AGENDA
Tuesday, October 20, 2020 - 3:30 p.m.

1. Roll Call

2. Public Hearings
   A. Rezonings
      (1) Location: 11870 ADAMS RD (STATE ROAD 23)
          Owner: Oasis Christian Fellowship of Granger, Inc (Nfluence Church)
          Requested Action: From R: Single Family Dist. to O: Office Dist.
          APC #2941-20
      (2) Location: Unaddressed property located at southwest quadrant of
          Larrison Blvd and Edison Rd, including approximately 44.95 acres
          Owner: Kimberli Phillips & Valeri Waters
          Requested Action: From A: Agricultural Dist. to I: Industrial Dist.
          APC #2934-20 – As tabled
      (3) Location: 56458 WILLOW RD, 31917 SR 2, and 56340 WILLOW RD
          Owner: St. Joseph County Redevelopment Commission
          Requested Action: From A: Agricultural Dist. to I: Industrial Dist.
          APC #2938-20 – As tabled
   B. Text Amendments
      (1) Subdivision Ordinance (St. Joseph County)
          Initiated by: Area Plan Commission.  APC #2925-20
      (2) Assorted Zoning Ordinance Fixes (St. Joseph County)
          Initiated by: Area Plan Commission.  APC #2942-20

3. Items Not Requiring a Public Hearing – None.

4. Executive Director's Report

5. Approval of Minutes
   A. September 15, 2020 Area Plan Commission Meeting Minutes

6. Adjournment
Petitioner: Oasis Christian Fellowship of Granger, Inc (Nfluence Church)
Location: 11870 Adams Rd (State Road 23)
Jurisdiction: St. Joseph County
Public Hearing Date: 10/20/2020

Requested Action:
The petitioner is requesting a zone change from R: Single Family District to O: Office District.

Land Uses and Zoning:
On site: Onsite is a church zoned R: Single Family District.
North: To the north are single-family homes zoned R: Single-Family District.
East: To the east are single-family homes zoned R: Single-Family District.
South: To the south are single-family homes zoned R: Single-Family District.
West: To the west are single-family homes zoned R: Single-Family District.

District Uses and Development Standards:
The intent of the O: Office District is to provide specific areas where only certain limited offices and businesses may be developed. Since the district excludes retail and commercial uses, and requires extensive screening and landscaping of permitted uses and associated parking areas, it may serve as a buffer between residential areas and commercial developments. The O: Office District is expressly intended to be limited to the area in association with commercial areas, and the intersection of certain arterial streets, where a gradual transition from residential uses should occur, with other arterial and collector streets. O: Office uses and buildings shall be compatible in architectural type and style with adjacent residential uses and structures.

Site Plan Description:
Site plan leaves site unchanged with existing church and parking lot.

Zoning and Land Use History and Trends:
Area is predominately single-family residential. Site is approximately 1,000 feet east of Ninja Golf, which was rezoned from R: Single Family District to C: Commercial District, against the recommendation of APC Staff in 2016. There are four properties west of Ninja Golf that were rezoned to OB: Office Buffer in 2001 and 2002.

Traffic and Transportation Considerations:
Adams Road/SR-23 is a two-lane minor arterial. It expands to a five-lane road as it approaches Bittersweet, approximately 3,000 feet to the west of the subject property.

Utilities:
Sanitary sewer has been extended to Ninja Golf, approximately 1,000 feet to the west of the subject property. The subject property is served well and septic.

Agency Comments:

Commitments:
The petitioner is not proposing any written commitments.

Criteria to be considered in reviewing rezoning requests, per IC 36-7-4-603:
1. Comprehensive Plan:

Policy Plan:
Rezoning this property to O: Office District is inconsistent with the Comprehensive Plan's Goal 3, Objective A: Promote the development and/or maintenance of community and neighborhood character.

Land Use Plan:
The future land use plan identifies residential growth in this area.

Plan Implementation/Other Plans:
No other plans have been adopted for this area.

2. Current Conditions and Character:
Current conditions and character of the immediate surrounding area is single-family residential.

3. Most Desirable Use:
The most desirable use is a primary or special use, as permitted in the R: Single Family District, including but not limited to single-family dwelling units, residential facilities, religious uses and schools.

