

TOWN OF CICERO/JACKSON TOWNSHIP

Subdivision Control Ordinance

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Subdivision Control Ordinance

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Article One

Basic Provisions

Article One

Basic Provisions

1.1 Title

This Ordinance shall be formally know as the “Town of Cicero/Jackson Township Subdivision Control Ordinance,” and it may be cited and referred to as the “Subdivision Regulations” or “Subdivision Control Ordinance.”

1.2 Defined Words

Words used in a special sense in this Ordinance are defined in Article Ten (10). Words not otherwise defined herein, but are defined in Article Sixteen (16) of the Cicero/Jackson Township Zoning Ordinance, are hereby incorporated by reference.

1.3 Authority

This Subdivision Ordinance is adopted by the Town pursuant to its authority under the laws of the State of Indiana, 36-7-4 et seq. Whenever codes cited in this ordinance refer to Indiana Code which has been amended or superseded, this Ordinance shall be deemed amended in reference to the new or revised code.

1.4 Purpose

The purposes of the Subdivision Regulations is to protect and promote public health, safety, and general welfare, and to:

- A. Provide guidance of future growth and development in accordance with the Comprehensive Plan and applicable ordinances.
- B. Provide protection of the character and the social and the economic stability of all parts of the jurisdiction.
- C. Encourage the orderly and beneficial development of all parts.
- D. Provide protection and conservation of the value of land, buildings, and other improvements to the land.
- E. Discourage conflicts between the uses of land and buildings.
- F. Avoid scattered, illogical, and uncontrolled subdivisions of land that would result in the imposition of an excessive expenditure of public funds for the distribution or supply of infrastructure and/or services.
- G. Establish reasonable standards and procedures for subdivisions and re-subdivisions, in order to further the orderly layout and use of land.
- H. Ensure proper legal descriptions, legal recording, and monumenting of subdivided land.
- I. Prevent the pollution of air, water and soil.
- J. Ensure the provision of drainage facilities, safeguarding of the water table, and the protection from flooding or causing increased risk of flooding.
- K. Encourage the protection of natural resources in order to preserve the integrity, stability, natural beauty, topography, and the value of land.
- L. Plan for a balance between land uses, natural resources, open spaces, recreation, and public ways that is beneficial to the community as a whole, both current and in the future.
- M. To cause the cost of design and installation of improvements in new, platted subdivisions to be borne by the developer and persons purchasing the lots, and to avoid any direct or indirect burden placed upon adjacent subdivision or the community as a whole.

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- N. To cause the petitioner to bear all costs associated with the approval process, development process, and inspection process.

1.5 Compliance

- A. No petitioner shall divide, record, transfer or sell any parcel before a plat of the proposed subdivision has been approved in accordance with the process and provisions of these regulations, and filed with the County Recorder, unless otherwise specified by this Ordinance.
- B. The division of any lot into a subdivision for the purpose of sale, transfer, gift, or lease resulting in the creation of one (1) or more new building sites shall not be permitted. All such described divisions are a subdivision and shall be subject to the requirements of this ordinance.
- C. Land to be subdivided and developed must be able to be done so without adding peril to public safety, welfare, health, flooding, or other menace.
- D. Land shall not be subdivided unless appropriate road access is demonstrated possible.
- E. Land shall not be subdivided unless all required public facilities are in place, or improvements and proper provisions have been planned and a surety given by the petitioner to meet all requirements for drainage, water, sewerage, parks, recreation facilities, and transportation facilities adequate for serving the subdivision.
- F. No plat or re-plat of a subdivision of land located within the jurisdiction of the Commission shall be recorded until it shall have been approved by the Commission, and such approval shall have been entered in writing on the plat by the President and Secretary of the Commission.
- G. No land shall be subdivided unless the intended use of the individual lot is in conformance with the Zoning Ordinance and Comprehensive Plan, now or hereafter adopted.
- H. In all subdivision, due regard shall be given to the preservation of historical sites and natural features such as large trees, water courses, wetlands, floodways, and scenic views.
- I. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- J. Conflict with Public and Private Provisions
- a. Public Provisions: The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule, regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
- b. Private Provisions: These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirement of these regulations, or the determinations of the Commission in providing a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder. (Note: Private provisions can only be enforced privately, unless a public agency has been made party to such agreements.)

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- K. No Improvement Location Permit, Building Permit or Certificate of Occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations; and, no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations contained herein and in conformity with construction standards adopted by the Town and/or any other appropriate agency or governmental entity.
 - L. Any parcel surveyed, recorded, sold, leased, contracted for, or transferred prior to the effective date of this ordinance that was officially approved and met all the requirements of the subdivision ordinance, or subdivision ordinances in effect at the time the proposed building site was established, and was recorded will be a grandfathered or legal nonconforming subdivision.
 - M. These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations.

1.6 Replats

For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, area reserved thereon for public use, any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions, such change shall be approved by the Plan Commission by the same procedure, rules, and regulations as for a major subdivision plat.

1.7 Severability

If any provision or the application of any provision of this Ordinance is held unconstitutional or invalid by the courts, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

1.8 Interpretation

The provisions of this Ordinance shall be the minimum requirements necessary for the protection of the health, safety, comfort, morals, convenience, and general welfare of the people at large. The provisions are also designed to establish and maintain reasonable community standards for the physical environment. If two (2) or more provisions within this ordinance are in conflict or are inconsistent with one another, then the provision which is most restrictive shall control.

1.9 Jurisdiction Area

This Ordinance shall apply to all land within the corporate limits of the Town of Cicero and Jackson Township, Indiana, but excluding the planning jurisdiction of the Towns of Arcadia and Atlanta, upon adoption by the Cicero Town Council.

This Ordinance, which was enacted pursuant to Indiana home rule and planning enabling legislation (Indiana Code, titles Section 36-1-3-4 and the Section 36-7-4-700 series, as amended), authorizes the Cicero/Jackson Township Advisory Plan Commission to review and approve or disapprove plats for subdivisions within the jurisdiction defined above.

1.10 Application

When this Ordinance along with private covenants, private contracts, commitments, permits, agreements, state laws, federal laws, or other regulations regulates a structure or parcel of land, the greater restriction shall control.

1.11 Saving Provision

This Ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous subdivision ordinance. Also, this Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

1.12 Repealer

The Town of Cicero and Jackson Township Subdivision Control Ordinance of 1996 and all subsequent amendments are hereby repealed. The Town of Cicero/Jackson Township Subdivision Control Ordinance of 2000 shall replace the repealed ordinances as well as shall replace all of the sections and provisions of the repealed ordinances which appear and are incorporated Chapter 154 of the Code of Ordinances of the Town of Cicero, Indiana, as of the adoption and effective date.

1.13 Transition Rules

- A. Any subdivision either fully approved or submitted and docketed for a public hearing prior to the adoption of this ordinance shall be regulated by the terms and conditions of the recorded plats (or development laws) of the Subdivision Control and Zoning Ordinance which was in place at the time of the approvals. However, all administrative procedures and penalties shall follow those set forth by this Subdivision Control Ordinance.
- B. Any application for an Improvement Location Permit which has been filed with the Plan Commission or its designees and which is full and complete, prior to the effective date of this Ordinance, shall be regulated by the terms and conditions of the Subdivision Control and Zoning Ordinance which was in place at the time of filing. However, all administrative procedures and penalties shall follow those set forth by this Ordinance.
- C. Property Splits. All new building sites shall meet the requirements of this Ordinance unless:
 - a. A building permit is issued and is still valid,
 - b. A parcel was approved as a buildable lot by the Plan Commission or the Board of Zoning Appeals prior to the effective date of this Ordinance, or
 - c. A parcel or buildable lot was recorded at the Hamilton County Records Office prior to January 1, 1990 and was a buildable lot at that time.

1.14 Amendments

In accordance with I.C. 36-7-4-602, the legislative body may amend or partially repeal the text of this Ordinance as follows:

The legislative body or the Plan Commission may initiate a proposal to amend or partially repeal the text according to the procedure of I.C. 36-7-4-602(b) and I.C. 36-7-4-607 and according to the Commission Rules and Procedures.

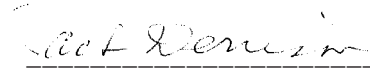
In its review of the text amendments, the legislative body and the Plan Commission shall pay reasonable regard to:

- A. The most recently adopted Comprehensive Plan.
- B. The most recently adopted Zoning Ordinance
- C. Current conditions and character of structures and uses in each district.
- D. The most desirable use for which the land in each district is adapted.
- E. The conservation of property values throughout the jurisdiction.
- F. Responsible development and growth.
- G. The public health, safety and welfare.

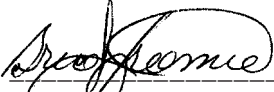
1.15 Effective Date

This Ordinance shall become effective on January 1, 2001.

This Ordinance was passed and adopted by the Town Council of Cicero, Indiana on the 21st day of November, 2000.



Jack Denison



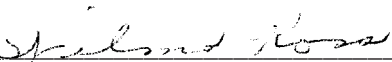
Bruce Freeman, President



William Holliday

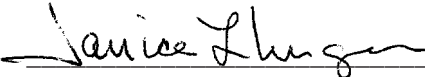


Mike Mauro




Wilma Ross

ATTEST:



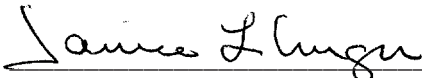
Jan Unger, Town of Cicero Clerk-Treasurer

This Ordinance approved by me and the Town Council of Cicero, Indiana on this 21st day of November, 2000.



Bruce Freeman, President
Town Council of Cicero, Indiana

ATTEST:



Jan Unger, Town of Cicero Clerk-Treasurer

[ADDENDUM] The Cicero/Jackson Township Subdivision Control Ordinance was certified by the Cicero/Jackson Township Plan commission and then forwarded to the Cicero Town Council for adoption. Below is a replication of the Plan Commission Certification and signatures of the voting Plan Commission Members.

Plan Commission Cicero Jackson Township

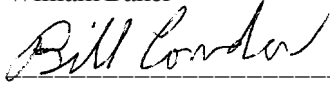
Certificate of Action:

The Cicero/Jackson Township Plan Commission, after holding the required Public Hearings, did by a vote of 7 - 0, on Wednesday, November 8, 2000 in the Cicero Town Hall at a regularly scheduled meeting of the Plan Commission, approve a new Town of Cicero/Jackson Township Subdivision Control Ordinance as amended. The Plan Commission Docket No. is P.C.-Sub.Reg-0018-11-2000.

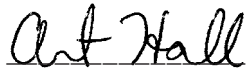
The Cicero/Jackson Township Plan Commission hereby certifies the said Town of Cicero/Jackson Township Subdivision Control Ordinance as amended to the Cicero Town Council for its consideration.



