, street lighting shall be provided at all intersections of streets within, and adjacent to, the subdivision and elsewhere as deemed appropriate by the Plan Commission Director, City Engineer, Plan Commission, and/or Board of Public Works & Safety. The specific locations of street lighting shall be determined by the City Engineer based on the lighting options made available by the local electricity provider. However, street lights shall generally be located in intersections and other locations necessary for public safety.
- C. **Locations along the Street:** Street lights shall be located in the right of way, adjacent to the street.
- D. **Mounting Standards:** Street lights shall be pole mounted on standards of non-corrosive metal, fiberglass, or wood not to exceed 28 feet in height.
  - 1. Foundations: Light standards shall be mounted in appropriate concrete foundations.
  - 2. Decorative Lighting: The use of decorative street lighting shall be encouraged.

## 6.12 Subdivision & Street Name Standards

### Subdivision & Street Name Standards

- A. **Subdivision Name Standards:** The proposed name of all subdivisions shall be provided by the subdivider at the time of Preliminary Plat application.
  - 1. **Duplication of Names:** The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in Shelby County that has been previously recorded.
  - 2. **Approval Authority:** The Plan Commission shall have final authority to approve the name of the subdivision, which shall be determined at the time of the Preliminary Plat approval.
  
- B. **Street Name Standards:** The proposed name of all subdivision streets shall be provided by the subdivider at the time of Preliminary Plat application.
  - 1. **Duplication of Names:** Street names shall not duplicate any existing street name within the City of Shelbyville, irrespective of the use of the term street, avenue, boulevard, drive, place, court, lane, road, pike, highway, parkway, or similar suffix. Street names that are spelled differently but sound the same as existing street names shall not be used.
  - 2. **Street Extensions:** Streets that are designed and/or function as the extension of an existing street shall be named consistent with the existing street.
  - 3. **Street Terms:** The term “court” shall be reserved for cul-de-sac streets. The terms “place” and “circle” shall be reserved for circular streets that intersect with another street at two locations and cannot be divided into more than one street.
  - 4. **Review Authority:** All street names are subject to review and approval of the Plan Commission at Preliminary Plat review.
  - 5. **Approval Authority:** The Plan Commission shall have final authority to name all streets at the time of Preliminary Plat approval.
  
- C. **Street Sign Installation:** Street signs, including street name signs, stop signs, “no-parking” signs, and all other appropriate regulatory signs, shall be installed by the subdivider at all locations specified on the approved Preliminary Plat and Construction Plans and otherwise required by the City Engineer.
  - 1. **Sign Standards:** All street signs shall meet the standards of the City Engineer and the Street Commissioner.
  - 2. **Sign Cost:** The subdivider shall assume all costs for street sign installation.
  - 3. **Temporary Signs:** The subdivider shall be responsible for the installation of temporary street and traffic control signs until the public improvements are accepted by the Board of Public Works and Safety.

## 6.13 Easement Standards

### Easement Standards

- A. **General Requirements:** Adequate areas of suitable size and location shall be provided by the subdivider as easements for the conveyance of utility systems, drainage, and other infrastructure to, and within the subdivision. The location of all easements shall be reviewed by the City Engineer along with the local utility companies through the Technical Review Committee process.
- B. **Utility Easements:** Utility easements shall be provided consistent with the following standards and the requirements of the City Engineer.
1. **Water Supply, Natural Gas & Other Utilities:** Easements for water supply, natural gas and other utilities shall generally be a minimum of 20 feet in width, and shall be provided in the front yard adjacent to the right-of-way of the street. Where the Zoning Ordinance provides for minimum front yard setbacks of less than 20 feet, the easement shall be reduced to a minimum width of 15 feet. Water supply service may also be provided in the right-of-way, opposite the side of the street on which sanitary sewer service.
  2. **Sanitary Sewer:** Easements for sanitary sewer service shall be provided at the request of the City Engineer and/or Waste Water Superintendent.
- C. **Drainage Easements:** Drainage easements shall generally be a minimum of 15 feet in width, with 1/2 the width of the easement taken from each lot. Where the Zoning Ordinance provides for minimum side yard setbacks of less than 7.5 feet, the easement shall be reduced to a minimum total width of 10 feet. In the case of lots extending to the boundary of the property platted and not adjoining another plat the full width of the easement shall be provided on each affected lot.
1. **Drainage Easement Standards:** Drainage easements shall:
    - a. provide continuity from block to block,
    - b. be located along rear or side lot lines as necessary, and
    - c. generally be contiguous to the street at the end of the block to connect with adjoining blocks in the shortest direct line.
  2. **Watercourses:** Where a subdivision is traversed by a watercourse, drainage way, channel, or stream the subdivider shall designate drainage easements on both sides of the watercourse, the width of which shall be determined by the City Engineer.
  3. **Access to Improvements:** Easements to permit both the City and any lot owners association access for maintenance and repair of surface and subsurface drainage improvements and watercourses, shall be provided by the subdivider. Such easements shall be a minimum of 10 feet in width, and shall be provided (a) around the top of bank of all water features and (b) along a convenient route between a public street and the water feature.
  4. **Off-Site Improvements:** When a proposed drainage system will carry water across private lands outside the subdivision, appropriate drainage rights must be secured by the subdivider and indicated on the all required plat and Construction Plan drawings.