4. Conservation of Property Values:
Continued residential zoning use will conserve property values.

5. Responsible Development and Growth:
Responsible development and growth would be to maintain the R: Single Family zoning of this property and all immediate parcels. Allowing an office rezoning could encourage the continued encroachment of office and/or commercial uses from the west.

Staff Comments:
No other comments.

Recommendation:
Based on information available, the staff recommends that the rezoning petition be sent to the County Council with an unfavorable recommendation.

Analysis:
The subject property is zoned R: Single Family and is surrounded in the immediate area by R: Single Family zoning. This section of Adams Road is single-family in character and allowing the subject property to be rezoned as Office could encourage the continued encroachment of office and/or commercial uses from the west.

Goal 3 of the Comprehensive Plan states, “Strengthen the Neighborhoods of the County and Its Municipalities.” Additionally, Objective A under Goal 3 states, “Promote the development and/or maintenance of community and neighborhood character.” Retaining the existing R zoning would maintain the character of the neighborhood and allow the property to continue as a church or be converted to another use, as permitted in the R District.
PETITION FOR ZONE MAP AMENDMENT

Unincorporated St. Joseph County

I (we) the undersigned make application to the St. Joseph County Council to amend the zoning ordinance as herein requested.

1) The property sought to be rezoned is located at:
   11870 Adams Rd.
   Granger, Indiana 46530

2) The property Tax Key Number(s) is/are:
   State: 71-05-17-102-012.000-011
   County: 006-1017-021904

3) Legal Description:
   Lot 2 Pilgrim Institute Second Minor Sub 00-01 Set Up New Replat Per Trans 10837 12-16-99

4) Total Site Area:
   4.01 acre

5) Name and address of property owner(s) of the petition site:
   Nfluence Church (Name change of same organization – Oasis Christian Fellowship of Granger)
   11870 Adams Rd.
   Granger, Indiana 46530

   Name and address of additional property owners, if applicable:
   Lucas and Krissy Miles
   51584 Robin Nest Drivc
   Granger, Indiana 46530

6) Name and address of contingent purchaser(s), if applicable:
   Not applicable

   Name and address of additional property owners, if applicable:
   Not applicable

7) It is desired and requested that this property be rezoned:

   From: Residential
   To: Office

8) This rezoning is requested to allow the following use(s):
   To change the zoning classification to allow a similar office use for any prospective property buyer, but in a manner in which a non-church could qualify.

9) Provide a brief and descriptive narrative of the proposed project:
   Our building and property already serves in an office capacity as a church and church office, which is allowable in “Residential” zoning. We seek to sell the property, but are petitioning to change zoning in order to allow similar use. We endeavor to be able to market the property appropriately for a new buyer with similar purposes, but who are restricted from operating in residential zoning. We believe that “Office” zoning change shall not create a negative impact on neighborly relationships nor increase
property activity compared with what is already occurring on the property, being open every day of the week, for normal functions.

IF VARIANCE(S) ARE BEING REQUESTED
   Not applicable

IF A SPECIAL USE IS BEING REQUESTED, (if not, please skip to next section):
   Not applicable

CONTACT PERSON:
David Visser
25614 Harold Ct.
Edwardsburg, Michigan 49112
574-276-2031
dviss830@comcast.net

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

Signature(s) of all property owner(s):

[Signatures]

