

**Subdivision
Control Ordinance
Article Three
Administrative
Subdivisions**

Administrative Subdivisions

3.1 Intent

The intent of the administrative subdivision process is to allow a simplified procedure for the creation of low-density development of rural lands consistent with the agricultural characteristics of Madison County.

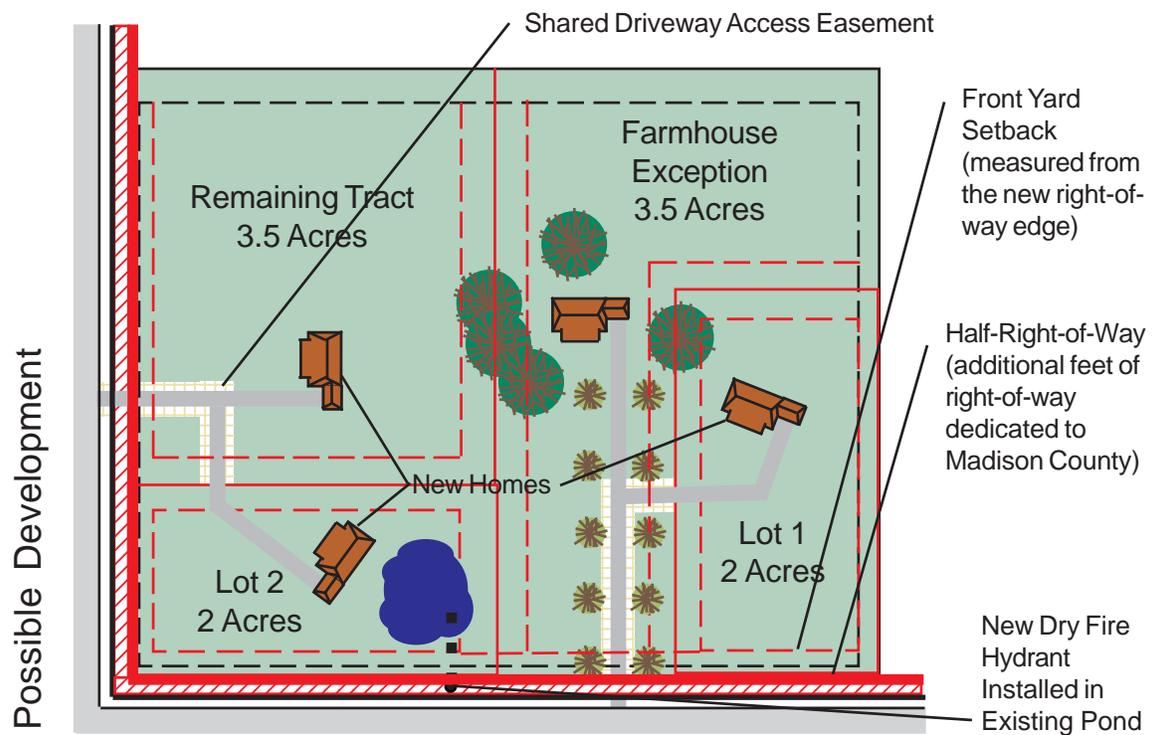
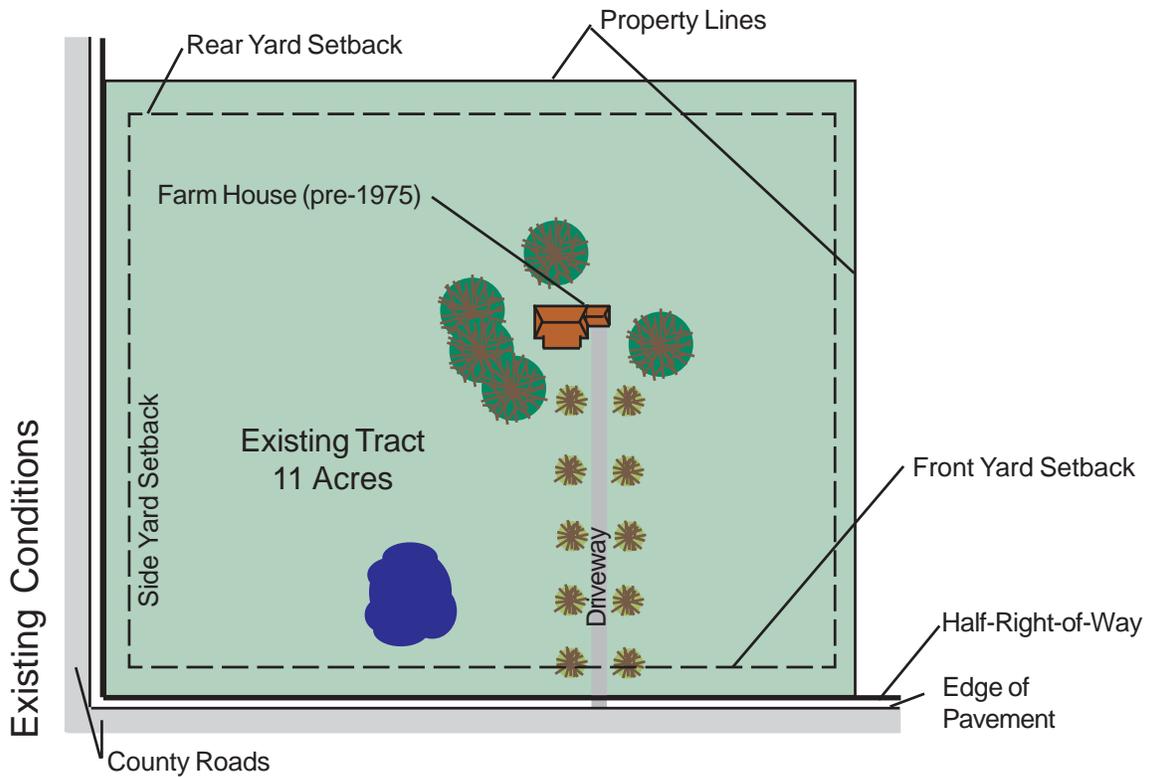
3.2 Minimum Standards for an Administrative Subdivision