## 6.14 Street Tree Standards

### Street Tree Standards

- A. **General Requirements:** All subdivisions shall be required to provide street trees along all streets within and adjacent to the subdivision.
1. **General Location:** Street trees may be planted either in the right-of-way or within 5 feet of the right-of-way on adjacent property included in a street tree easement. Street trees shall be provided in the right-of-way unless, in the opinion of the City Engineer, that location would present a hazard for underground or overhead utilities or public safety.
  2. **Use of Existing Trees:** Existing trees on property located in the right-of-way of a public street may be considered as meeting the street tree requirement if such trees are in good health and are protected during the construction process.
    - a. *Determination:* The Plan Commission shall determine whether or not existing trees may be used to satisfy the street tree requirement at the time of Preliminary Plat review.
    - b. *Maintenance:* The Plan Commission Director may require the subdivider to provide maintenance bonds consistent with Article 5 of this Ordinance for any existing trees preserved for use as street trees.
- B. **Planting Requirements:** One street tree shall be planted for every 40 feet of street frontage. Trees may be evenly spaced or grouped together. Street trees shall also meet the following requirements:
1. **Tree Size:** All street trees shall be a minimum of 2 1/2 inch calliper as measured 6 inches from the top of the rootball, at the time of planting.
  2. **Separation from Pavement:** No tree may be planted so that its center is closer than 2 feet to a sidewalk or curb, or edge of pavement if no curbs are present.
  3. **Visual Clearance:** No tree shall be planted within 25 feet of the intersection of two street rights-of-way, within 10 feet of the intersection of a street right-of-way and an entrance driveway, or within the Sight Visibility Triangle established by the Zoning Ordinance.
  4. **Separation from Utilities:** No tree shall be planted within 10 feet of any fire hydrant or 2 lateral feet of any underground utility service.
  5. **Permitted Tree Types:** Street trees shall be of one or more of the species described in the Permitted Street Trees table.
- C. **Installation:** Where required, street trees shall be installed on each lot after the structure(s) on that lot are completed. No permanent Certificate of Occupancy shall be provided for any lot (including their structures on that lot) until the approved street trees are installed.

6.14 Street Tree Standards (cont.)

Street Tree Standards

**Permitted Street Trees**

Common Name	Scientific Name
<b>Hornbeam</b>	
American Hornbeam	<i>Carpinus Caroliniana</i>
Upright European Hornbeam	<i>Carpinus Betulas "Fastigiata"</i>
<b>Elm</b>	
Accolade Elm	<i>Ulmus Japonica x Wilsoniana "Morton"</i>
Frontier Elm	<i>Ulmus Carpinifolia x Parvifolia "Frontier"</i>
Homestead Elm	<i>Ulmus "Homestead" (complex hybrid)</i>
<b>Ash</b>	
Green Ash	<i>Fraxinus Pennsylvanica</i>
White Ash	<i>Fraxinus Americana</i>
<b>Ginko (Male)</b>	
Fairmount Ginko	<i>Ginko Biloba "Fairmount"</i>
Sentry Ginko	<i>Ginko Biloba "Sentry"</i>
Upright Ginko	<i>Ginko Biloba "Upright"</i>
<b>Honeylocust</b>	
Majestic Honeylocust	<i>Gleditzia Triacanthos Inermis "Majestic"</i>
Morlane Honeylocust	<i>Gleditzia Triacanthos Inermis "Morlane"</i>
Shademaster Honeylocust	<i>Gleditzia Triacanthos Inermis "Shademaster"</i>
Skyline Honeylocust	<i>Gleditzia Triacanthos Inermis "Skyline"</i>
Sunburst Honeylocust	<i>Gleditzia Triacanthos Inermis "Sunburst"</i>
<b>Linden</b>	
Basswood	<i>Tilia Americana</i>
Chancellor Linden	<i>Tilia Cordata "Chancellor"</i>
Greenspire Linden	<i>Tilia Cordata "Greenspire"</i>
Silver Linden	<i>Tilia Cordata "Silver"</i>
Swedish Upright Linden	<i>Tilia Cordata "Swedish Upright"</i>
<b>Maple</b>	
Armstrong Red Maple	<i>Acer Rubrum "Autumn Flame"</i>
Paperbark Maple	<i>Acer Griseum</i>
Red Sunset Red Maple	<i>Acer Rubrum "Red Sunset"</i>
Striped Maple	<i>Acer Pensylvanicum</i>
Sugar Maple	<i>Acer Sacchrum</i>
Tilford Red Maple	<i>Acer Rubrum "Tilford"</i>
Trident Maple	<i>Acer Buergerianum</i>
<b>Oak</b>	
Bur Oak	<i>Quercus Macrocarpa</i>
Chestnut Oak	<i>Quercus Prinus</i>
Chinkapin Oak	<i>Quercus Muehlenbergii</i>
English Oak	<i>Quercus Robur</i>
Laurel Oak	<i>Quercus Hemisphaerica</i>
Pin Oak	<i>Quercus Palustris</i>
Post Oak	<i>Quercus Stellata</i>
Red Oak	<i>Quercus Borealis</i>
Scarlet Oak	<i>Quercus Coccinea</i>
Shingle Oak	<i>Quercus Inbricaria</i>
Shumard Oak	<i>Quercus Shumardii</i>
White Oak	<i>Quercus Alba</i>
<b>Common Alder</b>	<i>Alnus Glutinosa</i>
<b>Golden Raintree</b>	<i>Koelreuteria Paniculata</i>
<b>London PlaneTree</b>	<i>Platanus x Acerifolia</i>