-FILED-
AUG 25 2020
AREA PLAN COMMISSION
Application# Z441 - 20
APC #   2934-20
Petitioner: Kimberli Phillips & Valeri Waters
Location: Unaddressed property located at southwest quadrant of Larrison Blvd and Edison Rd, including approximately 44.95 acres
Jurisdiction: St. Joseph County
Public Hearing Date: 10/20/2020
Requested Action:
The petitioner is requesting a zone change from A: Agricultural District to I: Industrial District
Land Uses and Zoning:
On site: On site is A: Agricultural District (County) zoned farmland.
North: To the north is GI - General Industrial District (Town of New Carlisle) zoned I/N Tek and I/N Kote (steelwork manufacturer).
East: To the east is A: Agricultural District (County) zoned farmland and I: Industrial District (County) zoned Edcoat (powder coating service).
South: To the south is A: Agricultural District (County) zoned farmland and I: Industrial District (County) zoned R+L Carriers (shipping company).
West: To the west is A: Agricultural District (County) zoned farmland and I: Industrial District (County) zoned Tejas Tubular (tubing manufacturer).
District Uses and Development Standards:
The I: Industrial District is established to provide for development of industrial uses. Permitted uses in this district tend to generate heavy traffic, require extensive community facilities, and may require substantial screening to protect the surrounding properties from potential negative impacts. The permitted uses provided for in this district should be separated from residential districts with adequate setbacks and screening.
Site Plan Description:
Site plan does not contemplate a specific use.
Zoning and Land Use History and Trends:
The properties north of this site in the Town of New Carlisle were rezoned General Industrial in the 1980's. Tejas Tubular, to the west, was rezoned to industrial in 1996. Edcoat, the the east, was rezoned to industrial in 1995. And R+L Carriers, to the south, was rezoned to industrial in 1997.
Traffic and Transportation Considerations:
Larrison Blvd and SR 2 offer good transportation/traffic options.
Utilities:
No use is contemplated at this time. Municipal water and sewer services are in the area.
Agency Comments:
Engineering:
· Any improvements/construction to the properties must meet Drainage and Runoff Storage will per SJC Criteria. Calculations and plan would be submitted with a specific site plan.
Access onto SJC Right-of-way will need to be coordinated with SJC-IP&G Division of Engineering. Any access onto a state highway would need to be approved by INDOT.

Commitments:
The petitioner is not proposing any written commitments.

Criteria to be considered in reviewing rezoning requests, per IC 36-7-4-603:

1. Comprehensive Plan:

The 2002 Comprehensive Plan was approved with several competing goals. Please note that goals are on an equal footing - they are not listed hierarchically. The proposed rezoning is at odds with Goal 1, "alleviate and minimize the loss of agricultural land." Goal 1, Objective A is to "minimize the amount of new development in areas with high agricultural importance." To achieve this objective the Plan includes three policies, none of which are applicable to this situation at this time. Objective B and its policies likewise do not apply in this situation.

The proposed rezoning is supportive of Goal 2, "encourage the economic development of the county and its municipalities." This includes Objective A, "ensure that suitable areas are available for future industrial development," Policy i: "In addition to establishing industrial areas that meet the County’s industrial needs to the Year 2020, establish reserve industrial areas for use in the time period following 2020."

Also, Goal 2, Objective A, Policy ii is supported: "No fewer than two areas in the County should be reserved for new and/or expanding heavy industrial uses. These areas will have no fewer than 1,200 and no more than 2,000 acres (gross, including existing heavy industry uses). Heavy uses are those industrial uses that incorporate outdoor activities and/or emit relatively high impacts on surrounding properties, including noise, vibration, odor, light, glare, air emissions, and/or heat." Prior to the 2002 Comprehensive Plan, this area had approximately 1,357 acres of properties that could be considered "existing heavy industry uses." This included the broadest possible interpretation, meaning all 672.8 acres of the Navistar property are counted, even though much of the land is wetland. Since the 2002 Comprehensive Plan this area has seen approximately 213 acres of properties that could be considered "existing heavy industry uses." This included the broadest possible interpretation, as defined under this policy. This means approximately 1,570 acres of the 2,000-acre maximum has been developed for this area, leaving approximately 430 acres available for development, within the context of the 2002 Comprehensive Plan policy designed to last no longer than through 2020.

The proposed rezoning is also supportive of Goal 2, Objective B: "locate employment uses in such a manner that conflicts with residential land uses are minimized."

Land Use Plan:
Approximately 91% of this land is shown on the land use plan map as appropriate for industrial. The remaining 9% is shown as part of the industrial growth reserve (for the time period following 2020). Please note that the land use plan map is a guide, not meant to be exact.

Plan Implementation/Other Plans:
In 1997, the Area Plan Commission approved the St. Joseph County Economic Development District No. 2 Plan for the Tax Increment Financing (TIF) district area (renamed the New Carlisle Economic Development Area in 2016), including the area of this petition. The APC approving resolution noted that the plan "conform[ed] to the plan of development and redevelopment for the county." Further, the APC stated in the resolution that the TIF plan is, "in all respects ordered approved, ratified, and confirmed."

In 2016, the Area Plan Commission approved a resolution supporting the third and most recent expansion of the New Carlisle Economic Development Area (NC EDA) TIF district area including the area of this petition. The APC Resolution stated the NC EDA TIF plan "conform[ed] to the plan of development for the county." Further, the APC stated in the resolution that the TIF plan is, "in all respects approved, ratified, and confirmed."