A. Parcel Zoning and Density Standards: Administrative subdivisions shall be permitted in the following zoning districts as established by the Madison County Zoning Ordinance: AG, CR, R1, R2, and R3.

- a. **Parent Tract Defined:** The Subdivision approval shall be based upon the parcel number and the characteristics of the Parent Tract legally established prior to July 15, 2002.
- b. **Subdivisions Permitted:** In all zoning districts the creation of additional lots shall be based on a sliding scale determined by the acreage present in the parent tract as defined in section 3.2(A)(a) above. The sliding scale shall be as follows:
 1. Parent tracts which include between 6 and 10 acres shall be permitted to be divided for the creation of 1 additional lot (for a total of 2 lots including the remainder from the parent tract).
 2. Parent tracts which include 10 to 15 acres shall be permitted to be divided for the creation of 2 additional lots (for a total of 3 lots including the remainder from the parent tract).
 3. Parent tracts which include 15 acres or more shall be permitted to be divided for the creation of 3 additional lots (for a total of 4 lots including the remainder from the parent tract).
 4. Nothing in this Article shall be interpreted as permitting the creation of additional lots from parent tracts present on January 1, 2000 that have subsequently been divided, through a “mini-plat” or other means, to the extent that a number of new lots greater than that specified above will be created.
- c. **Exception:** A habitable residence, as determined by the Madison County Planning Director, built prior to November 10, 1975 located in any zoning district may be separated from the parent tract through the administrative subdivision process provided that both the lot and the remaining tract conform with all requirements of the Madison County Zoning Ordinance for the zoning district in which the property is located. Such exception shall also be required to conform with all design standards provided by this Article.
- d. **Subdivision Rights:** All subdivision rights as established by this section shall run with the parent tract or remainder thereof. The further subdivision of any lot created from a parent tract shall be prohibited unless it is consistent with the major subdivision process established by Article 4 of this Ordinance.
- e. **Further Subdivision:** Once all of the permitted lots have been split from the parent tract, any further subdivisions shall follow the major subdivision process established by Article 4 of this Ordinance in order for Madison County to ensure that land is improved in coordination with the Comprehensive Plan in the laying out of public ways, easements, structures, utilities, and other features; that regional drainage concerns are addressed; and established public policy is followed.

B. Design Standards: All administrative subdivisions shall conform to the following design standards:

- a. Any subdivision which includes the construction of any public improvements including a public street, sidewalks, sewer or water mains, or street trees shall be considered a major subdivision and follow the major subdivision process established by Article 4 of this Ordinance.