## 6.15 Waste Disposal Standards

### Waste Disposal Standards

- A. **Sewer System General Requirements:** Lots in all subdivisions, except those located in the AG and A/R zoning districts, shall be served by sanitary sewers. The appropriate sanitary sewer system shall be designed and installed by the subdivider based on the adopted specifications of the City of Shelbyville. All sanitary sewer systems (excluding laterals and other features serving individual lots) and easements shall be dedicated to the City of Shelbyville.
1. **Design Specifications:** The system shall be provided with all necessary supplemental equipment or machinery (including, but not limited to, lift stations) and be in such lengths, sizes, dimensions and specifications as required by the City Engineer and Waste Water Treatment Superintendent.
  2. **General Location:** Sewer mains and transmission lines and structures, with the exception of any above ground structures such as lift stations or pumps, shall generally be located underground in the right-of-way provided along public streets. In all instances, the required drawings of these transmission lines shall be shown with the locations of any street trees and all other utilities to be provided.
- B. **Sewer System Plans and Specifications:** The plans for the installation of a sanitary sewer system shall be prepared by a professional engineer or surveyor licensed in the State of Indiana, shall be provided by the subdivider, and shall be subject to review and approval by the City Engineer and Waste Water Treatment Superintendent.
1. **Additional Requirements:** All sewer systems shall be in accordance with Indiana State Board of Health and Indiana Department of Environmental Management (IDEM) regulations.
  2. **“As-Built” Drawings:** Upon completion of the sewer installation, the “as-built” plans shall be filed with the City Engineer in paper (hard copy) and electronic format (if possible).
- C. **Individual Property Waste Disposal Systems:** No individual property waste disposal systems, such as septic systems or privately owned treatment plants shall be permitted where sewer service is required by this Ordinance. Any individual waste disposal system shall meet all applicable requirements and procedures of the Indiana and Shelby County Boards of Health.

## 6.16 Water Supply Standards

### Water Supply Standards

- A. **General Requirements:** Lots in all subdivisions, with the exception of those in the AG and A/R zoning districts, shall be provided with water, supplied by the appropriate utility. The appropriate water supply system shall be designed and installed by the subdivider based on the adopted specifications of the utility provider.
1. **Design Specifications:** The water system shall include all necessary supplemental equipment and machinery including, but not limited, to all pipes, fire hydrants, and valves.
  2. **General Location:** Water supply mains and transmission lines shall be located either in the right-of-way adjacent to public streets (opposite any sanitary sewer also included in that right-of-way) or in the front yard of lots in easements immediately adjacent to the rights-of-way.
- B. **Individual Property Wells:** No individual property wells shall be permitted as the primary water supply for any property where water service is required by this Ordinance. Any individual well shall meet all applicable requirements and procedures of the Indiana and Shelby County Boards of Health.



## 6.17 Environmental Standards

### Environmental Standards

- A. **General Requirements:** Existing features that would add value to residential, commercial, natural, or man-made assets, such as trees (specifically those listed on the IDNR Historically Significant Tree List) or other vegetation, streams, stream-side forests, wetlands, and similarly irreplaceable assets should be preserved through careful and harmonious design.
- B. **Erosion & Sedimentation Standards:** The following measures to minimize erosion and sedimentation shall be included where applicable in the overall subdivision Construction Plans.
  - 1. **Best Management Practices:** Generally, erosion control measures shall support the implementation of best management practices that ensure the long-term operation and maintenance of control features.
  - 2. **Applicable Requirements:** Erosion and sediment control shall conform with the requirements of the Natural Resource Conservation Service (NRCS), the Indiana Department of Environmental Management (IDEM), other provisions of this Ordinance, other requirements adopted by the City of Shelbyville, and any other requirements of the City Engineer.
  - 3. **Minimizing Erosion:** Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize erosion.
    - a. The disturbed area and the duration of exposure shall be kept to a practical minimum.
    - b. Temporary vegetation and mulching shall be used to protect environmentally sensitive areas during development.
    - c. The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.
  - 4. **Minimizing Cut/Fill Operations:** Development plans shall keep cut/fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
  - 5. **Runoff Accommodated:** Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff shall be structurally retarded.
  - 6. **Sedimentation Trapped:** Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.

