

ORDINANCE NO. 22-2966

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

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

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

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

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

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

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

1. Article 5, Sections 5.07 - 5.08 of the City of Shelbyville Unified Development Ordinance is amended in accordance with [Exhibit A](#), attached hereto and incorporated herein.
2. Article 5, Section 5.09-5.10 of Shelbyville Unified Development Ordinance is amended in accordance with [Exhibit B](#), attached hereto and incorporated herein.
3. Article 9, Section 9.11 of Shelbyville Unified Development Ordinance is amended in accordance with [Exhibit C](#), attached hereto and incorporated herein.
4. Article 2, Section 2.12 of the Shelbyville Unified Development Ordinance is amended to replace “*Minimum Lot Area: 4,500 square feet per dwelling unit*” with “*Minimum Lot Area: 1 Acre*”

5. Article 2, Section 2.12 of the Shelbyville Unified Development Ordinance is amended to add “*Maximum Density: 12 dwelling units per acre*” after the section entitled “*Minimum Ground Floor Area*”

6. Article 2, Section 2.17 of the Shelbyville Unified Development Ordinance is amended to replace “*Dwelling, Multiple-Family (on upper floors of other uses)*” with “*Dwelling, Multi-Family (in conjunction with other uses in the same building)*”

7. Article 2, Section 2.19 of the Shelbyville Unified Development Ordinance is amended to replace “*Dwelling, Multiple-Family (on upper floors of other uses)*” with “*Dwelling, Multi-Family (in conjunction with other uses in the same building)*”

8. Article 2, Section 2.21 of the Shelbyville Unified Development Ordinance is amended to add “*Residential Uses: Dwelling, Multiple Family*” within the “Permitted Uses” section

9. Article 2, Section 2.22 of the Shelbyville Unified Development Ordinance is amended to replace “*Minimum Living Area per Dwelling: not applicable*” with “*Minimum Living Area per Dwelling: 600 square feet*”

10. Article 2, Section 2.23 of the Shelbyville Unified Development Ordinance is amended to add “*Residential Uses: Dwelling, Multiple Family*” within the “Permitted Uses” section

11. Article 2, Section 2.24 of the Shelbyville Unified Development Ordinance is amended to replace “*Minimum Living Area per Dwelling: not applicable*” with “*Minimum Living Area per Dwelling: 600 square feet*”

12. Article 5, Section 5.12C of the Shelbyville Unified Development Ordinance is amended to replace “*A Driveway Permit shall be required for all driveway cuts onto public streets. The Street Department reviews and issues the driveway permit in the City of Shelbyville and shall be issued prior to the receipt of an Improvement Location Permit.*” with “*A Right-Of-Way Permit may be required in accordance with the policies of the City of Shelbyville Office of the Engineer for all driveway cuts onto public streets. The Engineering Department reviews and issues the Right-Of-Way Permit in the City of Shelbyville and shall be issued prior to the receipt of an Improvement Location Permit.*”

13. Article 9, Section 9.01 of the Shelbyville Unified Development Ordinance is amended to add “*I. Subdivision Standard Waiver: An application for a Waiver from Subdivision Standards may be filed with the Primary Plat application so that an applicable subdivision standard may be partially or fully waived by whichever body is acting upon the Primary Plat, either the Plan Commission or Plat Committee. The Plan Commission or Plat Committee may*

grant a waiver from a Subdivision Standard upon making specific findings of fact, with or without, conditions or commitments. See Section 9.15: Subdivision Standard Waivers for details about this process.” after the section entitled “Subdivision of Land”

14. Article 9, Section 9.06C of the Shelbyville Unified Development Ordinance is amended to remove *“Base Zoning: The property shall be zoned R1, R2, MP, BH, IL, and IG prior to applying for a Planned Development”*

15. Article 9, Section 9.13A of the Shelbyville Unified Development Ordinance is amended to replace *“The zoning administrator shall prepare and post a legal notice consistent with the requirements of IC 5-3-1 for publication in the local newspaper. In addition to the requirements of IC 36-7-4-706, legal notices shall include each of the following:”* with *“The zoning administrator shall prepare and post a legal notice consistent with the requirements of IC 5-3-1 for publication in the local newspaper. In addition to the requirements of IC 36-7-4-706 and IC 36-7-4-701(d), legal notices shall include each of the following:”*

16. Article 9, Section 9.13B(4)a of the Shelbyville Unified Development Ordinance is amended to replace *“Via a Certificate of Mailing through the U.S. Postal Service, postmarked a minimum of ten (10) days before the date of the public hearing”* with *“Via a Certificate of Mailing through the U.S. Postal Service, postmarked a minimum of ten (10) days before the date of the public hearing, or when applicable, postmarked no more than 10 days after the Plat Committee’s decision, in accordance with IC 36-7-4-701(d)”*

17. Article 9, Section 9.13B(4)b of the Shelbyville Unified Development Ordinance is amended to replace *“Via Certified Mail through the U.S. Postal Service, postmarked a minimum of ten (10) days before the date of the public hearing”* with *“Via Certified Mail through the U.S. Postal Service, postmarked a minimum of ten (10) days before the date of the public hearing, or when applicable, postmarked no more than 10 days after the Plat Committee’s decision, in accordance with IC 36-7-4-701(d)”*

18. Article 9, Sections 9.15 of the City of Shelbyville Unified Development Ordinance is amended in accordance with [Exhibit D](#), attached hereto and incorporated herein.

This Ordinance shall be in full force and effect on January 1, 2023.

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

VOTE: Ayes _____ Nays _____

PRESIDING OFFICER:

Thomas D. DeBaun, Mayor

ATTEST:

Scott Asher, Clerk-Treasurer

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

VOTE: Ayes _____ Nays _____

PRESIDING OFFICER:

Thomas D. DeBaun, Mayor

ATTEST:

Scott Asher, Clerk-Treasurer

MAYORAL APPROVAL:

Thomas D. DeBaun, Mayor

ATTEST:

Scott Asher, Clerk-Treasurer

CERTIFICATION

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

Scott Asher, Clerk-Treasurer

EXHIBIT A

5.07 AR-01: Residential and Business Neighborhood Architectural Standards

These Architectural Standards (AR) apply to the following districts:



The following standards apply

A. Facade: The front facade of all single-family and two-family dwellings shall face the public or private street to which the home gains primary access, except as described below:

1. *Corner Lots*: The front facade may face either street if located on a corner lot.
2. *Large Setbacks*: A single-family dwelling setback a minimum of 200 feet from the public right-of-way may orient the front facade up to ninety degrees (90°) from parallel to that public right-of-way.

B. Roof:

1. *Minimum Pitch*: Five vertical units to twelve horizontal units (5:12 pitch) for the main roof planes.
2. *Minimum Eave/Overhang*: All dwellings shall have eaves or overhangs a minimum of twelve (12) inches from the facade's siding material on at least eighty percent (80%) of the roofline. The eave/overhang shall be determined after the installation of masonry.

C. Equipment: All ground mounted mechanical equipment, air conditioner units, propane tanks, and the like shall not be located forward of the front facade. This standard applies to each facade that faces a public right-of-way, unless screened by a fence, landscaping, or complementary building feature.

D. Garage and Carport:

1. *Garage Capacity*: A minimum of a one-car garage is required for all single-family and two-family dwellings.
2. *Garage-forward Design*: Front-loading garages shall not be located forward of the facade by more than eight (8) feet on multiple-family units or single-family units with less than 1,200 square feet of living space.
3. *Carport*: Carports shall be attached and integrally designed with the primary structure. The carport's materials shall be complementary to the materials of the primary structure.
4. *Metal Carports*: Metal, stand alone carports shall not be placed forward of a primary structure.

5.08 AR-02: Institutional and Business Architectural Standards

These Architectural Standards (AR) apply to the following districts:



The following standards apply:

A. Facade:

1. *Facade Elements*: A primary structure's facades shall include a repeating pattern with no less than three (3) of the elements listed below. At least one (1) of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet either horizontally or vertically.

- Color change;
- Texture change;
- Material module change; and
- Expression of architectural or structural bay through a change in plane no less than twelve (12) inches in width, such as offset, reveal, or projecting rib.

The Zoning Administrator may approve facades that meet only two (2) of the above listed elements if the proposed architecture clearly meets the intent of the regulation for quality architectural character.

2. *Front Facade*: The front facade shall generally face the public or private street to which the business gains primary access or which has the greatest exposure to an adjacent street including a highway or interstate. On corner lots and through lots, the front facade may face either street. If the primary structure is greater than 300 feet from the front property line and greater than fifty (50) feet from all other property lines, its front facade may face any direction.

3. *Other Facades*: Any other facade (i.e. not the front facade) that faces an interstate, highway, or arterial street shall be finished to a standard similar to the architectural quality of the front facade, including building materials, architectural details, windows, or faux windows. Facades thirty (30) feet or greater in length or facade faces 420 square feet or greater in area without visual relief shall not be permitted.