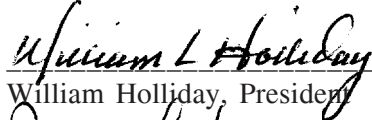
William Baker



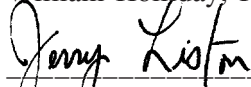
Bill Conder



Art Hall, Vice President



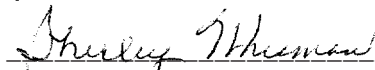
William Holliday, President



Jerry Liston

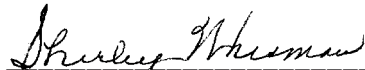


John Stover



Shirley Whisman, Secretary

Date: 11/8/2000



Attest: Shirley Whisman, Secretary
Cicero/Jackson Township Plan Commission

Date: 11/8/2000

Article Two

Administration

Article Two

Administration

2.1 Notice of Public Hearing

- A. The Planning Director, upon receipt of the proper documents, shall within thirty (30) days from the date of receipt of the proper documentation set a date for a public hearing before the Commission. The Planning Director shall prepare a Notice of Public Hearing to be published in a newspaper of general circulation as required by law, and which shall run one (1) time only. The legal notice shall appear in the newspaper no less than ten (10) days prior to the date of the public hearing; the submission of the notice to the newspaper and the cost of the notice shall be borne by the petitioner. A proof of publication shall be retained by the Planning Director. Also the petitioner shall place a sign on the Lot provided by the office of the Planning Director which gives public notice of the hearing.
- B. A Notice of Public Hearing shall be sent by the petitioner at the petitioner's expense.
 - a. The Notice of Public Hearing shall be sent to all properties adjacent within two (2) properties deep of the subject site boundaries within the Town of Cicero corporate boundary and only directly adjacent properties outside the municipal boundaries of Cicero.
 - b. Names and addresses of these property owners shall be submitted at the time of filing for a minor or major plat.
 - c. The notices shall be sent at least ten (10) days before the date of the public hearing. The property owners shall be notified by Certified Mail with Return Receipts Requested.
 - d. Proofs of publication, receipts of mailing, or proofs of mailing shall be submitted to the Planning Director three (3) days prior to the date of the public hearing.
- D. Legal notices shall include the following:
 - a. The general location of the proposed subdivision and a legal description of the land contained therein.
 - b. That the project plans are available for examination at the office of the Cicero/Jackson Township Plan Commission.
 - c. That a public hearing will be held giving the date, place, and hour of the hearing.
 - d. Written comments on the plat will be accepted prior to the public hearing and may be submitted to the Planning Director for the Plan Commission.
 - e. The street or common address of the real estate.
- E. Legal notices shall comply with I.C. 5-3-1.

2.2 Variances from Subdivision Regulations

- A. Where plan commission finds that extraordinary hardships or practical difficulties may result from the strict compliance with these regulations or the purposes and intent of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to the subdivision regulations set forth in this ordinance so that substantial justice may be done and the public interest served, provided that such variances shall not have the effect of nullifying the intent and purpose of this Ordinance.
- B. Plan Commission has exclusive control over the approval of plats and replats.

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- C. The Plan Commission shall not approve variances to the subdivision regulations unless it makes written findings based upon the evidence presented to it in each specific case such that:
 - a. The granting of the variance will not be detrimental to the public safety, health or welfare, or injurious to other property;
 - b. The conditions upon which the request for variance is based are unique to the property for which a variance is sought and are not applicable generally to other property;
 - c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a hardship to the owner would result if the strict letter of these regulations were carried out. A hardship is distinguished from a mere inconvenience.;
 - d. The variance will not contradict the provisions of the Town of Cicero/Jackson Township Zoning Ordinance or Comprehensive Plan.
 - e. Where the variance impacts on the design, construction or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development in writing to the Plan Commission.
 - D. Procedure for Review of Variance Requests is as follows:
 - a. At the time of filing a major or minor plat, the petitioner must submit a detailed written statement of all variances to the subdivision regulations of this Ordinance sought which shall fully state the grounds for the request and file detailed written findings of fact in support of such variance request.
 - b. Only those standards specifically described in the request for a variance may be reviewed by the plan commission.
 - c. Variances may only be granted in a Public Hearing process.

2.3 Inspections and Permits

- A. The petitioner shall notify the Planning Director seventy-two (72) hours prior to the planned installation of improvements within the development. The Planning Director will notify the Town Engineer who shall have the responsibility for inspecting and testing street curbs, sub-bases, pavement depth and quality, sidewalks, trails, sewer lines, water lines, utilities, drainage improvements, and any other site improvements to see that they conform to the regulations in this ordinance, to the Town of Cicero Construction Standards Ordinance, or if applicable to the Construction Standards of Hamilton County and to accepted engineering standards, whichever is most strict.
- B. In addition to any other remedy and/or penalties which may be imposed on the petitioner by this Ordinance or by any other Ordinance of the Town of Cicero, the Town of Cicero/Jackson Township shall reserve the right to withhold Improvement Location Permits for the remaining ten percent (10%) of the lots in a Secondary (Final) Plat with two (2) lots being a minimum number, if the petitioner has failed to install all of the improvements shown on the Secondary (Final) Plat and the final Improvement Plan, except for sidewalks/pedestrian paths. Sidewalks/pedestrian paths shall be installed on each lot by individual builder, lot owner, or subdivision developer prior to the final inspection of the principal structure.

A Certificate of Occupancy shall not be issued on any Lot until sidewalks/pedestrian paths are installed for said lot or a bond is posted to the Plan Commission by the petitioner in an amount equal to the value of the sidewalk/pedestrian path.

However, after three (3) years from the Secondary (Final) Plat approval, the petitioner is responsible to install all sidewalks/pedestrian paths shown on the Secondary (Final) Plat, whether fully built out or not.

The petitioner shall be responsible for installing sidewalks/pedestrian paths through park and open space areas and connect them to sidewalks in other areas of the subdivision or adjacent sidewalk/pedestrian paths, in other projects.

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- C. All fees and costs of the Town Engineer in review of plats, plans and specifications, field inspection of improvements, and any other aspects of subdivision review, shall be paid to the Town of Cicero by the petitioner. The petitioner shall sign an agreement with the Town of Cicero for reimbursement of inspection and other plan review fees and have prepaid to the Town in an amount equal to what the Town Engineer calculated as to what the total fees will be.

2.4 Administrative and Enforcement

- A. The administrator of this chapter shall be of the Town Planning Director. The Planning Director is hereby authorized and directed to enforce and carry out all provisions of this ordinance both in letter and spirit, pursuant to state statute,
- B. The Planning Director is hereby empowered to delegate the duties and the powers granted to and imposed upon him under this ordinance. As used in this section, Planning Director shall include any authorized representative(s).
- C. The Planning Director is hereby empowered to enter or inspect any building, structure, or premises in jurisdictional area of this ordinances to insure compliance with the provisions of this ordinance. Such inspections shall be carried out during business hours, unless an emergency exists. (ORD. 8-1-89, passed 8-15-89)

2.5. Violations and Penalties

- A. Violations. A failure to comply with any of the requirements of this ordinance, including violations of conditions and safeguards established in connection with the granting of variances, subdivisions, and planned district development plan approvals, shall constitute a violation of this ordinance.
- B. Legal Proceedings. The Plan Commission, the Zoning Board, the Planning Director, or any designated enforcement official may bring to the attention of the Planning Director and/or Town Attorney a violation of the provisions of this ordinance in order to initiate legal proceedings pursuant to statute.
- C. Mandatory Injunction. The Plan Commission, the Zoning Board, the Planning Director or any designated enforcement official may request the Town Attorney to bring an action for a mandatory injunction directing any person to remove a structure and/or to discontinue working in violation of the provisions of this ordinance pursuant to state statute.
- D. Common Nuisance. Any structure erected, raised or converted, or land or premises used in violation of any provision of this chapter or of the requirements thereof, is hereby declared to be a common nuisance and as such may be abated in such a manner as nuisances are now or may hereafter be abated under existing law.
- E. Fines. Any person who violates this ordinance shall, upon conviction, be fined not less than \$25 nor more than \$2500.00 for each offense. For the purposes of this ordinance, each day of violation of terms of this chapter shall constitute a separate offense.
- F. Person in Violation. Any person who attempts, commits, participates in, assists or maintains a violation of this ordinance may be found guilty as a principal and suffer the penalties herein provided.
- G. Remedy for Failure. The remedy provided in this section for failure to comply with any of the requirements of this chapter, whether civil, criminal or otherwise, shall be cumulative and shall be in addition to any other remedy provided by law. The civil, criminal or otherwise, shall be in addition to any other remedy provided by law. The civil penalty hereinafter described shall be used in preference to the criminal penalty on all violations except in the case of repeated., malicious, willfully prolonged of flagrant violations.
- H. Assurance of Discontinuance. On all violations, the Planning Director may accept an assurance of discontinuance of any act or violation. Such assurance shall specify a time limit in which the act or violation shall be discontinued (Ord. 8-1-89, passed 8-15-89).

Article Three

Administrative Plats

Article Three

Administrative Plats

3.1 Administrative Plats Defined

The following subdivisions of land are considered Administrative Plats and are exempt from the provisions of the Subdivision Control Ordinance. All Administrative Plats shall be entitled as such and shall be recorded at the Office of the Hamilton County Recorder.

- A. A division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional principal use building sites are created by the division.
- B. A division of land for federal, state, or local government to acquire right-of-way.
- C. A division of land for the transfer of a tract or tracts between adjoining lots provided that no additional principal use building sites are created by the division, and all resulting lots meet the Cicero/Jackson Township zoning requirements.

Article Four

Minor Subdivision Plats

Article Four

Minor Subdivision Plats

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.

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.

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.

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.

Article Five

Major Subdivision Plats

Article Five

Major Subdivision Plats

5.1 Intent

The intent of a major subdivision process is to allow a process for all subdivisions of land that do not fall under the Minor Subdivision or Administrative Plat regulations.

5.2 Sketch Plan Application Procedure

- A. Application Requirements: In order to begin the subdivision process the applicant shall file an application for review of sketch plan with the Commission and be entitled to a signed receipt for the same. This application shall:
- a. Be made on forms available at the Office of the Commission and signed by the owner and developer;
 - b. Include indication of all contiguous holdings of the owner including land in the same ownership, with an indication of the portion which is proposed to be subdivided and which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, optionee of the property, and the date on which the contract of sale was executed. If any corporations are involved, the Commission may request a complete list of all directors, officers, and a listing of stockholders if less than ten (10) in number;
 - c. Be presented to the Commission in duplicate;
 - d. Be accompanied by a minimum of fifteen (15) copies of the sketch plan;
 - e. Be accompanied by a fee in the amount of the present fee schedule after the issuance of a docket number;
 - f. Include an address and telephone number of an agent located within the territory of the commission who shall be authorized to receive all notices required by the ordinance; and
 - g. Include a listing signed by the checkpoint agencies indicating that they have received a copy of the proposed sketch plan or a certification that it has been sent.
- B. Checkpoint submission: In order to fulfill this last application requirement, a copy of the proposed plan shall be submitted to each of the agencies appropriate to the plan's location so that their comment may be made to the Commission. The checkpoint agencies appropriate to each participating jurisdiction in which a plat may include, but are limited to, the following:
- Major 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

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- n. Town Engineer
 - o. Town Utility Director
 - p. All Utility Companies
 - q. Pipeline Companies
 - r. Hamilton County Surveyor

Written approval and/or comment letters from all checkpoint agencies are required prior to the sketch plan approval. Letters shall be delivered to the Planning Director ten (10) days prior to primary plat hearing.

The Commission shall request that all checkpoint agencies submit a written report to the Commission within twenty (20) days after receipt of the request. No response from an agency shall be interpreted as meaning “no objection”.

- C. Classification of Subdivision: After an application for sketch plan approval has been submitted, and at the time of sketch plan review the Commission shall classify the proposed subdivision as either major or minor as defined in the ordinance. The required procedures and approvals for major subdivisions are described in Section 5.5 through 5.20.