2. Current Conditions and Character:
Current conditions and character of the area is agricultural and industrial.

3. Most Desirable Use:
The investment of infrastructure in this area makes it highly desirable for industrial development.

4. Conservation of Property Values:
With suitable landscaping buffering as required by the development standards of the I: Industrial District, property values should not be adversely affected.

5. Responsible Development and Growth:
Over the past several decades, investment in infrastructure for road and rail transportation, water and sewer capacity, electricity, telecommunications, and other investments have prepared this area for industrial growth. Economic development parties in the area have repeatedly gone through public review processes first establishing and then expanding in phases the NC EDA TIF districts, plus they have drafted a proposed area management plan. This demonstrates responsible development and growth.

Recommendation:
Based on the information available prior to the public hearing, the staff recommends sending this rezoning to the County Council with a favorable recommendation.

Analysis:
Rezoning will support the County's long standing economic development goals.
PETITION FOR ZONE MAP AMENDMENT
Unincorporated St. Joseph County

I (we) the undersigned make application to the St. Joseph County Council to amend the zoning ordinance as herein requested.

1) The property sought to be rezoned is located at:
   Vacant land in the southwest quadrant of
   Larrison Boulevard and Edison Road
   New Carlisle, IN 46552

2) The property Tax Key Number(s) is/are: 71-07-06-100-002.000-017

3) Legal Description: A part of the Northwest Quarter of Section 6, Township 37 North, Range 1 East

4) Total Site Area: 46.174 Acres +/-

5) Name and address of property owner(s) of the petition site:
   Kimberli Phillips
   PO Box 213
   Louie, MS 39338
   601-436-0631
   kimberli.phillips1226@gmail.com

   Valeri Waters
   7692 N Emery Road
   Rolling Prairie, IN 46371
   239-240-5424
   valeriewaters@aol.com

   Name and address of additional property owners, if applicable:

6) Name and address of contingent purchaser(s), if applicable:

   Name and address of additional property owners, if applicable:

7) It is desired and requested that this property be rezone:

   From: A AGRICULTURAL DISTRICT Additional zoning district, if applicable

   To: I INDUSTRIAL DISTRICT

8) This rezoning is requested to allow the following use(s): Any permitted primary, special accessory, or temporary use permitted within I - Industrial Zoning.

9) Provide a brief and descriptive narrative of the proposed project:
   The petitioners wish to rezone their properties for Industrial uses in order to make them more marketable. There are no current development plans. The Petitioners will be working with St. Joseph County officials to establish a site that achieves a "Gold" or "Prime" level of readiness for economic development pursuant to the Indiana Site Certified Program through the Indiana Office of Community & Rural Affairs (OCRA). Indiana Site Certified sites are featured on Indiana’s Site Selector Database and will be included in the Indiana Economic Development Corporation’s (IEDC) marketing materials.

-FIELD-
MAY 27 2020
AREA PLAN COMMISSION
Application# 2434-26
IF VARIANCE(S) ARE BEING REQUESTED (if not, please skip to next section):

1) List each variance being requested. Contact Commission Staff if you need assistance.

2) A statement on how each of the following standards for the granting of variances is met:

(a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: Please explain how your variance petition addresses this criteria

(b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: Please explain how your variance petition addresses this criteria

(c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: Please explain how your variance petition addresses this criteria

IF A SPECIAL USE IS BEING REQUESTED, (if not, please skip to next section):

1) The Special Use(s) being requested: Insert text

2) A statement on how each of the following standards for the granting of a Special Use is met:

(a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: Please explain how your Special Use petition addresses this criteria

(b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: Please explain how your Special Use petition addresses this criteria

(c) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein; and: Please explain how your Special Use petition addresses this criteria

(d) The proposed use is compatible with the recommendations of the Comprehensive Plan. Please explain how your Special Use petition addresses this criteria

* In the case of a Special Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

CONTACT PERSON:
Aaron W. Blank, PS, PE
525 West Washington Street
South Bend, IN 46601
574-234-3167
ablank@lawson-fisher.com

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

Signature(s) of all property owner(s):

-FILED-
MAY 27 2020
AREA PLAN COMMISSION
Application # 2934-20
PHILLIPS-WATERS PROPERTY

All legal descriptions derived from current documents of record as referenced on the Rezoning Site Plan and recorded in the Office of Recorder of St. Joseph County, Indiana.

