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# **Article Four**

## Minor Subdivision Plats

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### 4.1 Intent

The intent of a minor subdivision process is to allow a simplified procedure for small subdivisions of land.

### 4.2 Minimum Conditions to Qualify for a Minor Plat

A proposed minor subdivision may be processed under this Article if it is determined that all the following conditions of a Minor Subdivision exist:

- A. The division of land will result in no more than four (4) additional lots from the parent tract (five total lots). Once a total of four (4) additional lots have been split from the Parent Tract, all subdivisions shall follow the major subdivision process in order for the Town/Township to ensure that land is improved in coordination with the Comprehensive Plan in the laying out of public ways, easements, structures, utilities, etc., that regional drainage concerns are addressed, and established public policy is adhered to.
- B. Necessary and adequate utilities and drainage facilities exist.
- C. All parcels in the proposed subdivision shall have adequate ingress and egress without the construction of any new streets or substantial improvements to existing streets. Also, pertaining to ingress and egress, the following conditions apply:
  - a. All lots will have legal access to a platted and/or dedicated public street which is maintained by a public agency regularly having responsibility for such maintenance.
  - b. No opening of new public ways is necessary (i.e. streets or alleys).
  - c. Frontage on limited access streets on which driveways cannot open shall not constitute legal access.
  - d. If by reason of topography, natural or man-made features, or other conditions relating to the property requested for subdivision, better access can be provided through construction of a new street, the petition shall be considered as a major subdivision plat.
  - e. All lots will have driveway locations which are safe by providing adequate sight distance in either direction and will be properly spaced from one another according to the Town of Cicero Construction Standards and Zoning Ordinance or Hamilton County Construction Standards if the tract is located outside of the municipal boundaries of Cicero.
  - f. The maximum number of road cuts in a minor subdivision shall be two (2) where three (3) or more lots are adjacent to one another. The first two (2) adjacent lots must share a common driveway and shall be entitled to one (1) road cut, and the remaining lot(s) shall be entitled to one (1) road cut and shall, if there are two (2) remaining lots, share a common driveway. All road cuts, including existing road cuts, must be located at a minimum of 450 feet apart.
- D. Adequate ingress and egress to the remainder of the parcel and adjacent properties must be maintained, planned for and provided.
- E. All lots in the subdivision will provide suitable building sites for the proposed land use.

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### 4.3 Application Process for a Minor Plat

The following steps are a brief overview of the Minor Subdivision process. The details of the complete Minor Plat process are outlined throughout this Article and Ordinance.

- A. The petitioner shall consult informally with the Planning Director for advice and assistance before filing the application for a minor subdivision. At this meeting, the petitioner should submit a conceptual layout of the plat for review. This conceptual layout shall be submitted to the subdivision committee of the Plan Commission for review.
- B. The petitioner shall submit copies of the minor subdivision application and plat to the Planning Director to officially begin the application process. All applicable fees must be paid at this time as well.
- C. The petitioner shall correspond with all applicable regulatory agencies for all other permits necessary. These may include, but are not limited to the following:  
Minor Subdivisions:
  - a. Cicero Town Council
  - b. Plan Commission
  - c. County Board of Commissioners
  - d. County health department
  - e. County Soil and Water Conservation
  - f. County Highway Department
  - g. County Transfer Audit Department
  - h. Cicero Police Chief (if within the corporate limits)
  - i. Cicero Fire Chief (if within the corporate limits)
  - j. County Sheriff Department (if outside the corporate limits)
  - k. Jackson Township Fire Chief (if outside the corporate limits)
  - l. Hamilton Heights School Board
  - m. Indiana Department of Transportation
  - n. Town Engineer
  - o. Town Utility Director
  - p. All utility Companies
  - q. Pipeline Companies
  - r. Hamilton County Surveyor
- D. The Planning Director shall docket the proposed Minor Subdivision for public hearing at the next available Plan Commission meeting and put the petitioner on the agenda for an upcoming Technical Advisory Committee and Subdivision Committee meeting.
- E. The petitioner shall attend the Technical Advisory Committee and the Subdivision Committee meeting for the application and plat to be reviewed.
- F. The petitioner shall attend the Plan Commission public hearing for the Primary Plat.
- G. If conditions were attached to the Primary Plat approval, the petitioner must meet all conditions (if any) prior to Secondary (Final) Plat approval.
- H. Secondary (Final) Plat approval is granted to the Planning Director.

