

MADISON COUNTY, NEBRASKA

SUBDIVISION REGULATIONS

PREPARED BY: THE MADISON COUNTY JOINT PLANNING DEPARTMENT

MAY 2003

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GENERAL PROVISIONS

SECTION 1.

JURISDICTION: These regulations shall be known and cited as the Subdivision Regulations for Madison County, Nebraska. The area of jurisdiction shall be all the area within the limits of Madison County, Nebraska, outside of the corporate limits of the cities within the county, and within the corporate limits of those cities, adopting these regulations by ordinance.

SECTION 2.

PURPOSE AND INTENT: The purpose and intent of these regulations is to provide for the harmonious development of the community; to provide for the proper location and width of streets, building lines, open spaces, safety and recreational facilities, utilities, drainage, and for the avoidance of congestion of population through requirements of minimum lot width, depth and area and the compatibility of design; to require and fix the extent to which and the manner in which streets shall be graded and improved, and water, sewers, drainage, and other utility mains and piping or connections or other physical improvements shall be installed; and to provide for and secure to the proper governing body, the actual construction of such physical improvements.

SECTION 3.

APPLICABILITY: The owner or owners of any land located within the jurisdiction of these regulations subdividing said land into two or more lots and blocks or tracts or parcels, either for sale or lease for the purpose of laying out any subdivisions, suburban lots, building lots, tracts or parcels or any owner of land establishing any street, alley, park or other property intended for public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto, shall cause a plat to be made in accordance with these regulations.

SECTION 4.

EXEMPTIONS: These regulations shall not apply in the following instances:

1. The division of land into parcels or tracts of ten (10) acres or more, and not involving any new streets or easements of access, except as provided in the zoning regulations.
2. A change in the boundary between adjoining lands which does not create an additional lot;
3. Land used for street or railroad right-of-way, a drainage easement or other public utilities subject to local, state or federal regulations, where no new street or easement of access is involved;
4. Whenever any lot, parcel or tract of land located within the area governed by these regulations has been subdivided, resubdivided or replatted prior to the adoption of these regulations;
5. Any transfer by operation of law. (Madison County Resolution #25 dated July 2, 1985.)

SECTION 5.

DEED RESTRICTIONS: The Planning Commission shall have the right to confer with the subdivider regarding the type and character of development that will be permitted in the subdivision, and may require that certain minimum regulations regarding this matter be incorporated in the deed restrictions. Such regulations shall be intended to protect the character and value of the surrounding development of the property which is being subdivided.

SECTION 6.

APPROVALS NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS: All plans, plats or replats of land laid out in building lots, and the streets, alleys or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, shall be submitted to the Planning Commission for its consideration and its recommendation shall be submitted to the Governing Body for their official consideration and action.

SECTION 7.

DEFINITIONS: Definitions for the interpretation of these rules and regulations as follows:

1. Alley: A public or private right-of-way which affords only a secondary means of access to abutting property.
2. Block: A piece or parcel of land entirely surrounded by public highway, streets, streams, railroad right-of-way or parks, etc. or a combination thereof.
3. Collector Street: Any street designed primarily for the purpose of gathering traffic from local or residential streets and carrying it to the major street system.
4. Cul-de-sac: A street having one end open to traffic and being permanently terminated by a vehicular turn-around.
5. Design: The location of streets, alignment of streets, grades and widths of streets, alignment of easements, grades and widths of easements, alignments and rights-of-way for drainage and sanitary sewers, and the designation of minimum lot area, width and length.
6. Easement: A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.
7. Engineer: Shall mean either the City or County Engineer or person designated the duties of said position depending upon the area of government jurisdiction.
8. Final Plat: A plan or map prepared in accordance with the provisions of this regulations and those of any other applicable local regulation, which plat is prepared to be placed on record in the Office of the Register of Deeds of the County in which any part of the subdivision is located.
9. Governing Body: The elected governing body having jurisdiction.
10. Improvements: Street work and utilities that are to be installed, or agreed to be installed by the subdivider on the land to be used for public or private use of the lot owners in the subdivision and local neighborhood traffic and drainage needs, as a condition precedent to the approval and acceptance of the final map or filing of the record of the survey map thereof.
11. Lot: A portion of land in a subdivision or other parcel of land, intended as a unit for transfer of ownership or for development.
12. Major Thoroughfare: A street, highway or roadway designated as such on the official Major Street Plan.
13. Marginal Access Streets or Frontage Roads: A minor street which is generally parallel to or adjacent to a major thoroughfare, highway or railroad right-of-way and provides access to adjacent streets and properties.
14. Pedestrian Way: A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
15. Planning Area: That area on a map prepared and maintained for or by the Planning Commission describing the planning area limits.
16. Planning Commission: Shall mean the Madison County Joint Planning Commission.
17. Preliminary Plat: A map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it, this map need not be based on accurate or detailed final survey of the property.
18. Secretary: Secretary of the Planning Commission.