The above graphics represent a 10-15 acre parent track development. A total of 2 additional lots may be created (plus the existing pre-1975 farmhouse exception)

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- b. All lots and any remaining tract shall be consistent with all applicable requirements of the Madison County Zoning Ordinance, including lot size, setbacks, frontage on a public road, width to depth ratio, and lot width except as otherwise stated in the ordinance.
 - c. At the time of filing, the property owner may show all possible lots which are permitted to be created through the Administrative Subdivision provisions of this Ordinance on a Rural Development Concept Plan, including the exception described by section 3.2(A)(c).
 - d. All road cuts shall be subject to the review of the Madison County Commissioners.
 - 1. No private road shall be permitted which provides the only means of access to more than 3 lots. A private road shared by more than 3 lots must be created in the form of a public road. If such a public road is required, the development shall be considered a major subdivision and shall follow the major subdivision process established by Article 4 of this Ordinance.
 - 2. Lot frontage on private roads may be considered as meeting the road frontage requirements of the Madison County Zoning Ordinance.
 - 3. All driveways shall be designed to prevent vehicles from being required to back onto the public road.
 - e. All driveways shall be a minimum of 16 feet in width, with common portions included in a minimum 50 foot wide private road.
 - f. All driveways shall be constructed consistent with the requirements of the County Engineer.
 - g. A permanent documentation of any shared driveway agreement must be signed by all involved property owners or take the form of covenants on all applicable property. The documentation shall include, but is not limited to maintenance, snow removal, ownership, and liability. The documentation shall specifically exempt Madison County from any responsibility regarding the maintenance and upkeep of the shared driveway. The agreement shall be reviewed and approved by the Planning Director. The agreement shall be recorded in the office of the Madison County Recorder. A copy of the agreement shall be kept in the office of the Plan Commission.
 - h. Dry fire hydrants shall be installed in existing ponds and other bodies of water located on property included in the administrative subdivision consistent with the desires of the local fire department having jurisdiction.
 - i. Necessary and adequate utilities and drainage facilities shall exist on the site. All septic systems and wells shall be subject to the approval of the Madison County Health Department. A drainage plan for each subdivision shall be reviewed and approved by the Madison County Drainage Board consistent with Indiana Code 36-9-27-69.5. The following statement is required to be placed on the final plat: "An adequate outlet exists to a county regulated drain if required by the Madison County Board of Health and/or the Madison County Drainage Board".
 - j. An applicant shall dedicate a right of way along public road frontages of any new lots and additional right of way along the remainder of the parent tract as required by the Plat Review Committee and consistent with required right of way widths established by Article 6 of this Ordinance. Additional right of way on the remainder of the parent tract shall be determined upon the reasonable relationship of the expansion or a change of the land use to the needs created by the development and shall be determined by the Plat Review Committee. Any appeals of the Plat Review Committee concerning additional right of way requirements shall be made to the Planning Director and are subject to review by the Madison County Board of Zoning Appeals.
 - k. Adequate ingress and egress to the remainder of the parent tract and adjacent properties must be maintained, planned for and provided.

3.3 Administrative Subdivision Application and Review Procedure

- A. **Application Requirements:** In order to begin the subdivision process the applicant shall file an application for Rural Development Concept Plan Approval (Primary Plat) with the Planning Director. This application shall:

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- a. Be made on forms available at the Plan Commission office and be signed by the owner and developer and notarized;
 - b. Be accompanied by the specified number of copies of a Rural Development Concept Plan which meets the requirements provided by this Article;
 - c. Be accompanied by a fee in the amount established by the adopted fee schedule.
- B. Processing Standards:** No application shall be processed until the application is filled out correctly and all applicable attachments are presented to the Planning Director. No docket number shall be released until all applicable fees have been paid for the application.
- C. Meeting Dates Established:** The Planning Director shall provide the applicant with a date for the review and approval of the administrative subdivision by the Plat Committee. The date of the Technical Review Committee meeting shall be based on the adopted calendar of meeting and filing dates and shall be based on the date upon which the application for Rural Development Concept Plan Approval is filed with the Planning Director.
- D. Plat Review Committee:** The Planning Director shall place the application for Rural Development Concept Plan Approval on the agenda for the applicable meeting of the Madison County Plat Review Committee and distribute copies of the submittals to the Committee members. The Plat Review Committee shall consist of a Plan Commission member appointed annually by the Plan Commission for a term of one (1) year, the Planning Director, the Surveyor or his/her designated representative, the County Engineer or his/her designated representative and the Soil Conservation Officer or his/her designated representative.
- a. In reviewing the application, the Plat Review Committee shall consider the provisions of this Ordinance, the Zoning Ordinance, and other applicable adopted standards of Madison County.
 - b. The Committee shall make comments regarding the application and either approve, approve with conditions, require further review, or deny the application.
 - 1. The Committee shall approve the application for Rural Development Concept Plan Approval if it is found to be consistent with the requirements of this Ordinance.
 - 2. The Committee shall approve the application with conditions if minor modifications are required for the application to be completely consistent with the requirements of this Ordinance. Such minor modifications shall not have the effect of altering the arrangement of lots, topography, drainage, driveways or other features. The applicant shall make revisions consistent with the conditions of approval and provide revised materials to the Planning Director for the records of the Plan Commission.
 - 3. The Committee shall require further review of the application for Rural Development Concept Plan Approval if addressing the comments of the Committee will require significant alterations in the lots, topography, drainage ways, driveways or other features. The application shall be placed on the agenda for further review at the next Technical Review Committee meeting. The applicant shall revise the application consistent with the comments received from the Committee and supply revised application materials and the specified number of copies to the Planning Director in preparation for further review by the Technical Review Committee by the date specified on the adopted Calendar of Meeting and Filing Dates.
 - 4. The Committee shall deny the application for Rural Development Concept Plan Approval if it is found to be in violation of the requirements of this Ordinance. Applications which have been denied may not be re-submitted for a period of 1 year from the date of denial. When re-submitted, the request shall be treated as a new application following the process established by this Article and with all fees required.
- E. Final Plat Procedure:**
- a. Final Plat (paper copy) is submitted to the County Surveyor for review (initial review is to be