5.3 Major Subdivision Sketch Plan

- A. Official Submission Dates: The deadline for submittal of a sketch plan and application for certificate of approval shall be thirty (30) calendar days prior to the date of the Plan Commission meeting.
- B. Sketch Plan Review Process: In taking into consideration the requirements of this process and ordinance, particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, sewage disposal, drainage, lot size and arrangement, the further development of adjoining lands as yet unsubdivided, and the requirements of the Official Map or Thoroughfare Plan, and Master Plan as adopted by the Town of Cicero.

5.4 Specifications for Sketch Plan Documents to Be Submitted

Sketch plans submitted to the Commission office, prepared in pen or pencil, shall be drawn to a convenient scale of not more than one hundred (100) feet to an inch and shall show the following information.

- A. Name
 - a. Name of subdivision if property is within an existing subdivision.
 - b. Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any subdivision plat previously recorded nor for which primary approval is still in effect.
 - c. Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)
- B. Ownership
 - a. Name and address, including telephone number, of legal owner, the developer or agent of property, and citation of last instrument conveying titles to each parcel of property the developer involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
 - b. Citations of any existing covenants on the property.
 - c. Name and address, including telephone, of the professional person(s) responsible for subdivision design, for the design of the public improvements, and for surveys.
- C. Description: Location of property, name of local jurisdiction, lot, section, township, range and county, graphic scale, north arrow, and date.

D. Features to be included on sketch plans

- a. Location of property lines, existing easements, burial grounds, railroad right-of-ways, water-courses, and existing wooded areas or trees eight (8) inches or more in diameter, measured four (4) feet above ground level; location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract, names of adjacent and adjoining property owners (from the latest assessment rolls).
- b. Location, sizes, elevation, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent buildings and utility poles on or immediately adjacent to the site and utility rights-of-way.
- c. Approximate topography, at the same scale as the sketch plan (normally showing two (2) foot contour intervals but the Commission may require one (1) foot intervals on very flat land or permit five (5) foot intervals on very steep slopes).
- d. The approximate location and widths of proposed streets.
- e. Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.
- f. The approximate location, dimension, and areas of all proposed of existing lots.
- g. The approximate location, dimension, and areas of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.
- h. The location of temporary stakes to enable the Commission to find and appraise features of the sketch plan in the field.
- i. Whenever the sketch plan covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred (200) feet to the inch, a sketch in pen or pencil of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.
- j. A vicinity map showing streets and other general development of the surrounding area. The sketch plan shall show all school district lines with the zones properly designated.

5.5 Application Process for Major Plat

The following steps is a brief overview of the Major Subdivision process. However, The complete details of the Major Subdivision 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 major subdivision. At this meeting, the petitioner should submit a conceptual layout of the plat for review.
- B. The petitioner shall submit copies of the Primary Major Plat application and proposed Primary Plat to the Planning Director to officially begin the application process.
- 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:
Major 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)

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- 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 put the petitioner on the agenda for an upcoming Technical Advisory Committee, Subdivision Committee and Plan Commission meeting. The petitioner is responsible for notices to surrounding property owners as stated in Section 2.1 in Article 2 and legal notice in a newspaper of general circulation in Hamilton County, and posting a sign on the property which signage must be approved by the Planning Director.
- E. The petitioner shall attend the Technical Advisory Committee and the Subdivision Committee meeting for the application and proposed plat to be reviewed.
- F. The petitioner shall attend the Plan Commission public hearing for approval of the Primary Major Plat.
- G. If conditions were attached to the Primary Major Plat approval, the petitioner must meet all conditions (if any) prior to Secondary (Final) Major Plat approval.
- H. The petitioner must meet with the Planning Director to verify that all conditions have been completed prior to the Plan Commission approving the Secondary (Final) Major Plat.
- I. The Secondary (Final) Major Plat approval is completed by Plan Commission at a regularly scheduled meeting.

5.6 Application Requirements for a Primary Major 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 and/or Town Engineer 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. No Docket Number shall be released until all applicable fees have been paid for the application.
- C. The petitioner shall submit fifteen (15) copies of the final 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 and complete application.

5.7 Requirements of a Proposed Primary Major Plat

- A. The proposed Primary Major Plat shall be prepared and certified by a land surveyor registered by the State of Indiana.
- B. The proposed Primary Major 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 (1) sheet. In this case, the proposed Major Plat may be drawn at a scale of one hundred (100) feet to one (1) inch. Sheets shall be sized to show sufficient detail.

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- C. The proposed Major Plat shall include:
- a. Proposed name and legal description of the proposed Major Plat.
 - b. A dimensioned drawing of the parcel of land from which it is being divided.
 - c. Names and addresses of the petitioner, land surveyor, and/or firm who prepared the plat.
 - d. Lot boundary lines showing dimensions, bearings, and references to section, township, range and lines or corners.
 - e. Approximate location of existing or proposed septic systems including termination point and outlet of all perimeter drain systems and/or the municipal sanitary sewer system.
 - f. Approximate location of any existing or proposed wells and/or the 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
 5. Other appropriate officials from other agencies as may be required by the Plan Commission
 - i. Lot numbers, location of monuments, and area for each lot (square footage). All lots shall meet the minimum requirement for area, width, and frontage of the Town of Cicero/Jackson Township Zoning Ordinance.
 - j. Indicate buildable areas of parcel per applicable zoning district setback requirements.
 - k. Existing and proposed easements including the location, width, and purpose of each easement.
 - l. Existing and proposed streets and rights-of-way on and adjoining the site of the proposed subdivision showing the proposed names, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks, bikeways, jogging paths, and other recreational ways.
 - m. Street names shall be proposed, but the final decision of the street names shall be determined by the Plan Commission based on input by the appropriate town or county agency.
 - n. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public, or community purposes.
 - o. Location, size, and invert elevation of utilities existing and proposed and on the site, including storm and sanitary sewers; water mains; electrical, telephone, and cable television lines; street lights; fire hydrants; and such other utilities as may be appropriate.

NOTE: All sump-pumps (excluding sanitary pumps for basements) must be connected to the storm sewer system.
 - p. Location(s) of any existing structure(s) or significant feature on the site.
 - q. Location of natural streams, regulated drains, 100-year flood plains, floodway, water courses, marshes, wooded areas, isolated preservable trees, and other structures or significant features.
 - r. Location and results of tests, as required by the Town Engineer, and/or appropriate county, state, federal government agencies made to ascertain subsurface soil, rock, and groundwater conditions.
 - s. Proposed sidewalks and pedestrian trails.
 - t. Proposed decorative lighting. NOTE: For subdivisions located within the municipal boundaries of Cicero, the proposed lighting must be approved by the Cicero Town Council prior to submission to the Plan Commission.
 - u. The existing excess capacity available from the Cicero Waste Water Treatment Plant; the nearest location to the building site of a trunk or connecting sewer line; and the expected demand of the development or building. The excess capacity shall be determined by the Cicero Town Council.
 - v. Proposed preliminary landscaping, signage, entrance to the development, screening, and attempts at preserving natural terrain and open space. The Plan Commission or Planning Director may request a landscaping plan or buffering plan.

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- w. Estimated traffic count increase on adjacent streets resulting from the proposed development; description of type and condition of roads to serve such development; total number of motor vehicles expected to use or be stationed in such development; and on and off-site parking to be supplied.
 - x. Photographs of the site and any significant features.
 - y. If the Primary Plat is to be divided into sections or phases of development, the boundaries and numbers of such sections shall be shown, and a conceptual plan for the entire subdivision shall be submitted as a “phasing schedule.”
 - z. Protective covenants shall be prepared by the petitioner and be legally sound. Covenants shall be incorporated in the plat and subject to the approval of the Commission. Any changes before recording shall be reviewed and approved by the full Plan Commission.
 - aa. Soil map of the site from the Natural Resource Conservation Office or a Hamilton County Soil Survey.
 - bb. Proposed development schedule.
 - cc. Whenever the preliminary plat covers only a part of an petitioner’s contiguous holdings, the petitioner shall submit, at the scale of no more than one (1) inch equals two hundred (200) feet, a sketch of the entire holding, including the proposed subdivision area, showing an indication of the probable future street and drainage systems, for the remaining portion of the tract.
- D. In addition to the proposed Major Plat a separate drainage/topography/natural environment sheet with the following information is necessary.
- a. Location(s) of any existing structure(s) or significant feature on the site
 - b. Location of natural streams, regulated drains, 100-year flood plains, floodway, water courses, marshes, wooded areas, isolated preservable trees, and other structures or significant features.
 - c. A map noting significant physical and topographical features of the tract. This map shall also show the direction of the flow of surface water runoff from the site.
 - d. A preliminary drainage plan showing the proposed storm water drainage system to an improved outlet. Data shall be included showing that said outlet is adequate to accommodate the drainage requirements of the finished development. The plan shall include surface drainage system, storm sewer systems, subsurface drainage systems, and storm water detention facilities. Arrows designating the general drainage of all streets and lots shall be included.
 - e. Location of any subsurface drain tile either existing or proposed for the site.
 - f. Type of drainage system(s) proposed to handle surface, underground, and runoff waters. The coefficient to be used for this determination shall be approved by the Town Engineer or Hamilton County Surveyor.
- E. In addition to the proposed Major Plat a vicinity map must be submitted with the following.
- a. Location of the 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. Existing schools, parks, playgrounds, or other similar public facilities that will serve the proposed subdivision.
 - d. Location and size of all utilities adjacent to or within 200 feet of the subdivision site, including sanitary and storm sewers, gas lines, electric lines, telephone lines, water mains, fire hydrants, cable television lines, etc.
 - e. All public thoroughfares/rights-of-way adjacent to or within 200 feet of the site.
 - f. 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.

- g. Existing zoning of the tract and all contiguous tracts surrounding the proposed subdivision.
- h. All section and municipal corporate boundaries lying within or contiguous to the tract.

- F. Existing subdivisions and lots adjacent to or within 200 feet of the proposed subdivision, including the names and addresses of the property owners.

5.8 Technical Advisory Committee Review

- A. The petitioner shall transmit copies of the application and proposed Major Plat to the Technical Advisory Committee for review. The Technical Advisory Committee may report and make recommendations to the Plan Director and/or the Plan Commission for its review.
- B. Changes to the proposed Major Plat required by the Technical Advisory Committee shall be made by the petitioner.

5.9 Town Engineer Review

- A. The Town Engineer shall review the proposed Major Plat for drainage, infrastructure, road design and all other provision regulated in the Town of Cicero Construction Standards.
- B. The petitioner shall pay directly to the Town of Cicero all fees of the Town Engineer incurred in review of the proposed Major Plat and inspection of the construction of the subdivision.

5.10 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 Major Plat application package to be reviewed by the Subdivision Committee.
- B. The Subdivision Committee will review the proposed Major Plat and make a recommendation to Plan Commission.

5.11 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 Major Plat is to be heard. The Notice of Public Hearing shall also be in accordance of section 2.1 in Article 2.

