



Article Ten

Definitions

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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.

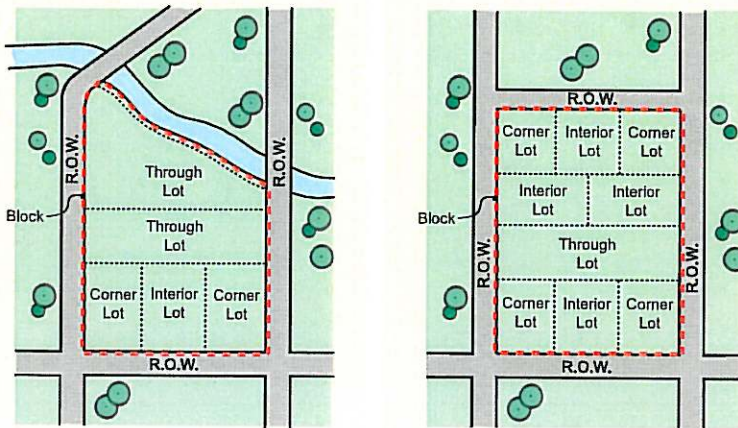
Alley: A public right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access for the special accommodation of the abutting property.

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

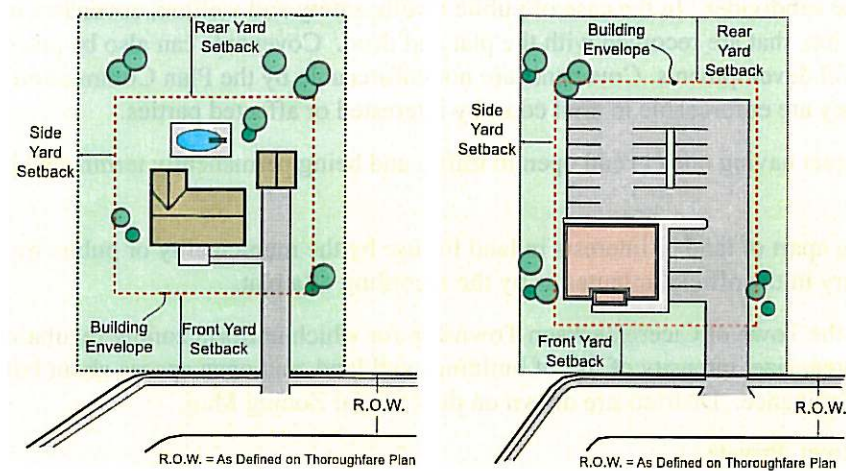
Board of Zoning Appeals: The Town of Cicero/Jackson Township Advisory Board of Zoning Appeals or any division thereof.

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.

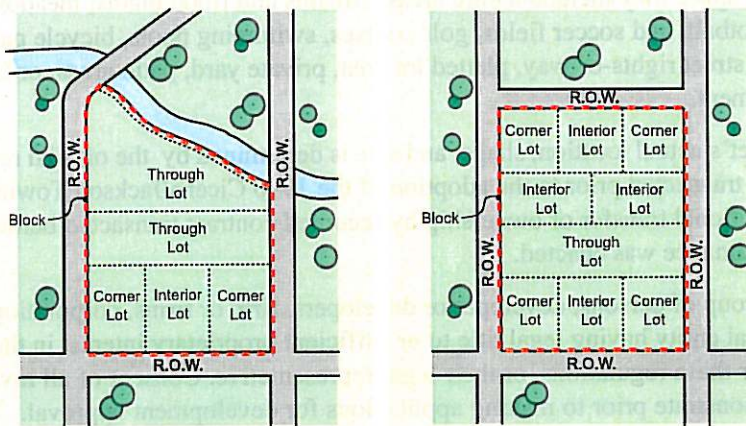
Improvement Plan: Refers to the Cicero/Jackson Township Comprehensive Plan. The plan includes goals, objectives and strategies for land use, growth management, transportation/thoroughfares, community facilities and services, environment concerns, infrastructure, aesthetics and identity, economic development, 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 demonstrate 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.

