

ORDINANCE NUMBER 2011 - \_\_\_\_\_

AN ORDINANCE OF THE WASHINGTON COUNTY

BOARD OF COMMISSIONERS IMPLEMENTING PROCEDURES

FOR SUBDIVISION PLAT APPROVALS

WHEREAS, there exists a state statute, I. C. 36-7-3-2, requiring approval of subdivision plats by the County Executive, being the Board of Commissioners of Washington County, Indiana; and

WHEREAS, there exists in Washington County, Indiana Ordinance Number 93 – 04, Ordinance Number 97 – 05, Ordinance Number 97 – 09, Ordinance Number 99 – 02, Ordinance Number 2001 – 01, and Ordinance Number 2001 – 09; and

WHEREAS, there were amendments to the above cited ordinances, said amendments also passed by the Board of Commissioners on various dates after the ordinances' implementations; and

WHEREAS, the Board of Commissioners established a Washington County Plan Commission as a result of Ordinance Number 2010 – 05; and

WHEREAS, the Board of Commissioners has empowered the Washington County Plan Commission with the planning functions of Washington County per I.C. 36-7-4-201 and per Ordinance 2010 – 05; and

WHEREAS, the Board of Commissioners wish to repeal Ordinance Number 93 – 04, Ordinance Number 97 – 05, Ordinance Number 97 – 09, Ordinance Number 99 – 02, Ordinance Number 2001 – 01, Ordinance Number 2001 - 09 and their relevant amendments and implement amended procedures for subdivision plat approvals;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners the endorsement and

adoption of the following rules and regulations for use by developers in preparing proposed subdivision plats for approval by the Washington County Plan Commission and the Washington County Board of Commissioners:

A. ADMINISTRATIVE REQUIREMENTS

1. The minimum average lot size shall be 2 acres to allow for undevelopable areas, such as flood plains, utility easements, driveway and/or internal roads, poor soil areas, etc., and to have adequate space for future needs. The Developer shall state on the subdivision plat the total acreage, total number of lots and the average lot size. The Developer shall consecutively number the lots in the subdivision. There shall be no more than one single family residential structure per lot.

2. Upon the filing of a plat with the Plan Director of Washington County, Indiana there shall be six (6) complete copies, including restrictive covenants filed for use by the Washington County Plan Commission for review.

3. The Developer shall register with the Plan Director prior to the submittal of any subdivision, information providing the company name, address, phone number, fax number, contact person(s) and the history of the subdivision development for the past 3 years.

4. A copy of the subdivision plat shall be submitted on mylar sheet(s) or equivalent for reproduction as required. It is recommended that the County Recorder's Office be contacted to determine compliance. All required permits and other information shall be on file with the Plan Director before submittal to the County Recorder.

5. All subdivisions shall have unique names for identification. The subdivision name shall be sufficiently unique as not to be confused with existing approved subdivisions.

6. The submitted plat for subdivision approval shall show public right-of-ways, utility easements, metes and bounds descriptions of the entire platted real estate and note any

restrictive covenants. Public way widths must have a minimum right-of-way width of 40' and any cul-de-sac must have a minimum 90' right-of-way diameter. Public way curves must have a minimum radius of 75' at the center line of the curve. It is recommended that no road grade exceed 15%, and that right-angle intersections are used wherever practicable. Intersections must be approached on all sides by near level areas, and these level areas must have a minimum length of 50 feet (measured from the intersection of the centerlines) within which no grade may exceed a maximum of 3%.

7. Each subdivision shall include appropriate easements for water, sewer, and other public utilities. When located along public roads, such easements shall have a minimum width of 10 feet. When located along side or rear property lines or interior to any lot, such easements shall have a minimum width of 15 feet or 7 1/2' feet on each side of the lot line. Utility easements shall have multiple functions wherever possible, and shall provide reasonable continuity from block to block. The Commission shall require larger easements when necessary for carrying out the purposes of this Ordinance.

8. The formation of a Property Owners Association shall be required if common grounds or maintenance repairs to roads exist and are inclusive of the development. If internal roads are not proposed to be brought up to current Washington County road standards, a comment shall be made on the subdivision plat stating this fact.

9. If the developer elects to construct an internal road(s), the Washington County 911 Coordinator shall be contacted to coordinate a unique road name and order the required signage. All material and installation cost for signage shall be paid for by the Developer. If a proposed road is to be accepted by Washington County, it shall be brought up to current Washington County stone and asphalt standards for roads and must be approved by the Washington County Highway Superintendent. The Developer shall provide proof of conformance to this requirement concerning internal roads and shall further notify the Washington County

Highway Superintendent at least five (5) days prior to the actual starting on these roads for each of the following activities:

- i. Stripping of sod;
- ii. Laying of stone; and
- iii. Laying of asphalt.

In the event the Developer fails to comply with any provision of this paragraph by failing to notify the 911 Coordinator or failing to notify the Washington County Highway Superintendent, then the Developer, at his own expense, shall assist in all inspections and be required to place the roads in a status which can be inspected.