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19. **Setback Line or Building Line:** A line on a plat generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected or altered except as otherwise provided in the Zoning Regulations.
20. **Street:** A right-of-way, dedicated to the public use, or a private right-of-way serving more than one ownership, which provides principal vehicular and pedestrian access to adjacent properties.
21. **Subdivider:** A person, firm, corporation, partnership or association who causes land to be divided into a subdivision for himself or for others.
22. **Subdivision:** The division of a tract of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term "subdivision" includes "resubdivision", and the term "resubdivision" as used herein, shall include any further subdivision of a lot or parcel of land previously subdivided, for sale, use, or other purposes, which varies from the latest, approved subdivision of the same.

SECTION 8.

MINIMUM DESIGN STANDARDS:

1. Water and Sewer:

- a. The area of the lots shall be determined by the availability of public sewer and a public water supply. Prior to the submission of a preliminary plat, the subdivider shall obtain a determination from the Engineer having jurisdiction as to whether adequate public sewer and water supply are available.
- b. If the proposed subdivision is serviced by a public water supply and a public sewer system, the minimum lot area requirements shall be subject to those set forth in the Zoning Regulations.
- c. If the proposed subdivision is serviced with a public water supply, but not with a public sewer system, the preliminary plat shall be prepared on the basis of minimum 1 1/2 acre lots; or is serviced with a public sewer system, but not a public water supply, the preliminary plat shall be prepared on the basis of a minimum 1/2 acre lots provided, however, that additional lot area may be required if the area has or is suspected of having a high water table or if a soil conditions prove to be unsuitable based on percolation tests.
- d. If the proposed subdivision is not served with either a public water supply or a public sewer system, the subdivider shall submit his Preliminary Plat on the basis of minimum 2 1/2 acre lots; provided, however, that additional lot area may be required if the area has or is suspected of having a high water table or if soil conditions prove to be unsuitable based on percolation tests.

2. Blocks:

- a. **Length:** Intersecting streets (which determine block length) shall be provided at such intervals as to serve cross traffic adequately and to meet existing plats as recorded, the blocks shall not exceed 1,200 feet in length, except that a greater length may be permitted where topography or other conditions justify a departure from this maximum. In blocks longer than 800 feet, pedestrian ways and/or easements through the block may be required near the center of the block. Such pedestrian ways or easements shall have a minimum width of ten feet. Blocks for business use should normally not exceed 600 feet in length.
- b. **Width:** In residential development, the block width shall normally be sufficient to allow two tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width and depth as maybe considered most suitable for the prospective use.

