City of Columbus – Bartholomew County
Planning Department

123 Washington Street
Columbus, Indiana 47201
Phone: (812) 376-2550
Fax: (812) 376-2643

MEMORANDUM

TO: Columbus Plan Commissioners

FROM: Rae-Leigh Stark

DATE: August 6, 2013

RE: Subdivision Control Ordinance Amendments

Several months ago the County Plan Commission asked for revisions to the Subdivision Control Ordinance provisions for agriculture subdivisions. At the same time, the Planning Department had been working on a subdivision definitions project. We have combined these two efforts and are now ready with an ordinance making the appropriate changes. The staff has contacted local land surveyors, the County Highway Department, County Surveyor's Department, and the City Engineering Department about the proposed changes. All comments received have been incorporated into the recommended revisions.

The proposed revisions would accomplish the following:

1. Replace the existing definitions in both the city and county subdivision control ordinances and replace them with a combined and more clarified list of definitions.
2. Remove the requirement for an agriculture tract and agriculture remainder to have a minimum area of 20 acres.
3. Remove the requirement for cemetery plots to receive administrative subdivision approval.

Please feel free to contact me with any questions you may have.

GENERAL RESOLUTION: 2013-01

of the Columbus, Indiana Plan Commission

regarding
the City of Columbus, Indiana Subdivision Control Ordinance
[a proposal to amend the definitions and the administrative subdivision provisions of the current Subdivision Control Ordinance (adopted December 7, 1982)]

WHEREAS, the current Subdivision Control Ordinance of the City of Columbus was adopted by the Columbus Common Council on December 7, 1982; and

WHEREAS, the Plan Commission, based on its experiences, has determined that certain provisions are in need of update, revision, and clarification; and

WHEREAS, the process of creating the proposed revisions to the Subdivision Control Ordinance has included opportunities for input from end-users of the document who are specifically affected by those revisions, specifically local land surveyors, the Bartholomew County Surveyors Office and the City of Columbus Engineering Department; and

WHEREAS, these proposed revisions to the Subdivision Control Ordinance were prepared consistent with the provisions of IC 36-7-4-701(b) and for the purposes described by IC 36-7-4-601(c); including (1) the securing of adequate light, air, convenience of access, and safety from fire, flood, and other danger; (2) lessening or avoiding congestion in public ways, and (3) promoting the public health, safety, comfort, morals, convenience, and general welfare; and

WHEREAS, the Plan Commission did, on August 14, 2013, hold a public hearing consistent with the applicable requirements of Indiana law (IC 36-7-4-604); including providing the required published notice; and

WHEREAS, the Plan Commission recognizes that its action represents a recommendation to the Board of Commissioners of Bartholomew County, Indiana, which will be responsible for final action on this request.

NOW THEREFORE BE IT RESOLVED, by the Plan Commission of the City of Columbus, Indiana, as follows:

1) The proposed updates to the City of Columbus, Indiana Subdivision Control Ordinance described by the proposed ordinance attached and made a part of this resolution are forwarded to the Columbus Common Council with a favorable recommendation on their adoption.

2) This resolution shall serve as the certification required for the adoption of a Subdivision Control Ordinance (per IC 36-7-4-701(b) and IC 36-7-4-605).

ADOPTED BY THE COLUMBUS, INDIANA PLAN COMMISSION THIS _____ DAY OF _____, 2013 BY A VOTE OF ___ IN FAVOR AND ___ OPPOSED.

_____
Roger Lang, President

ATTEST:

_____
_____, Secretary

ORDINANCE NO.:_____, 2013

AN ORDINANCE AMENDING THE DEFINITIONS AND THE ADMINISTRATIVE SUBDIVISION PROVISIONS OF THE CITY OF COLUMBUS SUBDIVISION CONTROL ORDINANCE.

Favorably Recommended by
Columbus Plan Commission General Resolution 2013-##

WHEREAS, the current Subdivision Control Ordinance of the City of Columbus was adopted by the Columbus Common Council on December 7, 1982; and

WHEREAS, the Plan Commission, based on its experiences, has determined that certain provisions are in need of update, revision, and clarification; and

WHEREAS, the process of creating the proposed revisions to the Subdivision Control Ordinance has included opportunities for input from end-users of the document who are specifically affected by those revisions, specifically local land surveyors, the City of Columbus Engineering Department, and the Bartholomew County Surveyors Office; and

WHEREAS, these proposed revisions to the Subdivision Control Ordinance were prepared consistent with the provisions of IC 36-7-4-701(b) and for the purposed described by IC 36-7-4-601(c); including (1) the securing of adequate light, air, convenience of access, and safety from fire, flood, and other danger; (2) lessening or avoiding congestion in public ways, and (3) promoting the public health, safety, comfort, morals, convenience and general welfare; and

WHEREAS, the Plan Commission did, on ####, 2013, hold a public hearing consistent with the applicable requirements of Indiana Law (IC 36-7-4-604); including providing the required published notice; and

WHEREAS, the Plan Commission has made a favorable recommendation to the Columbus Common Council on the adoption of the proposed Subdivision Control Ordinance revisions.

