

**PLAN COMMISSION
PROCEDURES, POLICIES, AND FEES FOR
MINOR AND MAJOR SUBDIVISION APPLICATIONS**

1. Thirteen (13) copies of the application and thirteen (13) copies of an acceptable plat of the property must be submitted at least thirty (30) days prior to the Michigan City Plan Commission meeting. The Board meets the fourth Tuesday of the month at 6:30 p.m. local time at City Hall in the Council Chambers.
2. The application must be accompanied by a non-refundable filing fee as follows:

Minor Subdivision (no more than 2 lots): \$250.00
Major Subdivision (3 or more lots): \$250.00 + \$10.00 for each additional lot
3. Attached are procedures/requirements. Use attached forms.
4. Once the petition has been set for public hearing, all property owners abutting the application site and across the right-of-way shall be notified of the time and place of the public hearing. This shall be done by certified letter at the expense of the applicant. **The applicant shall submit their Affidavit of Service and proof of mailing to the Planning Department the Monday (or Friday if Monday is a holiday) before the Plan Commission meeting for review** (attached public notice requirements).
5. Per state statute, the applicant shall provide at their expense, legal advertisement in the local newspaper and show proof of same at the hearing (attached public notice requirements).

No exceptions to the above

Note: In the presentation of the case, the burden shall be upon the applicant to supply all information including charts, plats, diagrams, architectural and/or engineering drawings, and other exhibits necessary for a greater understanding of the problem. The Board may continue the hearing when, in its judgment, the applicant has not provided sufficient evidence and information to make a determination.

**APPLICATION FOR MINOR SUBDIVISION
WITHIN THE CORPORATE LIMITS OF MICHIGAN CITY**

1. Name of identifying title: _____

2. Subdivider: (If owner, so state; if agent or other type of relationship, state details on separate sheet)
Name: _____
Address: _____
Telephone: _____

3. Licensed land surveyor or engineer:
Name: _____
Address: _____
Telephone: _____

4. Location of proposed subdivision: (Block and lot or other identification. Use additional sheet if necessary)

5. Easements or other restrictions on property: (Describe generally. Use additional sheet if necessary)

6. Names of abutting owners and owners directly across adjoining street. Include those in adjacent municipalities and other unincorporated areas. (Attach list of owners)

7. Requested exceptions. The Plan Commission is hereby requested to authorize the following exceptions or waivers of its regulations governing subdivisions. (Attach list of such exceptions with the reason for each exception set forth)

8. The undersigned hereby states that the appropriate application fees are submitted herewith.

9. The undersigned hereby requests approval by the Plan Commission of the above identified subdivision plat.

(Signature)

(Title)

(Date)

Article 03

Minor Subdivision Review and Approval Procedures

Section 03.01 Purpose

The purpose of a minor subdivision is to permit a simplified procedure for certain subdivisions of land, as determined in section 01.08(a)(2). Any resubdivision or replat that meets the conditions of minor subdivisions shall also be considered under the terms of this article.

Section 03.02 Concept Plan Review

Prior to submitting any of the materials required by this ordinance, the subdivider or their representative is encouraged to discuss the nature of the proposed land division with the enforcement official. The enforcement official may provide the subdivider a preliminary opinion as to the classification of the subdivision and shall inform the subdivider as to the application and review procedure.

Section 03.03 Primary Plat

- (a) **Application and Fees.** The application and supporting material, as listed in section 03.08, shall be filed with the enforcement official. The fee, as set under the provisions of this ordinance, shall be paid at the time of the filing.
- (b) **Administrative Review.** The enforcement official will review the application for technical conformity with the standards specified in this ordinance. The enforcement official shall request a review of the plat by any departments deemed necessary under the circumstances to review the plat including, as applicable, but not limited to, the county highway engineer, or city engineer, county surveyor, fire department, health department, water department, and sewer department. Prior to the plat being considered by the plan commission, all technical requirements required of the departments must be addressed. The enforcement official will send a copy of its written analysis of the proposal, along with the recommendations from other departments, based upon compliance with the requirements of this ordinance, to the plan commission and subdivider.
- (c) **County Plat Committee Review.** For a minor subdivision located in an unincorporated area of the county outside of a city, the subdivision shall be reviewed by the county plat committee. Prior to the plat being considered by the plan commission, all technical requirements required by the plat committee must be addressed. After the plat committee is satisfied that all technical requirements of the plat have been met, the plat committee shall make a recommendation to the county plan commission, based upon compliance with the requirements of this ordinance. For a minor subdivision located in the cities of La Porte or Michigan City, the subdivision shall be submitted directly to the city plan commission.
- (d) **Plan Commission Review.** The plan commission shall conduct a public hearing, upon due public notice, and review the primary plat. The plan commission shall review the plat for compliance with this ordinance, and may, by majority vote of the membership, take one of the following actions:
 - (1) Approve the application upon a determination that the application complies with this ordinance; or
 - (2) Approve the application subject to certain modifications that would bring the application into compliance; or
 - (3) Deny the application on the grounds that the application does not comply with this ordinance.