5.12 Action of Plan Commission Regarding Public Hearing

- A. Upon receipt of the Major Plat application and plat, the report of the Technical Advisory Committee, Town Engineer, and Subdivision Committee, the Plan Commission shall hold a public hearing. After the Public hearing the Plan Commission shall in writing approve, approve with conditions, continue, or deny the Major Plat.
- B. The Director of Planning shall return one (1) copy of the Major Plat application and plat to the petitioner with the date of approval, conditional approval, continuance, or disapproval and the reasons therefore, in writing, accompanying the application. The Planning Director shall maintain one (1) file copy of the Major Plat application and plat.
- C. Approval of a Primary Major Plat by the Commission is not final approval of the subdivision.
- D. Approval of a Primary Major Plat shall be effective for a maximum period of eighteen (18) months unless, upon application of the petitioner, the Commission grants an extension.
- E. If the application is disapproved, the petitioner may not resubmit for two (2) months from the date of disapproval. Fees on a resubmitted plat shall be the same as if it were an original submittal.

5.13 Review

In reviewing applications for Primary Major 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, Technical Advisory Committee, and the Subdivision Committee.
- B. Consistency with the goals and objectives of the Comprehensive Plan.
- C. Consistency with the intent and standards 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 Major 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. All proposed utility services must be underground. All sump-pumps (excluding sanitary pumps for basements) must be connected to the storm sewer system.

5.14 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.

5.15 Construction Plans

- A. It shall be the responsibility of the petitioner to prepare and have certified, by a land surveyor registered or licensed engineer in the State of Indiana, a complete set of Construction Plans, including profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities, and other facilities.
- B. Construction Plans shall be submitted for review and for written comments and approval by the agencies appearing in Section 5.2 (B), which have jurisdiction.
- C. The final Construction Plans shall be based on the approved Primary Plat which has been approved. Also, the Construction Plans shall be prepared and submitted to the Plan Commission for review and approval in conjunction with or prior to the Secondary (Final) Plat. The plans shall show the following:
 - a. General improvement plans shall be prepared for all required improvements. Plans shall be drawn on standard twenty-four (24) inch by thirty-six (36) inch sheets at a scale of no less than one (1) inch equaling fifty (50) feet, and map sheets shall be of the same size as the Secondary (Final) Plat.
 - 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.
 - c. Profiles showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within one hundred (100) feet of the intersection. Radii of all curves, lengths of tangents, and central angles on all streets shall be shown.

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- d. The Plan Commission may require, where steep slopes exist, the cross-sections of all proposed streets.
 - e. Plans and profiles showing the location and typical cross-section of streets including curbs, gutters, sidewalks, rights-of-way, drainage facilities, manholes, and catch basins. Plans shall also show the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, water lines, gas, and fire hydrants, showing connection to any existing or proposed utility systems.
 - f. Location, size, elevation, and other appropriate descriptions of any other existing physical and natural features or facilities including features noted on the official map of local government, trees, the points of connection to proposed facilities and utilities, and the approximate high- and low-water elevations of all ponds, Lakes, and streams. All elevations shall be referenced to the USGS datum plane.
 - g. Upon completion of the construction, the petitioner's engineer shall provide the Plan Commission with one (1) set of "as built" plans showing the location, dimensions, and materials used to construct all improvements within the subdivision.

5.16 Application Requirements for a Secondary (Final) Major Plat

- A. After approval of the Primary Major Plat by the Commission and fulfillment of the requirements of this ordinance, fifteen (15) blackline or blue-line reproductions of the Secondary (Final) Major Plat of the subdivision shall be submitted to the Planning Director. All Secondary (Final) Major Plats shall be shown at a scale.
- B. The following information shall be shown on the Secondary (Final) Major Plat:
 - a. Accurate boundary lines, with dimensions and angles, which provide a legal survey per state statute.
 - b. Accurate distances and directions to the nearest official monument. Reference corners shall be accurately described on the plat.
 - c. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
 - d. Accurate metes and bounds description of the tract boundary.
 - e. Source of title of petitioner to the land as shown by the last entry in the books of the County Auditor.
 - f. Name of subdivision followed by the words "Secondary (Final) Plat."
 - g. Name, address, and phone number of the petitioner.
 - h. North point, graphic scale, and date.
 - i. Street names.
 - j. Complete curve table for all curves included in the plat.
 - k. Street lines with accurate dimensions in feet and hundredths of feet with angles to street, alley, and lot lines. Radii, points of curvatures, tangent bearings, and lengths of all arcs of street lines shall be provided.
 - l. Lot numbers and dimensions including the square footage of each lot.
 - m. Accurate locations of easements, description of their use, and any limitations on such semi-public or community use.
 - n. Accurate dimensions for any property to be dedicated or reserved for public, semi-public, or community use, including sidewalks, bikeways, and other recreational ways.
 - o. Building lines and setback dimensions throughout the subdivision.
 - p. Location, type, material, and size of all monuments and markers.
 - q. Construction plans and specifications for the improvements required by this ordinance.
 - r. Restrictions of all types which will run with the land and become covenants in the deeds for lots.
 - s. Certification by a registered land surveyor.

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- t. Certification by the petitioner(s) and lien holder(s) (if any) of dedication of streets and other public property, and an agreement executed by the petitioner(s) to make and install all improvements in accordance with the plans and specifications approved by the Commission and accompanying the Secondary (Final) Major Plat.
 - u. Certificate of approval by the Cicero/Jackson Township Plan Commission, if approved.
 - v. Certificate of approval by the Cicero Town Council, if approved.
 - w. A final landscape/screening plan shall be incorporated in the Secondary (Final) Plat design plans and a phasing schedule of landscaping/ screening improvements. All changes shall be reviewed and approved by Plan Commission.
 - x. Any other information or data requested by the Director necessary to clarify conditions and terms of plat approval.
- C. The Secondary (Final) Major Plat may include all or only a part of the land the Primary Major Plat which has received approval and shall be prepared and certified by a land surveyor registered by the State of Indiana. If the Secondary (Final) Major Plat does not contain all of the land approved on the Primary Plat, it shall be designated by a section number in a numerical order.

5.17 Action of Plan Commission

- A. Within thirty (30) days after the Planning Director reviews the final complete plat and all required supportive information, the Planning Director shall docket the Secondary (Final) Major Plat with the Plan Commission. If the Plan Commission determines that the plat complies with the standards of this ordinance, it shall make written findings and a written decision regarding secondary approval to the plat. No notices of public hearing shall be required for Secondary (Final) Plat approval.
- B. The approval of the Secondary (Final) Major Plat by the Plan Commission shall be certified on behalf of the Plan Commission by the President and Secretary who shall affix their signatures to the plat original and all other relevant documents which also may require such signatures.
- C. If the Plan Commission disapproves the Secondary (Final) Major Plat, it shall make written findings and notify the petitioner in writing, stating the specific reasons for disapproval. This written notice shall be signed by the President and Secretary of the Plan Commission.

5.18 Secondary (Final) Major Plat Approval

- A. Approval of the Secondary (Final) Major Plat shall be effective for a maximum period of twelve (12) months from the date of approval unless signed and recorded as required by Section 5.20. An extension of time may be approved by the Plan Commission.
- B. The approved Secondary (Final) Major Plat approval shall not be signed by the Plan Commission until a performance bond or other acceptable proof of surety has been submitted to the Plan Commission, or all improvements have been installed, inspected, approved, and accepted as shown on the approved Construction Plans. The improvements must be constructed in accordance with the approved Construction Plans.
- C. No site work or earthwork shall be allowed until an Improvement Location Permit has been issued.
- D. In no case shall an Improvement Location Permit be issued by the Planning Director, or his agent until the following is done:
 - 1. Plan Commission has approved the Primary Major Plat;
 - 2. Construction Plans have been approved;
 - 3. Required surety has been submitted and accepted; and
 - 4. All applicable utility fees, availability charges, connection fees, impact fees, and other similar fees have been paid.

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- E. No Certificate of Occupancy shall be issued by the Planning Director, or his agent, for any structure on any subdivision lots prior to addresses being approved, installation and completion of all facilities, including grading, as shown on the approved plans and approved by the Commission; except that in the case of an asphalt road surface, the installation of the final surface coat may, subject to the report of the Town and/or County engineer and the approval of the Plan Commission, be postponed until the end of the maintenance period. The final coat of asphalt shall be installed prior to acceptance of the road for public maintenance.
 - F. A Secondary (Final) Plat of a subdivision may not be filed with the Hamilton County Auditor, and the Hamilton County Recorder may not record it unless it has been granted Secondary (Final) Plat approval by the Planning Director and has been properly signed by the President and Secretary of the Commission. The filing and recording of the plat is without legal effect unless approved and signed by the Plan Commission.

5.19 Vested Rights

- A. No vested rights shall accrue to any plat by reason of approval of the Primary and/or Secondary (Final) Major Plat or issuance of earthwork permit until the actual signing of the Secondary (Final) Major Plat by the Planning Director, and the President and Secretary of the Plan Commission.
- 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) Plat.

5.20 Recording of Secondary (Final) Major Plat

- A. It shall be the responsibility of the petitioner to file the approved and signed Secondary (Final) Plat with the Hamilton County Recorder within thirty (30) days of the date of signature. Simultaneously with the filing of the Major 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 signed by the Plan Commission's president and secretary, and the Cicero Town Council or the Hamilton County Commissioners.
- B. When recorded in the Office of the Hamilton County Recorder, the Petitioner shall submit the recorded Secondary (Final) Plat to the Planning Director as follows:
 - a. One (1) copy on reproducible mylar, and
 - b. Two (2) copies on paper.
- C. The petitioner must also submit a copy of the recorded Secondary (Final) Plat to the following persons:
 - a. Any corporate utility company that may be affected,
 - b. Hamilton County Highway if outside of Cicero or to the Town of Cicero if located within Town,
 - c. Hamilton County Surveyor,
 - d. Hamilton County Sanitarian, and
 - e. Town Engineer and utility directors.

Article Six

Surety

Article Six

Surety

6.1 Surety

- A. At the time when the Secondary (Final) Major Plat is approved by the Plan Commission and before the plat is signed by the officers of the Plan Commission or is recorded, the petitioner shall file a surety or irrevocable letter of credit with the Clerk-Treasurer and the Town Council and/or all appropriate county agencies. The performance bond or letter of credit shall:
 - a. Be drawn in favor of the Town of Cicero and/or applicable county agencies.
 - b. Be in an amount and time period determined by the Plan Commission and the Town Council or appropriate county agency to be sufficient to complete the improvements and installations in compliance with this ordinance. The petitioner's engineer shall supply an estimate of the cost of improvements and installation on the project to aid the Plan Commission and the Town Council or appropriate county agency in its determination of the amount of the bond. The engineer's estimate, however, shall not be binding.
 - c. Be with surety satisfactory to the Plan Commission and the Town Council or appropriate county agency.
 - d. Comply with all statutory requirements and shall be satisfactory to the Plan Commission's Attorney as to form, sufficiency, and manner of execution as set forth in these regulations.
 - e. Extend for the period within which required improvements must be completed as specified by the Commission in the resolution approving the Secondary (Final) Major Plat.
 - f. Cover the installation costs of the streets, sanitary sewers, curbs, street signs, sidewalks, and other recreational amenities, surface swales, subsurface and storm drainage systems, seeding/erosion control, landscaping, and other public improvements.
- B. The representative of the Town or appropriate county agency may, upon proof of difficulty, recommend to the Town Council or appropriate county agency an extension of the completion date set forth in such bond for a maximum period of one (1) additional year. The Town Council or appropriate county agency may at any time during the period of such bond accept a substitution of principal or sureties on the bond upon recommendation of the Plan Commission's Attorney. The Town Council or appropriate county agency shall have the authority to increase the bond amount to cover increased costs.
- C. All required improvements shall be made by the petitioner, at his expense, without reimbursement by the local government or any improvement district therein.
- D. The petitioner shall be required to maintain at his expense a licensed civil engineer or engineering firm on the job site to manage the construction of the subdivision improvements. The on-site engineer shall certify that the subdivision construction is in compliance with the detailed construction plans submitted to the Plan Commission during the review of the Secondary (Final) Plat. The on-site engineer shall submit weekly progress reports to the Town Engineer during construction and should notify the Town Engineer when important work has been scheduled so that an inspection can be made. A final report shall be submitted to the Director of the Plan Commission and the Town Council or appropriate county agency by the petitioner's engineer or his firm.
- E. If the Town Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the construction standards and specifications, the petitioner shall be responsible for correcting any errors in construction and completing the improvements in accordance with such standards and specifications. Wherever the cost of improvements is covered by a perfor-

mance bond, the petitioner and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

- F. If a Secondary (Final) Plat is divided into sections, the Plan Commission may allow for performance bonds to be submitted to cover only the cost of improvements to be constructed in each section.
- G. Exemptions from Surety may be approved if:
 - a. Construction plans have been approved by the Plan Commission, Town Council, or appropriate county agency, and
 - b. Improvements are made prior to Secondary (Final) Major Plat approval, and
 - c. The town engineer and appropriate county agencies have inspected and approved such improvements, and
 - d. Town Council or appropriate county agency has accepted said improvements, and
 - e. Posting of a maintenance bond or bonds has been accepted in the amount required by this ordinance.