3. Street, Alleys, and Public Ways:

- a. Relations to Adjoining Street Systems: The arrangement of streets in new subdivision shall make provisions for the continuation of the principal existing streets in adjoining additions (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements. The width of such street in new subdivisions shall not be less than the minimum street widths established herein. Alleys, when required, and street arrangement must also be such as to cause no hardship of owners of adjoining property when they plat their land and seek to provide for convenient access to it. Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted, and dedicated as a public way.
- b. Street Names: Streets that are obviously in alignment with other already existing and named shall bear the names of the existing streets.
- c. Major Streets: Major streets through subdivisions shall conform to the major street plan as adopted by the Planning Commission and the Governing Body.
- d. Minor Streets: Minor streets shall be so designed to discourage through or non-local traffic.
- e. Cul-de-sacs: Cul-de-sacs shall normally be no longer than 500 feet, including an adequate turn-around of not less than a 100 foot diameter right-of-way which shall be provided at the closed end.
- f. Right Angle Intersections: Under normal conditions streets shall be laid out to intersect, as nearly as possible, at right angles. Where topography or other conditions justify a variation from the right angle intersection, the minimum angle shall be 60 degrees.
- g. Street Adjacent to a Railroad Right-of-Way, Limited Access Freeway, Principal Highway: Where lots front or side, but do not back on railroad rights-of-way, limited access freeways or principal highways, a marginal access street or frontage road may be required parallel and adjacent to the boundary of such rights-of-way. The distance from said rights-of-way shall be determined, with due consideration, to minimum distance required for approach connections to future grade separation.
- h. Half Streets: Dedication of half-streets will not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the Major Street Plan and other requirements of these regulations.
- i. Alleys: Alleys may be required in commercial and industrial districts. Dead-end alleys shall be avoided wherever possible. Alleys may be required in certain residential areas.
- j. Minimum Requirements: All streets, alleys and public ways, included in any subdivision, hereafter dedicated and accepted, shall not be less than the minimum dimensions for each classification as follows:
 - i. Major Streets
 - Arterials 100 feet
 - Collectors 80 feet
 - Local Streets 60 feet
 - Cul-de-Sacs 50 feet radius on turn-around
 - ii. Marginal Access Streets or Frontage Roads:
 - Two-Way 50 feet
 - One-Way 20 feet
 - Alleys 20 feet
 - Pedestrian Ways 10 feet

- k. **Additional Requirements:** When existing or anticipated traffic on Arterial and Collector thoroughfares warrants greater widths of rights-of-way, the additional width shall be provided.
- l. **Drainage Easements:** Drainage easements may be required, in addition to street rights-of-way, where the street or streets adjoin or are parallel with streams or drainage areas or where lots back on where said drainage areas exist. The width of such drainage easement shall be determined by the Engineer having jurisdiction who shall notify the Planning Commission of his recommendation in writing.
- m. **Street Grades:** The grades of streets, alleys and other public ways included in any subdivision shall not be greater than is necessary for the topographical conditions.
- n. **Street Alignment:** Minimum, horizontal and vertical alignment on all streets, except in unusual cases, shall be as follows:
 - i. **Horizontal-Radii at the Centerline:**

Major Streets	300 feet
One-Way	100 feet

A tangent shall be provided between all reversed curves as recommended by the Engineer to provide or a smooth flow of traffic.
 - ii. **Vertical:** All changes in street grade shall be connected by vertical curves of such length as to provide for desired sight distance and shall be subject to the approval of the Engineer.

4. Lots:

- a. Minimum width shall be 60 feet, except where less width is permitted for Mobile Home Subdivisions. (Said width shall be measured at the building setback line.)
- b. Minimum depth shall be 100 feet, except where less width is permitted for Mobile Home Subdivisions. (Said measurement shall be made through the center of the lot and shall be perpendicular to the property line or radial to the property line on curved streets).
- c. Minimum lot area shall be subject to the Zoning Regulations of the district in which the subdivision is located.
- d. In subdivisions where septic tanks or other individual sewage disposal devices are to be installed, the size of all lots included in the subdivision shall be subject to regulations set out in this section under Water and Sewer.
- e. In subdivisions where private water supply is by well or other means, the size of all lots included in the subdivision shall be subject to regulations as set out in this section under Water and Sewer.
- f. Corner lots, in residential subdivisions, shall observe the same setback on both streets.
- g. Double frontage lots shall be avoided unless in the opinion of the Planning Commission, a variation to this rule will give better street alignment and lot arrangement.
- h. Every lot shall abut on a street other than an alley.
- i. Building or setback lines shall be shown on the final plat for all lots in the subdivision and shall not be less the setback required by the Zoning Regulations.