7. Erosion Control Plan Requirements: No changes shall be made in the contour of the land, nor shall grading or excavating begin until a plan for minimizing erosion and sedimentation has been reviewed and approved by the City Engineer.
    - a. The erosion control plan shall be submitted as an element of the subdivision construction plans.
    - b. If IDNR review and approval is required, a copy of the approval shall be provided by the subdivider to the City Engineer for the records of the Plan Commission.
    - c. Design and construction of the erosion control system shall be such that it will be durable, easy to maintain, and meet the requirements of the City Engineer.
  8. Sedimentation Control: Whenever sedimentation is caused by stripping of vegetation, regrading, or other development activities, it shall be the responsibility of the subdivider to remove it from all adjoining surfaces, drainage systems, and watercourses, and to repair any damage at his/her expense.
    - a. *Remedy Required:* The City Engineer and/or Plan Commission Director may require the subdivider to remedy any sedimentation that has been identified.
    - b. *Enforcement Options:* Failure by the subdivider to control sedimentation may be used by the Board of Public Works & Safety as grounds to refuse the acceptance of public improvements, or by the Plan Commission Director as grounds to withhold the issuance of Improvement Location Permits for structures on lots in the affected subdivision. Violators may be fined per incident per day consistent with the enforcement provisions of the City of Shelbyville Zoning Ordinance.
    - c. *Surety:* The clean-up of all erosion control barriers and the results of any erosion control failure shall be covered by the erosion control bond provided consistent with Article 5 of this Ordinance.
- C. **Excavation and Fills:** Excavations and fills shall meet the following requirements:
1. Fills shall not encroach or impede flows of natural watercourses or constructed channels.
  2. Grading shall not be done in such a way so as to divert water onto the property of another land owner without the expressed written consent of the land owner.
  3. During grading operations, necessary measures for dust control shall be exercised.
  4. Grading equipment shall not be allowed to cross streams. Provisions shall be made for the installation of temporary or permanent culverts or bridges.

- D. **Watercourse Requirements:** No applicant, person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, deposit any material or thing, or commit any act that will affect normal or flood flow in any watercourse without having obtained prior approval from the City Engineer and/or the Indiana Department of Natural Resources, Division of Water, whichever is applicable.
1. **Restoration of Pre-development Conditions:** It is the responsibility of the applicant and any person, corporation, or other entity acting on or across a communal stream, watercourse, or swale, or upon the 100-year floodplain or floodway area of any watercourse during the period of development, to return these areas to their original or equal condition upon completion of activities.
  2. **Responsibility:** The applicant or owner will assume the responsibility for maintaining, in open and free flowing condition, all minor streams, watercourses, and drainage systems, constructed or otherwise improved in accordance with this Ordinance, which are necessary for proper drainage.
- E. **Topsoil:** Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed to provide a minimum of 6 inches of cover on the lots and in the unpaved portion of the right-of-way. Topsoil shall be stabilized through seeding or sod application.
- F. **Debris:** No cut trees, timber, junk, rubbish, or other waste materials of any kind shall be buried or otherwise left deposited on any lot or street at the time of the acceptance of public improvements.

## 6.18 General Drainage Standards

- A. **General Requirements:** Drainage control shall conform to the specifications of the City Engineer. Drainage systems shall generally promote the maintenance of natural drainage ways and the incorporation of natural topography. The design and size of facilities shall be based on the anticipated runoff from a 10-year storm under conditions of total potential development permitted by the Zoning Ordinance in the watershed.
1. **Open Drainage Restrictions:** Open drainage systems shall not be allowed in the front yards of new development within the jurisdictional areas of the City of Shelbyville unless specifically requested of, and granted by, the Plan Commission. Where approved, shallow swales, sown or sodded in grass, shall be provided. The use of deep, open ditches shall generally be discouraged. Roadside drainage shall not be disrupted by driveways or other obstructions.
  2. **Drainage Area:** A storm drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of surface water from the subdivision and from the drainage area which drains into the subdivision. All areas included in the drainage area shall be considered based on their present development conditions for the purposes of designing the necessary drainage facilities.
  3. **Required Outlets:** All lots within each subdivision shall be provided with a drainage system connected to a working outlet such as a natural stream, a storm sewer, or an existing open ditch. In no case shall a field tile be considered an acceptable outlet. No connection draining storm water runoff shall be made to a sanitary sewer.
  4. **Positive Drainage from Structures:** All lots, tracts, or parcels shall be graded to provide proper drainage away from all structures and dispose of such water without ponding in locations other than intended dry or wet detention basins.
  5. **Discharge Requirements:** It shall be illegal for sump pumps, down spouts, or foundation drains to outlet directly to the street or into the right-of-way of the street, or to be connected to the sanitary sewer.
    - a. *Sump Pumps:* Sump pumps shall be connected to the subsurface drainage system described in this Ordinance.
    - b. *Down Spouts:* Down spouts may either be connected directly to the subsurface drainage system, or may outlet into the yard of the structure on which they are located.

