



ADVISORY PLAN COMMISSION STAFF REPORT

Application No:	2024-APC-29
Meeting Date:	June 26, 2024
Subject:	Administrative Subdivision
Action Requested:	A new process to allow the split of two lots
Petitioner:	Plan Commission sponsored
Location:	Not Applicable
Parcel Size:	Not Applicable
Existing Zoning:	Not Applicable
Recommendation:	Not Applicable
Prepared By:	Cynthia Bowen, FAICP cbowen@reasite.com 317-263-0127

Procedure

Proposed zoning text amendments (rezones) are considered by the Plan Commission and ultimately approved or rejected by the Town Council. Before making a recommendation to the Town Council, the Plan Commission must hold a publicly advertised hearing. The public hearing is advertised in The Republican one time, at least 10 days before the hearing. After the Plan Commission conducts the hearing and makes a recommendation, the proposed zoning text amendment is certified to the Town Council. The Town Council has 90 days to hear the text amendment. If the Town Council approves the proposal, it immediately becomes effective. If the Town Council fails to act on the proposal within 90 days after certification, the text amendment takes effect as if it has been adopted ninety days after certification. If the Town Council rejects the proposal or makes an amendment to the proposal, then it shall be returned to the Plan Commission for its consideration, with a written statement of the reasons for the rejection or amendment. The Plan Commission has 45 days to approve the amendment or reject the amendment. If the Plan Commission approve the amendment it becomes law. If the Plan Commission fails to act within 45 days, the ordinance stands as passed by the Town Council. If the Plan Commission disproves the rejection or amendments by the Town Council, the action of the Town Council on the original rejection or amendment stands only if confirmed by another vote of the Town Council within 45 days after the Plan Commission certifies its disapproval.

Background

The Plan Commission discussed the topic of administrative subdivision back in January. At that time, the Plan Commission chose not to pursue it. Since that time, there have been three property owners who have approached the Town about splitting off a portion of a parcel to join a different parcel. The only process was to go through a minor subdivision. One petition went through the minor subdivision process and paid the \$700 and went through the public process. The other petition split the parcel under the county's administrative subdivision process before annexing into the town to avoid the town's minor subdivision process. The third was upset with the \$700 and has yet to apply.

A minor subdivision is the division of a tract of land into 4 parcels or less fronting upon an existing street and needing no new street or infrastructure and is approved by the same basic procedures as any other subdivision.

The administrative subdivision allows several situations:

- A) Merging Common Ownership Lots
- B) Splitting a Lot and Merging its Pieces with Two or More Adjacent Lots
- C) Adjusting Lot Lines
- D) Subdividing a Duplex
- E) Large Lot Split
- F) Creating Non-Developable Land for Utilities and Infrastructure
- G) Remove Building Setback Line
- H) Modify Platted Easement

Correspondence

Not Applicable.

Summary

Technical Advisory Committee: Not Applicable

Waivers: None.

Secondary Plat Standards: Not Applicable.

Zoning District Standards: Not Applicable.

Attachments

1. Draft Ordinance Revision

Recommendation

Staff recommends the Plan Commission make a favorable recommendation to Town Council to amend the UDO to include this process as a new process in the Ordinance.

Motions

1. I move to make a favorable recommendation to Town Council to amend the UDO to include the Administrative Subdivision Process as part of the Unified Development Ordinance.
2. I move to make no recommendation to the Town Council to amend the UDO to include the Administrative Subdivision Process as part of the Unified Development Ordinance.
3. I move to table petition 2024-APC-29 to the July 23, 2024 Advisory Plan Commission Meeting.

9.7 ADMINISTRATIVE SUBDIVISION

- A. Purpose and Intent: An Administrative Subdivision provides the Town of Pittsboro with the opportunity to expedite adjustments to property lines and mergers of existing lots into fewer lots when such adjustments are considered non-impacting to the Town or surrounding properties.
- B. Authorization: The Plan Commission delegates to the Administrator to authorize, approve, and sign any Administrative Subdivision as described in this section.
- C. Applicability: An Administrative Subdivision can be used to modify the division of property within the Town’s jurisdiction, but only if the proposed modification meets the “Applicable Actions” and “Prerequisites” standards listed below. All other divisions of land or alterations to property lines shall be processed as a Minor Plat or Major Plat.
- D. Applicable Actions: The following actions may use the Administrative Subdivision process. However, any action that does not clearly fit the below described actions, or that for any other reasons necessitates more extensive review, can be denied use of the Administrative Subdivision process by the Administrator. Such cases shall then be processed as a minor or major plat application, based on best fit.
 - 1. Merging.Common.Ownership.Lots; The owner of 2 to 5 lots may merge them together as fewer buildable lots when the resulting lot(s) do(es) not create any new nonconformities or an escalation in an existing nonconformity; and when there is no increase in public service demand, change to streets, or increase in the size or use of utilities.
 - 2. Splitting.a.Lot.and.Merging.its.Pieces.with.Two.or.More.Adjacent.Lots; 2 or more owners adjacent to another lot may jointly purchase the lot, divide it, and merge the pieces with their buildable lot. If the lot is not vacant, any primary structure would have to first be demolished and primary use dissolved, prior to application for an Administrative Subdivision.
 - 3. Adjusting.Lot.Lines; The owners of contiguous properties mutually agree to adjust a lot line separating their 2 properties due to either a survey error or both owners mutually desiring the adjustment; as long as the adjustment does not result in any new nonconformities or an escalation in an existing nonconformity.
 - 4. Subdividing.A.Duplex.Lot; A lot on which a duplex is located and that the owner(s) of the property wish to split the lot at the common wall between the two units, resulting in two lots, each with a single dwelling unity; as long as the adjustment does not result in any new nonconformance or an escalation in an existing nonconformance.
 - 5. Large.Lot.Splits; Any parcel split that results in all new lots being 2 acres or greater in lot area; and when there are no internal streets being built or a change to perimeter street due to the lot splits. The maximum number of splits is limited to 3.