6.2 Release of Performance Bond

- A. The Town Council or appropriate county agency shall not accept dedication of required improvements nor release or reduce the performance bond amount until the Town Engineer or the appropriate County agency has submitted a final inspection report of the subdivision. The Town Engineer or the appropriate County agency shall certify that the layout of the public improvements has been completed, properly inspected, and is ready for acceptance into the Town's or County's system.
- B. The Town Council or the appropriate County agency, upon approval of the Town Engineer's or the appropriate County agency's inspection report, shall pass a resolution accepting the improvements in the subdivision and formally releasing the performance bond.
- C. In those cases where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the Town of Cicero or appropriate county agency may thereupon declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

6.3 Other Forms of Surety

- A. Should the petitioner be required to extend to the subdivision site improvements such as extensions of water and sewer lines owned by the Town of Cicero which may provide benefits to other properties in the vicinity of the proposed subdivision, then the petitioner and the Town Council may, by contract, agree that the other property owners in the vicinity of the subdivision who wish to connect to or utilize the installation provided by the petitioner shall pay the Town over a ten (10) year period a fee in an amount agreed to by the contract and that portion of said fee shall be rebated to the petitioner in annual installments.

6.4 Maintenance of Public Improvements

- A. The applicant shall be required to maintain all public improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks (where required) until acceptance of said public improvements by the Town of Cicero, or the Hamilton County Highway Department.
- B. The applicant shall be required to file a maintenance bond with the Commission, prior to acceptance, in an amount not to exceed twenty percent (20%) of the cost of all public improvements, and in a form satisfactory to the Commission Attorney. The maintenance bond is provided to assure the satisfactory condition of the required public improvements for a period of three (3) years after the date of their acceptance by the Town or the County.

Article Seven

Principles and Standards of Design

Article Seven

Principles and Standards of Design

7.1 General

- A. The subdivision layout shall be of such a character that it protects the health, safety, and general welfare of the residents in the jurisdiction of the Plan Commission.
- B. Whenever a proposed subdivision borders an existing street, the Commission may require the reconstruction or widening of such street as a condition of plat approval. Additional dedication of right-of-way shall be required per the Cicero/Jackson Township Comprehensive Plan/Transportation Plan Map and or the Hamilton County Thoroughfare Plan.
- C. In designing and approving subdivision streets, the following factors shall receive consideration:
 - a. accessibility for emergency vehicles and school buses;
 - b. safety for both vehicular and pedestrian traffic;
 - c. efficiency of service for all users;
 - d. livability or amenities as affected by traffic elements in the circulation system; and
 - e. economy of both construction and use of land.
- D. When there is a situation of unusual physical conditions or a controlled design environment in evidence and it can be satisfactorily demonstrated to the Commission that a private street is the only feasible solution, said private street may be permitted and shall be constructed to a depth equal to Local Roads or Streets, and adequate covenant provision are made for direct responsibility and control by the property owners involved to provide for the perpetual operation, liability, and maintenance of said private streets at no expense to the governing jurisdiction.
- E. In addition to the requirements established herein, all subdivision plats shall comply with the following rules, laws, and regulations:
 - a. All applicable statutory provisions.
 - b. The local zoning ordinance, building and housing codes, and all other applicable laws of the appropriate jurisdiction
 - c. The Comprehensive Plan, Thoroughfare Plan, and Capital Improvement Plan of the Town of Cicero/Jackson Township, including all public facilities, open space, and recreation plans, as adopted.
 - d. The rules and regulations of the Indiana Department of Environmental Management, The Department of Natural Resources, Aeronautics Commission, Hamilton County Drainage Board, and other appropriate agencies.
 - e. The rules, regulations and standards of the Indiana Department of Transportation if the subdivision or any lot contained therein abuts a state highway.
 - f. All applicable planning and regulatory guidelines, including access control, driveway manuals, parking and traffic control ordinances, and other applicable guides published by the local governmental units.
 - g. The “Indiana Manual of Uniform Traffic Control Devices” for placement and installation of traffic control devices.

7.2 Street Standards

- A. The street layout shall provide adequate vehicular and pedestrian access to all lots and parcels of land within the subdivision, and where streets cross other streets, jogs shall not be created. Streets shall conform to the following principles and standards:

Principles

- a. Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
 - b. Residential street systems shall be designed to minimize through traffic movement, but certain proposed streets, where appropriate, shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.
 - c. Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.
 - d. Residential street patterns shall provide reasonably direct access to the primary circulation system.
- B. Standards within the Corporate Limits of the Town of Cicero
- a. Minimum pavement widths, to be installed at the developer's expense, shall be as follows:
 1. Primary Arterials: Four (4) lanes at 12 feet each, 16 feet center turn lane, plus two (2) feet for curb and gutter.
 2. Secondary Arterials: Four (4) lanes at 12 feet each, or two (2) lanes at 12 feet each plus two (2) parking lanes at ten (10) feet, plus two (2) feet for curb and gutter.
 3. Collector or Commercial/Industrial: 38 feet back of curb to back of curb (2 feet for curb and gutter).
 4. Local Roads or Streets: 30 feet back of curb to back of curb (2 feet for curb and gutter).
 5. Private Streets: 22 feet edge of pavement to edge of pavement.
 - b. Minimum pavement depths to be in accordance with the Town of Cicero's Construction Standards and Specifications per road classification.
 - c. Street Grades, Curves and Sight Distances
 1. The minimum vertical grade for all streets shall be 0.5%.
 2. The maximum vertical grade for Primary Arterials and Secondary Arterials shall be 5%.
 3. The maximum vertical grade for Collector shall be 8%.
 4. The maximum vertical grade for Local Roads or Streets shall be 8%.
 5. The first 25 feet of an intersection roadway, from the outer edge of a through roadway, shall be designed with a two percent (2%) downward grade. With a sag vertical curve situation, the two percent (2%) grade shall connect with the remaining street profile grade using a minimum vertical curve length of 50 feet. The sag vertical curve may start at the edge of the through roadway. With a crest vertical curve at the approach to an intersection, the two percent (2%) downward grade shall extend 25 feet from the edge of the through roadway and the crest vertical curve can begin at that point. The length of the crest vertical curve shall meet the requirements of the 1990 AASHTO Standards for crest vertical curves.
 6. Vertical curves shall be designed to meet or exceed 1990 AASHTO Standards for sag and crest vertical curves.
 7. Local Roads or Streets and Collectors shall have a design speed of 30 mph. Primary Arterials and Secondary Arterials shall have a minimum design speed of 50 mph.
 8. Horizontal centerline curve radii shall meet or exceed 1990 AASHTO Standards. If a horizontal curve is required, Local Road or Street and Collectors shall have a 300 foot minimum centerline radius. The minimum tangent distance between reverse curves shall be 100 feet.

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9. Cul-de-sac streets shall be not longer than six hundred (600) feet, unless the Plan Commission shall determine after public discussion that a greater distance better serves the interest of public health, safety, and welfare, including traffic flow considerations; such distance to be measured from the center of the turning circle to the intersection of the center line of the cul-de-sac street and the centerline of a through street.
 10. A temporarily dead-ended street shall be permitted in which a street is proposed to be and should logically be extended but is not yet constructed. An adequate easement for a turn-around shall be provided for any such temporary dead-end street which extends two hundred (200) feet or more in length. Such easement shall be automatically vacated to abutting property owners when said dead-ended street is legally extended.
 11. A developer may request permission from the Board of Public Works to delay the installation of the one (1) inch surface layer of asphalt, but not to exceed one (1) year. The developer shall be required to submit a separate performance bond or letter of credit to cover the cost of the installation of the one (1) inch surface layer of asphalt.
- d. Intersection
1. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. All streets shall intersect at 90 degrees whenever possible for a minimum distance of one hundred (100) feet.
 2. Not more than two (2) streets shall intersect at any one (1) point, unless specifically approved by the Plan Commission.
 3. Proposed new intersection along one (1) side of an existing street shall, whenever practicable, coincide with any existing intersection on the opposite side of such street. Street jogs with center line offsets of less than one hundred fifty (150) feet shall not be permitted.
 4. Street curb intersections shall be rounded by radii of at least 25 feet. A radius of 40 feet shall be used at the intersection with a Primary Arterial, Secondary Arterial or Collector street.
 5. The above minimum radii shall be increased when the angle of street intersection is less than 90 degrees.
 6. At the intersection of any proposed Local Road or Street with any existing street, acceleration and deceleration lanes, and passing or left turn lanes may need to be provided in accordance with standards established by the handbook, A Policy of Geometric Design of Highways and Streets, by the American Association of State Transportation and Highway Officials. All acceleration/deceleration lane widths shall be twelve (12) feet.
- e. Curbs and Gutters
1. All public streets within the corporate limits of the Town of Cicero shall have curbs and gutters.
 2. All curb and gutter sections placed on Primary Arterials, Secondary Arterials, or Collectors shall be of the barrier type. Roll-type curb and gutter sections will be required for Local Roads or Streets.
- f. Right-of-Way
1. The minimum right-of-way of Local Roads or Streets shall be fifty (50) feet within the Corporate Limits of the Town of Cicero or as stated in the Cicero/Jackson Township Comprehensive Plan/Transportation Plan Map.
 2. Where Local Roads or Streets intersect Arterials and Collectors, there shall be a triangular area with two 30 foot sides.
 3. At Local Roads or Streets, property line corners shall be rounded by an arc, the minimum radius of which shall be twenty (20) feet.