- B. Professional Design Requirements:** The plans for the installation of the storm sewer system shall be prepared by a professional engineer or surveyor licensed in the State of Indiana. The subdivider's engineer shall also study the effects of each subdivision on the existing downstream drainage facilities outside the area of the subdivision. These plans and studies shall be provided by the subdivider and shall be subject to review and approval by the City Engineer. In the review and approval of such plans, the City Engineer may require off-site improvements of drainage outlets to adequately handle the run-off from the subdivision. Upon completion of the subdivision, the plans "as-built" in paper (hard copy) and electronic format (if possible), shall be filed with the City Engineer.
- C. Street Drainage:** All streets shall be provided with an adequate storm drainage system consisting of curbs, gutters, storm sewers, and inlets or side ditches and/or culverts, consistent with the specifications of the City Engineer, the appropriate street design standards provided by Chapter 6.6, and the following requirements:
1. **Flood Hazard Areas:** All streets must be located at elevations that will make them flood free in the event of a 100 year flood.
    - a. Where flood conditions exist, the Plan Commission shall require profiles and elevations of streets in order to determine the advisability of permitting the proposed subdivision activity.
    - b. Fill may be used in areas subject to flooding in order to provide flood-free streets, if the fill does not unduly increase flood heights.
    - c. Drainage openings shall be designed so as not to restrict the flow of water and thereby unduly increase flood heights.
  2. **Storm Water Storage:** Drainage inlets shall be spaced, and their capacity shall be adequate, to limit the spread of storm water from the gutter into the street. Inlets shall be placed at all low points in the grade of the gutter and at all intersections to prevent stormwater from flowing across traffic lanes and sidewalks.
    - a. Storm drainage systems shall be designed to prevent the overtopping of curbs by a 10-year storm.
    - b. Local streets shall have a minimum 12 foot wide section free from water during a 10-year storm.
    - c. Collector and Arterial streets shall have a minimum 24 foot wide section free from water during a 10-year storm.
    - d. All water shall be contained in the right-of-way for a 50-year storm.
  3. **Protective Grates:** Protective gratings shall be placed over all inlets and outlet piping 10 inches or larger.
  4. **Cross-Gutter Requirements:** All streets having curb and gutter on which storm water flows across intersections and/or driveways, shall be provided with concrete cross-gutter at all such intersections and driveways.

**6.18 General Drainage Standards** (cont.)

General Drainage  
Standards

- D. **Underdrains:** The subdivider shall provide a subsurface drainage system, below curbs, to be placed along both sides of the subdivision streets and wherever else within the subdivision that it is determined to be necessary by the City Engineer.
- E. **Off-street Drainage System General Requirements:** The design of the off-street drainage system shall include all watersheds affected by the subdivision and shall extend to a water course or ditch adequate to receive the storm drainage as determined by the City Engineer.
- F. **Side and Rear Yard Swales:** All side and rear yard swales shall meet the following requirements and the specifications of the City Engineer:
  - 1. The minimum flow line grade of swales shall generally be 1%.
  - 2. The maximum flow line grade of swales shall generally be 7%.
  - 3. The front and back slope of swales shall generally not be steeper than a 4 (horizontal) to 1 (vertical) slope.
- G. **Detention/Retention Ponds:** To the extent possible, all subdivision detention/retention requirements shall be accommodated in the least number of ponds or dry areas as possible. One large pond or area shall be preferred to a series of smaller ponds or areas. All detention and retention areas shall be placed in a common area under the responsibility of a lot owners association for the subdivision in which they are located. In no case shall subdivision detention or retention ponds be dedicated to the City of Shelbyville, however, the covenants outlining responsibility for the ponds shall provide the City with the authority to both require and complete necessary maintenance. All ponds shall meet the following requirements:
  - 1. Local Basins: Local basins are those which have a total land area contributing flow to the detention/retention basin, including on-site and off-site areas, of less than 5 acres. Minimum hydraulic performance levels and accepted design methodologies for local basins shall conform to the following:
    - a. Release, at a minimum, the peak discharge resulting from the 100-year design storm event runoff at the 10-year design storm event runoff peak discharge rate for existing watershed conditions.
    - b. Release the peak discharge resulting from a 2-year design storm event runoff from the contributing watershed area at the 2-year design storm event runoff peak discharge rate for existing watershed conditions.