B. Roof: Roof features should add interest to the area and compliment the character of adjoining neighborhoods.

1. *Applicability*: This subsection shall apply to all buildings, primary and accessory, within the above Zoning Districts. Irregardless the specific use of a structure, the square footage of the building as determined by "Retail (Type 1) Low Intensity", "Retail (Type 2) Medium Intensity", and "Retail (Type 3) High Intensity", established in *Article 11: Definitions*, shall determine the required number of "Design Features" described below. This subsection shall not be interpreted that uses other than "Retail" are not required to incorporate "Design Features." These terms are solely used to reference the corresponding square footage descriptions.

2. *Mechanical Equipment*: Mechanical equipment located on the roof shall be completely screened by a parapet or other building feature.

3. *Design Features*: ~~Roofs shall have no less than two (2) of the following~~ Features: Roofs on all buildings that meet the "Retail Floor Area" limitation of "Retail (Type 1) Low Intensity" shall have no less than one (1) of the following features; roofs on all buildings that meet the "Retail Floor Area" limitation of "Retail (Type 2) Medium Intensity" shall have no less than two (2) of the following features; roofs on all buildings that meet the "Retail Floor Area" limitation of "Retail (Type 3) High Intensity" shall have no less than three (3) of the following features:

- Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed fifteen percent (15%) of the height of the supporting wall. Such parapets shall feature

three-dimensional cornice treatment.

b. Sloping roofs that do not exceed the average height of the supporting walls with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run.

c. Three (3) or more roof slopes ~~planes~~.

d. A sloped roof system containing at least two (2) or more dormers featuring windows and overhanging eaves that must extend at least three (3) feet past all supporting walls.

e. Two (2) or more visible roof slopes in addition to dormers, turrets, or cornice work such as corbels, spaced consistently along all façade planes in a manner that is appropriate with the surrounding area

f. Installation of an on-site solar energy system covering an area anywhere on the roof of the building ~~or let~~ equal to or greater than thirty-five percent (35%) of the total roof area of all primary buildings. This solar energy system shall satisfy all requirements of Section 5.65-5.70 of this Ordinance.

g. Varying roof heights, consisting of at least two percent (2%) variation in height of the overall length of the street-facing facade, with at least three different roof heights.

3. *Material Type*: Sloped roofs shall either be of architectural standing seam metal, tile, slate, or dimensional shingles.

C. Building Materials: Exterior building materials and colors shall generally be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods.

1. *Material Types*: The exterior materials shall be a combination of brick; wood; stone; tinted and textured concrete masonry units; architectural precast concrete; architectural metal; and other products that replicate the appearance and durability of these materials. The use of smooth faced concrete block, un-textured smooth faced tilt-up concrete panels, and standing seam steel panels shall be prohibited. The Zoning Administrator shall approve or deny the use of all composite and alternative materials. **These standards shall apply to both primary and accessory structures, including the vertical up-rights and structural components of unenclosed canopies and shelters.**

2. *Color*: Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. Building trim and accent areas may feature brighter colors, including primary colors and black, but neon tubing or LED lights shall not be an acceptable feature. The use of high intensity colors, metallic colors, or fluorescent colors is prohibited on all building exteriors.

D. Entryways: An entryway should provide design elements, orientation, and aesthetically pleasing character to buildings.

1. *Principal Building*: Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:

- a. Canopies or porticos;
- b. Overhangs;
- c. Recesses or projections;
- d. Arcades;
- e. Raised corniced parapets over the door;
- f. Peaked roof forms;
- g. Arches;
- h. Display windows;
- i. Tile work or moldings which are integrated into the building structure and

design, and

j. Planters or wing walls that incorporate landscaped areas and/or places for sitting.

2. *Individual Stores*: Where additional stores will be located in the principal building, each such store shall have at least one (1) exterior customer entrance which shall conform to the requirements listed above in *Section 5.08(D)(1): Principal Building*.

E. Storefronts: When primary structures contain additional, separately owned stores which occupy less than 25,000 square feet of gross floor area with separate exterior customer entrances:

1. *Street Level*: The street level facade of such stores shall be transparent between the height of three (3) feet and eight (8) feet above the sidewalk grade for no less than sixty percent (60%) of the horizontal length of the building facade of such additional stores.

2. *Windows*: Windows shall be recessed and should include visually prominent sills, shutters or other such forms of framing.

EXHIBIT B

5.09 CM-01: Commercial Standards

These Commercial Standards (CM) apply to the following districts:



The following standards apply:

- A. Applicability: This section shall apply to all buildings, primary and accessory, within the above Zoning Districts. Despite the specific use of a structure, square footage of the building as determined by "Retail (Type 1) Low Intensity", "Retail (Type 2) Medium Intensity", and "Retail (Type 3) High Intensity", established in *Article 11: Definitions*, shall determine the applicable Commercial Standards as described below. These terms are solely used to reference the corresponding square footage limitations. These standards and guidelines apply to all Retail (Type 1) Low Intensity and Retail (Type 2) Medium Intensity.
- B. Cross Reference:
 1. *Architectural Standards*: See Section 5.08: *Institutional and Business Architectural Standards*.
 2. *Landscape Screening Standards*: See Section 5.37: *Landscape Screening Standards*.
 3. *Loading Standards*: See Section 5.39: *Loading Standards*.
 4. *Outdoor Display Area Standards*: See Section 5.43: *Outdoor Display Area Standards*.
- ~~C. Large-scale Retail Businesses: The following standard only applies to retail businesses with a building footprint of 30,000 square feet or more.~~
 - ~~1. Parking Lot Orientation: Parking areas should provide safe and convenient access, and should be designed in a way that promotes pedestrian access and enhances the architectural details of the buildings.~~
 - ~~a. Allocation of Parking: No more than fifty percent (50%) of the parking spaces shall be placed between the front facade of the primary structure and any single adjacent street.~~
 - ~~b. Parking Lot Restrictions: Parking areas restricted to patrons of the business located on each specific lot shall be prohibited. Nothing in this section shall be interpreted as restricting the designation of employee, delivery, pick-up, or handicap parking areas, or prohibiting of loitering.~~
- D. Sidewalks: Pedestrian walkways and sidewalks shall be provided on each lot in order to promote pedestrian access and reduce vehicle traffic impacts. Sidewalks shall meet the following requirements.
 1. Applicability: A sidewalk is required to be installed when a new primary structure is constructed or when a primary structure is enlarged by twenty percent (20%) or greater. Sidewalks are also required to be installed in front of any lot created after the effective date of the Unified Development Ordinance once it has sat vacant for twenty-four (24) months (if a single lot was created), or twenty-four (24) months from the date the first certificate of occupancy was issued (if a multiple-lot subdivision) and where infrastructure exists.
 2. Location: Public sidewalks shall be provided along the frontage of each lot in order to promote pedestrian access and reduce vehicle traffic impacts.
 3. Customer Entrances: On-site sidewalks shall be provided from the public sidewalks to the main customer entrance of the structure on each lot and along the facade of the building that includes a customer entrance, or that abuts a

parking area.

- a. Sidewalks connecting the store entries with the public sidewalks shall be concrete or similar durable material, and a minimum of ~~five (5)~~ **six (6)** feet in width. ~~Sidewalks shall be bordered by a planting area that is a minimum two (2) feet in width when practical. Otherwise on-site sidewalks shall have a curb or other design feature that distinguishes and separates them from vehicular areas. The planting areas shall be planted with flowers, shrubs, and/or trees for a minimum of fifty percent (50%) of their length. The remainder shall be planted with grass or shall be mulched.~~
- b. **Sidewalks shall be bordered by a planting area that is a minimum two (2) feet in width when practical. Otherwise on-site sidewalks shall have a curb or other design feature that distinguishes and separates them from vehicular areas. The planting areas shall be planted with flowers, shrubs, and/or trees for a minimum of fifty percent (50%) of their length. The remainder shall be planted with grass or shall be mulched.**
- c. Places where pedestrians have to cross aisles, access roads, or driveways shall be a paving material different from that of the vehicle surface to clearly distinguish them as a pedestrian route.
- d. Sidewalks shall be required along at least eighty percent (80%) of the primary structure if its facade is street-facing or parking lot-facing. These sidewalks shall be concrete, shall be a minimum of six (6) feet in width, and shall be separated from the building by a landscape area.
- e. A full six (6) feet of sidewalk width shall continuously remain unencumbered by merchandise, machines, and other items that could block the use of the sidewalk.
- f. Weather protection features **six (6) feet in depth**, such as awnings or arcades, shall be provided over all sidewalks **beyond within ten (10) ten (10) feet of the edge of the frame of the entrance, on both sides**, of all customer entrances. **See Exhibit XX below for guidance.**

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- E. **Outdoor Storage, Trash Collection, and Loading Areas:** Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, should be screened, recessed, or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas behind the building or on those sides of primary structures that do not have customer entrances, or between primary structures where more than one (1) primary structure is located on a site and such buildings are not more than forty (40) feet apart or on those sides of primary structures that do not have customer entrances.
1. No areas for outdoor storage, truck parking, trash collection or compaction, loading docks, utility meters, HVAC equipment, or other such uses shall be visible from abutting streets.
 - a. All enclosures shall be made of materials consistent with the exterior of the primary structure, and shall completely enclose the area.
 2. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors

and design of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors on the primary structure. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the primary structure.