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4. All cul-de-sacs on Local Roads or Streets shall terminate in a circular right-of-way with a minimum diameter of one hundred (100) feet and minimum roadway diameter of eighty (80) feet. All cul-de-sacs on Commercial/Industrial streets shall terminate in a circular right-of-way with a minimum diameter of one hundred twenty (120) feet and minimum roadway diameter of one hundred (100) feet.

g. Signs

1. The developer shall fund and install all required street name signs and regulatory signs in accordance with the Town of Cicero Construction Standards and Specifications and the Manual on Uniform Traffic Control Devices.
2. One (1) street sign shall be installed at each intersection indicating the name of each street thereat.

h. Construction Road/Entrance

1. The petitioner is required to build and maintain a construction road entrance for all subdivisions having multiple phased construction. This entrance will consist of nine (9) inches of No. 2 stone and shall be shown on the construction plans. All entrances shall have access from a Primary Arterial, Secondary Arterial, or Collector street. The purpose of this road is to eliminate heavy construction traffic on Local Roads or Streets.

7.3 Sidewalks, Pedestrian Paths, Jogging Paths, and Bicycle Paths

- A. Sidewalks shall be at least five (5) feet wide adjacent to Primary Arterials, Secondary Arterials, Collectors and in Commercial/Industrial or multi-family developments. Sidewalks shall be at least four (4) feet wide at all other locations. Sidewalks are to be concrete four (4) inches thick. The back of the sidewalk shall be located one (1) foot inside the right-of-way line or as approved by the Town Engineer.
- B. Pedestrian paths may be required in lieu of sidewalks when approved by the Plan Commission and Town Council and shall be constructed to a minimum width of eight (8) feet. The developer shall install pedestrian paths along all Arterial and Collector streets that abuts the development. The paths shall be constructed of asphalt, paving stones, or other similar impervious hard surface material.
- C. The developer shall be required to install sidewalks and or paths in open space areas and public right-of-way that abuts common areas and non-building lots.
- D. Sidewalks shall be installed on each lot prior to occupancy of any dwelling unit on the lot. If all lots are not developed within three (3) years from the issuing of the first Certificate of Occupancy, the developer shall install all sidewalks on all building lots.
- E. Private streets and streets outside the Corporate Limits of the Town of Cicero are exempt from the sidewalk/pedestrian paths requirement.

7.4 Easements

- A. Easements to permit access for maintenance and repair of surface, subsurface infrastructure, and utility installations shall be provided on the copies of the Primary Plat, Secondary (Final) Plat, and Construction Plans. Location of easements shall be reviewed by the Town Engineer and representatives of local utility companies.
- B. Easements shall be as shown below and shall provide continuity from block to block, and shall be located along rear, side, or front lot lines, one-half (½) the width of the easement shall be taken from each lot. In the case of lots extending to the boundary of the lands platted and not adjoining another plat, the full width of the easement shall be provided on such peripheral lots.

Depth of Infrastructure from Finished Grade

up to 15 feet
>15 feet to 25 feet
> than 25 feet

Minimum Total Easement

20 feet
30 feet
40 feet

- C. Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, the petitioner shall designate drainage easements on both sides of the watercourse, the width to be determined by the Plan Commission and in the case of a regulated drain, the Hamilton County Drainage Board.
- D. When a proposed drainage system shall carry water across private lands outside the subdivision, appropriate drainage rights must be secured by the petitioner and shown on the Construction Plans.

7.5 Storm Drainage and Culverts

- A. Down spouts shall not be discharged into any part of the enclosed storm drainage system. Storm drainage pipes or systems, subsurface drains or sump pump outlets shall not discharge into streets, roadside ditches or over curbs.
- B. Storm drainage systems shall be designed to prevent overtopping of curbs by a storm not exceeding the 10 year design storm. Inlets shall be placed at all low points in the grade of the gutter and at intersections to prevent stormwater from flowing across traffic lanes and crosswalks.
- C. Culverts for Local Roads or Streets shall be designed such that the road shall not be overtopped by a 25 year storm event. Other road Classifications shall be designed to prevent overtopping by a 100 year storm event.
- D. Surface water drainage flows shall be shown on the Primary Plat for each and every lot and block.
- E. The drainage plan shall show the effected watershed.
- F. The design criteria for side and rear yard drainage swales is:
 - a. Minimum flow line grade of swales shall be one percent (1%). Swales not meeting the one percent (1%) minimum grade will be required to install underdrains two feet below the proposed flow line.
 - b. Maximum flow line grade of ditches shall be seven percent (7%). Swales greater than one percent (1%) shall be protected with an erosion control mat.
 - c. Front and back slope of swales shall not be steeper than a 4 (horizontal) to 1 (vertical) slope.
- G. The design criteria for detention/retention is:
 - a. Local basins are those which have a total land area contributing flow to the detention/retention basin, including on-site and off-site areas, of less than five (5) acres. Minimum hydraulic performance levels and accepted design methodologies for local basins shall conform to the following:
 - 1. Release, at a minimum, the peak discharge resulting from the 100-year design storm event runoff at the 10-year design storm event runoff peak discharge rate for existing watershed conditions.
 - 2. Release the peak discharge resulting from a 2-year design storm event runoff from the contributing watershed area at the 2-year design storm event runoff peak discharge rate for existing watershed conditions.
 - b. Regional basins are those which have a total land area contributing to the basin, including on-site and off-site areas, of five (5) acres or larger. Minimum hydraulic performance levels and accepted design methodologies for regional basins shall conform to the following:
 - 1. Release runoff resulting from a 2-year design storm event over the entire contributing watershed for post-development conditions at a peak rate and velocity no greater than the peak rate and velocity from the 2-year design storm event runoff based on the pre-development watershed conditions.

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2. The developed site runoff during the runoff from both the 10-year and 100-year design storm events shall be designed to be released at a peak rate and velocity no greater than the peak rate and velocity from the 10-year design storm event runoff based on pre-development watershed conditions.
 - c. All detention/retention designs shall use runoff hydrographs and routing techniques.
 - d. The minimum accepted bottom transverse slope of dry detention basins shall be one percent (1%) and must be designed to include underdrains. Vegetated bank side-slope shall be no steeper than 3 (horizontal) to 1 (vertical).
 - e. Vegetated areas of wet detention basins shall have an earthen embankment constructed with side slopes no steeper than 3 (horizontal) to 1 (vertical). Earthen embankment armored with rock rip-rap shall not be accepted.
 - f. The maximum ponding depth for parking lot detention shall be seven (7) inches for the 100-year storm event runoff from the entire contributing watershed.
 - g. Minimum normal depth of a wet pond, calculated at the shallowest point in the pond, shall be eight (8) feet.
 - h. Emergency spillways shall be capable of handling one and one-quarter times the peak discharge and peak flow velocity resulting from the 100-year design storm event runoff from the entire contributing watershed, assuming post-development conditions, draining to detention/retention facility. However, engineering judgement may dictate use of a higher design standard. Many types of emergency spillways are allowable provided adequate provision is made for the discharge of the flow through the facility and a minimum freeboard of one-foot (1) is provided for larger regional ponds above the maximum anticipated flow depth through the emergency spillway.

7.6 Water

- A. The developer shall install water main supply system in a manner prescribed by the Town of Cicero's Construction Standards and Specifications. All plans shall be designed in accordance with the Town of Cicero's Construction Standards and Specifications and the Indiana Department of Environmental Management. In addition, the design shall meet or exceed the minimum standards described in the latest edition of Recommended Standards for Water Works as published by the Health Education Service. All plans shall be approved by the Town Engineer.
- B. In low density zoning, if a public water system is not available, individual wells shall be used in accordance with the standards and specifications of the Hamilton County Board of Health.

7.7 Sanitary Sewer

- A. The developer shall install sanitary sewer collection system in a manner prescribed by the Town of Cicero's Construction Standards and Specifications. All plans shall be designed in accordance with the Town of Cicero's Construction Standards and Specifications and the Indiana Department of Environmental Management. In addition, the design shall meet or exceed the minimum standards described in the latest edition of Recommended Standards for Sewage Works as published by the Health Education Service. All plans shall be approved by the Town Engineer.
- B. Private sewage disposal system on individual lots consisting of a septic tank and tile absorption field or other approved sewage disposal system, shall be laid out in accordance with the standards and specifications of the Hamilton County Board of Health.

7.8 Lighting

- A. The petitioner shall be required to provide and maintain street lighting within the subdivision. Street lighting shall be designed so as to provide an appropriate degree of illumination for various activities based on their location along arterial, collector, or local streets and the intensity of the surrounding land uses. This lighting shall be funded by the developer. Illumination standards shall be as follows:

<u>Streets</u>	<u>Commercial</u>	<u>Residential</u>
Arterials	1.2 footcandles	0.6 footcandles
Collectors	0.8 footcandles	0.4 footcandles
Local	0.6 footcandles	0.3 footcandles

- B. At a minimum, lighting shall consist of high-pressure sodium bulbs or comparable, a minimum of one hundred (100) watts each, and mounted on standards of non-corrosive metal not to exceed thirty feet in height. Lighting standards shall be mounted in an approved concrete foundation.
- C. The maintenance and operation of street lighting shall be the responsibility of the petitioner. The developer shall be required to implement restrictive covenants to cover their operation.
- D. Minor Subdivisions are exempt from the lighting requirement.

7.9 Block Standards

- A. Blocks should not exceed one thousand two hundred (1200) feet in length. In the design of blocks longer than eight (800) feet, the Commission may specify the provision of pedestrian crosswalks near the center of the block, or wherever would be most useful to facilitate pedestrian circulation to a school, park, recreation area, shopping center, or other significant neighborhood destination. Minimum length of blocks shall be three hundred (300) feet.
- B. Blocks shall have sufficient width to provide for two (2) tier of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major transportation facilities, watercourses, and industrial and commercial areas.

7.10 Lot Standards

- A. The developer shall have placed, under the supervision of a Registered Land Surveyor, concrete monuments four (4) inches square and forty (40) inches long with an iron rebar or pipe cast in the center, at each corner or angle of the outside boundary of each subdivision's section prior to issuing building permits.
- B. The developer shall have placed, under the supervision of a Registered Land Surveyor, five-eighths (5/8) inch diameter or larger iron or steel rebars or pipes weighing a minimum of one (1) pound per foot and being at least twenty-four (24) inches long at the corners of each lot. They shall be set prior to the issuance of any Building Permit.
- C. Lot dimensions shall comply with the minimum standards of the Zoning Ordinance.
- D. Double frontage lots shall be prohibited except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.
- E. The lot size, width, depth, shape, grade location, and orientation shall be in proper relation to street and block design and to existing and proposed topographical conditions.
- F. All lots shall abut on a public street or an approved private street.
- G. Side lines of lots shall be at approximately right angles to straight streets and radial lines on curved streets. Some variation from this requirement is permissible, but pointed or very irregular lots should be avoided.
- H. Building setback lines shall conform to the provisions of the Cicero/Jackson Township Zoning Ordinance and shall be shown on the Primary and Secondary (Final) Plat.

-
- I. Lots abutting a watercourse, drainageway, channel, stream, or flood plain shall have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable area required by the Zoning Ordinance from front, rear, and side yards. The minimum required lot area shall not include the water area.
 - J. Lots that abut Primary and Secondary Arterials and Collector streets shall require a five (5) foot non-access easement along their perimeters. The non-access easement shall be shown on the Primary and Secondary (Final) Plat.

