

## PROPOSED

### 4.1.2 General Requirements and Standards:

- A. That one (1) new subdivided lot, at least three (3) acres in size, is created simultaneously with the issuance of an improvement location permit for a new residence on this newly created lot.
- B. To have standing as buildable tracts, residual parcels created by the Administrative Subdivision must:
  - 1. Be improved (have been issued an improvement location permit prior to the residual parcel's creation or otherwise have legal status); and
  - 2. Still meet the minimum requirements of this Ordinance and the Zoning Ordinance for a lot.
- C. Residual parcels not meeting the above two criteria are considered non-buildable tracts and:
  - 1. May only become a legal buildable tract through a Minor or Major Subdivision; or
  - 2. May be further split by a Minor or Major Subdivision or an additional Administrative Subdivision (See Limitation E).
- D. Any buildable residual parcel meeting the minimum requirements for a lot may be further split by a Minor or Major Subdivision at any time.
- E. No additional Administrative Subdivision split from a residual parcel shall be permitted within 24 months from the date of the last Administrative Subdivision split from the respective residual parcel.
- F. The standards of the Zoning Ordinance must be complied with unless specifically altered by this Ordinance.
- G. Administrative Subdivisions are subject only to technical review and certification by the Department. Decisions of the Department are subject to appeal to the Plan Commission.
- H. The one-lot buildable tract created by the Administrative Subdivision shall comply with the stormwater retention design standards of the Street Standards.
- I. The one-lot buildable tract will have a driveway location that will provide for adequate sight distance and will be properly spaced according to the Street Standards.
- J. The one-lot buildable tract shall be served by a sanitary sewer or other on-site sewage system approved by the Elkhart County Health Department.
- K. For the purpose of Administrative Subdivisions, "interested parties" are defined solely as the property owner of record.

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- L. Placement of Structure — Drainage Standard
  - 1. In an area not prone to flooding.
  - 2. Where excavation and fill do not adversely affect natural flow of water across the site.
  - 3. Basements are not advised below the seasonal high water mark.
  - 4. It is the responsibility of the owner and builder that the basement is constructed to not allow surface water to enter the home.
  - 5. The grade surrounding all structures shall cause the water to flow away from the structure.
  
- M. Site Drainage
  - 1. It is the responsibility of the owner to maintain the drainage flow across the site (this includes any surface water courses and drainage tile).
  - 2. At no time shall the roadside ditch be filled. The roadside ditch may be regraded to allow for easier maintenance with the approval of the Elkhart County Highway Department.
  - 3. Before any construction within the 75-foot easement of a county regulated drain, the Elkhart County Surveyor's Office shall be notified and the Elkhart County Surveyor's Office may require a Variance to be approved by the Elkhart County Drainage Board.
  - 4. If any drainage flow is concentrated and directed to adjoining property, the adjoiner's permission must be granted in writing and placed in the administration subdivision file for the tract. This includes but is not limited to natural occurring water from sump pumps, geothermal heating systems, discharges, and perimeter drains.
  - 5. It should be realized that it is almost impossible to guarantee that a site will not have water problems. That an act of nature, which would include abnormally heavy rain storms, snowmelts, ice jams, etc., may cause water damage to any property.

**SUBDIVISION, ADMINISTRATIVE.** The division of land into one (1) legally subdivided buildable tract, of three acres or more, in lieu of platting, under limited conditions.