- (e) **Compliance with Standards of Ordinance.** The plan commission shall determine if the subdivision plat qualifies for primary approval under the standards prescribed by this ordinance, including standards for:
 - (1) Minimum width, depth, and area of lots in the subdivision;
 - (2) Adequacy of existing public way widths, grades, and curves; and
 - (3) The availability of any necessary water, sewer, and municipal services.
- (f) **Conditions of Approval.** As a condition of primary approval of a plat, the commission may specify:
 - (1) Provision for water, sewage, and other utility services;
 - (2) Provision for lot size, number, and location;
 - (3) Provision for drainage design; and
 - (4) Provision for other services as specified in this ordinance.
- (g) **Action.** The action taken by the plan commission and the reasons for that action shall then be transmitted by the enforcement official to the subdivider.

Section 03.04 Status and Length of Primary Approval

Primary approval shall be valid for 120 days. The approval shall become null and void if the plat does not meet all the requirements for and receive secondary approval within that time.

Section 03.05 Secondary Plat

- (a) **Application.** An application for secondary review may be filed with the enforcement official on forms provided, together with any supporting documents to demonstrate that all conditions of primary approval have been satisfied.
- (b) **Determination of Conformance.** The enforcement official will review the application to determine if the subdivision complies with the primary approval and all conditions. If the enforcement official finds that the subdivision does not comply, his decision can be appealed to the plan commission
- (c) **Signature and Seal.** Secondary approval shall be given by the enforcement official after the enforcement official has determined that the subdivision complies with the conditions of approval of the plan commission and all county or city departments.

Section 03.06 Secondary Plat—Length of Approval

Secondary approval of a minor subdivision shall be valid for a period of one (1) year from the date of approval.

Section 03.07 Recording of Secondary Plat

If the secondary plat is not recorded in the county recorder's office prior to the expiration date it shall be null and void.

Section 03.08 Minor Subdivision Composition

- (a) The plat shall be a reproducible drawing, no larger than 36" x 24" at a scale of 50 feet to the inch or larger (1" = 50'). The subdivider shall submit the number of prints of the plat specified by the enforcement official, including the following information, prepared by a land surveyor licensed to practice in Indiana.

General
Legal description of the minor subdivision
Graphic scale, north point and date
Tax certificate
Vicinity map
Lots
Lot numbers, dimensions, location of monuments, and area for each lot. A general notation shall be provided on the plat stating that the plat complies with zoning ordinance requirements for minimum lot area, width and frontage
Existing and proposed block and lot lines
Infrastructure
Location(s) of any existing building(s) street(s), driveway(s), sidewalk(s) or utility structure(s) on or adjoining the site
Right-of-way widths as established by the master thoroughfare plan
Available community facilities and utilities
Easements (existing or proposed, including but not limited to utility easements, drainage easements, access easements, etc.), legal drains, and easements to be vacated by the subdivision with notations regarding the vacation
Natural features
Regulated drains
Subsurface conditions on the tract, location and results of soil percolation tests if individual sewerage disposal systems are proposed
Boundary lines of floodway and floodway fringe areas on each lot as scaled from the flood insurance rate map
Wetland boundaries as delineated by a professional scientist.
For subdivisions containing land with a slope of 10% or greater, as determined by the soil survey of La Porte County, the topography as shown on the USGS quad sheets. Topography may be shown on a separate print, provided it is shown at a scale no larger than 1" = 300'
Certifications
Land surveyor's certificate
Owner's certificate
Notary seal
Approval certificate
Public works department certificate when required

- (b) Required certifications, as noted, are described in Appendix A.
- (c) If there is a parent tract remainder that qualifies as an administrative subdivision under the terms of this ordinance, the land shall be shown on the drawing.

