City of Elkhart

INSTRUCTIONS AND FILING PROCEDURE FOR MINOR SUBDIVISIONS
(MINOR SUBDIVISIONS = 3 LOTS OR LESS)

A complete Minor Subdivision Petition must be filed with the Planning & Zoning Department located at the Permit Center at 229 S. Second Street, Elkhart, Indiana. **Petitions can be filed at any time (there is no deadline)**, with all required signatures in permanent ink.

APPLICANT CHECKLIST – MINOR SUBDIVISION PETITION

A complete Minor Subdivision Petition must contain the following information:

1. _____ A completed **Application for Approval of a New Subdivision (see page 3)**.

2. _____ A completed **Petition form (see page 4)** signed by the legal owner of record of the property that is the subject of the Petition. **The owner(s) of record at the time the petition is filed shall be considered the applicant and must sign the petition.** If the petition is filed by any person other than the legal owner or the owner's attorney, written authorization of the legal owner authorizing the person to act as the owner's agent for petition purposes must be filed with the petition. If the applicant is not an individual, the name(s) and title(s) of the person(s) who are authorized to execute legal documents for the applicant shall be supplied. Land Contract Purchasers or Renters cannot bring petitions without authorization from the owner of record.

3. _____ A full and accurate legal description of the property for which the major subdivision is being requested. **The abbreviated version shown on a tax form is NOT an acceptable legal description.** A full legal description may be found on the recorded deed or possibly on a certified survey. If the legal description is in a Word or PDF format, please email it to Carla.Lipsey@coei.org.

4. _____ The **Preliminary Plat**, which includes all details as laid out in the Zoning Ordinance: Article 4, Section 1D **(see page 5)**.

5. _____ A filing fee of **$100.00** (the amount listed in Section 29.12 of the Zoning Ordinance). The Permit Center accepts Visa, MC, and Discover credit cards, cash or a check made payable to the City of Elkhart.

Failure to meet any of the above requirements will result in your application not being accepted by the Planning Department staff until such time as said requirements are met.

MINOR SUBDIVISION PROCEDURE

1. A petition for Minor Subdivision is submitted to the Planning & Zoning Department, located at the Permit Center.

2. Case preparations and preliminary findings are made by the Planning & Zoning Department staff.

3. The Plat Committee meets and reviews the proposed Minor Subdivision request (this is not a public hearing; the meeting is scheduled as needed).

    - Detailed findings are drafted and the plat is signed by the Plat Committee members.
    - Letters of notification are sent to the surrounding property owners.

4. A ten-day waiting period for remonstrance takes place.

5. If approved, plat is signed by the Plat Committee.

6. The signed plat is recorded at the Elkhart County Recorder's Office.

7. Two copies of the signed and recorded plat are delivered to the Planning & Zoning Department. The Planning & Zoning Department will then route a copy to the Office of Public Works & Utilities.

NOTE: If denied or an appeal is received by the Planning & Zoning Department; the applicant must file under same provisions as the Major Subdivision process.

City of Elkhart

Application for Approval of a New Subdivision in the City of Elkhart

Date: _____

City of Elkhart Plat Committee
Municipal Building
229 S. Second Street
Elkhart, Indiana 46516

Dear Plat Committee:

Preliminary approval is hereby requested for a subdivision to be known as

_____

Said Subdivision is legally described as follows: (attach legal description).

PETITION #: _____ **FILING FEE: $**_____

PETITION to the PLAT COMMITTEE

PETITION TYPE: MINOR SUBDIVISION

Property Owner(s): _____

Mailing Address: _____

Phone #: _____ Email: _____

Contact Person: _____

Mailing Address: _____

Phone #: _____ Email: _____

Subject Property Address: _____

Zoning: _____

Present Use: _____ Proposed Use: _____

NOTE: The petitioner is the legal property owner of record, or a certified representative, and agrees the above information is accurate. Failure to provide a legal signature or accurate information will make this application null and void.