- j. The subdivision or resubdivision of a tract or lot shall not be permitted where said subdivisions or resubdivision places an existing permanent structure in violation of the requirements of the Zoning Regulations.

5. Easements:

- a. Where alleys are not provided, permanent easements of not less than 7 1/2 feet in width shall be provided on each side of all rear lot lines, and on side lot lines, where necessary, for utility poles, wires, conduits, storm and sanitary sewers, gas water and heat mains and other public utilities. These easements shall provide for a continuous right-of-way of at least 15 feet in width.
- b. A 12 foot temporary construction easement shall be provided for initial construction of water, sewer and other utility lines.

6. Dedication or Reservation of Public Sites and Open Spaces:

In subdividing land or resubdividing an existing plat, due consideration should be given by the subdivider to the dedication or reservation of suitable sites for schools, parks, playgrounds, or other public recreational areas or open spaces. Any areas so dedicated or reserved shall conform as nearly as possible to the Comprehensive Plan. All areas to be reserved for, or dedicated to, public use shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate agency. A written statement from the Board of Education shall be submitted by the subdivider indicating whether or not a school site in the proposed subdivision is desired.

SECTION 9.

PRE-APPLICATION: Prior to the filing of the Preliminary Plat, the subdivider shall contact the Engineer having jurisdiction, the official authorized in administering the Zoning Regulations and other Administrative personnel to determine:

- 1. Procedure for filing plats.
- 2. Availability of public sewer and water, soils conditions and drainage system.
- 3. Master Plan requirements for major streets, land use, parks, schools, and public open spaces.
- 4. Zoning requirements for the property in question and adjacent properties.

SECTION 10.

PRELIMINARY PLATS: After reaching the preliminary conclusions regarding the requirements for the proposed subdivision, the subdivider shall submit a Preliminary Plat together with any supplementary information necessary.

1. Submission of a Preliminary Plat:

- a. Filing Fee: A filing fee of \$25.00 shall accompany the filing of each Preliminary Plat, plus \$2.00 for each lot.
- b. Number of Copies: The subdivider shall submit ten copies of the Preliminary Plat and ten copies of a Vicinity Map (if not on the Preliminary Plat) showing the location of the proposed subdivision (see attached sample plat). These plans shall be filed with the official authorized to administer the Subdivision Regulations at least 45 days prior to a regular Planning Commission meeting at which the Preliminary Plat is to be considered.
- c. Required Contents for Preliminary Plats Shall Contain:
 - i. The proposed name of the subdivision. (The name shall not duplicate or too closely resemble the name or names of any existing subdivision.)

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- ii. The location of the boundary lines of the subdivisions and reference to the section or quarter section line.
 - iii. The names and addresses of the developer, surveyor, landscape architect, architect, or engineer who prepared the plat.
 - iv. Scale of the plat, 1" = 100' or larger.
 - v. Date of preparation and north arrow.
 - vi. Existing Conditions:
 - 1. Location, width and name of platted streets or other public ways, railroads and utility rights-of-way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision shall be shown on the Preliminary Plat.
 - 2. All existing sewers, water mains, gas mains, culverts or other underground installations, within the proposed subdivision or adjacent thereto, with pipe size and manholes, grades and location shall be shown.
 - 3. Names of adjacent subdivision together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land shall be shown.
 - 4. Topography (unless specifically waived) with contour intervals of not more than one foot, referred to Municipality of U.S.G.S. datum shall be shown, also location of water courses, bridges, wooded areas, lakes, ravines, and such other features as may be pertinent to the subdivision shall be shown.
 - vii. The general arrangements of lots and their approximate size.
 - viii. Location and width of proposed streets, alleys, pedestrian ways and easements.
 - ix. The general plan of sewage disposal, water supply and utilities, in areas where public sewers and/or water are proposed to serve the subdivision. In other cases, a notation shall be made on the plat indicating type of sewage disposal and water system proposed.
 - x. Location and size of proposed parks, playgrounds, churches, school sites or other special uses or land to be considered for reservation for public use.
 - xi. A soils map identifying types of soil, adequate in detail to make reasonable determination of existing conditions.
2. **Approval or Disapproval of the Preliminary Plat:** Action by the Planning Commission shall be conveyed to the subdivider in writing within ten days after the official Planning Commission meeting, at which time the plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Planning Commission.

