

ORDINANCE NO. 2014 - 48

**AN AMENDMENT TO THE HENDRICKS COUNTY SUBDIVISION  
CONTROL ORDINANCE BY AMENDING CHAPTER 5 MINOR  
SUBDIVISIONS AND CHAPTER 12 DEFINITIONS**

**WHEREAS**, the Board of County Commissioners of Hendricks County, Indiana adopted the Hendricks County Subdivision Control Ordinance on December 21, 2004;

**WHEREAS**, the Hendricks County Area Plan Commission has recommended that the Subdivision Control Ordinance be amended:

**WHEREAS**, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TSA 01-14) and voted to forward a favorable recommendation to the County Commissioners;

**WHEREAS**, the County Commissioners have received and reviewed the Area Plan Commission's report, have considered the Area Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety and convenience of the people of Hendricks County; and

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:**

Amendment to Chapter 5 Minor Subdivisions as follows:

Add:

**5.06 EXEMPT SUBDIVISION**

The Exempt Subdivision procedure applies only to divisions of land for the purpose of splitting off an existing legally conforming residence and accessory structures from a parent tract of land, provided that (1) the new residential parcel meets all current development standards applicable to a residential parcel in the relevant zoning district, and (2) the remaining parent parcel is at least 20 acres in size.

1. Conditions of Eligibility – Before determining that an application is eligible to be considered as an exempt subdivision, the planning director shall find that all of the following criteria are satisfied:
  - a. Orderly Development – The subdivision will not impede orderly development of land or the provision of public services and improvements.
  - b. Comprehensive Plan – The subdivision will be consistent with the Comprehensive Plan.
  - c. Suitability – The lot will provide a suitable residential building site. Land suitability shall be determined by the criteria contained in this ordinance.

- d. Endangerment – the exempt subdivision will not be detrimental to, nor endanger, the public health, safety, or general welfare.
  - e. Residential Zoning – The property must be zoned to allow residential development as a permitted use.
  - f. Right-of-Way – Right-of-way dedication pursuant to the Hendricks County Thoroughfare Plan.
  - g. Development Standards – The lot shall meet all current development standards applicable to a residential parcel in the relevant zoning district.
  - h. Parent Parcel – The remaining parent parcel shall be at least 20 acres in size.
2. Submittal Requirements
- a. Application Materials. The application shall include the following
    - i. Completed application form
    - ii. Copy of the parent tract deed
    - iii. Subdivision plat drawing
    - iv. Fee
  - b. Subdivision Plat Drawing – The subdivision plat drawing for an exempt subdivision shall include the following:
    - i. North arrow
    - ii. Graphical scale
    - iii. Parent tract labeled “Remainder”
    - iv. Proposed lot with the following:
      - 1. Boundary lines and acreage thereof (proposed lot and remainder)
      - 2. Right-of-way
      - 3. Building setback lines
      - 4. Easements
      - 5. Property address
    - v. Legal description
    - vi. Surveyor’s certification
    - vii. Plat drawings shall be a minimum of 8.5” x 14” in size, and a maximum of 18” x 24” in size.
  - c. Exempt Subdivision Requirements – The exempt subdivision application must contain the following information, which may be located on a separate sheet:
    - i. Lot boundaries
    - ii. Dimensions
    - iii. Easements
    - iv. Building setback lines
    - v. Street on which the proposed parcel has access/frontage
    - vi. Location of residence and all accessory structures
    - vii. Location of driveway
3. Review and Approval
- a. Review of an exempt subdivision application shall be completed within 14 calendar days of the submission of a complete application.
  - b. Review shall be carried out by Planning & Building Department staff.
  - c. Review shall consist exclusively of determining if the proposed exempt subdivision complies with the relevant development standards of the Zoning Ordinance and Subdivision Control Ordinance.

- d. An application fee shall be paid.
4. Limit of One Exempt Subdivision Per Parent Tract – Only one (1) exempt subdivision may be created from a parent tract.
  5. Disclaimer - The intent of the exempt subdivision process is to provide a low-cost, administrative means of splitting off an existing, legally established residence from a larger parent tract. The cost of the process is kept low by limiting the subdivision review to conformance with zoning ordinance and subdivision control ordinance development standards only. Conformance with other standards, such as (but not limited to) septic system design, well location regulations, roadside ditch design, and adequate site drainage, are not part of the review. *Consequently, approval of an exempt subdivision does not guarantee that the resulting lot is in complete conformance with all Hendricks County development standards.*

### 5.07 Expiration of Approval

Approval of an exempt subdivision shall be valid for two (2) years from the date of approval unless the Administrative & Plat Committee or the Plan Commission grants an extension. If not granted before the expiration of two (2) years, the approval shall be null and void.

Amendment to Chapter 12 Definitions as follows:

Add:

SUBDIVISION, EXEMPT: A subdivision of a parent tract of land for the purpose of splitting off an existing legally conforming residence and accessory structures, provided that (1) the new residential parcel meets all current development standards applicable to a residential parcel in the relevant zoning district, and (2) the remaining parent parcel is at least 20 acres in size.

APPROVED, by the Board of Commissioners of Hendricks County, Indiana this

23<sup>rd</sup> day of DECEMBER, 2014

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