

**The following Grading Permit Requirements are in the City of Shelbyville
Stormwater Management Manual.**

3.3 Grading and Building Permit Requirements

Unless exempted by these regulations, all development of land in the City of Shelbyville requires a grading permit in conformance with the provisions of these regulations prior to the commencement of any development activities. Grading permits can be issued separately and at different times in the sequence of a project, or they can be issued jointly. Additional permits may be required by state or federal agencies.

Except for exempted activities (see Section 3.4), a building permit cannot be issued until required grading, drainage, and erosion control plans are submitted by a registered professional engineer and approved by the City Engineer. A Grading Permit (separate and apart from a building permit) is required when grading, stripping, excavating, filling, or any disturbance to the natural ground cover is planned for non-exempted activities not requiring a building permit. All development activity within a designated flood plain requires a grading permit. Even when development is exempt from obtaining a grading permit (see Section 3.4) or exempt from the City Engineer approval for a building permit (see Section 3.5), the City Engineer retains the authority to remove such exemption should development be found in violation of exemption criteria.

In addition, none of the following documents shall be issued or granted under applicable zoning regulations or other laws unless and until a grading, drainage, and erosion control plan has been approved by the City Engineer:

1. Final plat approval for a proposed subdivision;
2. Building permit issued by the Codes Department.

All grading permit applications shall include a grading, drainage, and erosion control plan prepared by a professional engineer, landscape architect, or land surveyor, as appropriate. Methods used shall be consistent with the acceptable engineering practices.

3.4 Grading Permit Exemptions

Specific activities that are exempt from obtaining a grading permit are identified in Sections 3.4.1 through 3.4.6. These exemptions shall not be construed as exempting the identified activities from onsite Stormwater management improvements that may be required to conform to adopted building and construction codes.

In addition, the property owner or developer whose activities have been exempted from the requirements for permits and approvals enumerated in this manual shall nevertheless be responsible for complying with the intent and provisions of these regulations.

The City reserves the right to revoke any of the following exemptions if the City Engineer determines that an individual site may impact Stormwater quality or other related provisions in implementing its NPDES MS4 permit.

3.4.1 Exemption for Approved Subdivision or Grading Plans

No grading permit shall be required for any structure within a major subdivision for which there exists an approved grading, drainage, and erosion control plan. However, any alteration to the original plan may require submittal of an additional plan.

Any person disturbing the natural ground cover in an area for which there is an approved grading, drainage, and erosion control plan shall conform to the requirements of such plan without exception. In addition, subsequent development activities shall not impair existing Stormwater management systems, constitute a potential erosion hazard, or act as a source of sedimentation to any adjacent land or watercourse.

3.4.2 Exemption for Finish Grading

Provided a site is outside of the 100-year floodplain and required buffer, no grading permit shall be required for finish grading or excavation below finished grade for the following structures:

1. Basements and footings of a single family or duplex residential structure.
2. Retaining walls.
3. Swimming pools.
4. Human or animal cemeteries.
5. Accessory structures related to single family residences or duplex structures authorized by a valid building permit, provided the disturbed material or fill is handled in such a manner as to conform to the approved erosion control plan for the area or, where no such erosion control plan is in effect, that such work is done in a manner which presents no significant erosion hazard.

3.4.3 Exemption for Excavation or Fill

No grading permit shall be required for an excavation or fill that satisfies all of the following criteria:

1. If the fill is not in the 100-year floodplain and is less than five (5) feet in vertical depth at its deepest point as measured from the natural ground.
2. Does not result in a total quantity of more than 100 cubic yards of material being removed from, deposited on, or disturbed on any lot, parcel, or subdivision thereof.
3. Does not impair existing surface Stormwater management systems, constitute a potential erosion hazard, or act as a source of sedimentation to any adjacent land or watercourse.
4. Has no final slopes steeper than one (1) foot vertical to three (3) feet horizontal (steeper slopes can be allowed if justified by calculations for appropriate stabilization measures).
5. Has proper vegetative cover re-established as soon as possible on all disturbed areas.
6. Does not contain hazardous substances.
7. Is not partially or totally in a watershed with primary outlet to a sinkhole or drainage well.

3.4.4 Exemption for Agricultural Practices

If the site is out of the 100-year floodplain, no grading permit shall be required for accepted agricultural land management practices such as plowing; cultivation; construction of agricultural structures; nursery operations such as the removal of or transplanting of cultivated sod and trees; tree cuttings at or above existing ground level; and logging operations leaving the stump, ground cover, and root mat intact.

3.4.5 Exemption for Maintenance Grading

No grading permit shall be required for grading as a maintenance measure, or for landscaping on existing developed lots or parcels, provided all of the following criteria are met:

1. The aggregate area affected or stripped at any one time does not exceed 10,000 square feet, and is not within a natural drainage way (e.g., designated floodplain).
2. The grade change does not exceed eighteen (18) inches at any point and does not alter the direction of the drainage flow path.
3. Proper vegetative cover is re-established as soon as possible on all disturbed areas.
4. The grading does not involve a quantity of material in excess of 250 cubic yards.

3.4.6 Exemption for Public Utilities

No grading permit shall be required for installation of lateral sewer lines, telephone lines, electricity lines, gas lines, or other public service facilities. Although exempt, public agencies are requested to submit documents to the Department of Codes Administration for consistency reviews and to allow coordination with other activities.