5.10 CM-02: Commercial Standards

These Commercial Standards (CM) apply to the following districts:



- A. Applicability: This section shall apply to all buildings, primary and accessory, within the above Zoning Districts. Despite the specific use of a structure, square footage of the building as determined by “Retail (Type 1) Low Intensity”, “Retail (Type 2) Medium Intensity”, and “Retail (Type 3) High Intensity”, established in *Article 11: Definitions*, shall determine the applicable Commercial Standards as described below. These terms are solely used to reference the corresponding square footage limitations. These standards and guidelines apply to all **Retail (Type 3) High Intensity** retail establishments with more than 25,000 square feet.
- B. Cross-Reference:
 - 1. *Architectural Standards*: See Section 5.08: *Institutional and Business Architectural Standards*.
 - 2. *Landscape Screening Standards*: See Section 5.37: *Landscape Screening Standards*.
 - 3. *Loading Standards*: See Section 5.239: *Loading Standards*.
 - 4. *Outdoor Display Area Standards*: See Section 5.43: *Outdoor Display Area Standards*.
- ~~C. Large-scale Retail Businesses: The following standard only applies to retail businesses with a building footprint of 30,000 square feet or more.~~
 - ~~1. Parking Lot Orientation: Parking areas should provide safe and convenient access, and should be designed in a way that promotes pedestrian access and enhances the architectural details of the buildings.~~
- D. Pedestrian Flows Sidewalks: Pedestrian accessibility opens auto-oriented developments to the neighborhood, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This section sets forth standards for public sidewalks and internal pedestrian circulation systems that can provide user friendly pedestrian access as well as pedestrian safety, shelter and convenience within the center grounds. **Pedestrian walkways and sidewalks shall be provided on each lot in order to promote pedestrian access and reduce vehicle traffic impacts. Sidewalks shall meet the following requirements.**
 - 1. *Applicability*: A sidewalk is required to be installed when a new primary structure is constructed or when a primary structure is enlarged by twenty percent (20%) or greater. Sidewalks are also required to be installed in front of any lot created after the effective date of the Unified Development Ordinance once it has sat vacant for twenty-four (24) months (if a single lot was created), or twenty-four (24) months from the date the first certificate of occupancy was issued (if a multiple-lot subdivision) and where infrastructure exists.
 - 2. *Location*: Sidewalks at least ~~six (6)~~ **ten (10)** feet in width shall be provided along all sides of the lot that abut a public street.
 - 3. Continuous internal sidewalks, no less than ~~six (6)~~ **ten (10)** feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer

entrance of all primary structures on the site. At a minimum, sidewalks shall connect focal points of pedestrian activity such as but not limited to transit stops, street crossings, building and store entry points and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other such materials for no less than fifty percent (50%) of its length.

4. *Customer Entrances: All sides of a principal building that directly face an abutting public street shall feature at least one (1) customer entrance. Where a primary structure directly faces more than two (2) abutting public streets, this requirement shall apply only to the two (2) sides of the primary structure including the side of the primary structure facing the primary street and another side of the building facing the second street.*
 - a. Sidewalks shall be bordered by a planting area that is a minimum two (2) feet in width when practical. Otherwise on-site sidewalks shall have a curb or other design feature that distinguishes and separates them from vehicular areas. The planting areas shall be planted with flowers, shrubs, and/or trees for a minimum of fifty percent (50%) of their length. The remainder shall be planted with grass or shall be mulched.
 - b. All internal sidewalks shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the sidewalks.
 - c. Places where pedestrians have to cross aisles, access roads, or driveways shall be a paving material different from that of the vehicle surface to clearly distinguish them as a pedestrian route.
 - d. Sidewalks, no less than ~~six (6) ten~~ (10) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance and along any facade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the facade of the primary structure to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
 - e. A full ten (10) feet of sidewalk width shall continuously remain unencumbered by merchandise, machines, and other items that could block the use of the sidewalk.
 - f. ~~Internal sidewalks provided in conformance with part (b) above shall provide weather protection features such as awnings or arcades within thirty (30) feet of all customer entrances.~~
 - g. Weather protection features ten (10) feet in depth, such as awnings or arcades, shall be provided over all sidewalks beyond ~~within ten (10) six (6) feet in depth and~~ thirty (30) feet of the edge of the frame of the entrance, on both sides, of all customer entrances. See Exhibit XX below for guidance.

INSERT GRAPHIC HERE

- ~~5. All internal sidewalks shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the sidewalks.~~

E. Parking

1. Allocation of Parking: No more than fifty percent (50%) of the parking spaces shall be placed between the front facade of the primary structure and any single adjacent street.
 - a. Parking Lot Restrictions: Parking areas restricted to patrons of the business located on each specific lot shall be prohibited. Nothing in this section shall be interpreted as restricting the designation of employee, delivery, pick-up, or handicap parking areas, or prohibiting of loitering.

F. ~~Site Design and Relationship to Surrounding Community~~

- ~~1. Entrances: Primary structures shall feature multiple entrances. Multiple entrances reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks and provide convenience where certain entrances offer access to individual stores or identified departments of a store. Multiple entrances also mitigate the effect of the unbroken walls and neglected areas that often characterize primary structure facades that face bordering land uses.~~
 - ~~a. All sides of a principal building that directly face an abutting public street shall feature at least one (1) customer entrance. Where a primary structure directly faces more than two (2) abutting public streets, this requirement shall apply only to the two (2) sides of the primary structure including the side of the primary structure facing the primary street and another side of the building facing the second street.~~
- ~~2. Parking Lot Orientation: Parking areas should provide safe, convenient, and efficient access. They should be distributed around large primary structures in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. If primary structures are located closer to streets, the scale of the complex is reduced, pedestrian traffic is encouraged and architectural details take on added importance.~~

G. Outdoor Storage, Trash Collection, and Loading Areas: Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, should be screened, recessed, or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas behind the building or on those sides of primary structures that do not have customer entrances, or between primary structures where more than one (1) primary structure is located on a site and such buildings are not more than forty (40) feet apart or on those sides of primary structures that do not have customer entrances.

- ~~1. Areas for outdoor storage, truck parking, trash collection or compaction, loading or other such uses shall not be visible from abutting streets.~~
2. No areas for outdoor storage, trash collection or compaction, loading or other such uses shall be located within twenty (20) feet of any public street, public sidewalk or internal pedestrian way.
3. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction and other service functions shall be incorporated into the overall design of the primary structure and the landscaping.
 - a. **These shall be made of materials consistent with the exterior of the primary structure, and shall completely enclose the area** so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, ~~and no attention is~~

~~attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the primary structure and landscape.~~

4. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. **Materials, colors and design of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors on the primary structure. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the primary structure.** ~~Materials, colors and design of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors on the primary structure. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the primary structure.~~
5. ~~*Pedestrian Flows:* Pedestrian accessibility opens auto-oriented developments to the neighborhood, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This section sets forth standards for public sidewalks and internal pedestrian circulation systems that can provide user-friendly pedestrian access as well as pedestrian safety, shelter and convenience within the center grounds.~~
 - a. ~~Sidewalks at least six (6) feet in width shall be provided along all sides of the lot that abut a public street.~~
 - b. ~~Continuous internal sidewalks, no less than six (6) feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all primary structures on the site. At a minimum, sidewalks shall connect focal points of pedestrian activity such as but not limited to transit stops, street crossings, building and store entry points and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other such materials for no less than fifty percent (50%) of its length.~~
 - c. ~~Sidewalks, no less than six (6) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance and along any facade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the facade of the primary structure to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.~~
 - d. ~~Internal sidewalks provided in conformance with part (b) above shall provide weather protection features such as awnings or arcades within thirty (30) feet of all customer entrances.~~
 - e. ~~All internal sidewalks shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the sidewalks.~~

EXHIBIT C

9.11 Subdivision of Land

A. **Classification of Subdivisions:** This Ordinance addresses three (3) different classifications of land divisions. In order to determine which class of subdivision a proposed land division best fits, the applicant or their representative is required to discuss with the Zoning Administrator the nature of the land division being proposed, prior to submitting any of the materials required by this Ordinance. Based upon the information provided at this conference, which may be held in-person, electronically, or by telephone, the Zoning Administrator will provide the applicant a preliminary opinion as to the classification of the subdivision and which application and review procedure applies to that type of subdivision. Failure to provide complete and accurate information to the Zoning Administrator at this stage may cause delays in formal consideration of the subdivision.