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- completed within 3 business days of submittal - i.e. if plat is turned in on Monday at 9:00 A.M., review will be completed by Thursday at 9:00 A.M., barring paid holidays or courthouse closings).
- b. After review is complete, Final plat applicant (surveyor) will be notified by the Surveyor's Office by phone (will fax and/or email as well if request is made in writing that includes email address and/or fax number, and submitted with the Final Plat).
 - c. Final Plat applicant (surveyor) will pick up the Final Plat from the County Surveyor's Office. A form will be included with the Final Plat detailing any changes that need to be made.
 - d. Final Plat applicant (surveyor) will return a mylar copy of the Final Plat to the Surveyor's Office that is signed and stamped by the surveyor and signed by the property owners. (Surveyor must use his/her discretion as to submit a mylar at this time. If several errors were found initially, surveyor may wish to submit another paper copy verifying all corrections have been made, and no additional errors created. Each paper submission will be reviewed within 3 business days).
 - e. Final Plat (mylar copy) is reviewed by the County Surveyor's Office. (Review of mylar will be completed within 2 business days, with priority placed on those plats attempting to meet the filing deadline for the Plat Review Committee).
 - f. If all criteria has been met by the County Surveyor, the Final Plat is signed by the County Surveyor and submitted to the Planning Department. Planning Department then places the Final Plat on the next Plat Review Committee Meeting Agenda. County Surveyor's Office will notify the surveyor by phone (will fax and/or email as well if request is made in writing that includes email address and/or fax number, and submitted with the mylar copy of the Final Plat).
 - g. Surveyor appears before the Plat Review Committee. If plat is approved, the Planning Director signs the plat and the surveyor takes the plat to the County Auditor for transfer and to the Recorder's Office for Recording. Approval of the Final Plat shall be effective for a maximum period of one (1) year from the date of approval, unless it is signed and recorded as required by this Ordinance.
 - h. A paper copy of the recorded plat is submitted to the Planning Department.
 - i. A building permit may be obtained for any lot in the recorded Administrative Plat.
 - j. Required copies to be submitted with final plat to the county surveyor:
 - 1. The Final Plat
 - 2. Copy of the boundary Survey
 - 3. Copy of the deeds for all surrounding property owners
 - 4. Copy of the deed for the parent tract
 - 5. Copy of recorded documents for any easements, right-of-way grants or takings that are depicted on the Final Plat.
 - 6. If recorded documentation does not exist for easements or right-of-ways shown on the Final Plat, the surveyor is to provide the documentation utilized to depict the easement and/or right-of-way (this does not include the typical existing 16.5' right-of-way from centerline that exists along section lines)
- F. **Waivers:** The Plan Commission shall have the sole authority to grant waivers of the requirements of this Ordinance.
- a. Applicants seeking a waiver of one or more requirements shall provide written notice of the waiver request either at the time of filing the application or within 30 days of any adverse decision by the Plat Review Committee.
 - b. The Planning Director shall place the waiver request on the agenda for the next appropriate Plan Commission meeting consistent with the adopted calendar of meeting and filing dates.

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- c. Public notice for the meeting shall be required, consistent with the provisions of Article 2 of this Ordinance.
 - d. The Plan Commission shall consider the intent of the Comprehensive Plan and this Ordinance when deciding the waiver request.
 - e. The Plat Review Committee, at its discretion, may either hear any application contingent upon the outcome of a waiver request hearing by the Plan Commission, or table the request pending the outcome of the Plan Commission hearing.