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#### **4.4 Application Requirements for Minor Plat**

- A. No application shall be processed until the application is filled out correctly and all applicable attachments are presented to the Planning Director. The Planning Director shall have twenty-one (21) days after receipt of the application package in which to review the documents and to determine if there are any deficiencies. The deficiencies, if any, shall be communicated to the petitioner asking for corrections.
- B. Docket numbers shall not be assigned until all applicable fees have been paid for the application.
- C. The petitioner shall submit fifteen (15) copies of the proposed application and all applicable attachments to the Planning Director. All final application packages must be submitted at least thirty (30) days prior to the next regularly scheduled meeting of the Plan Commission or it will not be heard at that meeting.
- D. In accordance with I.C. 36-7-4-703, the Planning Director shall announce the date of a hearing before the plan commission within thirty (30) days after receipt of a final application.

#### **4.5 Requirements of a Proposed Minor Plat**

- A. The proposed Minor Plat shall be prepared and certified by a land surveyor registered by the State of Indiana.
- B. The proposed Minor Plat shall be drawn at a scale of fifty (50) feet to one (1) inch, except that when the drawing at that scale exceeds one sheet. In this case, the proposed Minor Plat may be drawn at a scale of one hundred (100) feet to one (1) inch. Sheets shall be sized to show sufficient detail.
- C. The proposed Minor Plat shall include:
  - a. Name and legal description of the proposed minor plat.
  - b. A dimensioned drawing of the lot from which it is being divided.
  - c. Names and addresses of the petitioner, current property owner, land surveyor, and/or firm who prepared the plat.
  - d. Lot boundary lines showing dimensions, bearings, angles, and references to section, township, and range lines or corners.
  - e. Approximate location of existing or proposed septic systems including termination point and outlet of all perimeter drain systems and/or municipal sanitary sewer system.
  - f. Approximate location of any existing or proposed wells and/or municipal water system.
  - g. Legend and notes, including a graphic scale, north point, and data.
  - h. Primary approval certificate (area for signatures) for all of the following agencies:
    - 1. Plan Commission President and Secretary
    - 2. Cicero Town Council (if applicable)
    - 3. County Commissioners (if applicable)
    - 4. Planning Director
  - i. Area for signatures for the appropriate public officials.
  - j. Lot numbers, location of monuments, and area for each lot. All lots shall meet the minimum requirement for area, width, and frontage of the Town of Cicero/Jackson Township Zoning Ordinance.
  - k. Indicate buildable areas of parcel per applicable zoning district setback requirements.
  - l. Existing and proposed easements including the location, width, and purpose of each easement.

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- D. In addition to the proposed Minor Plat a separate sheet with the following information is necessary.
    - a. A dimensioned drawing noting the location(s) of any existing building(s) on the site, water courses, wetlands, marshes, wooded areas, isolated preservable trees, and other structures or significant features.
    - b. A map noting significant physical and topographical features of the tract. For plats, containing more than two lots, a topographical map at typical intervals of two (2) foot contours, which shall be extended one hundred (100) feet beyond the boundary lines of the proposed tract, shall be submitted. This map shall also show the direction of the flow of surface water runoff from the site.
  - E. In addition to the proposed Minor Plat an area map must be submitted with the following.
    - a. Location of proposed subdivision within the Town/Township.
    - b. Existing subdivisions and lots adjacent to or within 200 feet of the proposed subdivision, including the names and addresses of the property owners.
    - c. All public thoroughfares/rights-of-way adjacent to or within 200 feet of the site.
    - d. Existing streets and rights-of-way on and adjoining the site of the proposed subdivision showing the names, roadway widths, approximate gradients, surface types, and widths of pavements and curbs.

#### **4.6 Subdivision Committee**

- A. Upon receipt of the application package, the Planning Director shall transmit copies to the Subdivision Committee and Plan Commission members. The Planning Director shall schedule the Minor Plat application package to be reviewed by the Subdivision Committee.
- B. The Subdivision Committee will review the proposed Minor Plat and make a recommendation to Plan Commission.