## General Drainage Standards

2. Regional Basins: Regional basins are those which have a total land area contributing to the basin, including on-site and off-site areas, of 5 acres or larger. Minimum hydraulic performance levels and accepted design methodologies for regional basins shall conform to the following:
  - a. Release runoff resulting from a 2-year design storm event over the entire contributing watershed for post-development conditions at a peak rate and velocity no greater than the peak rate and velocity from the 2-year design storm event runoff based on the pre-development watershed conditions.
  - b. The developed site runoff during both the 10-year and 100-year design storm events shall be designed to be released at a peak rate and velocity no greater than the peak rate and velocity from the 10-year design storm event runoff based on pre-development watershed conditions.
3. Design Techniques: All detention/retention designs shall use runoff hydrographs and routing techniques.
4. Dry Detention Slope: The minimum accepted bottom transverse slope of dry detention basins shall be 1% and must be designed to include underdrains. Vegetated bank side-slopes shall be no steeper than 4 (horizontal) to 1 (vertical).
5. Wet Detention Vegetation Areas: Vegetated areas of wet detention basins shall have an earthen embankment constructed with side slopes no steeper than 4 (horizontal) to 1 (vertical). Earthen embankments armored with rock rip-rap shall not be accepted.
6. Parking Lot Ponding: The maximum ponding depth for parking lot detention shall be 4 inches for the 100-year storm event runoff from the entire contributing watershed.
7. Minimum Pond Depth: Minimum normal depth of a wet pond, calculated at the shallowest point in the pond, shall be eight 8 feet.
8. Emergency Spillways: Emergency spillways shall be capable of handling one and one-quarter times the peak discharge and peak flow velocity resulting from the 100-year design storm event runoff from the entire contributing watershed, assuming post-development conditions, draining to detention/retention facility. However, engineering judgement may dictate use of a higher design standard. Many types of emergency spillways are allowable provided adequate provision is made for the discharge of the flow through the facility and a minimum freeboard of 1 foot is provided for larger regional ponds above the maximum anticipated flow depth through the emergency spillway.

## 6.19 Covenant Standards

### Covenant Standards

- A. **General Requirements:** The Plan Commission Director and City Engineer may review any restrictive covenants to ensure that conflicts with the requirements of this Ordinance and the Shelbyville Zoning Ordinance are not created.
- B. **Drainage Covenant:** Each subdivision submitted for approval shall include on the Final Plat a covenant which states that: “This subdivision is subject to all drainage system design and construction standards of the Shelbyville Subdivision Control Ordinance, all other applicable adopted standards of the City of Shelbyville, and the requirements of the City Engineer that provide for the repair and maintenance of the system.” All drainage easements shall run to the “City of Shelbyville”.
- C. **Administration:** All covenants shall be administered by a lot owners association. All lots included in the Preliminary Plat of a subdivision shall be included in a single lot owner’s association; in no instance shall a Preliminary Plat be divided into multiple lot owner’s associations. The City of Shelbyville shall have no responsibility to enforce covenants.



## 6.20 Monument & Marker Standards

### Monument & Marker Standards

- A. **General Requirements:** Monuments and markers shall be placed so that the center of the bar, or marked point, shall coincide exactly with the intersection of lines to be marked and shall be set so that the top of the monument or marker is level with the finished grade. All required monument and markers shall be in place prior to the acceptance of the public improvements by the Board of Public Works and Safety.
- B. **Exterior Monuments:** Permanent concrete monuments 2 inches in diameter by 30 inches deep, with 3/4 inch rebar cast in the center or filled with concrete with a surveyor's cap set in the center, shall be installed at each corner or angle on the outside boundary of each section of the subdivision (or at the right-of-way where the boundary is a public street) and at all other locations necessary to clearly delineate all significant plat lines as specified by the City Engineer.
- C. **Interior Markers:** Markers consisting of rebar at least 36 inches long and not less than 5/8 inch in diameter shall be placed at the following locations:
  - 1. the intersection of all street right-of-way lines within the subdivision,
  - 2. the beginning and ending of all curves in street right-of-way lines,
  - 3. all angles formed by the intersection of lot lines,
  - 4. all other lot corners not established by a monument, and
  - 5. all points required to delineate the location or extent of reservations, easements, or dedications not otherwise defined, as specified by the City Engineer.

**ARTICLE 7**  
**DEFINITIONS**

**7**

## 7.1 Defined Words

### Defined Words

---

**See Also:**

*"Glossary of Zoning, Development, and Planning Terms" published by the American Planning Association as Planning Advisory Service (PAS) Report #491/492*

Words used in a special sense in this Ordinance are defined in this Article. The general meaning of all other terms not specifically defined by this Ordinance shall be generally consistent with the definitions provided by "Glossary of Zoning, Development, and Planning Terms" published by the American Planning Association as PAS Report #491/492 and any subsequent amendments. All other words, terms, and/or phrases not specifically defined by this Ordinance and not generally defined by the glossary noted above shall have the meaning inferred from their context in this Ordinance or their ordinarily accepted definitions.