NOW THEREFORE BE IT ORDAINED by the Columbus Common Council, as follows:

SECTION 1: Subdivision Control Ordinance Revised

The City of Columbus Subdivision Control Ordinance is revised as described below:

1. Sec. 16.08.010 Definitions: The current content of this section is deleted in its entirety and replaced with the following:

   Access Point: A driveway or other means of physical connection for the movement of vehicles between a property and an adjacent property, street or road.

   Adjacent Property Owners: The owners of property contiguous to the subject property, excluding those who are also the owners of the subject property, ignoring all intervening streams, street and railroad rights-of-way and other similar features.

   Agricultural Purpose: Farming, dairying, pasturing, agriculture, horticulture, floriculture, and animal and poultry husbandry.

   Agricultural Remainder: The portion of the parent tract that remains as the result of an Administrative Subdivision by which a new lot(s) for an existing home has been created. The building rights are transferred to the new Administrative Lot created, leaving the Agricultural Remainder

"unbuildable." The remainder does not have to be surveyed, but must meet the criteria for an agriculture subdivision.

Agricultural Tract: A tract created only through the Agricultural Subdivision process (possibly combined with an Administrative, Minor, or Major Subdivision on the same property) only for agriculture purposes and is therefore "unbuildable." The tract does not have to be surveyed, but must meet the criteria for an agriculture subdivision.

Alley: A public or private way primarily designed to provide vehicle access to the side or rear of those properties which have their principal frontage and pedestrian access on a street.

Applicant: See *petitioner*.

Approval, Administrative: An approval granted to an Administrative or Agricultural Subdivision by the Planning Director indicating that the subdivision complies with the applicable standards.

Approval, Primary: An approval (or approval with conditions) granted to a subdivision by the Commission indicating that it has determined that the subdivision complies with the applicable standards.

Approval, Secondary: An approval by the official designated by the Commission indicating that all conditions of primary approval and other applicable standards have been met.

Bicycle and Pedestrian Plan: The part of the comprehensive plan, now or hereafter adopted, which includes a roadmap for the creation of a system of bicycle and pedestrian facilities providing access to and connectivity between areas of the jurisdiction.

Block: Property abutting on one side of a street, and lying between the two nearest intersecting or intercepting streets, or between the nearest intersection of an intercepting street and railroad right-of-way, a waterway or other definite barrier.

Board: The Board of Public Works and Safety of Columbus, Indiana for the City of Columbus jurisdiction and the Board of Commissioners of Bartholomew County for the Bartholomew County jurisdiction.

Board of Health: The Indiana State Board of Health.

Chord Bearing: The bearing from the start point of the curve to the end point of the curve.

Chord Distance: The distance of a line that links two points on a curve.

City Engineer: The City of Columbus City Engineer.

City: City of Columbus, Indiana.

Closure: The process of measurement in a closed figure for a check on horizontal or vertical precision.

Columbus City Utilities: The Columbus city-owned sewer and water utilities.

Commission: Plan Commission with authority for the jurisdiction in which the subdivision is located.

Common Area: (Previously labeled as "block") Land within a development which is not individually owned or dedicated to the public, but which is designed and intended for the use, enjoyment, and maintenance of the property owners within that development or other specific area.

Comprehensive Plan: A document, consistent with the requirements the Indiana Code, which is a compilation of policy statements, goals and objectives, standards, maps, and statistical data for the physical, social, and economic development of the community.

Construction Plans: *Also referred to as Improvement Plans.* Any maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed for the subdivision in accordance with the applicable standards as a condition of the approval of the plat.

Cost Estimate: An exhibit in association with construction plans that provides a detailed cost estimate of the individual improvements as required for a Major Subdivision.

County: Bartholomew County, Indiana.

County Engineer: The Bartholomew County Highway Engineer.

County Surveyor: The Bartholomew County Surveyor.