#### **4.7 Notice of Public Hearing**

- A. Notice of Public Hearing shall be given as in accordance with I.C. 5-3-1 prior to the Plan Commission meeting where the proposed Minor Plat is to be heard. The Notice of Public Hearing shall also be in accordance of section 2.1 in Article 2. The petitioner is responsible for notices to surrounding property owners as stated in Section 2.1 in Article 2.

#### **4.8 Action of Plan Commission Regarding Public Hearing**

- A. Upon receipt of the Minor Plat application, the plat, and the report of the Technical Advisory Committee and Subdivision Committee, the Plan Commission shall hold a public hearing. After the Public hearing the Plan Commission shall approve, approve with conditions, continue, table, or deny the Minor Plat and shall make written findings and issue a written decision either granting primary approval, or granting primary approval with conditions, or denying primary approval and shall provide the applicant with a copy. The decision must be signed by the official designated in this Ordinance.
- B. The Director of Planning shall return one (1) copy of the Minor Plat application and plat to the petitioner with the date of approval, conditional approval, or disapproval and the reasons therefore, in writing, accompanying the application. The Planning Director shall maintain one (1) file copy of the Minor Plat application and plat.
- C. Within six (6) months after the Primary Minor Plat has been approved by the Planning Commission, the Secondary Minor Plat and all related materials shall be submitted to the Planning Director for signature, which shall be notarized.

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#### **4.9 Review**

In reviewing applications for Minor Plat approval, the Plan Commission shall consider the following criteria.

- A. The degree to which the application and plat meets the criteria for plat approval set forth in the Subdivision Control Ordinance and as determined by the reports of the Planning Director and the Technical Advisory Committee and the Subdivision Committee.
- B. Consistency with the goals and objectives of the Comprehensive Plan.
- C. Consistency with the intent of the zoning district in which it is located.
- D. The presence or absence of any exceptions to the development standards for the zoning district in which it is located, any general development standards, site design and improvement standards; as evidenced by the listing of any exceptions in the Minor Plat application.
- E. The presence or absence of any protective covenant for the subdivision which would alter its impact from what would typically permitted in the zoning district in which it is located; as evidenced by the inclusion of any covenants in the Minor Plat application.
- F. Restriction of access points. In order to minimize conflict points, the maximum number of road cuts (driveways) a Minor Plat can have is three (3) for the five (5) total buildable lots, or two (2) for four (4) total buildable lots which are adjacent to each other. (see 4.2f).

#### **4.10 Completion of Improvements**

Dedication of road right-of way, dedication of proposed easements, and drainage improvements required and approved by Plan Commission and applicable government agencies shall be completed by the petitioner, inspected and approved (as necessary) before any building permits can be processed and approved and before construction of any structure can begin.

#### **4.11 Vested Rights**

- A. No vested rights shall accrue to any plat by reason of approval of the Secondary (Final) Minor Plat or issuance of earthwork permit until the recording of the Secondary (Final) Minor Plat by the Petitioner.
- B. All requirements, conditions, or regulations adopted by the Commission applicable to the subdivision, or on all subdivisions generally, shall be deemed a condition for any subdivision prior to the time of the signing of the Secondary (Final) Minor Plat.

#### **4.12 Recording of Minor Plat**

- A. It shall be the responsibility of the petitioner to file the approved and signed Secondary (Final) Minor Plat with the Hamilton County Recorder within thirty (30) days of the date of signature. Simultaneously with the filing of the Secondary (Final) Minor Plat, the petitioner shall record any agreements of dedication together with any other legal documents as shall be required to be recorded by the Plan Commission or other applicable governmental agency. The filing and recording of a plat is without legal effect unless approved by the Plan Commission, signed by the Planning Director, and recorded.
- B. After the Secondary (Final) Minor Plat has been approved by the Plan Commission, signed by the appropriate parties for both primary and secondary approval, and recorded in the Office of the Hamilton County Recorder, the Petitioner shall submit the recorded Secondary (Final) Minor Plat to the Planning Director as follows:
  - a. One (1) copy on reproducible mylar, and
  - b. Two (2) copies on paper.