

ROADSIDE SUBDIVISIONS

A *Roadside Subdivision* allows for the split of one large, agriculturally-zoned parcel into two to four buildable lots, without requiring a public hearing or approval from the county Plan Commission. An approved Roadside Subdivision is recorded as a survey rather than a plat. In order for the new parcels to be created with the Auditor’s Office and the GIS System, individual warranty deeds will need to be recorded at the County Recorder’s office.

Property Eligibility

In order to be eligible for a Roadside Subdivision, a parcel must meet all three criteria below.

<i>Required zoning</i>	<i>Minimum Parent Tract Size</i>	<i>Original parcel must have been created no later than...</i>
A-1	12 acres	Feb. 19, 2003

Subdivision Regulations

Roadside Subdivision standards and requirements are detailed below.

<i>Maximum number of total lots, after split</i>	<i>Minimum road frontage, per lot</i>	<i>Acreage required, per lot</i>
4	200 feet	2 acres/lot exactly for all new lots*; 2 acres minimum for remainder lot*

* the acreage measurement shall be the net acreage after required right-of-way is dedicated/removed.

It is still possible to split your property even if the proposed split would not meet all the conditions of the Roadside Subdivision process detailed above. To do so, you would need to request one or more *Subdivision Waivers* from the county Plan Commission. Ask the Senior Planner for details.

Roadside Subdivision Application Requirements

Each of the items below is required for a complete Roadside Subdivision application.

1. **Application form.**
2. **Owner Consent form.** Required only if applicant does not wholly own the property to be split and/or the application is filed by an Engineering or Land Surveyor company.
3. **Property Owner Affidavit.** Signed by all property owners.
4. **Filing fee.** \$125, made payable to Johnson County Planning and Zoning.
5. **Existing Recorded Deed.** Available from the Johnson County Recorder's office. Must have the County Recorder's stamp.
6. **Roadside Survey.** Two copies required. Must be signed and sealed by a Registered Surveyor in the State of Indiana. See next page for additional details.
7. **Preliminary Warranty Deed.** Completed warranty deed for ROW Option 1, signature not required at review submittal. Must include exhibits similar to the example provided in packet.
8. **Land Use Verification Form** – This form can be submitted prior to application to determine if parcel is eligible for a Roadside Subdivision. Also, the Health Department often request this form prior to soil-boring test discussions.

Roadside Subdivision Approval Process

You can file for a Roadside Subdivision at any time with the required paperwork supplied by our office. Here are the steps:

1. Complete and submit a Roadside Subdivision application packet (see *Roadside Subdivision Application Requirements*, above), which must include a certified survey.
2. Department of Planning & Zoning staff will review the survey and distribute it to other county departments (Health, Surveyor, Highway, GIS) for their review. Standard review time is two weeks
3. Once county review is complete, staff will inform the applicant of any needed revisions.
4. Make the required revisions to the survey and re-submit.
5. After final approval from Planning & Zoning, have the final certified survey signed by all relevant county departments. For ROW Option 1, Staff will provide an approved warranty deed to the owner that will need to be signed.
6. Record the final, signed certified survey with the County Recorder's office, and return one copy of the recorded survey to the Department of Planning & Zoning.
7. If Right-of-way is to be dedicated with the recording of the survey, the right-of-way warranty deed shall be recorded first.
8. Finally, record new warranty deeds for each new lot.

NOTE: The Roadside Subdivision process may take place only after the grant of any required Waivers from the standards outlined on page 1.

Roadside Subdivision Survey Requirements

At minimum, the Roadside Subdivision survey shall include (where applicable):

1. Title of subdivision. (Must end with the phrase "Residential Roadside Subdivision".)
2. Dimensions of lots and existing structures
 - a. Distances must be shown for all existing structures to new proposed property lines.
3. Legal descriptions
 - a. For ROW dedication Option 1: shall include net legal description for all new parcels and legal description of right-of-way. All legal descriptions and exhibits must have an Land Surveyor signature and seal.
 - b. For ROW Dedication Option 2: shall include gross legal description for all new parcels and legal description for proposed right-of-way for each individual parcel.
4. adjoining current and dedicated rights-of-way
5. existing and proposed easements
6. existing and proposed structures
7. other land features
8. Flood Hazard Areas – floodway and 100-year floodplain
9. scale and North arrow
10. legend
11. signature lines for:
 - a. Director of Planning and Zoning, Johnson County
 - b. Director of the Highway Department, Johnson County
 - c. all property owners within the subdivision
12. **County Surveyor's Office** -
 - a. legal drains and legal drain easements
 - b. The following statement shall be on the survey:

No construction or improvements shall impair or negatively impact any Private Drain Tile (I.C. 36-9-27-2) , or Natural Surface Watercourse (I.C. 36-9-27.4-3). When encountered said tile or watercourse will be re-routed so not to impair or negatively impact surface or subsurface water flow.