A PART OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 1 EAST, DESCRIBED AS FOLLOWS, VIZ:

BEGINNING AT A POINT 808.50 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 6, THENCE SOUTH 2640 FEET; THENCE WEST 676.50 FEET; THENCE NORTH 1320 FEET; THENCE WEST 264 FEET TO THE SOUTHEAST CORNER OF LOT NUMBERED 11; THENCE NORTH 1320 FEET TO THE NORTH LINE OF SAID SECTION; THENCE EAST 940.50 FEET TO THE PLACE OF BEGINNING, CONTAINING 49 ACRES MORE OR LESS.

LESS AND ExCEPTING THEREFROM THE FOLLOWING FOR RIGHT-OF-WAY PURPOSES:

- RIGHT-OF-WAY FOR LARRISON BOULEVARD AND EDISON ROAD AS DESCRIBED IN WARRANTY DEED DATED NOVEMBER 9, 1988, RECORDED AS INSTRUMENT #8932879 ON JANUARY 17, 1989, CONTAINING 2.826 ACRES, MORE OR LESS.

NET ACREAGE BASED ON RECORD DOCUMENTS BEING 46.174 ACRES, MORE OR LESS.
APC # 2938-20
Petitioner: St. Joseph County Redevelopment Commission
Location: 56458 WILLOW RD, 31917 SR 2, and 56340 WILLOW RD
Jurisdiction: St. Joseph County
Public Hearing Date: 10/20/2020

Requested Action:
The petitioner is requesting a zone change from A: Agricultural Dist. to I: Industrial Dist.

Land Uses and Zoning:
On site: On site is farmland and three single-family homes zoned A: Agricultural District.
North: To the north is farmland zoned A: Agricultural District.
East: To the east is farmland zoned A: Agricultural District.
South: To the south is Navistar Proving Grounds zoned I: Industrial District.
West: To the west is farmland and two single-family homes zoned A: Agricultural District.

District Uses and Development Standards:
The I: Industrial District is established to provide for development of industrial uses. Permitted uses in this district tend to generate heavy traffic, require extensive community facilities, and may require substantial screening to protect the surrounding properties from potential negative impacts. The permitted uses provided for in this district should be separated from residential districts with adequate setbacks and screening.

Site Plan Description:
Site plan does not contemplate a specific use.

Zoning and Land Use History and Trends:
Navistar Proving Grounds, to the south, was rezoned I: Industrial District in 1969. R+L Carriers, to the northeast, was rezoned to I: Industrial District in 1997.

Traffic and Transportation Considerations:
SR 2 offers good transportation/traffic options.

Utilities:
No use is contemplated at this time. Municipal water and sewer services are as far as R+L Carriers. Any industrial user in this area would necessitate extension of municipal water and sewer services to it.

Agency Comments:
Engineering:
- Any improvements/construction to the properties must meet Drainage and Runoff Storage will per SJC Criteria. Calculations and plan would be submitted with a specific site plan.
- Access onto SJC Right-of-way will need to be coordinated with SJC-IPG Div. of Engineering. Any access onto a state highway would need to be approved by INDOT.

Commitments:
The petitioner is not proposing any written commitments.
Criteria to be considered in reviewing rezoning requests, per IC 36-7-4-603:
1. Comprehensive Plan:
   Policy Plan:
   The 2002 Comprehensive Plan was approved with several competing goals. Please note that goals are on an equal footing - they are not listed hierarchically. The proposed rezoning is at odds with Goal 1, "alleviate and minimize the loss of agricultural land." Goal 1, Objective A is to "minimize the amount of new development in areas with high agricultural importance." To achieve this objective the Plan includes three policies, none of which are applicable to this situation at this time. Objective B and its policies likewise do not apply in this situation.

   The proposed rezoning is supportive of Goal 2, "encourage the economic development of the county and its municipalities." This includes Objective A, "ensure that suitable areas are available for future industrial development," Policy i: "In addition to establishing industrial areas that meet the County’s industrial needs to the Year 2020, establish reserve industrial areas for use in the time period following 2020."