The approval of the Preliminary Plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the Final Plat. The approval of the Preliminary Plat shall only be effective for a period of six months, unless an extension is granted by the Planning Commission. If the final plat has not been submitted for approval within this specified period, a preliminary plat must be resubmitted to the Planning Commission for approval.

SECTION 11. FINAL PLAT:

1. Submission:

- a. After approval of the Preliminary Plat, the subdivider shall submit for approval of the Planning Commission a Final Plat (see attached sample plat).
- b. The original (on mylar, tracing cloth or similar material) and ten prints thereof shall be submitted to the official authorized to administer the Subdivision Regulations at least 30 days prior to the Planning Commission public hearing.
- c. The names and signatures of the owner or owners of the property duly acknowledged and notarized shall appear on the original copies submitted.
- d. The final plat, prepared for recording purposes, shall be drawn at a scale of at least 1" = 100' or larger. The size of the sheet on which such final plat is prepared shall be 20 inches by 36 inches.
- e. Final Filing Fee: A filing fee to be determined by the County Board of Commissioners shall accompany the Final Plat, plus a fee per lot.
- f. Sheet Size for Recording Plats: A mylar sheet of twenty-four inches (24") high by thirty-six inches (36") wide with a half-inch (½") border. The dimensions indicated are standard for all final plats and must be compiled with: Title, description and other written data to be located either right or left.

2. Information: The final plat shall show and contain the following information:

- a. Name of subdivision (not to duplicate or too closely resemble the name of any existing subdivision).
- b. Location of section, township, range, county, and state, including the descriptive boundaries of the subdivisions based on an accurate traverse, giving angular and linear dimensions which must be mathematically correct. The allowable error of closing on any portion of the plat shall be one foot in 10,000.
- c. The location of monuments or benchmarks shall be shown and described on the final plat. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including the true angles and distances to such reference points or monuments.
- d. The location of lots, streets, public highways, alleys, parks, and other features, with accurate dimensions in feet and decimals of feet with the length of radii on all curves, and other information necessary to reproduce the plat on the ground.
- e. Lots shall be numbered clearly. Blocks shall be numbered or lettered clearly in the center of the block.
- f. The exact locations, widths and names of all streets and alleys to be dedicated.
- g. Boundary lines and description of the boundary lines of any area other than streets and alleys, which are to be dedicated or reserved for public use.
- h. Building setback lines on the front and side streets with dimensions.
- i. Name, signature and seal, if any, of the surveyor or the licensed engineer making the plat.
- j. Scale of the plat (scale to be shown graphically and in feet per inch), date of preparation and north arrow.
- k. Statement dedicating all easements, streets, alleys, and all other public areas not previously dedicated.
- l. The following certificates, which may be combined where appropriated:

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- i. A certificate signed and acknowledged by all parties having any record, title, or interest in the land subdivided, and consenting to the preparation and recording of the said subdivision map.
- ii. A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final plat and intended for any public use of the lot owners of the subdivision, their licensees, visitors, tenants and servants.
- iii. A certificate signed by the licensed professional engineer or surveyor responsible for the survey and final map. The signature of the said engineer or surveyor shall be accompanied by his seal.
- iv. The acknowledgment of a notary in the following form:

State of _____, County of _____, SS.

Be it remembered that on this _____ day of _____, 20____, before me, a notary public in and for said County and State, came _____, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

(SEAL)

Notary Public

My _____ Commission Expires: _____

- v. The certificate of the Joint Planning Commission in the following form:

This plat of _____ Addition has been submitted to and approved by the Planning Commission this _____ day of _____, 20____.

(SEAL)

Chairman

Secretary

- vi. The certificate of the Zoning Administrator in the following form:

This plat of _____ has been submitted to and approved by the Madison County Zoning Administrator this _____ day of _____, 20____.