#### B. PERMITS REQUIRED

1. The County Environmentalist shall review all subdivisions for compliance with current Washington County septic system requirements. Soil tests shall be performed, as directed by the County Environmentalist and the approximate location and results of all such tests shall be shown on the subdivision plat. The County Environmentalist shall provide the Plan Director with proof that the required review for subdivision septic systems have been performed.

2. The Highway Superintendent shall review all subdivisions for ingress and egress route, grades, curves, and public way widths for safety and compatibility and coordinate the subdivision public ways with planned and current public ways. A minimum of 325 feet distance each direction and 325 feet sight distance each direction between driveway entrances is recommended. The maximum number of driveway entrances, per mile, shall be ten (10) on each side of the county highway. These requirements shall include existing and proposed new county roads. All driveways located on the existing county highways, on each side, within  $\frac{1}{4}$  mile of the subdivision plat shall be shown in their approximate locations. The Highway

Superintendent shall review plans for all driveway entrances, as required for the proposed subdivision. The Highway Superintendent shall provide the Plan Director with proof that the required review for driveway entrances, ingress and egress, grades, curves, and public way widths have been performed.

3. There is established herewith a 60 foot setback requirement from the centerline of any public road or highway, to the nearest edge of any residential structure, garage or related structure. There is also established a minimum lot width of 150 feet as measured at the front setback line, a minimum lot depth of 150 feet, and a minimum lot area of  $\frac{3}{4}$  acre in size (if connected to city water) or 1 acre in size (if served by a well). Any variance of this provision must be made only by application to the Washington County Plan Commission and only for their consideration.

4. All ingress and egress, by way of a driveway, from a county road to individual property may only be installed with the installation of a culvert which is to be at a minimum of 12" in diameter and 24' long and installed with only 16 gauge material. Any variance of this provision must be made only by application to the Washington County Plan Commission and only for their consideration.

5. A water supply shall be provided for all lots in each subdivision. If the water supply is from a private well field, the actual well log shall be provided for the areas in the subdivision served by the well. The safe yield for any well shall be provided. If the water supply is from an extension to an existing public water system, the IDEM permit or notice of intent number shall be provided with the subdivision plat submittal. The minimum water main line size is 3". If the water supply is from a service tap, or from an existing water main, then a letter from the water district stating the size and location of all existing and future water mains shall be submitted along with the subdivision plat submittal.

6. The Washington County Soil Conservation District shall be contacted regarding IDEM Rule 5, Erosion Control. The Washington County Soil Conservation District shall provide the Plan Director with proof that the proposed subdivision has been reviewed for compliance.

If an IDEM permit is required, it shall be provided with the subdivision plat submittal.

7. The proposed subdivision shall have all drainage ditches, streams, creeks, rivers, sinkholes, caves, springs, closed depressions and related features shown on the subdivision plat.

Elevations in 10 foot contour intervals shall also be shown on the subdivision plat, with spot elevations as required. It is required that the 100 year flood plain shall be shown on the plat.

In the event the flood plain designation is not available on the flood plain maps available and if the drainage area is more than 640 acres, then the flood plain designation must be determined by application to the Indiana Department of Natural Resources before the plat can be approved.

Any bridge or culverts required for internal roads or other reasons with a drainage area equal to or greater than 640 acres shall have an IDNR floodway construction permit. Any bridge or culvert required for internal roads or other reasons with a drainage area less than 640 acres shall be sized and designed by a professional engineer registered in Indiana. The Washington County Building Commissioner may be contacted to answer questions related to drainage and floodway areas.

8. The drainage plan for the proposed subdivision shall comply with the following standards:

i. The plan shall maintain the amount of drainage through the tract that existed when the tract was created. If any tiles are cut, broken down, or rendered useless during the construction activity on the tract, the developer shall be responsible for the repair, replacement or relocation of the tile.

ii. The plan shall not change the locations where surface water enters the tract and exits

the tract from the locations that existed when the tract was created.

iii. Water which sheds off of a new structure, especially when the new structure is elevated or near a property line, or both, shall exit the tract in the same location where it did when the tract was created.

iv. The Washington County Plan Commission may approve an alternate plan that does not comply with the standard set forth in Paragraph (8).

#### C. FILING FEES

At the time the Developer shall file their proposed subdivision plat and the appropriate number of copies with the Office of the Plan Director, they shall pay to the Office of the Plan Director a non-refundable filing fee as follows:

- i. Seventy – five Dollars (\$75.00) per lot in the proposed subdivision plat.
- ii. Twenty-five Dollars (\$25.00) for the costs associated with the Notice of Public Hearing for the proposed subdivision.