All land to be divided within Shelbyville, Indiana shall be categorized into one of three types of subdivisions:

1. **Administrative Subdivision** -- Any subdivision that includes one or more of the following:
 - a. The removal of interior lot lines, with the outside perimeter of the property remaining unchanged, resulting in fewer parcels than were contained in the original parcels, with the parcels all being under common ownership;
 - b. The removal or relocation of easements on the property, after written release of the easement has been given from all easement owners;
 - c. The changing of notations written on a previously approved plat or correction of errors thereon, excluding conditions and commitments previously imposed by the Plan Commission, Plat Committee, Board of Zoning Appeals, Common Council, or other body authorized to impose conditions;
 - d. A division of land pursuant to an allocation of land by court decree;
 - e. To correct errors in an existing legal description or previously approved plat, provided that no additional building lots are created;
 - f. A division of land for the sale, exchange, or transfer of tracts between adjoining land owners, provided that no additional building sites are created; or
 - g. A division or resubdivision of land for the acquisition by any unit of government or by a utility for right-of-way or easement.
2. **Minor Subdivision** -- Before determining that a subdivision is eligible to be considered as a Minor Subdivision, the Zoning Administrator shall find that all of the following criteria are satisfied:
 - a. **Lots:** Contains no more than 3 buildable lots, as required by the applicable zoning district, and the parent tract of land from which any part of the lots are platted shall not have been a part of 2 or more previous minor subdivision platting requests.
 - b. **Access:** All parcels in the subdivision and adjacent land will have adequate ingress and egress without the construction of any new streets or substantial improvement to existing streets.

- i. Frontage on limited access streets on which driveways cannot open shall not constitute legal access.
 - ii. If by reason of topography, natural or man-made features, or other conditions relating to the property requested for subdivision, better access can be provided through construction of a new street, the petition shall be considered as a major subdivision.
 - iii. For the purposes of this subsection, any subdivision that involves the cumulative creation of no more than 3 new buildable lots, excluding any that are permitted through an administrative subdivision process, shall not require road improvements or the construction of new streets. Such subdivisions shall be considered as having been provided with the best possible access through individual driveways, provided that driveway locations are available that meet all applicable requirements of this Ordinance, and the City Engineer. In no instance shall this be interpreted as waiving the required dedication of right-of-way along the frontage of any new lots created.
 - iv. The use of an access easement, consistent with Article 6.06 of this Ordinance shall not be considered as the extension or construction of a private street and shall constitute adequate access for a minor subdivision. This private street shall still be subject to all applicable standards of this Ordinance and the City's Construction Standards.
 - v. All lots will have driveway locations which will provide for adequate sight distance and will be properly spaced according to City standards.
 - vi. Land adjacent to the property involved in the subdivision will also have adequate access through a private driveway according to the criteria contained in this Ordinance.
 - vii. The proposed subdivision does not necessitate the extension of public improvements, including utility extensions, but excluding sidewalks;
- c. Orderly Development: The subdivision will not impede orderly development of land or the provision of public services and improvements.
 - 1. The subdivision will not interfere with the implementation of the Comprehensive Plan.
 - 2. The subdivision will not interfere with the provision of streets to provide access to adjoining or nearby property in the event that such property is developed in the future.
 - 3. All parcels in the subdivision will have adequate utilities and drainage.
 - 1. All lots shall be served by a sanitary sewer system approved by the Indiana Department of Health, Indiana Department of Environmental Management, the Shelby County Health Department, and the City of Shelbyville's applicable Codes and Ordinances. Any subdivision of land which requires the extension of existing sewers or the construction of new treatment facilities shall be considered as a major subdivision.

If extension of sewer service is found to be a feasible alternative and is desirable because of soil conditions, topography, lot sizes, or other factors, the petition shall be considered as a major subdivision.

- a. All lots shall be served by a public water system which complies with all requirements of the Indiana Department of Health, the Shelby County Health Department, and the City of Shelbyville's applicable Codes and Ordinances.
 - b. All lots shall be provided with drainage improvements as necessary to comply with the requirements of the Stormwater Management Standards and Procedures, established in the City of Shelbyville's Code of Ordinances.
 - d. Endangerment: The subdivision will not be detrimental to nor endanger the public health, safety, or general welfare.
 - e. Replats: A replat of a previously approved subdivision that does not increase or decrease the total number of lots by more than three percent (3%), and does not significantly alter the layout of streets, lots, utility systems, topography, or other proposed subdivision features.
3. **Major Subdivision** -- All subdivisions not classified as an Administrative Subdivisions or Minor Subdivisions, as outlined in this Ordinance, shall be considered a Major Subdivision.

B. Appeal of Decision: The Zoning Administrator's decisions in regard to determining the classification of a subdivision under this section may be appealed to the Plan Commission.

C. Application and Review Process: Applicants for subdivision approval shall follow the procedure contained in this section of the Ordinance for the type of subdivision for which approval is sought.

- 1. General Application Requirements:** ~~All applications may be obtained through the Zoning Administrator's office. Fees shall be paid at the Zoning Administrator's office at the time the applications are submitted.~~

- a. **Application & Fees Forms:** An application for the applicable type of subdivision shall be filed with the Zoning Administrator on forms specified by the Plan Commission, be typed or completed in ink, and be signed by the owner and subdivider. The fee as set by the Plan Commission shall be paid at the time of the filing.
- b. **Processing Standards:** All applicants shall submit complete applications, copies and all necessary attachments as required by this ordinance, the adopted policies of the Zoning Administrator and the applicable Rules and Procedures of the Plan Commission. 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 Zoning Administrator. **If the application is found incomplete by the Zoning Administrator, it shall not be accepted and the applicant shall be notified of the rejection of the application.**

- c. Meeting Dates Established: In accordance with IC 36-7-4-705, the Zoning Administrator shall announce the date of a hearing before the Plan Commission or a meeting before the Plat Committee within thirty (30) days after receipt of a final and complete application. The dates of all hearings and meetings regarding the application for a Preliminary Plat for a Major or Minor Subdivision shall be based on the adopted Calendar of Meeting and Filing Dates and the date on which the completed Preliminary Plat application is filed with the Zoning Administrator. **No regular meeting dates are required for Administrative Subdivisions.**
- d. Schedule: All **complete** applications shall be assigned reference and/or docket numbers by the Zoning Administrator. Applications shall be scheduled by the Zoning Administrator for the appropriate subdivision process step based on **having a** complete application consistent with the requirements of Section 9.11: Subdivision of Land and the adopted Calendar of Filing and Meeting dates for the Plan Commission.

2. Administrative Subdivision Review Process: Those subdivisions meeting the definition of "Administrative Subdivision," may be considered under the provisions of this Section. Once the Zoning Administrator has determined that the requested subdivision satisfies the requirements of an "Administrative Subdivision," as outlined in 9.11(A)(1), the petition shall follow the process outlined below with the Plan Commission Staff.

- a. Administrative Review: The Zoning Administrator will review the application for compliance with this Ordinance.
 - i. *Submission Materials:* In addition to the application form, required copies and fees, the application for a Preliminary Plat for an Administrative Subdivision shall include the following documents, prepared and certified by a land surveyor or professional engineer registered in the State of Indiana, at an appropriate scale, prepared with electronic media:
 - a. Property Name:
 - a. The name of the subdivision (if the subject property is within a previously platted subdivision); or
 - b. 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:
 - a. 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.

- b. A dimensioned drawing of the parcel(s) 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 one (1) acre, they shall also be described in terms of square footage.
- c. Property Ownership:
 - a. The name, street address, e-mail address, and telephone number of the legal property owner and the developer of the property or their 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. An indication of any existing covenants, rights-of-way, or easements affecting the property.
 - c. 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:
 - a. A legend and notes, including a graphic scale, north arrow, and date.
 - b. 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.
 - c. The location(s) of any existing structure(s) on the site and a description of their future demolition or incorporation into the proposed subdivision.
 - d. Topographic contours consistent with the requirements of the City Engineer, referenced to sea level and an established benchmark.

- e. 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.
 - f. All existing and proposed easements, including the location, width, and purpose of each.
 - g. All existing and proposed street systems 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.
 - h. All proposed sidewalks, trails and/or pedestrian pathways.
 - i. 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).
 - j. 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.
 - k. The location of any temporary stakes to enable the Zoning Administrator and City Engineer to find and appraise features of the Preliminary Plat by visiting the property.
 - l. All proposed connections to utilities.
- e. Vicinity Map: On a separate sheet, at an appropriate scale, a vicinity map shall 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 and 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.
- f. 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 an appropriate 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. When appropriate, it can be combined with the "Adjacent Property Owners" map.
- g. 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. All covenants shall be in accordance with the requirements of *Section 6.04: Covenant Standards*.
 - 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 and Safety and the City Engineer.