Covenants: A private agreement between property owners which places a restriction on the development of land through a written, recorded document.

Cul-De-Sac: A street or road with a single common ingress and egress and with a circular turn-around at the end.

Curve: A line or outline that gradually deviates from being straight for some or all of its length.

Department: The City of Columbus – Bartholomew County Planning Department or any agency officially designated as a successor thereto.

Drainage Board: The Bartholomew County Drainage Board.

Drainage Swale: A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to conduct surface water from a field, diversion or other site feature.

Drainage System: Any combination of surface and/or subsurface drainage components fulfilling the drainage requirements of this Article.

Easement: A grant by a property owner for the use by another person or entity of any designated part of their property for a clearly specific purpose.

Easement, Access: An easement which provides access to lots, tracts or parcels of land across an adjoining parcel or parcels.

Easement, Drainage: An easement granted for the purpose of maintaining drainage. The drainage easement may include a culvert or drain which feeds into a drainage system or for drainage of runoff over an area of the property.

Easement, Landscape: An easement used specifically for the installation and maintenance of a required Landscape Buffer. See *Landscape Buffer*.

Easement, Pedestrian: An easement used specifically for the purpose of providing a public sidewalk or other pedestrian facility that could not be located in the public right-of-way.

Easement, Street Tree: An easement used specifically for the installation and maintenance of required street trees that could not planted in the public right-of-way due to substantial conflicts.

Easement, Utility: An easement used specifically for the installation and maintenance of a utility.

Engineering Department: The Columbus, Indiana City Engineer's Office.

Erosion: The wearing away of the land surface by the action of wind, water or gravity.

Erosion Control Handbook: A handbook adopted by the Board of Public Works and Safety or the County Commissioners detailing erosion control methods for the appropriate jurisdiction.

Fire Department: The fire department having jurisdiction over the subject property and/or the Bartholomew County Fire Inspector acting on their behalf.

Flood Hazard Area: The floodplain as illustrated on the flood boundary and floodway map prepared by the Federal Emergency Management Administration (FEMA).

Floodplain (Flood Hazard Area): The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by the regulatory flood. The flood plain includes the channel, floodway, and floodway fringe. Floodplain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Emergency Management Administration (FEMA) and/or any supplements adopted by the jurisdiction..

Flood Protection Grade: The elevation of the regulatory flood plus two feet at any given location in the Special Flood Hazard Area (SFHA).

Floodway: The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

Floodway Fringe: Portions of the floodplain lying outside the floodway.

Frontage: The width of a lot measured along a straight line connecting the side lot lines at points where said side lot lines intersect the right-of-way line of a public or private street from which such lot has legal access. For purposed of determining compliance with minimum frontage requirements, the frontage shall be continuous on a single street.

Grading: Any stripping, cutting, filling, stockpiling or any combination thereof and shall include the land in its cut or filled condition.

Health Department: The Bartholomew County Health Department.

Improvement plans: See C*onstruction Plans.*

Individual Sewage Disposal System: A sewage disposal system for a single parcel or structure, usually but not necessarily, a septic tank filter field.

Interested Parties: Those parties who are to be notified by mail of a public hearing on a proposed subdivision of land. Interested parties shall be those parties so defined in the Plan Commission Rules of Procedure.

Jurisdiction of the Commission: The area over which the Plan Commission has authority as described by this ordinance.

Landscape Buffer: Any combination of fences, walls, hedges, shrubs, trees and other landscape materials which effectively provide a solid, dense and opaque mass, to prohibit view, absorb sound and provide site delineation. Such screen shall provide total opacity throughout the year. Landscape buffers shall comply with the definition of a "Type A Buffer" contained in the Columbus and Bartholomew County Zoning Ordinance.

Legal Access: A platted access easement or the minimum required frontage on a street.

Legal Description: A description recognized by law which definitely describes property by reference to government surveys, coordinate systems or recorded maps; a description which is sufficient to locate the property without oral testimony.

Legal Drain: Any drainage system consisting of an open drain, a tiled drain, or any combination of the two that is under the jurisdiction of the County Drainage Board as provided by I.C. 36-9-27.

Legend: A key located on a plat used to explain what the symbols within the drawing mean.

Location Map: *See Vicinity Map*

Lot: A parcel of land created only through the Major or Minor Subdivision process that is buildable. The label "lot" signifies the parcel has been surveyed, monumented, subject to the dedicator of the required amount of right-of-way, verified as having acceptable means of sewage disposal, and otherwise reviewed and found to comply with the requirements of this Ordinance.