   Also, Goal 2, Objective A, Policy ii is supported: "No fewer than two areas in the County should be reserved for new and/or expanding heavy industrial uses. These areas will have no fewer than 1,200 and no more than 2,000 acres (gross, including existing heavy industry uses). Heavy uses are those industrial uses that incorporate outdoor activities and/or emit relatively high impacts on surrounding properties, including noise, vibration, odor, light, glare, air emissions, and/or heat." Prior to the 2002 Comprehensive Plan, this area had approximately 1,357 acres of properties that could be considered "existing heavy industry uses." This included the broadest possible interpretation, meaning all 672.8 acres of the Navistar property are counted, even though much of the land is wetland. Since the 2002 Comprehensive Plan this area has seen approximately 213 acres of properties that could be considered "heavy industry uses," again, with the broadest possible interpretation, as defined under this policy. This means approximately 1,570 acres of the 2,000-acre maximum has been developed for this area, leaving approximately 430 acres available for development, within the context of the 2002 Comprehensive Plan policy designed to last no longer than through 2020.

   The proposed rezoning is also supportive of Goal 2, Objective B: "locate employment uses in such a manner that conflicts with residential land uses are minimized."

   Land Use Plan:
   This area is beyond the 2002 Comprehensive Plan Land Use Plan map shaded industrial growth area and reserve.

   Plan Implementation/Other Plans:
   In 1997, the Area Plan Commission approved the St. Joseph County Economic Development District No. 2 Plan for the Tax Increment Financing (TIF) district area (renamed the New Carlisle Economic Development Area in 2016), including the area of
this petition. The APC approving resolution noted that the plan "conform[ed] to the plan of development and redevelopment for the county." Further, the APC stated in the resolution that the TIF plan is, "in all respects ordered approved, ratified, and confirmed."

In 2016, the Area Plan Commission approved a resolution supporting the third and most recent expansion of the New Carlisle Economic Development Area (NC EDA) TIF district area including the area of this petition. The APC Resolution stated the NC EDA TIF plan "conform[ed] to the plan of development for the county." Further, the APC stated in the resolution that the TIF plan is, "in all respects approved, ratified, and confirmed."

2. **Current Conditions and Character:**
   Current conditions and character of the area is agricultural and industrial.

3. **Most Desirable Use:**
   The investment of infrastructure in this area makes it highly desirable for industrial development.

4. **Conservation of Property Values:**
   With suitable landscaping buffering as required by the development standards of the I: Industrial District, property values should not be adversely affected.

5. **Responsible Development and Growth:**
   Over the past several decades, investment in infrastructure for road and rail transportation, water and sewer capacity, electricity, telecommunications, and other investments have prepared this area for industrial growth. Economic development parties in the area have repeatedly gone through public review processes first establishing and then expanding in phases the NC EDA TIF districts, plus they have drafted a proposed area management plan. This demonstrates responsible development and growth.

**Recommendation:**
Based on the information available prior to the public hearing, the staff recommends sending this rezoning to the County Council with a favorable recommendation.

**Analysis:**
Rezoning will support the County's long standing economic development goals.
Area Plan Commission St. Joseph County
227 W. Jefferson Blvd
County – City Building 11th Floor
South Bend IN 46601

To:  Adam J De Von / Commission President
     Dr. Jerry L Thacker / Commission Vice President
     John R McNamara, PE, LS
     Robert M. Hawley / ABZA & Citizens Representative
     Dan Caruso / ABZA & Town Council
     Jason Lambright / Town Council Representative
     Kirk Youell / Town Council Representative
     Rachel Rawls / Commission Member
     Abby E Wiles AICP/Executive Director
     Mitchell R Heppenheimer, Esq / Commission Council

Subject: Proposed ordinance of ST. JOSEPH COUNTY DEPARTMENT OF REDEVELOPMENT to Zone from A: Agricultural District to I: Industrial, property located at 56458 WILLOW RD. and 31917 STSAT ROAD 2 HWY. and 56340 WILLOW RD St Joseph County – APC#2938-20

I’m a Olive Twp. St Joseph County resident located in the immediate zone area unable to attend the August 18 2020 meeting due to the COVID-19 threat respectfully submitting my opposition to the above referenced property zoning changes for the following reasons:

A. Because each of the properties are included as part of the land mass directly above the Kankakee aquifer system should be prohibited from being considered for industrial/manufacturing use and limited to only agricultural applications and appropriate EPA considerations regarding natural resource fresh water protection.