---

## A

---

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

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

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

**Adjacent:** see *Abutting*

**Adjoining:** see *Abutting*

**Advisory Plan Commission:** A plan commission serving a single local government jurisdiction established as defined under the Indiana Code, 36-7-1-2(1983) as amended. The City of Shelbyville Plan Commission is the advisory plan commission referred to in this Ordinance.

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

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

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

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

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

**Arterial Street:** see *Street, Arterial*

**Arterial Road:** see *Street, Arterial*

---

## B

---

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

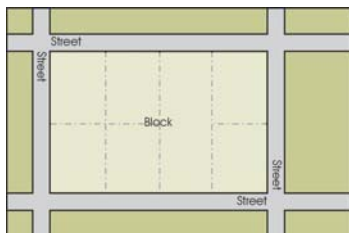
**Berm:** A man-made mound of earth of definite height and width used for landscaping and obscuring purposes.

**Best Management Practices:** The utilization of the natural environment, artificial structures, scheduling, and/or prohibition to ensure the long-term operation and maintenance of features that control erosion and/or the discharge of polluting elements.

## 7.2 Definitions (cont.)

### Definitions - B

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



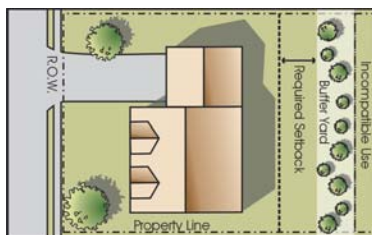
**Board of Zoning Appeals:** A board established consistent with the Indiana Code 36-7-4-900 series. The City of Shelbyville Board of Zoning Appeals is the board of zoning appeals referred to by this Ordinance.

**Bond:** see *Surety*

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

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

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



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

**BZA:** see *Board of Zoning Appeals*

## C

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

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

**City:** The City of Shelbyville, Indiana.

**Collector Street:** see *Street, Collector*

**Collector Road:** see *Street, Collector*

**Commission:** see *Advisory Plan Commission*

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

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

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

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

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

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

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

**Contiguous:** see *Abutting*

**County:** Shelby County, Indiana.

**Covenants:** Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider, that are recorded with the plat and deed.

## 7.2 Definitions (cont.)

### Definitions - C-D

**Cul-De-Sac:** see *Street, Cul-de-Sac*

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

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

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

---

## D

---

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

**Density:** The number of dwelling units per acre.

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

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

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

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

**Development:** Any man-made change to improved or unimproved real estate including, but not limited to: (1) construction, reconstruction, or placement of a structure or any addition to a structure; (2) installing a manufactured home on a site, preparing a site for a manufactured home, or installing a recreational vehicle on a site for more than 180 days; (3) installing utilities, erection of walls and fences, construction of roads, or similar projects; (4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.; (5) mining, dredging, filling grading, excavating, or drilling operations; (6) construction and/or reconstruction of bridges or culverts; (7) storage of materials; or (8) any other activity that might change the direction, height, or velocity of flood or surface waters.

**Double Frontage Lot:** see *Lot, Through*

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

## 7.2 Definitions (cont.)

### Definitions - D-E-F

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

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

**Drive, Private:** see *Street, Private*

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

**Driveway, Common:** An access driveway that is shared by adjoining property owners.

---

## E

---

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

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

---

## F

---

**FBFM (Flood Boundary and Floodway Map):** An official map delineating the floodway, floodway fringe, 100-year floodplain, and 500-year floodplain that is prepared in conjunction with a flood insurance study.

**FEMA:** The Federal Emergency Management Agency.

**FHBM:** The Flood Hazard Boundary Map.

**FIRM (Flood Insurance Rate Map):** The official map on which FEMA has delineated both areas of special flood hazard and risk premium zones.

**FPG (Flood Protection Grade):** The elevation of the regulatory flood plus 2 feet at any given location in the Special Flood Hazard Area (SFHA).

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

**Final Plat:** see *Plat, Final*

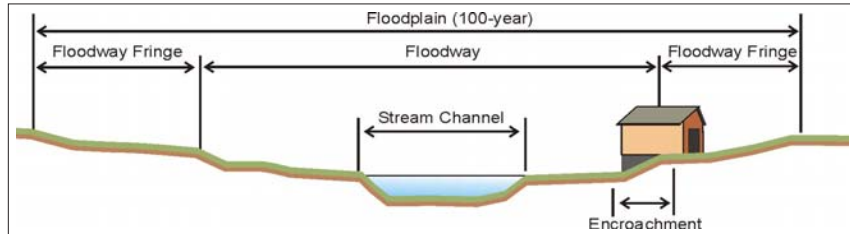
**Flood:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.