Lot, Administrative: A parcel of land documented only through the Administrative Subdivision process that is buildable. The label "administrative lot" signifies the parcel has been surveyed, monumented, and otherwise reviewed and found to comply with the requirements of this Ordinance, but has not been verified as having acceptable means of sewage disposal or otherwise reviewed or had dedicated the required amount of right-of-way.

Lot Width: The distance between side lot lines as measured at and along the front setback line.

Marker or Monument: A pipe, rod, nail, or any other object which is intended to be a permanent survey point for record purposes.

No Access Notation means a notation placed on a plat or subdivision drawing indicating an area in which property access to a public right-of-way is not permitted.

Offsite: Any premises not located within the area of the property to be subdivided, whether or not such premises are in the same ownership as the property to be subdivided.

Owner: Any person, firm, corporation, or other legal entity listed in the records of the county auditor having title to land sought to be subdivided under these regulations.

Parent Tract: The buildable land from which a new lot(s) or tract(s) of land are being taken from as recorded in the Recorder's Office. Any parent tracts that are altered must meet the minimum size and access requirements of the Zoning Ordinance.

Parent Tract Remainder: The portion of the parent tract that remains as the result of a subdivision by which new lots or tracts are created through the Minor Subdivision process or as used to label future phases of a Major Subdivision. The parent tract remainder retains the original parent tract's status as a "buildable" parcel without being surveyed. The label "lot" shall not be applied to the parent tract remainder on any plat unless it has been surveyed, monumented, verified as having acceptable means of sewage disposal, and otherwise reviewed and found to comply with the requirements of this Ordinance to the same extent as new "lots" that are created. Any parent tract remainders must meet the minimum size and access requirements of the Zoning Ordinance.

Person includes an individual, corporation, firm, partnership, association, organization or any other unit or legal entity.

Petitioner means the owner(s) of land proposed to be subdivided including potential future owners or developers acting with the approval of the current owner. Surveyors, designers, or other professionals involved in the project should not be considered petitioners.

Plat: The map, drawing, or plan of a subdivision.

Plat Committee: The Plat Committee, appointed by the Plan Commission, consistent with its Rules of Procedure.

Plat, Final: A drawing prepared in accordance with the provisions of this ordinance, submitted for secondary approval and intended for recording.

Plat, Preliminary: A drawing indicating the proposed manner or layout of a subdivision to be submitted to the Commission for primary approval in accordance with this ordinance.

Positional Tolerance: The maximum distance that any point/monument of the survey may be mislocated with respect to any other point/monument as opposed to its theoretical location, by state-of-the-art equipment, given the location of any one point/monument and the determination of the meridian used for the survey. It represents the radius in feet from the theoretically correct point.

Primary Approval: Approval granted by the Commission to a preliminary plat.

Radius: The distance from the center of the curve to any point on the circular curve.

Regulated Drain: Any drainage system over which the County drainage board has legal control.

Replat: Any change in an approved preliminary or final plat.

Right-of-Way: A strip of land, other than an easement, dedicated for public use and to be occupied or intended to be occupied by a street, pedestrian way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, drainage swale, or for another special use. The boundaries of such rights-of-way are considered to be the lot lines of adjoining property from which setback distances are measured.

Road: See *Street*.

Secondary Approval: The final approval granted to a subdivision by the commission or a designated representative. This approval authorizes the owner or agent to record the plat.

Section Corner: A corner established as part of the United States Public Land Survey System used for horizontal control in describing land.

Street: A right-of-way dedicated or otherwise legally established which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive or other appropriate name. A street also is classified according to function as defined in the Official Thoroughfare Plan. *See also Zoning Ordinance Street and Road Definitions.*

Street, Marginal Access: Local streets which are parallel to and separated by a limited access landscape buffer strip from arterial streets and highways. These roads provide for access to abutting property on one side only.

Street, Private: Streets which serve the same function as local streets but which are not dedicated to nor maintained by any unit of government.

Subdivider: See *Petitioner.*

Subdivision: The division of a parcel of land into two or more lots, tracts, or other similar units.

Subdivision, Administrative: Is the platting process that includes one or more of the following (1) 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 parcel; (2) The removal or relocation of easements on the property; (3) The changing of notations written on the plat or correction of errors thereon; (4) A division of land pursuant to an allocation of land by court decree; (5) To correct errors in an existing legal description, provided that no additional building lots are created; (6) A division of land for the sale or exchange of tracts between adjoining land owners, provided that no additional building sites are created; (7) A division or resubdivision of land for the acquisition by the public or by a utility for street right-of-way or easement; or (8) A division of a building site containing an existing dwelling which has been located on the site for at least three years from an agricultural parent tract.