7.11 Open Space Area

- A. The developer shall be required to plat on the ratio of providing three (3) acres of open space area for every one hundred (100) dwelling units. In no case shall the total open space area be less than two (2) acres and no individual areas shall be less than one (1) acre. A dwelling unit shall be defined as a single-family home, or each dwelling unit in a condominium, or apartment/rental unit property.
- B. No more than fifty percent (50%) of the minimum required open space area shall be clubhouses, tennis courts, basketball courts, and swimming pools, excluding parking lots that produce impervious surfaces within the subdivision.
- C. The open space shall have a total frontage on one (1) or more public or private streets of at least two hundred (200) feet, and no part of the area shall be narrower or shallower than two hundred (200) feet except for stream-valley and other linear areas which shall at no point be narrower than fifty (50) feet. Easements, crosswalks, and road frontage to provide public access to the open space shall be shown on the Primary and Secondary (Final) Plat.
- D. No more than fifty percent (50%) of the minimum required open space area shall be wet detention, flood plain or wetlands. Drainage easements shall not be included or considered as meeting the open space requirements hereunder.
- E. The developer shall be required to deed all open space areas to a Homeowner's Association as required in the subdivision's restrictive covenants or deed an equal part of all open space areas to each lot within the subdivision as required in the restrictive covenants.
- F. Minor Subdivisions are exempt from the open space area requirement.

7.12 Parking Spaces for Clubhouse

- A. The developer shall provide one (1) parking space per one hundred fifty (150) square feet of finished clubhouse floor space.

7.13 Subdivision and Street Names

- A. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the county. The Plan Commission shall have final authority to approve the name of the subdivision which shall be determined at the time of the Primary Plat approval.
- B. Street names shall not duplicate any existing name within the county except where a new street is a continuation of an existing street. Street names that may be spelled different but sound the same as existing streets shall not be used.
- C. The Plan Commission shall have final authority to approve all names of streets (in case of conflicts) at the time of Primary Plat approval.

7.14 Model Homes

- A. No more than five (5) model homes may be approved at the discretion of the Plan Commission at the time of primary plat approval.
- B. Model homes are allowed only in the first section of a subdivision.

Article Eight

General Construction Standards

Article Eight

General Construction Standards

8.1 Street Improvements

All street improvements are to be as per the Town of Cicero Construction Standards.

8.2 Storm Water and Subsurface Drainage

All storm water improvements are to be as per the Town of Cicero Construction Standards.

8.3 Curbs and Gutters

All curb and gutter improvements are to be as per the Town of Cicero Construction Standards.

8.4 Sewers

All sewer improvements are to be as per the Town of Cicero Construction Standards.

8.5 Water Supply

All water supply improvements are to be as per the Town of Cicero Construction Standards.

8.6 Monuments and Markers

All monuments and markers are to be as per the Town of Cicero Construction Standards.

8.7 Sidewalks

All sidewalk improvements are to be as per the Town of Cicero Construction Standards.

8.8 Street Signs and Street Lighting

All street signs and street lighting improvements are to be as per the Town of Cicero Construction Standards.

8.9 Utilities

All utility improvements are to be as per the Town of Cicero Construction Standards.

Article Nine

General Environmental Standards

Article Nine

General Environmental Standards

9.1 General

- A. No changes shall be made in the contour of the land, nor shall grading or excavating, to take place until a plan for minimizing erosion and sedimentation has been reviewed by the Planning Director and Hamilton County Soil and Water Conservation District or there has been a determination by the Planning Director that such plans are not necessary.
- B. Measures used to control erosion and reduce sedimentation and to provide drainage shall, as a minimum, meet the standards and specifications of the Hamilton County Storm Drainage, Erosion, and Sediment Control Ordinance. The Planning Director shall ensure compliance with all appropriate specifications.
- C. If any statement or regulation in this Article is more or less strict than the Town of Cicero Construction Standards Ordinance or of Hamilton County, if applicable, the more strict regulation shall supercede the less strict regulation.

9.2 Performance Principles

- A. The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in the overall development plan.
 - a. Existing features which would add value to residential, commercial, natural, or man-made assets such as trees, streams, vistas, historically significant items, and similarly irreplaceable assets shall be preserved through careful and harmonious design.
 - b. Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize erosion.
 - c. Development plans shall keep cut fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
 - d. Whenever feasible, natural vegetation shall be retained, protected, and supplemented.
 - e. The disturbed area and the duration of exposure shall be kept to a practical minimum.
 - f. Temporary vegetation and mulching shall be used to protect exposed critical areas during development.
 - g. The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.
 - h. Provision shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff will be structurally retarded.
 - i. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.
 - j. Design and construction of the drainage facility shall be such that it will be durable and easy to maintain.

9.3 Grading for Drainage

All grading and drainage are to be completed according to the Town of Cicero Construction Standards Ordinance or, if applicable, to the Construction Standards of Hamilton County.

9.4 Drainage and Erosion Control

The responsibility for drainage and erosion control is to be completed according to the Town of Cicero Construction Standards Ordinance or, if applicable, to the Construction Standards of Hamilton County.

9.5 Compliance with Regulations and Procedures

- A. The design, installation, and maintenance of the required drainage facilities and erosion and sediment control measures shall be in accordance with the standards and specifications of the Hamilton County Storm Drainage, Erosion, and Sediment Control Ordinance or of Cicero.
- B. The approval of plans and specifications for the control of erosion and sedimentation shall be concurrent with the approval of the development and shall become a part thereof.
- C. Permission for clearing and grading prior to the approval of the development plan may be obtained under temporary easements or other conditions satisfactory to the Planning Director.
- D. In the event the petitioner proceeds to clear and grade prior to the approval of the subdivision or development plan, without satisfying conditions specified herein, the Plan Commission may revoke the approval of all plans and a suit for an injunction may be instituted to halt further construction until development plans are approved.
- E. Topsoil shall not be removed from residential lots or used as spoil. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left deposited on any lot or street in the subdivision.

Article Ten

Definitions

Article Ten

Definitions

10.1 General:

The definitions contained in this Article shall be observed and applied in the interpretation of all Articles in this Ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular; words used in the masculine gender shall include the feminine.

Undefined words in this Article may also be found in the Cicero/Jackson Township Zoning Ordinance.

10.2 Defined Words:

The following terms shall have the following meanings:

Abandonment: The relinquishment of property or a cessation of the use of the property for a continuous period of one year by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

Administrator: See Planning Director

Advisory Plan Commission: A planning commission serving a single local government jurisdiction established as defined under the Indiana Code, 36-7-1-2 (1983) as amended. The Cicero/Jackson Township Plan Commission is an Advisory Plan Commission.

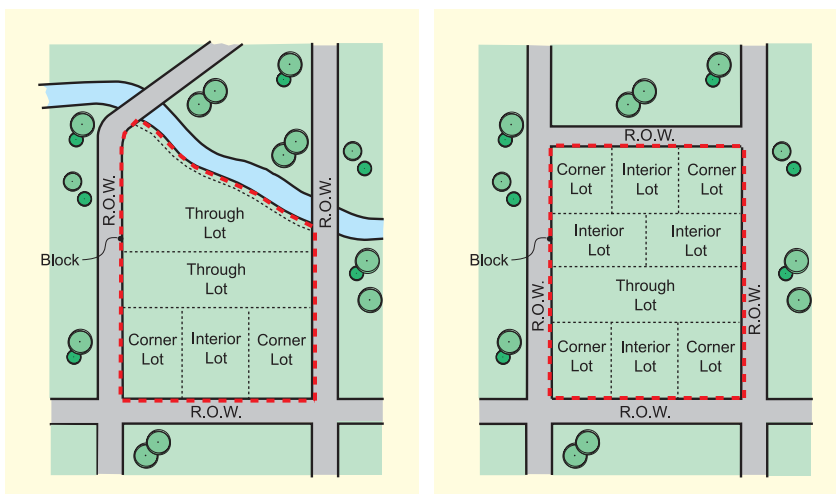
Alley: A public right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access for the special accommodation of the abutting property.

Applicant: See Petitioner

Arterial Street: See Street, Arterial

Berm: A man-made, formed, earth mound of definite height and width used for landscaping and obscuring purposes, the intent of which is to provide a transition between uses of differing intensity.

Block: Property abutting on one side of a street and lying between the two (2) nearest intersecting or intercepting streets, intersecting railroad, intersecting waterway, or the end of a dead end street.



Board: See Board of Zoning Appeals

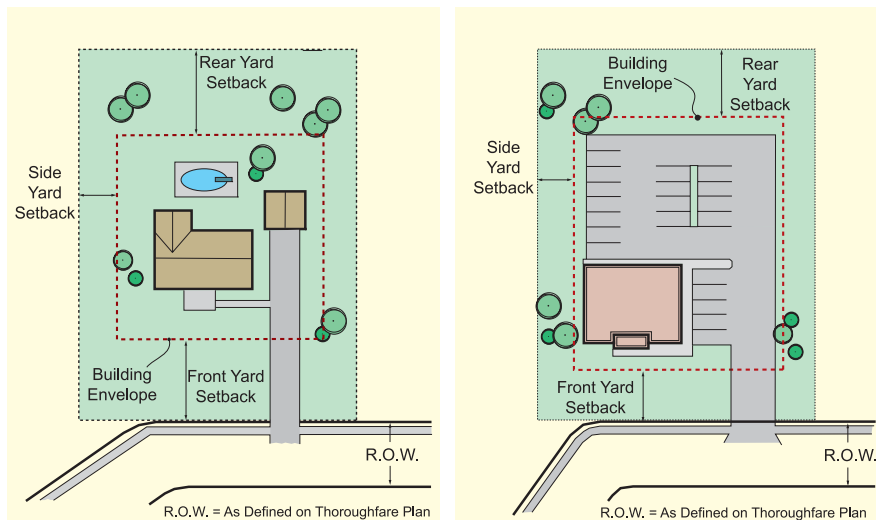
Board of Zoning Appeals: The Town of Cicero/Jackson Township Advisory Board of Zoning Appeals or any division thereof.

Bond: See Surety

Building: A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals; and when separated by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.

Building Area: The horizontal area of the buildings on a lot, measured from the outside exterior walls, excluding open areas or terraces, screened in porches, unenclosed porches or decks, and architectural features that project no more than two feet.

Building Envelope: The setback lines that establishes an area on a lot in which building can occur.



BZA: See Board of Zoning Appeals

Central Sewerage System: The community sewer system including collection and treatment facilities owned and maintained by the Town of Cicero.

Central Water System: A community water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines and includes such of the above facilities established by the developer to serve a new subdivision or commercial/ industrial development.

Certificate of Compliance: A certificate is issued prior to the Certificate of Occupancy stating that the building, structure or use has been constructed and complies with the provisions of this Ordinance, Developer Commitments, and all conditions of the Plan Commission or BZA. A posting of bond may be accepted for incomplete requirements that will be completed as per a written agreement. The time period and amount of bond shall be determined by the Zoning Administrator.

Certificate of Occupancy: A certificate stating that the occupancy and use of a building or structure complies with the provisions of the Indiana Building Code.

Collector Street: See Street, Collector

Commission: See Advisory Plan Commission

Comprehensive Plan: Refers to the Cicero/Jackson Township Comprehensive Plan. The plan includes goals, objectives and strategies for land use, growth management, transportation/thoroughfares, community facilities and services, environment concerns, infrastructure, aesthetics and identity, economic development, and parks and recreation. The plan was developed and adopted by the Commission pursuant to the I.C. 36-7-4-500 series and includes any part and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

Construction Plan: See Improvement Plan

Construction Plan(s): The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed for the subdivision in accordance with the requirements of this Ordinance as a condition of the approval of the plat.