B. It allows more or all other Kankakee aquifer system property to be considered for significantly higher risk applications and daily use potentially threatening and exposing ground water and or Kankakee aquifer water to irreversible contamination caused by accidental spills during construction of future manufacture or by ongoing industrial process eventually established after construction of such facilities subsequently in operation on these properties.

C. It sets a totally undesirable precedent allowing a potentially higher risk, undesirable, unnatural manufacturing/industrial environment within a large existing established agricultural landscape consisting of high quality land.

D. It will negatively affect existing surrounding established residential property value and potentially encourage expansion of undesirable uncontrolled land use.

The Kankakee fresh water aquifer system is a irreplaceable natural resource which should be protected from potential hazards including manufacturing/industrial development activity on all land covering the Kankakee aquifer system.

Respectfully submitted

Nils H Parsons

RECEIVED
AUG 14 2020
AREA PLAN COMMISSION
PETITION FOR ZONE MAP AMENDMENT  
Unincorporated St. Joseph County

I (we) the undersigned make application to the St. Joseph County Council to amend the zoning ordinance as herein requested.

1) The property sought to be rezoned is located at:

   56458 Willow Road, New Carlisle, IN 46552
   31917 State Road 2, New Carlisle, IN 46552
   56340 Willow Road, New Carlisle, IN 46552

2) The property Tax Key Number(s) is/are:  Enter property tax key number(s)

   71-06-12-100-003,000-017
   71-06-12-100-004,000-017
   71-06-12-100-002,000-017

3) Legal Description:  A part of the West half of the Northwest Quarter of Section 12, Township 37 North, Range 1 West

4) Total Site Area:  21.64± Acres

5) Name and address of property owner(s) of the petition site:

   St. Joseph County Redevelopment Commission  
c/o Department of Infrastructure, Planning and Growth  
227 West Jefferson Boulevard, 11th Floor  
South Bend, IN 46601  
574-235-9812  
bschalliol@sjcindiana.com

   Name and address of additional property owners, if applicable:  None

6) Name and address of contingent purchaser(s), if applicable:

   Name and address of additional property owners, if applicable:

7) It is desired and requested that this property be rezoned:

   From:  A AGRICULTURAL DISTRICT

   To:  I INDUSTRIAL DISTRICT

8) This rezoning is requested to allow the following use(s):  Any permitted primary, special, accessory, or temporary use permitted within I – Industrial Zoning.

9) Provide a brief and descriptive narrative of the proposed project:

   St. Joseph County Redevelopment Commission currently owns all of the property listed within this petition to rezone with the express intent to establish a site that achieves a "Gold" or "Prime" level of readiness for economic development pursuant to the Indiana Site Certified Program through the Indiana Office of Community & Rural Affairs (OCRA). Indiana Site Certified sites are featured on Indiana’s Site Selector Database and will be included in the Indiana Economic Development Corporation’s (IEDC) marketing materials.
IF VARIANCE(S) ARE BEING REQUESTED (if not, please skip to next section):

1) List each variance being requested. Contact Commission Staff if you need assistance.

2) A statement on how each of the following standards for the granting of variances is met:

   (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: Please explain how your variance petition addresses this criteria

   (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: Please explain how your variance petition addresses this criteria

   (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: Please explain how your variance petition addresses this criteria

IF A SPECIAL USE IS BEING REQUESTED, (if not, please skip to next section):

1) The Special Use(s) being requested: Insert text

2) A statement on how each of the following standards for the granting of a Special Use is met:

   (a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: Please explain how your Special Use petition addresses this criteria

   (b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: Please explain how your Special Use petition addresses this criteria

   (c) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein; and: Please explain how your Special Use petition addresses this criteria

   (d) The proposed use is compatible with the recommendations of the Comprehensive Plan. Please explain how your Special Use petition addresses this criteria

* In the case of a Special Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

CONTACT PERSON:

Aaron W. Blank, PS, PE
525 West Washington Street
South Bend, IN 46601
574-234-3167
ablank@lawson-fisher.com

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

Signature(s) of all property owner(s):

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]
Staff Report

10/8/20

APC # 2925-20
Petitioner: Area Plan Commission
Amendment: Subdivision Ordinance
Jurisdiction: St. Joseph County
Public Hearing Date: 10/20/2020

Requested Action:
An Ordinance repealing Title XV, Land Usage, Chapter 153, Subdivisions, of the St. Joseph County Code and adopting a new Chapter 153, Subdivisions, of the St. Joseph County Code.