- b. Conflicts with Ordinance: In no case shall covenants supersede the standards in the Unified Development Ordinance.
 - c. Enforcement: Excepting enforcement of drainage maintenance by the Board of Public Works and Safety, the City shall not be responsible for enforcement of any subdivision covenants.
 - h. Access Plan: A site access plan showing both internal circulation between structures/lots as well as ingress/egress to existing rights-of-way.
 - i. Other studies and reports as required by the City Engineer or Plan Commission office
 - b. Site Inspection: The Zoning Administrator and their representatives, at their discretion, may visit the site at any time during the review process.
 - c. Compliance: All standards of the applicable zoning district(s) shall apply.
 - d. Consultation: The Zoning Administrator shall consult with any other persons and agencies necessary to make an accurate determination of the compliance of the application with the terms of this Ordinance. In the event of any uncertainty by the Zoning Administrator as to compliance or proper classification of any subdivision, the petition shall be docketed with the Plan Commission for final action.
 - e. Written Notice: After the Zoning Administrator has made a determination on the application's compliance with the criteria for an administrative subdivision, notice will be given to the applicant within 10 business days.
 - f. Signature: After the Zoning Administrator has determined that the administrative subdivision complies with the criteria for such subdivision, the Zoning Administrator shall sign the plat and affix the Plan Commission Seal, on a signature block consistent with Appendix C.
 - g. Recording of an Administrative Subdivision: The approved plat must be recorded in the Shelby County Recorder's office within one year of the date of approval or the approval will be null and void. A Mylar copy of the recorded plat must be returned to the Plan Commission office before permits can be issued within the subdivision.
3. **Minor Subdivision Review Process:** Those subdivisions meeting the definition of "Minor Subdivision," as defined by this Ordinance, may be considered under the provisions of this Section. Replats that satisfy the requirements, shall also be considered as a Minor Subdivision. After a subdivision request has been filed, the Zoning Administrator shall determine whether the petition may be considered as

a Minor Subdivision. If so, the Minor Subdivision shall follow the process outlined below with the Plat Committee or the Plan Commission.

a. There are four (4) components in the Minor Subdivision Process. These steps are:

- i. Section 9.11(C): Sketch Plan,
- ii. Section 9.11(D): Preliminary Plat,
- iii. Section 9.11(E): Final Plat and Construction Plans, and
- iv. Section 9.11(F): Construction of Public Improvements.

b. **Sketch Plan:**

i. *Sketch Plan:* 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.

a. *Sketch Plan Contents:* The applicant should provide a sketch of the proposed Minor Subdivision and the parcel(s) involved. Sketch Plan application materials shall be prepared at an appropriate scale in pen, pencil, or electronic media. Materials shall provide meaningful details about the proposed Minor Subdivision, and typically includes the following documents:

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 previously been 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 one (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 their 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 Zoning Administrator).
- iii. The current zoning of the property.
- iv. The general layout of sidewalks and any other pedestrian pathways.
- v. Preliminary proposals for connections to all utilities.
- vi. A general description of the size, dimensions, and number of lots to be created in the subdivision.

e. Contiguous Holdings: Whenever the Sketch Plan covers only a part of an applicant's contiguous property holdings, the applicant shall also disclose to the Zoning Administrator all other contiguous land holdings. The applicant shall also disclose preliminary intentions for future street and drainage systems serving the remaining portion of the property.

- b. *Sketch Plan Review*: The applicant shall meet with the Zoning Administrator to discuss the proposed major subdivision.
 - a. The Zoning Administrator shall provide the applicant with comments regarding the proposed subdivision.
 - b. The Zoning Administrator may invite the City Engineer, Street Commissioner, or other persons to also comment on the Sketch Plan.
 - c. The Zoning Administrator shall advise the applicant to contact any other officials or agencies that shall approve certain aspects of the subdivision and communicate to them the review procedure, schedule, and standards that shall apply to the subdivision.
 - d. Due to the fact that Sketch Plans are not a formal review and are not binding, a Sketch Plan does not result in vesting or begin a formal Minor Subdivision application process. By its nature a Sketch Plan review is limited to only the material submitted for consideration.

c. Preliminary Plat

- i. *Application Process Begins*: In order to begin the Minor Subdivision process the applicant shall file an application for Preliminary Plat Review with the Zoning Administrator.
- ii. *Submission Materials*: In addition to the application form, required copies and fees, the application for a Preliminary Plat for a Minor Subdivision shall include the following documents, prepared and certified by a land surveyor or professional engineer registered in the State of Indiana, at an appropriate scale, prepared with electronic media:
 - a. Preliminary Plat Submission Materials
 - a. Preliminary Plat Submission must include two (2) Mylar copies, three (3) bond copies, and one (1) digital copy. These will be signed and stamped as recorded.
 - b. Property Name:
 - a. The name of the subdivision (if the subject property is within a previously platted subdivision); or
 - b. 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.

- c. Property Description:
 - a. 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.
 - b. A dimensioned drawing of the parcel(s) 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 one (1) acre, they shall also be described in terms of square footage.
- d. Property Ownership:
 - a. The name, street address, e-mail address, and telephone number of the legal property owner and the developer of the property or their 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. An indication of any existing covenants, rights-of-way, or easements affecting the property.
 - c. The name, street address, e-mail address, and phone number of the professional person(s) responsible for the Preliminary Plat application materials.
- e. Preliminary Plat Drawing:
 - a. A legend and notes, including a graphic scale, north arrow, and date.
 - b. 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.
 - c. The location(s) of any existing structure(s) on the site and a description of their future demolition or incorporation into the proposed subdivision.

- d. Topographic contours consistent with the requirements of the City Engineer, referenced to sea level and an established benchmark.
 - e. 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.
 - f. All existing and proposed easements, including the location, width, and purpose of each.
 - g. All existing and proposed street systems 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.
 - h. All proposed sidewalks, trails and/or pedestrian pathways.
 - i. 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).
 - j. 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.
 - k. The location of any temporary stakes to enable the Zoning Administrator and City Engineer to find and appraise features of the Preliminary Plat by visiting the property.
 - l. All proposed connections to utilities.
 - m. 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.
- f. Vicinity Map: On a separate sheet, at an appropriate scale, a vicinity map shall 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 and 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.
- g. **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 an appropriate 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. When appropriate, it can be combined with the "Adjacent Property Owners" map.
- h. **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. All covenants shall be in accordance with the requirements of *Section 6.04: Covenant Standards*.

- 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 and Safety and the City Engineer.
- b. **Conflicts with Ordinance:** In no case shall covenants supersede the standards in the Unified Development Ordinance.
- c. **Enforcement:** Excepting enforcement of drainage maintenance by the Board of Public Works and Safety, the City shall not be responsible for enforcement of any subdivision covenants.
- i. **Access Plan:** A site access plan showing both internal circulation between structures/lots as well as ingress/egress to existing rights-of-way.
- j. **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 professional engineer registered in the State of Indiana 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.
 - 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.
- d. Engineering Capacity Report: A report prepared by a professional engineer 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:

- i. 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.
 - ii. 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.
 - e. Traffic studies may be deemed necessary by the Technical Review Committee to determine the extent of public improvements required to accommodate traffic generated by the proposed development.
 - iii. 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:
 - a. The Indiana Department of Transportation;
 - b. The Indiana Department of Environmental Management;
 - c. The Indiana Department of Natural Resources; and,
 - d. The Shelby County Drainage Board
 - iv. Technical Review: The Zoning Administrator shall place the application for Preliminary Plat review on the agenda of the Technical Review Committee.
 - a. Review Criteria: In reviewing the application, the Technical Review Committee shall consider the provisions of the Unified Development Ordinance, and other applicable requirements.
 - b. Possible Action: The Committee shall make comments regarding the application. Based on those comments, the Zoning Administrator may either forward the application to the Plat Committee, or recommend further review.
 - a. Forward to Plat Committee: The Zoning Administrator shall forward the application for Preliminary Plat review to the Plat Committee 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 Zoning Administrator in preparation for the Plat Committee meeting.

- b. **Recommend Re-submittal:** The Zoning Administrator 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.
 - i. 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 Zoning Administrator in preparation for review by the Technical Review Committee.
 - ii. If the applicant declines further review, the application shall be placed on the agenda for the next Plan Commission meeting. The applicant shall revise the Preliminary Plat consistent with the comments received from the committee and supply revised application materials to the Zoning Administrator in preparation for the Plan Commission hearing.
 - iii. No additional fees shall be required for the re-submittal.
- v. **Minor Primary Approval Procedure before the Plat Committee:**
 - a. **Placement on the Plat Committee Agenda:** Those minor subdivisions not recommended for re-submittal to the Technical Review Committee will be docketed for consideration before the Plat Committee. If the Zoning Administrator believes that the City would be better served by full Plan Commission review, the Zoning Administrator shall instead place such subdivision on the agenda of the Plan Commission for consideration.
 - b. **Site Inspection:** The Zoning Administrator, their representatives, and individual members of the Plat Committee may visit the site any time during the review process.

- c. Compliance: All standards of the applicable zoning district(s) shall still apply.
- d. Consultation: The Plat Committee shall consult with any other persons and agencies necessary to make an accurate determination of the compliance of the application with the terms of this Ordinance, including the Technical Review Committee.
- e. Review: The Plat Committee shall review the plat for compliance with this ordinance. If after that review the Plat Committee, by a majority vote, agrees that the City would be better served by full Plan Commission review, the Plat Committee may forward the subdivision to the Plan Commission for consideration.
- f. Decision Criteria: In reviewing applications for Preliminary Plat approval, the Plat Committee shall consider the following criteria.
 - a. Unified Development Ordinance Requirements: The proposed Preliminary Plat shall be consistent with the subdivision control regulations and the development standards for the applicable zoning district; and
 - b. Other Requirements: The consistency of the proposed Preliminary Plat with any other applicable standards.
- g. Possible Action: The Plat Committee will make a decision regarding the application. Action by the Plat Committee shall be by a majority vote of the full Committee membership. The Committee shall make findings of fact as to the compliance of the subdivision request with the terms of this Ordinance. The Committee's possible actions are as follows.
 - a. Approve: The Plat Committee shall approve the Preliminary Plat if it is found to be completely consistent with the decision criteria listed in Section 9.11(D)(6)(b): Decision Criteria.
 - b. Approve with Conditions or Commitments: The Plat Committee shall approve the Preliminary Plat with conditions or written commitments 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 Zoning Administrator, the applicant, a remonstrator, or an interested party.