3.4 Specifications for Administrative Subdivision Documents to Be Submitted

The Administrative Subdivision application shall be accompanied by a Rural Development Concept Plan prepared in pen or pencil, drawn to a convenient scale of not more than 100 feet to an inch, and show the following information:

- A. **Property Name:** The property address, general location, and name (if there is a name by which the property is locally known).
- B. **Property Ownership:**
 - a. The name and address, including telephone number, of the legal owner, the developer of the property or his/her agent, and citation of last instrument conveying titles to each parcel of property to the owner involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
 - b. Citations of any existing covenants on the property.
 - c. The name and address, including telephone number, of the professional person(s) responsible for the subdivision design and for surveys.
- C. **Property Legal Description:** The location of the property, the name of the local jurisdiction, lot, section, township, range and county, graphic scale, north arrow, and date.
- D. **Development Description:**
 - a. A legend and notes, including a graphic scale, north point, and date.
 - b. An indication of the lot to be considered the remainder of the parent tract.
 - c. The approximate location of existing or proposed septic systems including termination point and outlet of all perimeter drain systems and/or the municipal sanitary sewer system.
 - d. The approximate location of any existing or proposed wells and/or the municipal water system.
 - e. A Rural Development Concept Plan Approval Certificate for signature by the Planning Director.
 - f. Lot numbers and the area for each lot which may be created on the parent tract (listed in square footage and acres), including all setback lines, lot dimensions and road frontage widths.
 - g. All existing and proposed easements including the location, width, and purpose of each easement.
 - h. All existing and proposed rights-of-way on and adjoining the site of the proposed subdivision showing the street names and pavement widths.
 - i. The location, size, and invert elevation of any utilities existing and proposed adjacent to, and on the site, including storm and sanitary sewers; water mains; electrical, telephone, and cable television lines; street lights; fire hydrants; and such other utilities as may be appropriate.
 - j. The location(s) of any existing structure(s) on the site and a description of the future use.
 - k. The location of natural streams, regulated drains, 100-year flood plains, floodways, water courses, marshes, wooded areas, and other structures or significant features.
 - l. The location and results of tests, as required by any county, state, or federal government agencies made to ascertain subsurface soil, rock, and groundwater conditions.
 - m. The location of all existing and proposed driveways, provisions for the construction and maintenance of shared driveways, and no-access easements.

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- n. The proposed phasing of the development, if more than one lot is involved and development will occur over time.
- E. **Subdivision Covenants:** In Final Plat any protective covenants applicable to the subdivision shall be prepared by the petitioner and be legally sound. The covenants shall be subject to the approval of the Planning Director and, at a minimum, shall provide a means for the maintenance and upkeep of any common drives and/or any drainage swales. All covenants shall be recorded in the office of the Madison County Recorder, with a copy of the recorded covenants being provided to the Planning Director prior to the issuance of an Improvement Location Permit.
- F. **Vicinity Description:** On a separate sheet a vicinity map must be submitted that includes the following information:
- a. The location of the proposed subdivision within the County.
 - b. All public thoroughfares/rights-of-way adjacent to or within 200 feet of the site.
 - c. Existing and proposed driveways located on either side of all roads adjacent to the subject property.
 - d. Existing zoning of the tract and all contiguous tracts surrounding the proposed subdivision.
- G. **Rural Concept Development Plans:** All rural concept development plans must be prepared by a registered land surveyor.
- H. **Boundary Survey Requirement:** A recorded boundary survey must be prepared for all Administrative Plats, pursuant to Title 865, Article 1, Chapter 12, Sections 1-34. the instrument number for the recorded boundary survey must be affixed to the Administrative Final Plat.
- The boundary survey is to include any and all improvements located within the final Plat.
Exceptions to this rule are as follows:
- a. One lot makes up the final Plat and all improvements on the parent tract are wholly within the one lot (statement must be made on the Final Plat to this affect)
 - b. County Surveyor may use his/her discretion when asked by the surveyor preparing a Final Plat, but only for circumstances that include vast amounts of improvements (i.e. farms, businesses, etc.)
- I. **Drainage Board Approval:** Drainage Board approval is required before the Final Plat may be submitted to the County Surveyor's Office for review.
- J. **Statements:** Any statements, changes, or requirements placed on the Administrative Plat during the Rural Development Concept Plan Plat Review Meeting, the Madison county Drainage Board Meeting, and any other governmental entities reviewing the plat are the complete responsibility of the private surveyor. If these statements, changes, and/or requirements were requested, but not placed on the Final Plat, and is not found until the Plat Review Meeting for the Final Plat hearing, the surveyor will be required to make the changes and then resubmit the Final Plat to the County Surveyor.