7.2 Definitions (cont.)

Definitions - F-G-H-I

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



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

**Floodway:** The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulation flood of any river or flooding stream.

**Frontage:** see *Lot Frontage*

---

G

---

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

---

H

---

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

---

I

---

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

## 7.2 Definitions (cont.)

### Definitions - I-J-K-L

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

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

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

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

---

## J

---

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

---

## K

---

---

## L

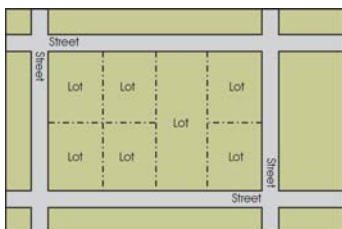
---

**Letter of Map Amendment (LOMA):** An amendment to the currently effective FEMA map that establishes that a property, area, and/or structure is not located in a Special Flood Hazard Area (SFHA). A LOMA may only be issued by FEMA.

**Letter of Map Revisions (LOMR):** An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

**Local Street:** see *Street, Local*

**Lot:** A contiguous area of land separated from other areas of land by a separate description (including a recorded deed, a subdivision plat or record of survey map, or by metes and bounds) for purpose of sale, lease, transfer of ownership or separate use.



## 7.2 Definitions (cont.)

### Definitions - L-M-N

**Lot, Double Frontage:** see *Lot, Through*

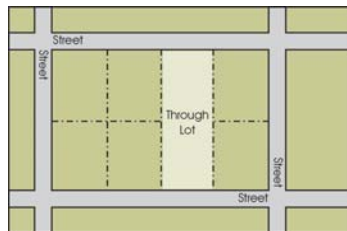
**Lot, Irregular:** A lot that is characterized by elongations, angles, shapes, and/or configuration that is inconsistent with the topography, street systems, other lots, and other features of the area in which it is located.

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

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

**Lot, Recorded:** see *Lot of Record*

**Lot, Through:** A lot having frontage on 2 or more non-intersecting streets.



---

## M

---

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

**Master Plan:** see *Comprehensive Plan*

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

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

---

## N

---

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

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

## 7.2 Definitions (cont.)

### Definitions - N-O-P

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

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

---

## O

---

**Occupancy:** The use of any land or structure.

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

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

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

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

**Owners Association:** see *Lot Owners Association*

---

## P

---

**Parcel:** see *Lot*

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

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

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

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

**7.2 Definitions (cont.)**

Definitions - P-Q-R

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

**Petitioner:** Any person who formally makes a request before the Plan Commission or Board of Zoning Appeals consistent with the processes and requirements of this Ordinance. See also *Applicant*.

**Plan:** see *Comprehensive Plan*

**Plan Commission:** see *Advisory Plan Commission*

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

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

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

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

**Preliminary Plat:** see *Plat, Preliminary*

**Private Street:** see *Street, Private*

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

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

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

**Public Street:** see *Street, Public*.

---

**Q**

---

---

**R**

---

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

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

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

## 7.2 Definitions (cont.)

### Definitions - R-S

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

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

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

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

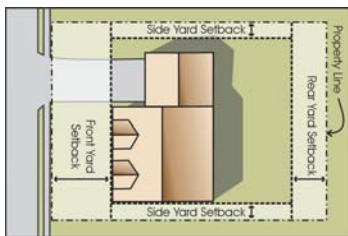
**Right-of-Way Line:** The limit of publicly owned land encompassing a public facility such as a street or alley.

**Road:** see *Street*

**ROW:** see *Right-of-Way*

## S

**Setback:** The horizontal distance between a structure and a lot line or right-of-way line.



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

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

**Special Flood Hazard Area (SFHA):** Those lands within the jurisdiction of the City that are subject to inundation by the regulatory flood. The SFHAs of the City are generally identified as such on the Flood Insurance Rate Map of the City prepared by the Federal Emergency Management Agency.

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

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

## 7.2 Definitions (cont.)

### Definitions - S

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

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

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

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

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

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

**Street Intersection:** The point of crossing or meeting of 2 or more streets.

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

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

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

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

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

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

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

**Subdivision:** The division of any lot for the purpose of sale, transfer, gift, or lease that results in the creation of 1 or more new building sites.

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

## 7.2 Definitions (cont.)

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

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

---

### T

---

**Thoroughfare Plan:** The official plan, now and hereafter adopted, that sets forth the location, general alignment, dimensions, and classification of existing and proposed streets and other thoroughfares.

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

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

---

### U

---

**Undeveloped Land:** Land in its natural state.

---

### V

---

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

---

### W

---

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



## 7.2 Definitions (cont.)

### Definitions - W-X-Y-Z

---

**Watercourse:** Any natural or man-made channel through which water flows on a continual or temporary basis.

**Wellfield:** An area that contains 1 or more existing or proposed wells for supplying water to a water utility.

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

---

## X, Y, & Z

---

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

**Zoning Map:** see *Official Zoning Map*