Section 03.09 Minor Subdivision—Supporting Data Required

In addition to the plat, the subdivider shall submit the following:

- (a) One executed application, as provided by the enforcement official;
- (b) The names and address of all interested parties;
- (c) Evidence that a sewerage permit can be obtained from the county health department or evidence that other acceptable sewer and/or water service is available to all building lots in the subdivision;

- (d) Erosion control plan to comply with the design standards of section 6.08 of this ordinance and the laws of the State of Indiana;
- (e) Drainage report, to comply with the design standards of section 6.07 of this ordinance and the laws of the State of Indiana;
- (f) If there is a parent tract remainder, a drawing showing the property involved in the petition and the remainder. The drawing should include average and percentage dimensions on the remainder;
- (g) Any covenants or other restrictions applying to the subdivision that will run with the land;
- (h) Evidence that a driveway permit can be issued by the Indiana Department of Transportation for any lot in a minor subdivision that has its access from a state highway.

Section 03.10 Minor Subdivision-Subdivision Design Principles and Standards

All minor subdivisions and associated improvement shall conform to the requirements and specifications of article 06.

**EXAMPLE OF PLAT OF
NEIGHBORING PROPERTY OWNERS**

A. John Doe
102 North Oak Street
Michigan City, IN 46360

E. Fred White
102 East Maple Street
Michigan City, IN 46360

B. Robert Black
103 North Oak Street
Michigan City, IN 46360

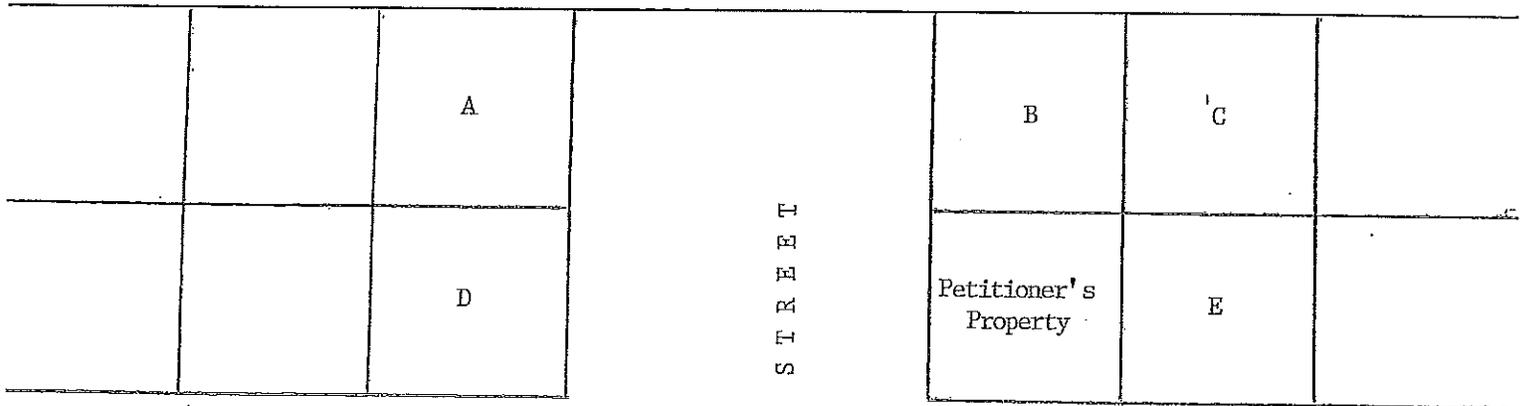
F. George Adams
100 South Oak Street
Michigan City, IN 46360