County: Hamilton County, Indiana.

Covenants: Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider. In the case of public health, safety and welfare, covenants may be applied by the Commission, that are recorded with the plat and deed. Covenants can also be placed on commercial and industrial developments. Covenants are not enforceable by the Plan Commission or its designees. However, they are enforceable in civil court by interested or affected parties.

Cul-De-Sac: A short street having one (1) end open to traffic and being permanently terminated by a vehicular turnaround.

Dedication: The setting apart of land or interests in land for use by the municipality or public by ordinance, resolution, or entry in the official minutes as by the recording of a plat.

District: Areas within the Town of Cicero/Jackson Township for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, are established by this Ordinance. Districts are drawn on the Official Zoning Map.

Drives, Private: See Street, Private

Easement: A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of providing services or access to the property.

Final Plat: See Plat, Secondary

Flood Protection Grade: The elevation of the lowest point around the perimeter of a building at which a one hundred (100) year flood may enter any Finished Floor Area.

Frontage: See Lot Frontage

Impervious Surface: Any material that prevents absorption of stormwater into the ground.

Improvement Location Permit: A permit issued under the Zoning Ordinance or Subdivision Control Ordinance prior to receiving a building permit, permitting a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure or before starting any construction, excavation, or work within a subdivision within its jurisdiction, or the pursuit of changes to the condition of the land.

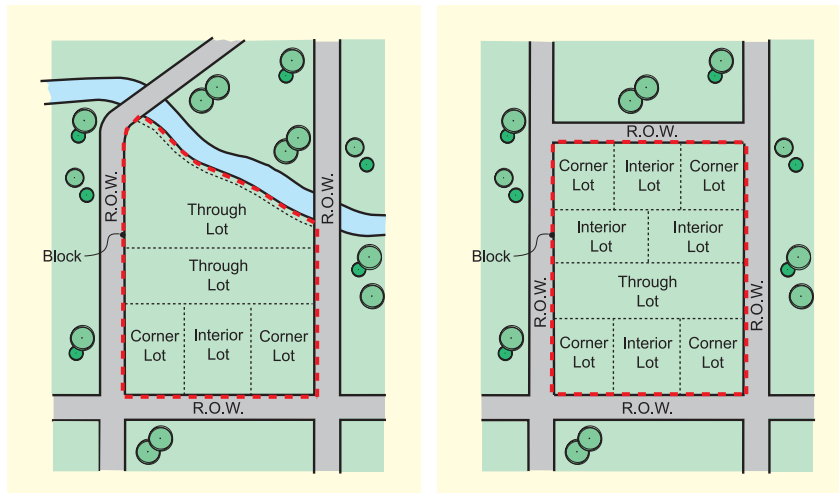
Improvement Plan: Refers to the Cicero/Jackson Township Comprehensive Plan. The plan includes goals, objectives and strategies for land use, growth management, transportation/thoroughfares, community facilities and services, environment concerns, infrastructure, aesthetics and identity, economic development, and parks and recreation. The plan was developed and adopted by the Commission pursuant to the I.C. 36-7-4-500 series and includes any part and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

Interested Party: Interested parties shall include, but are not limited to, all properties adjacent within two (2) properties deep of the subject site boundaries within the corporate boundary and only directly adjacent properties outside the planning jurisdiction.

Landscaping: The improvements of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.

Local Street: See Street, Local.

Lot: A piece, parcel or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single ownership or control. Two (2) or more adjacent and contiguous lots owned by a common owner and utilized as one building site may be considered as a single lot.



Lot, Buildable: See Lot, Improved

Lot, Developed: A lot with buildings or structures.

Lot Frontage: All property of a lot fronting on a street right-of-way, as measured between side lot lines.

Lot, Improved: A lot upon which a structure or building can be constructed and occupied. The lot shall have frontage on and access to an improved street, meet minimal setbacks, and have all necessary utilities available to the lot such as sewer, water, electricity, etc.

Lot of Record: A lot which is a part of a subdivision recorded in the office of the County Recorder, or a parcel or lot described by metes and bounds, and a description of what has been so recorded.

Major Arterial: See Street, Major Arterial.

Major Plat: See Subdivision, Major

Major Subdivision: See Subdivision, Major

Marker (survey): A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

Master Plan: See Comprehensive Plan.

Minor Arterial: See Street, Minor Arterial.

Minor Plat: See Subdivision, Minor

Minor Subdivision: See Subdivision, Minor

Model Home: A single family residence constructed by a builder, contractor, or developer with or without interior display areas and/or office areas for the purpose of showing potential customers the type of residential products being offered within an approved subdivision.

Monument (survey): A permanent physical structure which marks the location of a corner or other survey point.

Off-site Improvements: Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval, upon which is located improvements required by or related to the property to be subdivided.

Open Space: An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open Space does not include street rights-of-way, platted lot area, private yard, patio areas, or land scheduled for future development.

Parent Tract: A Parent Tract's actual location, shape, and size is determined by the official record of the last transfer of ownership transacted prior to the adoption of the 1990 Cicero/Jackson Township Ordinance, or by its last conditional transfer of ownership by recorded contract transacted before the 1990 Cicero/Jackson Township Ordinance was enacted.

Petitioner: Any person or group of persons, developer or developers, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations, or their legal representative. Consent of all involved property owners must be demonstrated prior to making applications for development approval.

Plan: See Comprehensive Plan.

Plan Commission: See Advisory Plan Commission.

Planned Development: A large-scale unified development meeting the requirements for zoning approval under the provisions of Article Five of this ordinance. Generally a planned development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any district of this Ordinance. This may result in more attractive and affordable development than conventional developments would allow. Clustered housing (dwellings built in innovative lot arrangements around common open space) and zero lot line housing (dwellings built immediately adjacent to lot lines) are possible as part of planned developments. A planned development requires approval through a zoning map amendment.

Planning Director: The person appointed by and/or delegated the responsibility for the administration of the Subdivision Control Ordinance regulations by the Advisory Plan Commission, or his designees.

Plat: A map or chart that shows a division of land and is intended to be filed for record.

Plat, Primary: The Primary Plat, pursuant to I.C. 36-7-4-700 series, is the plat and plans upon which the approval of a proposed subdivision are based. The Primary Plat and plans shall be subject to public notice and public hearing according to law and according to Plan Commission rules. (Under former state statutes, the Primary Plat was referred to as a "preliminary" plat.)

Plat, Secondary: The Secondary (Final) Plat, pursuant to I.C. 36-7-4-700 series, is the final plat document in recordable form. A Secondary (Final) Plat shall substantially conform with the preceding Primary Plat, or section thereof. The Secondary (Final) Plat and plans are not subject to public notices and

public hearings. Secondary (Final) Plat approval is an administrative function to be carried out in the manner prescribed by the written rules of the Advisory plan Commission, either in public meeting or by Planning Director.

Primary Plat: See Plat, Primary.

Principal Building/Structure: The building or structure in which the principal use of the lot or premises is located or conducted, with respect to residential uses, the principal building or structure shall be the main dwelling.

Principal Use: The main use of land or buildings as distinguished from an accessory use. A principal use may be either a permitted use or a special exception.

Private Street: See Street, Private

Property Owner of Record: The person(s) identified as the property owner on the most recent list prepared and maintained by the Hamilton County Assessor's Office.

Public Utility: Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewerage systems.

Registered Land Surveyor: A land surveyor properly licensed and registered or through reciprocity permitted to in the State of Indiana.

Registered Professional Engineer: An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Regulatory Flood: A flood having a peak discharge which can be equalled or exceeded on the average of once in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission; Further, this flood is equivalent to a flood having a one percent (1%) probability of occurrence in any given year.

Regulatory Floodway: The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

Replat: If any change in a map of an approved or recorded subdivision plat.

Right-of-Way: A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

ROW: See Right-of Way.

Secondary (Final) Plat: See Plat, Secondary

Street: Any vehicular way that: (1) is an existing state, county, or municipal roadway; (2) is shown upon a plat approved pursuant to law; (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board to review plats; includes the land between the street lines, whether improved or unimproved.

Street, Collector: A street designed to facilitate the collection of traffic from local streets and to provide circulation within neighborhood areas and convenient ways to reach arterial streets, as depicted by the Thoroughfare Plan element within the Comprehensive Plan.

Street, Local: A street designed primarily to provide access to abutting properties and discourage through traffic, as depicted by the Thoroughfare Plan element within the Comprehensive Plan.

Street, Major Arterial: A street with access control, restricted parking, and that collects and distributes traffic to and from minor arterials, as depicted by the Thoroughfare Plan element within the Comprehensive Plan.

Street, Minor Arterial: A street with signals at important intersections and stop signs on side streets, and that collects and distributes traffic to and from collector streets, as depicted by the Thoroughfare Plan element within the Comprehensive Plan.

Street, Public: All property dedicated or intended for public highway, freeway, or roadway purpose or subject to public easements therefore.

Structure: see Building

Subdivision: The division of a Parent Tract or other piece of land into at least two (2) smaller lots or the combination of two or more smaller lots into one lot so that either now or in the future the subdivider can do any of the following with one or more of the subdivided lots:

- A. transfer ownership,
- B. construct buildings, and/or
- C. create new building sites for leasehold.

The actual location, shape and size of a Parent Tract to be divided is determined by the official record of the last transfer of its ownership transacted before the Cicero/Jackson Township Zoning Ordinance enacted or by its last conditional transfer of ownership by recorded contract transacted before the Cicero/Jackson Township Zoning Ordinance was enacted. The following kinds of divisions are not subdivisions and are exempt from the rules of the Cicero/Jackson Township Zoning Ordinance:

- A. A division of land into two (2) or more tracts all of which are at least ten (10) acres in size; or
- B. A division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional principal use building sites are created by the division; or
- C. A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property; or
- D. A division of land for federal, state or local government to acquire street right-of-way; or
- E. A division of land for the transfer of a tract or tracts between adjoining lots provided that no additional principal use building sites are created by the division. The lots so created hereunder shall have only one principal use building site and all resulting lots must meet the Cicero/Jackson Township zoning requirements; or
- F. Property legally divided prior to adoption of this Ordinance; or
- G. A division of land for agricultural purposes or uses.

Subdivision, Minor: A division of land that will result in no more than four (4) additional lots from the parent tract. A minor subdivision plat will have necessary and adequate drainage, utilities, and access. Not new or upgrades to a public ways can be necessary. See Article Four for specific information on Minor Subdivision.

Surety: An amount of money or other negotiable security paid by the subdivider, developer, or property owner or his surety to the Town/Township which guarantees that the subdivider will perform all actions required by the Town/Township regarding an approved plat or in other situations as stated forth in this Ordinance and/or as deemed by the Planning Director, and provides that if the subdivider, developer, or property owner defaults and fails to comply with the provisions of his approval, the subdivider, developer, or property owner or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approval.

Surety: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Plan Commission. All bonds shall be approved by the Commission wherever a bond is required by these regulations.

Thoroughfare Plan: The plan, now and hereafter adopted, which includes a street plan, sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares.

Town: The Town of Cicero, Indiana.

Township: Jackson Township, Hamilton County, Indiana

Zoning Map: The official zoning map of the Town of Cicero/Jackson Township, Indiana, denoting zoning districts.