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): _____

SIGNATURE(S): _____ DATE: _____

STAFF USE ONLY:

Staff Checklist for the applicant's submittal of a complete Petition to the Plat Committee:

_____ A completed Petition form signed by the legal owner of record (or approved representative).

_____ A completed Application for Approval of a New Subdivision.

_____ If any person other than the legal owner or the legal owner's attorney files the appeal, written and signed authorization from the property owner must be supplied.

_____ A full and accurate legal description of the property.

_____ Two bonds and two mylars of the proposed plat drawing signed by the legal owner of record.

_____ One copy of the Appeal Letter signed in ink by the owner (or representative) of the property. (Optional)

_____ Any other information listed in the Instructions and Filing Procedure for this type of Petition.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: _____ DATE: _____

ARTICLE 4 – PRELIMINARY PLAN APPROVAL PROCESS

Section 1. Filing Procedures

Any owner or subdivider of land within the corporate limits of the City of Elkhart desiring to divide said land, or to dedicate streets, alleys or other lands for public use shall submit a subdivision application to the Plan Commission Staff at least thirty (30) days prior to the Plan Commission meeting. (Applications are available in the City Planning and Development Department.) The application requirements are:

A. An application form signed by the owner(s) of record of the land to be subdivided specifying the intent of land use, drainage, sewage disposal, water supply, street improvements, restrictions existing or to be placed on the property and the expected date of its development.

B. Application fee in the amount listed in Section 29.12 of the Zoning Ordinance.

C. List of names and addresses of all interested parties.

D. **A site plan of the proposed subdivision indicating that all standards of this Ordinance have been met. The site plan shall contain the following elements:**

1. Proposed name of subdivision;
2. Location by section, township and range, or other legal description and by a general location map;
3. Names and addresses of developer and plan designer;
4. Scale 1" to 100' or larger (shown graphically), date and north point;
5. Boundary line of proposed subdivision and total acreage encompassed;
6. Location, widths and names of all existing or prior platted streets or other public ways; railroad and utility rights-of-way, parks and other public open spaces, permanent easements, and section and corporation lines within or adjacent to the tract.
7. Location of existing and proposed sewers, water mains, culverts and other underground facilities within and adjacent to the tract indicating pipe sizes and manholes;
8. Boundary lines of adjacent tracts indicating ownership of interested parties;
9. Existing and proposed zoning of the proposed subdivision and adjacent tracts;
10. Contours at two-foot intervals, except where topography requires one-foot intervals;
11. Location, width and name of all proposed streets rights-of-way, cross-walkways and easements;
12. Layout, numbers and dimensions of lots with building setback lines, except for industrial subdivisions;
13. Parcels of land to be dedicated or temporarily reserved for public use or set aside for use by the property owners of the subdivision;
14. Location, name and characteristics of soils within the proposed subdivision;
15. Any protective covenants regulating the use and development of the lots within the subdivision;
16. General drainage plan of the area in and around the proposed subdivision, indicating retention areas, swales, ditches, storm sewers and catch basins.
17. Location of the 100-year flood plain boundary for lands identified as flood prone. (See Section 2 Flood Plain Regulations.)

Section 2. Flood Plain Regulations

All proposed subdivisions shall be reviewed to determine if the subdivision lies within the Flood Plain District as defined in the Elkhart City Zoning Ordinance. Plans and supporting documentation of a subdivision located within the Flood Plain District shall be forwarded to the Indiana Department of Natural Resources

for review and comment. The Plan Commission may require appropriate changes, modifications and incorporation of comments made by the Department of Natural Resources to insure the subdivision is consistent with the need to minimize or eliminate flood damages; all public utilities and facilities such as sewer, gas electrical and water systems are located and constructed to minimize or eliminate flood damage; adequate drainage is provided so as to reduce exposure to flood hazards and that on-site waste disposal systems, if provided, shall be located to avoid impairment of them or contamination from them during any regulatory flood.