The application shall be continued in the case of an indecisive vote or a determination by the Plat Committee that additional information is required prior to action being taken on the request.

- d. Deny: The Plat Committee 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.
 - i. If the Committee denies the request, it shall make written findings that set forth its reasons. The decision shall be signed by the Zoning Administrator, who shall provide the applicant with a copy.
 - ii. If the Preliminary Plat application is denied, the applicant may not resubmit the same application for one (1) year from the date of denial. Resubmissions of denied Preliminary Plats shall be considered a new and separate petition.
- h. Written Record: The Zoning Administrator shall maintain one (1) file copy of the proposed Preliminary Plat, all application materials, and the signed and dated written Findings of Fact letter.
- i. Public Notification: In accordance with IC 36-7-4-701(d), approval may be granted by the Plat Committee without prior notice of public hearing. Within ten (10) days after "Approval" or "Approval with Conditions or Commitments", notification shall be provided in accordance with Section 9.13 of this Ordinance.
- j. Appeal Period: A notice of appeal must be filed with the Zoning Administrator within ten (10) days after a copy of notice is postmarked in accordance with IC 36-7-4-708. After the Appeal Period has expired, with no appeals properly filed, the applicant may apply for Final Minor Plat Approval.
- k. Appeals: Appeals of the Plat Committee's decision shall be governed in accordance with the following:
 - a. Appeals of the Plat Committee's decision shall be governed in accordance with IC 36-7-4-708.
 - b. An Appeal of Plat Committee Decision shall be made on a form provided by the Zoning Administrator.

- c. When an appeal is properly filed within the ten (10) day Appeal Period, the plat shall be docketed for the next Plan Commission meeting. A properly filed appeal shall consist of the following:
 - i. A completed form for “Appeal of Plat Committee Decision”
 - ii. Filing of said appeal before the expiration of the “Appeal Period”
 - d. Notice shall be given for the public hearing with the Plan Commission, in accordance with Section 9.13 of this Ordinance.
 - e. No fee shall be required for filing an Appeal of Plat Committee Decision.
 - f. The Plan Commission shall consider the subject Preliminary Plat in accordance with Section 9.11(C)(3)(c)(VII)(b): Decision Criteria.
- l. *Sectionalized Plats Prohibited:* Preliminary Plats for Minor Subdivisions shall not be divided into sections for the purpose of phased construction.
- m. *Expiration of Approval:* The approval of the Preliminary Plat shall expire one (1) year from the date of the Plat Committee’s decision if the applicant has not proceeded with the development by applying to the Zoning Administrator for Final Plat review.
 - a. Extensions: Extensions of time may be granted by the Plat Committee upon the request of the applicant.

vi. Minor Primary Approval Procedure before the Plan Commission

- a. Applicability: The following section shall only be required if there is a proper appeal filed in accordance with UDO 9.11C(3)(c)(V)(k) or if the Zoning Administrator and/or the Plat Committee make the determination that the City would be better served by full Plan Commission review. All other Minor Plats shall follow the procedures outlined in UDO 9.11C(3)(c)(V).
- b. Staff Report: Prior to the meeting, the Zoning Administrator will send a copy of the staff report of the proposal to the Plan Commission and the applicant prior to the public hearing.
- c. Site Inspection: The Zoning Administrator, their representatives, and individual members of the Plan Commission may visit the site any time during the review process.

- d. Compliance: All standards of the applicable zoning district(s) shall still apply.
- e. Consultation: The Plan Commission shall consult with any other persons and agencies necessary to make an accurate determination of the compliance of the application with the terms of this Ordinance, including the Technical Review Committee.
- f. Public Hearing Notification: The Plan Commission shall hold a public hearing on the primary approval of the Minor Subdivision. Public notice for the meeting shall be required, consistent with the requirements of *Section 9.13: Notice of Public Hearing*.
- vii. *Plan Commission Hearing*: The Plan Commission shall hold a public hearing on the application, considering the Preliminary Plat application materials, a report from the Zoning Administrator, and testimony from the applicant and any interested parties.
 - a. 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 9.11(C)(3)(c)(VII)(b): Decision Criteria. If approved, the applicant may then file for Minor Final Plat Approval.
 - b. Approve with Conditions or Commitments: The Plan Commission shall approve the Preliminary Plat with conditions or written commitments if it is generally consistent with the decision criteria, but specific minor modifications are required to meet all of the applicable requirements. If approved with conditions, the applicant may then file for Minor Final Plat Approval.
 - c. Continue: The application may be continued based on a request by the Zoning Administrator, the applicant, a remonstrator, or an interested party. The application shall be continued in the case of an indecisive vote, a determination by the Plan 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 one (1) year from the date of denial. Resubmissions of denied Preliminary Plats shall be considered a new and separate petition.
 - b. Decision Criteria: In reviewing applications for Preliminary Plat approval, the Plan Commission shall consider the following criteria.
 - a. Unified Development Ordinance Requirements: The proposed Preliminary Plat shall be consistent with the subdivision control regulations and the development standards for the applicable zoning district; and
 - b. Other Requirements: The consistency of the proposed Preliminary Plat with any other applicable standards.
 - c. 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 Zoning Administrator shall provide the applicant with a signed copy of the written findings of the Plan Commission that indicate the date of the Plan Commission's decision within ten (10) business days of the decision. The Zoning Administrator shall maintain one (1) file copy of the proposed Preliminary Plat, all application materials, and the signed and dated findings letter.
- viii. *Sectionalized Plats Prohibited:* Preliminary Plats for Minor Subdivisions shall not be divided into sections for the purpose of phased construction.
- ix. *Expiration of Approval:* The approval of the Preliminary Plat shall expire one (1) year from the date of the Plan Commission's decision if the applicant has not proceeded with the development by applying to the Zoning Administrator for Final Plat review.
- a. Extensions: Extensions of time may be granted by the Plan Commission upon the request of the applicant.

d. Final Plat

- i. Minor Final Plat Approval Procedure
 - a. Primary Approval Met: After all conditions of primary approval have been met, the applicant may request final approval. The applicant shall submit any supporting documents required by the Zoning Administrator to provide sufficient evidence that all conditions of primary approval have been met.
- ii. Minor Final Plat Submission Materials:
 - a. Final Plat Submission must include two (2) Mylar copies, three (3) bond copies, and one (1) digital copy. These will be signed and stamped as recorded.
- iii. Determination of Conformance: The Zoning Administrator will review the request for final approval and make a timely determination on its compliance with the primary approval and conditions. The Zoning Administrator may consult with the Technical Review Committee before issuing Final Plat approval for all Minor Subdivisions
- iv. Changes After Primary Approval: If a minor subdivision plat deviates in any way except for corrective details from the one receiving primary approval with the approved conditions, the subdivision will not receive final approval. Any changes in the approved plans must be submitted to the Plan Commission or Plat Committee, unless such changes qualify under the definition of Administrative Subdivision.
- v. Board of Works Approval: If there are any Minor Subdivisions involving public improvements or dedication of land to the public, action is required by the Shelbyville Board of Public Works and Safety. All public improvements and/or sureties shall be provided in accordance with UDO 9.11F
- vi. Signature and Seal: After the Zoning Administrator has determined that the Final Minor Plat complies with the conditions of approval of the Plan Commission, and the Board of Public Works and Safety has accepted any public dedications, improvements, and/or financial guarantees of performance, final approval shall be given by the Zoning Administrator and the Plan Commission seal affixed to the Final Minor Plat.
- vii. Recording: The Final Minor Plat and any approved written commitments must be recorded in the Shelby County Recorder's office within thirty (30) days of the date of signature by the Zoning Administrator.

- 4. Major Subdivision Review Process:** Those subdivisions not meeting the definitions of "Administrative Subdivision" or "Minor Subdivision" shall be

considered under the provisions of this Section. After a subdivision request has been filed, the Zoning Administrator shall determine whether the petition shall be considered as a major subdivision. If so, the Major Subdivision shall follow the process outlined below with the Plan Commission.

A. ~~General:~~ There are four (4) components ~~in the Major Subdivision Process for completing a Subdivision of Land.~~ These steps are ~~explained in detail in the following Sections:~~

1. Section 9.11(C): Sketch Plan,
2. Section 9.11(D): Preliminary Plat,
3. Section 9.11(E): ~~Primary~~ **Final** Plat and Construction Plans, and
4. Section 9.11(F): Construction of Public Improvements.