The following statement must be included on the final survey if there is a legal drain or legal drain easement within the parent parcel:

No Structures or improvements shall be permitted within the Legal Drain Easement. All buildings, fencing, plantings, crops, trees, shrubs, or any woody vegetation grown within the easement or legal drain are at risk of the owner and subject to removal without restitution (I.C. 56-9-27-33).

13. Johnson County Health Department

- a. All existing septic system components shall be located and placed on the survey.
- b. All existing individual wells shall be located and placed on the survey.
- c. For all new buildable lots, a soil-boring test will be required to determine the suitability for these lots to support septic systems. The test(s) must be completed for approval of a Roadside Subdivision Survey, and should be completed before submittal.
 - i. Depending on results of the soil-boring tests, perimeter drains for the septic systems with suitable outlets will be required if seasonal wetness is identified. A subsurface drainage network may be required to be installed prior to recording of the survey. The survey will need to include any easement required if the drainage network crosses multiple properties to the outlet.

Right of Way Dedication

Each tract shall record dedication of street right-of-way (ROW) meeting County Comprehensive Plan recommendations and the requirements and standards of the Subdivision Control Ordinance and the Zoning Ordinance, prior to the issuance of a building permit. ROW dedication can be accomplished one of two ways, as detailed below.

Option 1 (most desirable and cleanest method).

Dedicate the full required ROW dedication area along all lots' road frontages, at the point that the Roadside Subdivision is recorded.

Dedication will take place in the form of a warranty deed. This packet includes a warranty deed form for dedication. Warranty deeds need to have a legal description of the specific ROW dedication area and an exhibit similar to the exhibit example included in this packet. The warranty template provided is only for one- or two-person ownership. Other templates are available upon request.

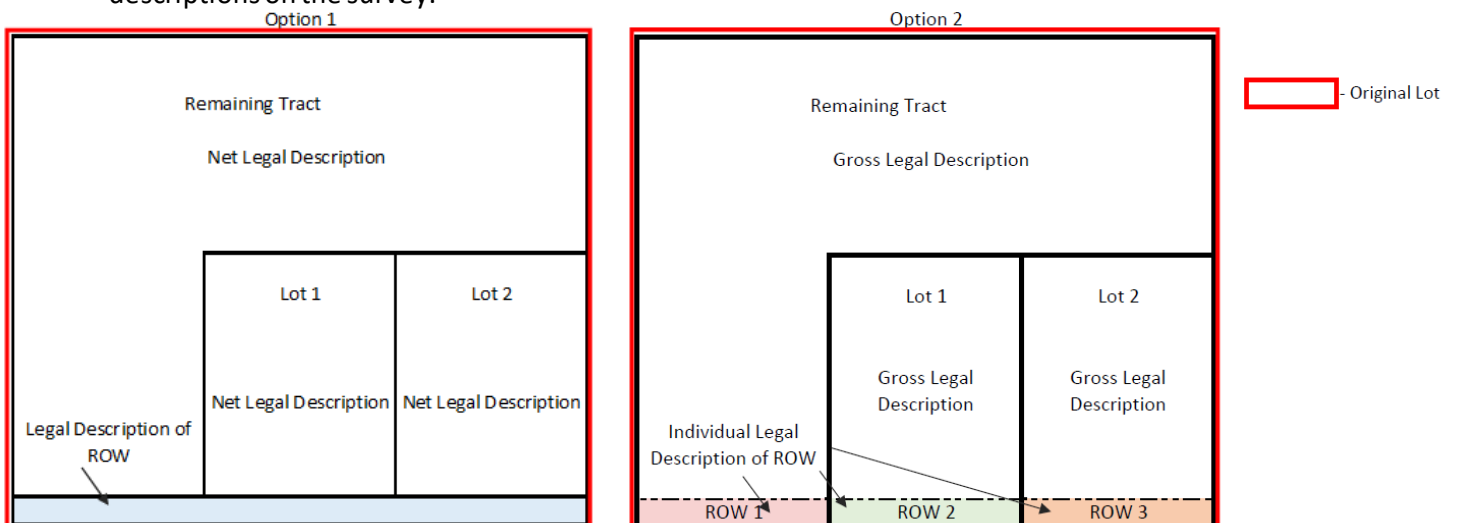
- Legal descriptions for dedicated rights-of-way and exhibits must be included with the Roadside Subdivision submittal as a separate documents as shown in example.
- The legal descriptions for new parcels must not include the area that is dedicated as right-of-way.

