




Article One

Basic Provisions

May 18, 2006
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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 Whenever codes cited in this ordinance refer to Indiana Code which has been amended or superseded, this Ordinance shall be deemed amended in reference to the new or revised code.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 Recorders 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



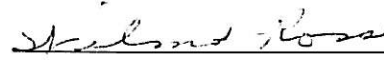
Bruce Freeman, President



William Holliday

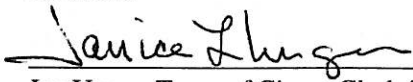


Mike Mauro




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

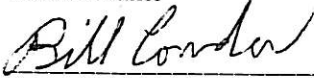
Certificate of Action:

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.

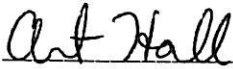
The Cicero/Jackson Township Plan Commission hereby certifies the said Town of Cicero/Jackson Township Subdivision Control Ordinance as amended to the Cicero Town Council for its consideration.



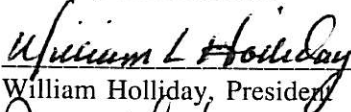
William Baker



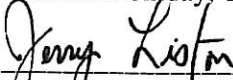
Bill Conder



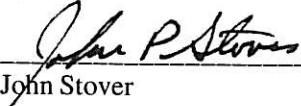
Art Hall, Vice President



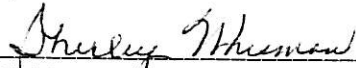
William Holliday, President



Jerry Liston

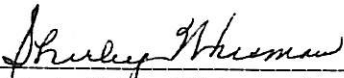


John Stover



Shirley Whisman, Secretary

Date: 11/8/2000



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

Date: 11/8/2000