6. Creating Non-Developable Land for Utilities and Infrastructure; A utility or municipality may process an acquisition or donation of land for non-development purposes as an Administrative Subdivision.
7. Building Setback Line; Removing a platted building setback line.
8. Platted Easement; Modifying a platted easement when agreed to by all vested parties.

E. Prerequisites

1. Eligible Applicant; An application for an Administrative Subdivision shall be initiated by the owner(s) of all applicable lots or the owner's authorized representative. If an authorized representative files an application, a signed affidavit consent form from the owner(s) shall accompany the application.
2. Removing Unnecessary Driveway(s); Under the actions listed above, Merging Common Ownership Lots and Splitting a Lot and Merging its Pieces above, pre-existing driveway(s) established for the dissolved lots shall be vacated and removed, including the apron within the right-of-way. The removal of said driveway and apron shall be subject to Town Engineering Review.

F. Administrative Subdivision Procedure

1. Review of Material; An application for an Administrative Subdivision, which is determined to be complete and in proper form by the Administrator, shall be reviewed by the Administrator for compliance with the Unified Development Ordinance.
2. Decision: The Administrator shall decide as to whether the application complies with the "Applicable Actions," and "Prerequisites" standards written in Section 9.7(D): Project Applicability and Section 9.7(E) Prerequisites. If the application complies, a Letter of Compliance will be mailed to the applicant by the Administrator.
3. Report to Plan Commission; After approved, the Administrator shall report said approval at the first regularly scheduled Plan Commission. Such reporting may be verbal or a written report.
4. Recording and Submittal for Town Records; The Administrative Plat, including applicable supporting information and easement agreements shall be recorded at the Hendricks County Recorder's office. Then, one scanned electronic copy in .pdf (portable document format) along with two paper copies of the recorded Administrative Plat, proof of recording, supporting information, and easement agreements shall be submitted to the Administrator for the Town's records. Both the recording and submittal for Town records shall be completed within 45 days from the date it was signed by the Administrator.

5. Failure.to.Record; If an approved Administrative Subdivision is not recorded within 45 days from the date of approval and signature, the application and approval shall be deemed void. The Administrator shall report any failures to record to the Plan Commission at the first regularly scheduled Plan Commission meeting after discovering default occurred; and shall notify the applicant and shall clearly note failure to record in the Town's records.

G. Development Restrictions: No building permit or Improvement Location Permit shall be issued until proof of recording has been submitted.

**ADVISORY PLAN COMMISSION OF THE TOWN OF PITTSBORO, INDIANA
RESOLUTION AND CERTIFICATION OF AMENDMENTS TO OFFICIAL
SCHEDULE OF FEES OF THE TOWN OF PITTSBORO UNIFIED DEVELOPMENT
ORDINANCE**

The Advisory Plan Commission of the Town of Pittsboro, Hendricks County, Indiana, having reviewed, considered and received public comment, both written and verbal, hereby recommends and certifies to the Town Council of the Town of Pittsboro, Hendricks County, Indiana, for approval and adoption of that certain Ordinance Amending the Official Schedule of Fees of the Town of Pittsboro Unified Development Ordinance, attached hereto as **Exhibit A**.

Adopted this 25th day of June, 2024, by a vote of _____ yeas and _____ nays.

Member: Steve Maple

Member : Jason Anderson

Member: Jarod Baker

Member: Lisa Abbott

Member: Zachary Buchanan

Member: Cathy Vandivier

Member: Gary Golay

**EXHIBIT A:
AMENDMENT TO SCHEDULE OF FEES**

ORDINANCE NO. _____

THE TOWN COUNCIL OF THE TOWN OF PITTSBORO, INDIANA

An Ordinance amending the Official Schedule of Fees of the Town of Pittsboro Unified Development Ordinance.

WHEREAS, the Town Council of the Town of Pittsboro, Hendricks County, Indiana (the “Town”) previously adopted the Official Schedule of Fees of the Town of Pittsboro Unified Development Ordinance and wishes to modify said fees.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PITTSBORO, INDIANA THAT:

Section 1: The Official Schedule of Fees of the Town of Pittsboro Unified Development Ordinance is hereby amendment with the following fee:

Application		Fee
Plat	Administrative Subdivision	\$200 base fee

Section 2. This ordinance shall be enforced from and after its passage in accordance with Indiana law.

[The remainder of this page intentionally left blank: signature page follows.]

PASSED this _____ day of July, 2024, by the Town Council of PITTSBORO, INDIANA by a vote of _____ ayes and _____ nays.

Jarod Baker, President

William Majeske

Randy Price

Larry Compton

Terry Northern

Attest:

Shari L. Ping, Clerk Treasurer