Option 2 (*Option 2 is less desirable as it can easily create confusion for future owners, and can cause delay in the issuance of permits*)

Defer dedication to the time that building permits (for any construction or site activity) are pulled. Under Option 2, the following language should be included on all deeds, and on the final survey under all the new legal descriptions, and under the heading "Owner's Certificate":

Per Johnson County Subdivision Control Ordinance Section 6-101-2.B., right-of-way shall be dedicated, fee simple absolute, according to the requirements of the Johnson County Thoroughfare Plan, upon application for any building or improvement permit. Said dedicated right-of-way is to be owned and maintained by the jurisdiction in which it lies.

- Even though Option 2 allows for deferred dedication of right-of-way, the Roadside Subdivision survey still must include a legal description(s) for all future right-of-way dedication area. Include those legal descriptions on the survey.



PROPERTY OWNER CONSENT FORM

JOHNSON COUNTY DEPARTMENT OF PLANNING AND ZONING

The undersigned, _____, being the owner of the property commonly known as _____, hereby authorizes _____ to file a Roadside Subdivision Survey for the aforementioned property.

This consent shall (*check one*):

- Remain in effect until revoked by a written statement filed with the Johnson County Department of Planning and Zoning.
- Remain in effect until _____.
- Remain in effect until this land use petition is resolved.

Signature(s) of Owner(s)

Signature(s) of Owner(s)

State of Indiana)
) SS:
County of)

Subscribed and sworn to before me this _____ day of _____, _____

My commission expires: _____ County of Residence: _____

PROPERTY OWNER AFFIDAVIT

JOHNSON COUNTY DEPARTMENT OF PLANNING AND ZONING

The undersigned, _____, being the owner of the property commonly known as _____, has/have read and understand all the requirements stated in the packet for a Roadside Subdivision.

Right-of-way Dedication

_____ I, as the owner of the property identified above, choose to fulfill dedication of right-of-way requirements immediately via **Option 1**

_____ I, as the owner of the property identified above, choose to defer fulfillment of dedication of right-of-way requirements via **Option 2**

Signature(s) of Owner(s)

Signature(s) of Owner(s)

State of Indiana)
) SS:
County of)

Subscribed and sworn to before me this _____ day of _____, _____

My commission expires: _____

County of Residence: _____

LAND USE VERIFICATION FORM

JOHNSON COUNTY DEPARTMENT OF PLANNING AND ZONING

Applicant Information:

Name: _____

Address: _____

City, State Zip Code: _____

Phone: _____

Please fill out as completely as possible:

Property Owner: _____

Address: _____

Subdivision: _____ Lot # _____

Parcel/Tax ID Number: _____

Reason for Review: Rezoning Subdivision Accessory Structure
 Residential Structure Variance/Special Exception
 Buying Property Commercial Structure

I understand that approval of this form by the Johnson County Planning Department **does not constitute nor guarantee** the approval of a building permit for the property specified above. I understand that further subdivisions of this property will invalidate this form.

Signature of Applicant Date

Departmental Use Only: Do Not Write Below This Line:

Zoning: _____ Acreage: _____ Township: _____ Notes:

Section: _____ Township: _____ Range: _____

Parcel is located in Minor Subdivision: _____

Parcel is a properly split Exempt Subdivision

Parcel is an original lot of record

Parcel is buildable due to other reasons

Parcel has been created improperly, and CANNOT be issued a permit.

Signature of Planning Official Title Date