C. Jim Smith
103 East Walnut Street
Michigan City, IN 46360

G. Betty Moore
101 East Maple Street
Michigan City, IN 46360

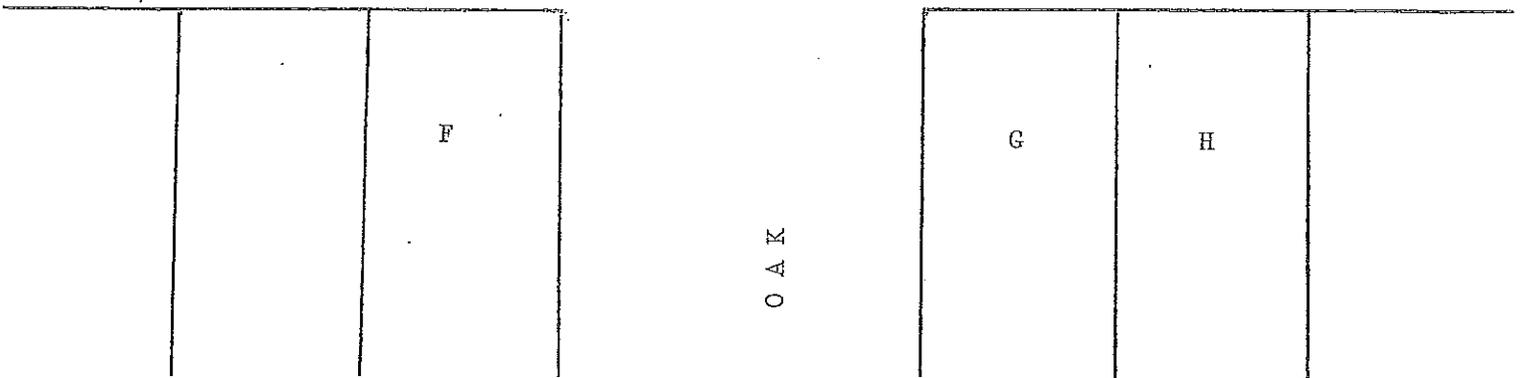
D. Bob Jones
100 North Oak Street
Michigan City, IN 46360

H. Richard Harrison
103 East Maple Street
Michigan City, IN 46360



M A P L E

S T R E E T



O A K

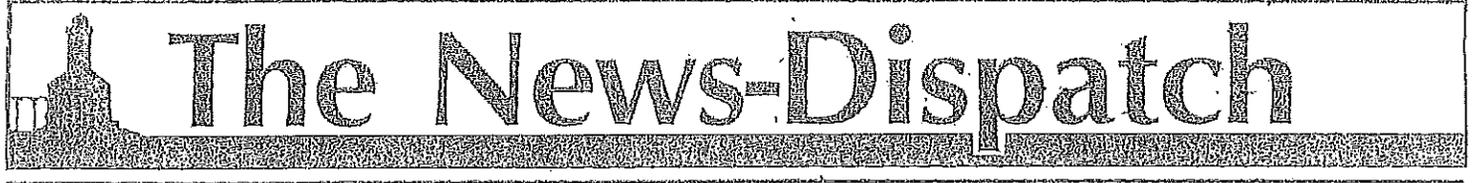
**NOTICE OF
PUBLIC HEARING**

Notice is hereby given that _____ (name) _____ has filed for a petition before the Michigan City Plan Commission for _____ (type of petition) _____ on the following described real estate in LaPorte County, Indiana, to wit:

DESCRIPTION: _____

The above described real estate is located at _____ (address) _____ Michigan City, Indiana 46360.

Notice is further given that this petition will be heard and determined at 6:30 p.m. local time on the _____ day of _____, 20____, in the Common Council Chambers, City Hall, 100 East Michigan Boulevard, Michigan City, IN 46360, and that interested persons may attend and remonstrate, or the written remonstrances may be filed prior to and up to the time of the hearing.



**PUBLIC HEARING
NOTICE REQUIREMENTS**

THE NEWS-DISPATCH REQUIRES A 4 DAY ADVANCE NOTICE FOR ALL LEGALS/ PUBLIC NOTICES PUBLISHED IN THE PAPER. YOUR NOTICE BY PUBLICATION MUST BE RECEIVED BY THE NEWSPAPER 14 DAYS BEFORE THE DATE OF THE HEARING TO GET YOUR NOTICE PUBLISHED 10 DAYS BEFORE THE HEARING AND NO LESS THAN 3 DAYS FOR THE SECOND PUBLICATION REQUIRED BY THE PLANNING DEPARTMENT. IF YOU HAVE ANY QUESTIONS, YOU MAY CONTACT CINDY GALLIGAN, LEGAL ADVERTISING REPRESENTATIVE BY CALLING 219-214-4207.