~~B. Application and Review Process~~

C. **Sketch Plan:**

1. ~~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.
2. ~~Sketch Plan Documents~~ **Contents:** The applicant should provide a sketch of the proposed major subdivision and the parcel(s) involved. Sketch Plan application materials shall be prepared at an appropriate scale in pen, pencil, or electronic media. **Materials shall provide meaningful details about the proposed Major Subdivision, and typically includes the following documents:** ~~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 **been** 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 one (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 their 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 Zoning Administrator).
 - iii. The current zoning of the property.
 - iv. The general layout of sidewalks and any other pedestrian pathways.
 - v. Preliminary proposals for connections to all utilities. ~~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.
- e. Contiguous Holdings Map: Whenever the Sketch Plan covers only a part of an applicant's contiguous property holdings, the applicant shall also **disclose to the Zoning Administrator all other contiguous land holdings.** ~~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~~ **The applicant shall also disclose preliminary intentions for**

future street and drainage systems serving the remaining portion of the property.

3. *Sketch Plan Review:* ~~At their discretion,~~ The applicant ~~may~~ shall meet with the Zoning Administrator to discuss the proposed major subdivision.
 - a. The Zoning Administrator shall provide the applicant with comments regarding the proposed subdivision.
 - b. The Zoning Administrator may invite the City Engineer, Street Commissioner, or other persons to also comment on the Sketch Plan.
 - c. The Zoning Administrator shall advise the applicant to contact any other officials or agencies that shall approve certain aspects of the subdivision and communicate to them the review procedure, schedule, and standards that shall apply to the subdivision.
 - d. Due to the fact that Sketch Plans are not a formal review and are not binding, a Sketch Plan does not result in vesting or begin a formal Major Subdivision application process. By its nature a Sketch Plan review is limited to only the material submitted for consideration.

D. Preliminary Plat

1. *Application Requirements:* In order to begin the Major Subdivision process the applicant shall file an application for Preliminary Plat Review with the Zoning Administrator.
2. *Application Materials:* In addition to the application form and required copies and fees, the application for a Preliminary Plat for a Major Subdivision shall include the following documents, prepared and certified by a land surveyor or professional engineer registered in ~~engineer registered by~~ the State of Indiana, at an appropriate scale, prepared in pen or electronic media:
 - a. Preliminary Plat Submission Materials
 - i. Preliminary Plat Submission must include two (2) Mylar copies, three (3) bond copies, and one (1) digital copy. These will be signed and stamped as recorded.
 - b. 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.
 - c. 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 one (1) acre, they shall also be described in terms of square footage.
- d. Property Ownership:
 - a. The name, street address, e-mail address, and telephone number of the legal property owner and the developer of the property or their 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. An indication of any existing covenants, rights-of-way, or easements affecting the property.
 - c. The name, street address, e-mail address, and phone number of the professional person(s) responsible for the Preliminary Plat application materials.
- b. Preliminary Plat Drawing:
 - a. A legend and notes, including a graphic scale, north arrow, and date.
 - b. 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.
 - c. The location(s) of any existing structure(s) on the site and a description of their future demolition or incorporation into the proposed subdivision.

- d. Topographic contours consistent with the requirements of the City Engineer, referenced to sea level and an established benchmark.
- e. 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.
- f. All existing and proposed easements and rights-of-way, including the location, width, and purpose of each.
- g. 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.
- h. All proposed sidewalks and/or pedestrian pathways.
- i. 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).
- j. 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.
- k. The location of any temporary stakes to enable the Zoning Administrator and City Engineer to find and appraise features of the Preliminary Plat by visiting the property.
- l. **All proposed connections to utilities.** ~~All proposals for connecting to the sanitary sewer and storm water systems.~~
- m. 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.

- c. Vicinity Map: On a separate sheet, at a convenient scale, a vicinity map shall 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 and 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.
- d. 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 an appropriate 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.

- e. 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.
- f. 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 and Safety and the City Engineer.
 - b. Consistency: All covenants shall be consistent between all subdivision phases that result from a single Preliminary Plat.
- g. Access Plan: A site access plan showing both internal circulation between structures/lots as well as ingress/egress to existing rights-of-way.
- h. 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~~ **professional engineer registered in the State of Indiana** 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.
 - [c] Estimates of the water entering the subdivision.
 - [d] 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. I

- 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.
- d. Engineering Capacity Report: A report prepared by a **professional engineer registered in the State of Indiana** ~~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:

- i. **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.
 - ii. **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.
- e. **Traffic Studies** may be deemed necessary by the Technical Review Committee to determine the extent of public improvements required to accommodate traffic generated by the proposed development.
- ii. **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:
 - a. The Indiana Department of Transportation;
 - b. The Indiana Department of Environmental Management;
 - c. The Indiana Department of Natural Resources; and
 - d. **The Shelby County Drainage Board**
- iii. **Technical Review:** The Zoning Administrator shall place the application for Preliminary Plat review on the agenda of the Technical Review Committee.
 - a. **Review Criteria:** In reviewing the application, the Technical Review Committee shall consider the provisions of the Unified Development Ordinance, and other applicable requirements.
 - b. **Possible Action:** The Committee shall make comments regarding the application. Based on those comments, the Zoning Administrator may either forward the application to the Plan Commission or recommend further review.
 - a. **Forward to Plan Commission:** The Zoning Administrator 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 Zoning Administrator in preparation for the Plan Commission hearing.

- b. Recommend Re-submittal: The Zoning Administrator 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 Zoning Administrator 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 Zoning Administrator shall announce an updated Plan Commission hearing date.
 - ii. There shall be no limit to the number of times the Zoning Administrator may recommend the re-submittal of any application.
- iv. *Public Hearing:* Notice of Public Hearing shall be given in accordance with the requirements of Section 9.13: Notice of Public Hearing prior to the Plan Commission meeting when the Preliminary Plat application is to be heard.
- v. *Plan Commission Hearing:* The Plan Commission shall hold a public hearing on the application, considering the Preliminary Plat application materials, a report from the Zoning Administrator, and testimony from the applicant and any interested parties.
 - a. 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 9.11(D)(6)(b): Decision Criteria.
- 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 Zoning Administrator, the applicant, a remonstrator, or an interested party. The application shall be continued in the case of an indecisive vote, a determination by the Plan 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 one (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.
- b. Decision Criteria: In reviewing applications for Preliminary Plat approval, the Plan Commission shall consider the following criteria.
- a. Unified Development Ordinance Requirements: The proposed Preliminary Plat shall be consistent with the subdivision control regulations and the development standards for the applicable zoning district; and
 - b. Other Requirements: The consistency of the proposed Preliminary Plat with any other applicable standards.
 - c. 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 Zoning Administrator shall provide the applicant with a signed copy of the written findings of the Plan Commission that indicate the date of the Plan Commission's decision within ten (10) business days of the decision. The Zoning Administrator shall maintain one (1) file copy of the proposed Preliminary Plat, all application materials, and the signed and dated findings letter.

- vi. *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 one (1) section of a residential Preliminary Plat contain less than ten percent (10%) of the total number of lots approved on that plat.
- vii. *Expiration of Approval*: The approval of the Preliminary Plat shall expire one (1) year from the date of the Plan Commission's decision if the applicant has not proceeded with the development by applying to the Zoning Administrator for Construction Plan and Final Plat review.
 - a. *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 five (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.
 - b. *Extensions*: Extensions of time may be granted by the Plan Commission upon the request of the applicant.

E. Final Plat and Construction Plans

- viii. *Eligibility for Final Plat Approval*: After all conditions of primary approval have been met, the applicant may request Final Plat Approval. The applicant shall submit any supporting documents required by the Zoning Administrator to provide sufficient evidence that all conditions of primary approval have been met.
- ix. *Final Plat Submission Materials*
 - a. Final Plat Submission must include two (2) Mylar copies, three (3) bond copies, and one (1) digital copy. These will be signed and stamped as recorded.
- x. *Determination of Conformance*: The Zoning Administrator will review the request for Final Plat approval and make a timely

determination on its compliance with the primary approval and conditions. The Zoning Administrator shall consult with the Technical Review Committee before issuing Final Plat approval for all Major Subdivisions.

- xi. *Changes After Primary Approval:* If a major subdivision plat deviates from the one receiving primary approval with the approved conditions, the subdivision will not receive Final Plat approval. Any Changes in the approved plans must be submitted to the Plan Commission, unless such changes qualify for administrative approval under the definition of Administrative Subdivision. If a subdivision plat deviates in any way except for corrective details or minor adjustments from the plat which received primary approval with the approved conditions, the subdivision will not receive secondary approval. Corrective Details and Minor Adjustments shall include:
 - a. Street Name Changes
 - b. A reduction in the total number of lots, not more than ten percent (10%)
 - c. An increase in the total number of lots, not more than two percent (2%)
 - d. Lot line adjustments to correct technical issues
 - e. Easement adjustments to correct technical issues
 - f. Other similar items, as deemed appropriate by the Zoning Administrator
 - g. Any change which would otherwise be considered an "Administrative Subdivision"

Corrective Details and Minor Adjustments shall not be construed to include:

- a. New streets or roads
- b. A change in street configuration or arrangement
- c. A reduction in the common area by 10 percent (10%) or greater

The following sections remain unchanged, except for renumbering, and shall remain as previously adopted: 9.11E- 9.11F.