Zoning Administrator

- vii. The certificate of the County Treasurer in the following form:

All taxes on this property have been paid and are current and this plat is approved by the Madison County Treasurer this _____ day of _____, 20____.

Madison County Treasurer

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- viii. The acceptance of dedications by the Board of Madison County Commissioners, when required, in the following forms:

The dedications shown on this plat accepted by the Board of County Commissioners of Madison County, Nebraska, this _____ day of _____, 20____.

ATTEST:

Chairman

County Clerk

Commissioner

Commissioner

- ix. The acceptance of dedications by the City Council, when required, in the following forms:

The dedications shown on this plat accepted by the City Council of _____, Madison County, Nebraska, this _____ day of _____, 20____.

ATTEST:

Mayor

City Clerk

- x. A blank space for noting entry on the transfer record in the following form:

Entered on transfer record this _____ day of _____, 20____.

County Clerk

- xi. The certificate of the Register of Deeds in the following form:

State of Nebraska, County of Madison, SS.

This is to certify that this instrument was filed for record in the Register of Deeds office at Madison, Madison County, Nebraska on the _____ day of _____, 20____.

Register of Deeds

Deputy

- m. Supplemental Information to be Submitted with Final Plat: The following additional data shall be submitted with final plat:

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- i. A title report by an abstract or a title insurance company, or an attorney's opinion of title showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on the plat. The consent of all such persons shall be shown on the plat.
 - ii. A certificate showing that all taxes and special assessments due and payable have been paid in full; or if such taxes have been protested provided by law, monies or other sufficient escrows guaranteeing such payment of taxes in the event the protest is not upheld, may be placed on deposit with such officials or governing bodies to meet this requirement.
 - iii. A copy of any deed restrictions applicable to the subdivision.
- 3. **Extent and Manner of Physical Improvements:** As a condition to the approval of a Final Plat, the subdivider shall agree to install the following improvements:
 - a. **Streets:** Streets shall be surfaced with concrete, asphalt concrete or materials approved by the Engineer and shall include curb. County streets and roadways shall be improved in accordance with the requirements and specifications of the County Engineer and shall include drainage ways.
 - b. **Water:** Where a public water supply is proposed to serve the subdivision, said water lines shall be installed in proper easements or within the limits of the street and alley right-of-way and shall be of a size as approved by the Engineer.
 - c. **Sewers:** If the subdivision is serviced with a public water supply and a city or community sewage treatment plant, the sewer system shall be constructed which will provide service to each lot within the subdivision. The system of lateral sewers shall collect the sewage within the subdivision and discharge it into a main sewer or a community disposal system approved by the Engineer and an approval, in writing of the plans and specifications for the sewer system shall be made by the Engineer.
 - d. **Street Signs:** Street signs will be supplied and erected by the appropriate governing authority in accordance with normal procedure.
 - e. **Sidewalks:** Sidewalks shall be a minimum of four feet in width where required by the Planning Commission.
 - f. **Other Improvements:** If other improvements are required, such as tree planting, retaining walls, drainage structures, etc., such improvements shall be made in accordance with the recommendation of the Planning Commission and specifications of the Engineer having jurisdiction.
 - g. All lot corners shall be set with 1/2 inch iron bars, two feet long, and all block corners shall be set with 3/4 inch iron bars, three feet long.
 - h. All block markers must be permanently set and all Points of Intersection (PI) in street alignments set prior to acceptance of plat by City, and prior to any lot being sold, the total block must be staked and corners set for all lots. Block corners shall be set one foot below grade.
 - i. A minimum of two marks (monuments) shall be placed in each subdivision, located and installed as required by the Engineer. In subdivisions larger than 40 acres, one benchmark shall be installed for each additional 20 acres area. The monument shall be a three inch brass cap set permanently in concrete, ten inches in diameter by 24 inches deep approved by the Engineer. The elevation of the monuments shall be identified on each.
 - j. **Bond for Construction:** In lieu of the actual construction of the physical improvements required, the Planning Commission and Governing Bodies may accept on of the following:
 - i. A bond guaranteeing construction of the required improvements within a period of time to be specified and approved by the Governing Body.