#### D. DEFINITIONS

**SUBDIVISION** The division of a parcel of land into two (2) or more lots, parcels, sites, units, plats or interests, for the purpose of offer, sale, lease, or development, either on the installment plan or on any and all other plans, terms and conditions, including re-subdivision. Subdivision includes the division of development of land zoned for residential and non-residential uses, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

**DIVISION, EXEMPT** The Plan Commission and County Commissioners have determined that certain types of divisions of land do not require a thorough review and platting required under the standard provisions of this Ordinance. In order to more appropriately address these types of divisions and insure that the interests of the County are served certain exemptions are enumerated within this Ordinance. Exempt subdivisions are not subject to the requirements of this ordinance beyond the determination by the Plan Director or Staff that they meet requirements for exempt subdivisions set forth herein.

The following subdivisions of land are exempt from the provisions of this Subdivision Control Ordinance:

- 1) A division of land for the sale or exchange of tracts between adjoining land owners where the transferred property abuts the recipient's adjoining property in the exchange.
- 2) A division of land by a person for any purpose for a child, grandchild, sibling, parents, or grandparents, and which meet all other requirements of the ordinances of Washington County. In order to prevent evasion of the subdivision control ordinance a property owner will be allowed to create only one lot for transfer to each child, each grandchild, each sibling, the owner's parents, the owner's spouse's parents, and each set of grandparents for the owner or the owner's spouse.
- 3) A division of land for the purpose of single family or agricultural use, which does not involve any new public road, public drainage easement or other new public improvement, and which creates a new lot and a remaining tract which are a minimum of  $\frac{3}{4}$  acre each in size (if connected to city water) or 1 acre each in size (if served by a well) and which meet all other requirements of the ordinances of Washington County. Only two (2) such exempt divisions of this type shall be permitted on any tract or contiguous tracts of land under the same ownership and existing on May 1, 2011.

All exempt subdivisions shall be submitted to the Plan Director or Staff for review. If the Plan Director or Staff determines that the proposed subdivision meets the standards to be exempt from the subdivision plat process, he/she shall stamp the exempt subdivision as approved. The Washington County Auditor shall not accept an exempt subdivision for transfer unless it has been stamped as approved by the Plan Director or Staff.

#### E. VARIANCE

Application may be made to the Washington County Plan Commission for variance from any one or more of the restrictions or requirements contained herein. In consideration of application for variance, the Commission shall take into consideration the community health, safety, welfare, goals, and rationale for such restrictions and requirements.

#### F. REPEALER

Upon the adoption of the Washington County Subdivision Control Ordinance 2011 - \_\_\_\_\_ according to law, Ordinance Number 93 – 04, Ordinance Number 97 – 05, Ordinance Number 97 – 09, Ordinance Number 99 – 02, Ordinance Number 2001 – 01, and Ordinance Number

2001 – 09 and their amendments are hereby repealed, except for such sections expressly retained herein.

G. SEPARABILITY

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in any controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The County hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

ALL OF WHICH IS ORDAINED BY THE WASHINGTON COUNTY BOARD OF COMMISSIONERS  
AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

\_\_\_\_\_  
JOHN FULTZ

\_\_\_\_\_  
DAVID BROWN

ATTEST:

\_\_\_\_\_  
SARAH BACHMAN, AUDITOR

\_\_\_\_\_  
JOHN MISHLER

**WASHINGTON COUNTY  
TECHNICAL REVIEW CHECKLIST FOR NON-EXEMPT SUBDIVISIONS**

- \_\_\_\_\_ All lot dimensions are shown and in mathematical agreement.
- \_\_\_\_\_ Lots are consecutively numbered.
- \_\_\_\_\_ Driveways are shown and conform by having 325' distance and sight distance.
- \_\_\_\_\_ Developer has registered with Plan Director, and paid filing fees.
- \_\_\_\_\_ Average lot size conforms.
- \_\_\_\_\_ Minimum lot size conforms.
- \_\_\_\_\_ Elevations are shown at 10' contour interval with spot elevations provided. Also, any drainage ditches, streams, creeks, rivers, sinkholes, caves, springs, and related features shown on submitted subdivision plat. The 100-year flood plain must be shown on all plats.
- \_\_\_\_\_ New road names conform by non-duplications or similarity with existing roads.
- \_\_\_\_\_ Restrictive covenants needed (see recommendations).
- \_\_\_\_\_ Subdivision name conforms by non-duplication or similarity with existing subdivisions.
- \_\_\_\_\_ All curve data, setbacks, easements, and right-of-way information are shown.
- \_\_\_\_\_ Signatures by all owners of lot(s) in submitted subdivision plat.
- \_\_\_\_\_ Field check of driveway sight distance by Washington County Highway Department.
- \_\_\_\_\_ Proof of review by County Environmentalist along with location shown of all soil borings on the submitted subdivision plat.
- \_\_\_\_\_ IDEM permit for water supply or approval from water supplier of all lots on service lines from existing water mains.
- \_\_\_\_\_ Proof of review by Washington County Soil Conservation District for compliance with IDEM Rule 5.
- \_\_\_\_\_ Any other permit furnished, as required, such as an IDNR permit for floodway construction.