EXHIBIT D

9.15 Subdivision Standards Waiver

- A. Purpose and Intent: The Plan Commission or Plat Committee may grant a waiver from the subdivision standards within the Unified Development Ordinance for subdivisions which *they are acting on* during the Primary Plat stage that meet the criteria set forth in this section. Waivers from Subdivision Standards are intended for consideration when practical difficulty would result from strict compliance with Article 6: Design Standards and/or when the purposes of these regulations may be served to a greater extent by an alternative proposal. A Subdivision Standards Waiver shall not have the effect of subverting the intent and purpose of these regulations.
- B. Prerequisites:
1. **Eligible Applicants**: An application for a Subdivision Standards Waiver may be filed by the owner, their agent, or any person having a legal or equitable interest in the subject property.
 2. **Pre-application Meeting**: Prior to submitting an application for a Subdivision Standards Waiver, the applicant may meet with the Zoning Administrator to review the ordinance provisions, the application packet, and the procedure involved.
 3. **Primary Plat Application**: The applicant shall only file a Subdivision Standards Waiver application in conjunction with a Primary Plat or Replat application.
 4. **Design Standards**: The waiver must be in regard to Article 6: Design Standards and shall not be a request for relief from Article 5: Development Standards. Any relief request from Article 5: Development Standards shall be subject to the Development Standards Variance procedure with the Board of Zoning Appeals, outlined in Section 9.08 of this Ordinance.
- C. Resubmittal: If an application for a Subdivision Standards Waiver is denied, the applicant may not resubmit the same application for one (1) year from the date of disapproval, unless the applicant submits a letter to the Zoning Administrator within sixty (60) days after the denial indicating that they intend to resubmit an amended application that addresses the finding that caused denial.. Fees and procedures for a resubmitted Subdivision Standards Waiver shall be the same as if it were an original submittal. The Zoning Administrator shall have the authority and discretion to determine whether the application has in fact been revised to address the finding(s) that caused denial, and may refuse an application that does not meet this standard.
- D. Filing Requirements: An application for a Subdivision Standards Waiver shall be made on a form provided by the Zoning Administrator. Applicable fees shall be paid at the time the application for a Subdivision Standards Waiver is filed.
1. **Point of Filing**: The applicant shall apply for a Subdivision Standards Waiver in conjunction with the applicant's Primary Plat application.
 2. **Supportive Information**: The application shall include the necessary documentation as identified on the application form and/or as determined by the Planning Director based on specific circumstances of the particular project. The application shall include, but not be limited to, the following documents:

- a. The application shall identify the exact Subdivision Standards provision(s) that is being requested to be waived or reduced and the justification for the request based on the criteria contained in Section 9.15 (H), below.
 - b. Additional Information: Additional information may be required by the Zoning Administrator when necessary to evaluate the requested Subdivision Standards Waiver.
- E. Formal Process: The process for a waiver, including filing, public notice, public hearing, and review, shall be per the Plan Commission's Rules and Procedures.
- F. Administrative Review:
 - 1. Review Submittal: Once the Zoning Administrator has determined that the applicant has made a complete submittal, the Zoning Administrator shall:
 - a. Docket: Assign the item a docket number, separate from the associated plat;
 - b. Agenda: Place the item on the agenda of the Plan Commission or Plat Committee with the associated Primary Plat or Replat;
 - c. Notification: Inform the applicant of the time, date, and place of the meeting.
 - d. Inspection: The Zoning Administrator may inspect the site and any structure thereon if it relates to the requested Subdivision Standard Waiver application.
 - a. Technical Review Committee: The Zoning Administrator shall bring the requested Subdivision Standards Waiver to the Technical Review Committee for review and comment at the same time that the Preliminary Plat is being heard and considered by the Technical Review Committee.
 - b. Staff Report: The Zoning Administrator shall prepare a staff report with recommended findings of Section 9.15(H) with respect to the Subdivision Standard Waiver request.
- G. Plan Commission or Plat Committee Hearing: Notification for the scheduled public hearing regarding the Subdivision Standards Waiver shall be completed consistent with the requirements of Indiana Code, the Plan Commission Rules and Procedures, and the provisions of *Section 9.13: Notice of Public Hearing*.
- H. Decision Criteria and Findings of Fact:
 - 1. Criteria -- The Plan Commission or Plat Committee shall not approve a Subdivision Standards Waiver unless it makes favorable findings that all criteria are met, based upon the evidence presented to it for each requested waiver in each specific case. Specifically, the findings shall include the following criteria:
 - a. General Welfare: The approval of the Subdivision Standards Waiver will not be injurious to the public health, safety, morals, and general welfare of the community;
 - b. Not Subvert Subdivision Standards: The Subdivision Standards Waiver will not subvert or diminish the intent and purpose of the subdivision type or any applicable Subdivision Standards;

- c. Unique Conditions: That the need for the Subdivision Standards Waiver arises from some condition peculiar to the property involved.
- d. Practical Difficulty: The strict application of the terms of the ordinance will result in practical difficulties in the use of the property. The practical difficulty shall not be self-imposed, nor based on a perceived reduction of, or restriction on, economic gain.
- e. Impact to Adjacent Area: The use and value of the area adjacent to the subject property seeking a Subdivision Standards Waiver will not be affected in a substantially adverse manner; and
- f. Not Subvert other Regulations & Policies -- The Subdivision Standards Waiver shall not in any manner subvert the provisions of Article 5: Development Standards, the Comprehensive Plan or any of its components, including the Bicycle and Pedestrian Master Plan or the Thoroughfare Plan, or any other applicable standards imposed by the City of Shelbyville.

2. Findings:

- a. Signed: The findings document, whether finding in the affirmative or not, shall be signed by the Presiding Officer of the Plan Commission or Plat Committee and filed with the Primary Plat.

I. Actions:

- 1. If the Plan Commission finds all of the findings of fact in the affirmative, it shall approve or approve with conditions and/or commitments the application for a Subdivision Standards Waiver.
- 2. If the Plan Commission does not find all of the findings of fact in the affirmative, it shall deny the application for a Subdivision Standards Waiver.

J. Commitments and Conditions:

- 1. Acceptance: In conjunction with the approval of a Subdivision Standards Waiver, the Plan Commission or Plat Committee may permit or require the applicant to make written commitments.
- 2. Commitments: The Plan Commission may require the owner to make a written commitment. Any such commitment shall be recorded in the Shelby County Recorder's Office. A copy of any recorded commitments shall be provided to the Zoning Administrator for inclusion in the application prior to the issuance of any Improvement Location Permit. No Improvement Location Permit shall be issued for permit application which does not comply with the written commitments.
- 3. Conditions: The Plan Commission may impose reasonable conditions upon its approval as deemed necessary. No Improvement Location Permit shall be issued for permit application which does not comply with the required conditions.
- 4. Form: The applicant shall prepare the commitment instrument, if applicable, in a form approved by the City Attorney. The applicant and the President of the Plan Commission or Plat Committee shall sign the commitment instrument.

5. **Recording:** The applicant shall record the commitment instrument in the Shelby County Recorder's office with the Final Plat. The applicant shall deliver receipt and a copy of the recorded commitment instrument to the Plan Commission Office within 30 days from recording the plat and commitment.
 6. **Improvement Location Permit:** A copy of any recorded commitments shall be included in the application file for an Improvement Location Permit, prior to the issuance of any Improvement Location Permit. No Improvement Location Permit shall be issued for permit application which does not comply with the written commitments.
 7. **Modification or Termination:** A written commitment made under this section may be modified or terminated only by a decision of the Plan Commission or Plat Committee, whichever granted the waiver and made at a public hearing. Notification for the scheduled public hearing regarding the Subdivision Standards Waiver shall be completed consistent with the requirements of Indiana Code, the Plan Commission Rules and Procedures, and the provisions of *Section 9.13: Notice of Public Hearing*. The applicant shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
 8. **Enforcement:** The City may enforce, in accordance with *Section 10.01: Actionable Violations*, any commitment the Plan Commission or Plat Committee has accepted as if the commitment were a standard of the Unified Development Ordinance.
- K. **Duration:**
1. **Subdivision Standards Waiver:** A Subdivision Standards Waiver granted by the Plan Commission or Plat Committee shall run with the land until such time as the property conforms with the Unified Development Ordinance.
 2. **Commitment or Condition:** A commitment or condition associated with a Subdivision Standards Waiver shall be binding on the owner of the land, any subsequent owner of the land, and any person who acquires interest in the land.
- L. **Expiration of Subdivision Standards Waiver:** If the applicant has not applied for Construction Plan and Final Plat review for the associated subdivision plat within one (1) year from the date of the Plat Committee or Plan Commission's decision was granted, the approval of any associated waivers shall automatically be considered be null and void. Any extensions of time for the subdivision plat granted by the Plan Commission or Plat Committee shall be considered to also concurrently extend the associated subdivision standards waiver. The failure to file the associated final plat with the Shelby County Recorder in compliance with this ordinance shall also cause any waivers to automatically be considered null and void.