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- ii. A petition, presented and approved by the Governing Body having jurisdiction, properly executed by the property owners, as provided by law, for the construction by the Governing Body of the improvements, to be assessed against the subdivided property.
4. **Consideration by the Joint Planning Commission:** If the Joint Planning Commission rejects or withholds approval of the final plat, the subdivider may request that said plat be submitted to the Governing Body. The secretary of the Planning Commission shall forward the proposed plat together with the report of the Planning Commission, stating the reason for its action. The Governing Body may make such findings and determinations as they deem proper.

SECTION 12.

VARIANCES AND EXCEPTIONS: Whenever it is found that the land included in a subdivisions plat, presented for approval, is of such size, or shape or is subject to or is affected by topographical location or conditions, or is to be devoted to such usage that full conformity to the provisions of these regulations is impossible or is impractical, the Planning Commission may recommend to the Governing Body, by letter or transmittal, that said Governing Body authorize variances or exceptions in the final plat so that substantial justice may be done and the public interest secured. In recommending such variances or exceptions, the Planning Commission shall find the following:

1. That there are special circumstances or conditions affecting the property.
2. That the variances or exceptions are necessary for the reasonable and acceptable development of the property in question.
3. That the granting of the variances or exceptions will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.

SECTION 13.

MISCELLANEOUS:

1. **Zoning (Building) Permits:** After the date of the adoption of these rules and regulations by the Joint Planning Commission and County Board, no zoning permit shall be issued for any structure that is located upon a lot in a subdivision that has not been subdivided, unless approved in the manner as provided for in these Subdivision Regulations. This shall not apply to subdivisions or lots of record which were platted prior to the adoption of these Subdivision Regulations. No such plat or replat or dedication by law, until such plat or replat or dedication or deed shall have endorsed upon it the fact that it has been submitted and approved by the Planning Commission and by the Governing Bodies as required by law.
2. **Submission to the County Board:** After the review of the Final Plat by the Joint Planning Commission, such Final Plat together with the recommendations of the Planning Commission shall be transmitted to the County Board of Commissioners as required by law for their review and action.
3. **Recorded Plats:** Seven copies of the recorded plat shall be provided by the subdivider and shall be submitted to the Secretary of the Planning Commission for distribution to various public and quasi-public departments, offices or agencies.

SECTION 14.

SEVERABILITY: If any section of this regulation be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separately and apart from the remaining provisions of these regulations, said section to be completely severable from the remaining provisions of these regulations and the remaining provisions of these regulations shall remain in full force and effect.

SECTION 15.

EFFECTIVE DATE: These regulations shall take effect and be in force from and after its passage, approval and adoption.

Approved by the Madison County Joint Planning Commission this ____ day of _____, 20____.

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(SEAL)

Secretary

Chairman

Approved by the City Council this _____ day of _____, 20 _____.

ATTEST:

City Clerk

Mayor

(SEAL)

Approved by the Board of County Commissioners this _____ day of _____, 20 _____.

ATTEST:

County Clerk

Chairman

(SEAL)

Commissioner

Commissioner

LOT SPLIT CERTIFICATE

SECTION 1.

Purpose and Intent: The intent of this section is to provide for the division of lots into not more than two tracts without having to replat said lot, provided that the resulting lots shall not again be divided without replatting. The Planning Commission and Board may approve or disapprove lot splits in accordance with the following regulations.

SECTION 2.

Application Procedure: An application for a lot split certificate shall be made by the owner of the land to the Administrator, Madison County Joint Planning and Zoning Department. At least fifteen (15) days prior to a Planning Commission meeting the original and eleven (11) copies of a survey of the lot(s) and the location of the structure(s) thereon together with the precise nature, location and dimensions of the proposed lot split and at a scale of at least 1" = 100' shall accompany the application. The application shall be accompanied by a list, certified by a registered abstractor, of the names and addresses of all persons who have ownership in the property involved. Written notice shall be given to the school district having jurisdiction at least ten days prior to a regular Planning Commission meeting.