Subdivision, Agricultural: Is the subdivision of land to create a parcel for agricultural purposes, not for building, which meets the following criteria: (1) All parcels, including the parent tract have legal access; and (2) The land is being divided for agricultural purpose and not for the purpose, whether immediate or future, of use, building development, or other improvement for residential, commercial, industrial, recreational or other nonagricultural purposes; and (3) Contains at least seventy-five percent Class I or Class II soils as shown in and defined by the Soil Survey of Bartholomew County; or (4) At least seventy-five percent of the land is planted with fruit-or-nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years; or (5) At least seventy-five percent of the land is planted with ornamental plants or trees for sale for use in landscaping; or (6) Has at least seventy-five percent of its area planted with trees of the species, Pinus, Picea, or Abies (pine, spruce or fir) grown for the purpose of sale as Christmas trees; or (7) Which has been used in three of the last five years for the cultivation and harvesting of crops, grazing by livestock, production of dairy products, the raising of poultry and production of eggs, or the raising of livestock.

Subdivision, Benchmark: A permanent monument of known elevation, tied to the U.S.G.S. Benchmark System, installed at ground level.

Subdivision, Major: A division of land involving new streets, alleys, roads, other public infrastructure or the extension of utilities. This should not include those minor subdivisions that require the installation of sidewalks.

Subdivision, Minor: A division of land fronting an existing public right-of-way, not involving any new streets, alleys, roads, other public infrastructure (other than sidewalks), and not requiring the extension of utilities.

Subdivision Improvement Agreement: A document which establishes the contractual relationship between the developer of a subdivision and the local government of jurisdiction for the installation of improvements in accordance with the applicable standards and specifications.

Subdivision Review Committee: A committee established by the Commission to assist with the technical evaluation of subdivisions and to make appropriate technical recommendations to the Commission.

Subsurface Drainage: A system of pipes, tile, conduit or tubing installed beneath the ground surface used to collect ground water from individual parcels, lots or building footings.

Surface Drainage: A system by which the storm water run-off is conducted to an outlet. This would include the proper grading of parking lots, streets, driveways, yards, etc. so that storm water runoff is removed without ponding and flows to a drainage swale, open ditch or a storm sewer.

Thoroughfare Plan: The part of the Comprehensive Plan, now or hereafter adopted, which includes a major street and highway plan and sets forth the location, alignment, dimensions, identification and classification of existing and proposed public streets, highways and other thoroughfares.

Tract: See *Parent Tract* or *Agricultural Tract*.

Unbuildable: A parcel of land with no building rights. To gain building rights the parcel must be surveyed, verified as having acceptable means of sewage disposal, and otherwise reviewed and found to comply with the requirements of this ordinance.

Vicinity Map: A map showing the location of a subdivision in relation to a larger area. This may include major thoroughfares related to the subdivision, nearby community facilities such as parks, schools, fire stations, etc. and adjoining property. This may also show the parent tract.

Witness Marker: A marker or monument that is set as a reference to the actual corner when it is not possible or practical to set actual corner.

Zoning Ordinance: An ordinance and maps, which divide the area within the territorial zoning jurisdiction into zoning districts. The zoning ordinance prescribes and establishes regulations and procedures for the establishment of land use controls.

2. Sec. 16.12.060 Administrative Subdivisions: 16.12.060(c)(7) regarding cemetery plots, is deleted and subsequent items are re-numbered as appropriate.

SECTION 2: Repealer

All ordinances or parts thereof in conflict with this Ordinance shall be repealed to the extent of such conflict.

SECTION 3: Severability

If any provision, or the application of any provision, of this ordinance is held unconstitutional or invalid the remainder of this ordinance, or the application of such provision to other circumstances, shall be unaffected.

SECTION 4: Effective Date

This Ordinance shall be effective upon adoption and any publication required by Indiana Law.

ADOPTED by the Common Council of the City of Columbus, Indiana this _____ day of _____, 2013 at _____ 'clock ___ .m., by a vote of _____ ayes and _____ nays.

_____
Presiding Officer

ATTEST:

_____
Luann Welmer
Clerk-Treasurer of the City of Columbus, Indiana

Presented to me, the Mayor of Columbus, Indiana the _____ day of _____, 2013 at _____ 'clock ___ .m.

_____
Kristen S. Brown
Mayor of the City of Columbus, Indiana