1. The survey shall also include all the information required in the Subdivision Regulations, Section 11. Final Plat.
 2. Information, with the exception that lots and blocks do not need to be numbered.
2. The survey shall also contain a location map at a scale of at least 1" = 500' and legal description both indicating exactly from which 40 acre tract owned the lot split is being removed.

SECTION 3.

Approval Guidelines: Approval or disapproval of lot splits shall be made, based on the following guidelines:

1. No lot split shall be approved if:
 - a. A new street or alley is needed or proposed.
 - b. A vacation of streets, alleys, setback lines, access control or easements is required or proposed.
 - c. If such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc.; or will interfere with maintaining existing service levels.
 - d. If such split will result in a tract without direct access to a street.
 - e. A substandard-sized lot or parcel will be created.
2. The Zoning Administrator, Planning Commission and/or County Board may make such additional requirements as deemed necessary to carry out the intent and purpose of existing zoning regulations and governing body policy. Requirements may include, but not be limited to, dedication of right-of-way and easements, and submission of covenants for the protection of other landowners in the original subdivision.
3. The Zoning Administrator and County Board shall, in writing, either approve with or without conditions or disapprove the lot split and after all conditions have been met, the Planning Commission and County Board shall sign a certificate of approval to be affixed to the lot split survey, and a certified copy thereof shall be filed with the Register of Deeds and the official designated to issue zoning/building permits.

4. At the request of the applicant, an application shall be reviewed by the Planning commission. The Administrator shall sign the lot split certificate if directed to do so by a majority vote of the members present at the Planning commission meeting.

SECTION 4.

Filing Fee: The filing fee for a lot split certificate shall be set by the Madison County Board of Commissioners.

MINOR SUBDIVISION

SECTION 1.

PURPOSE AND INTENT: The intent of this section is to provide for the platting or replatting of lots when not more than three lots are created by said platting or replatting, nor more than three tracts are incorporated into said platting. When further partitions are likely or planned, or new streets or roads are required, the applicant shall follow the regular submission and Governing Body may approve or disapprove such platting in accordance with the following regulations:

SECTION 2.

APPLICATION PROCEDURE: Requests for a minor subdivision shall be made by the owner of the land to the Administrator, Madison County Joint Planning and Zoning Department. The subdivider shall submit eleven (11) copies of the plat including a vicinity sketch which shall be part of said plat, at least fifteen (15) days prior to a regular Planning Commission meeting. A filing fee to be established by separate resolution shall accompany the filing of each minor subdivision.

SECTION 3.

APPROVAL GUIDELINES: Required contents of a minor subdivision plat shall include:

1. The proposed name of the subdivision (not to duplicate or too closely resemble the same of any existing subdivisions).
2. The names of the owner, engineer, surveyor, architect, or developer who prepared the plat.
3. Scale of the plat 1" = 100' or larger.
4. Date of preparation and North point.
5. Location of section, township, range, county, and state, including the descriptive boundaries of the subdivision based on an accurate traverse giving angular and linear dimensions which must be mathematically correct, and all other information including lot location and dimensions necessary to duplicate the plat on the ground.
6. The location of monuments or benchmarks shall be shown. Location of such monuments must be shown in reference to existing official monuments or to nearest established street lines, including the true angles and distances to such reference points or monuments.
7. Building setback lines and lot numbers.
8. Utility easements as required by the Madison County Subdivision Regulations and a statement of dedication relative to said easements.
9. Topography (may be shown on vicinity sketch).
10. Existing structures (may be shown on vicinity sketch).
11. Location in relation to existing subdivisions where applicable (may be shown on vicinity sketch).
12. Certificates for signatures of all owners, person responsible for survey and platting, notary acknowledgment, County Treasurer, Zoning Administrator, Governing Body, and Register of Deeds.

SECTION 4.

CONSIDERATION BY THE JOINT PLANNING COMMISSION:

The Planning Commission and/or County Board may make such additional requirements or waive existing requirements at its discretion for good cause.