Staff Comments:
The proposed Subdivision Ordinance consists of a few major and several minor substantive changes, as well as improved formatting to eliminate redundancy and improve ease-of-use. The desire for these revisions stems from 12 years of staff experience applying the existing ordinance and conversations with surveyors, landowners, the development community, and other St. Joseph County agencies throughout this time.

The most substantial change proposed, which has been highly anticipated by surveyors and landowners, is a revision to the criteria the County uses to distinguish "Major Subdivisions", which require a public hearing and two phases of submittal, from "Minor Subdivisions", which are approved by the Plat Committee without a public hearing. All subdivisions which propose an extension of infrastructure or public improvements will continue to be considered as "Major Subdivisions". This exceeds the obligation mandated by state law which only requires subdivisions proposing extension of public streets to receive a public hearing. The current ordinance also requires submittal as a major if new lots are being proposed which result in parcels in existence in 1977 being divided into more than 3 lots since that time. Staff has concluded that the number of lots generated through subdivision since 1977 is not grounds for requiring a public hearing and an additional level of review. The impact of these subdivisions on surrounding properties are no greater than subdivisions of land with fewer past divisions, and the other provisions of the Subdivision Ordinance and Zoning Ordinance are sufficient to protect general welfare by promoting orderly development.

Another major change proposed by this Ordinance is the removal of the specific elements which must appear on submittals including the plat and support data sheets. These technical components have instead been placed in an application and submittal requirements document which can be altered administratively as needed, so there is no need to occupy Area Plan Commission and County Council time for minor adjustments. Additionally, the proposed ordinance clarifies that non-buildable "Outlots" do not need to meet the lot area and lot width requirements of the Zoning Ordinance and requires inclusion of easements for replacement septic systems on final plats so that they are
recorded. "Corrective Plat" procedures have been removed, as they were seldom submitted and there are other means for correcting errors, including affidavits for scrivener's errors and “Replats”. One key procedural change of note is that digital boundary and lot line work must now be submitted prior to recording. The County Auditor already requires these files, and this provision ensures that they are available for use when the subdivision arrives at the Auditor's Office for processing.

The format of the Subdivision Ordinance has been improved by combining procedural provisions for each type of subdivision into one section. Currently there is a separate procedure section for each type with considerable overlap. Additionally, a chart has been created to quickly provide the required submission materials for each type of subdivision.

**Recommendation:**
Based on the information available prior to the public hearing, the staff recommends sending this Ordinance to the County Council with a favorable recommendation.

**Analysis:**
The proposed Ordinance will allow the County to better ensure orderly division of land which promotes current and future public health, safety, and general welfare with a document which is more accessible to the public. By eliminating the provisions which require a “Major Subdivision” solely based on the number of past lost splits, the Ordinance conserves County resources and reduces landowner expense in instances when an extra level of review is not warranted and public concern has not been shown to be present.
AN ORDINANCE REPEALING TITLE XV, LAND USAGE, CHAPTER 153, SUBDIVISIONS, OF THE ST. JOSEPH COUNTY CODE AND ADOPTING A NEW CHAPTER 153, SUBDIVISIONS, OF THE ST. JOSEPH COUNTY CODE

PETITIONERS: THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY

WHEREAS, the latest subdivision ordinance adopted by the County Council of St. Joseph County, Indiana, went into effect on June 27, 2008, and

WHEREAS, it has been determined that structural and procedural changes are necessary to increase the ease of use of the subdivision ordinance and ensure that required submissions are relevant to the purpose and intent of the ordinance; and

WHEREAS, proposed subdivisions which do not include the extension of roads, utilities, construction of storm water facilities, or other public improvements do not impact abutting properties to the extent that a public hearing is warranted, and requiring such has resulted in undue cost and delay for subdividers and use of staff resources; and

WHEREAS, current submittal requirements are not consistent with the information needed by staff, reviewing agencies and County offices to assess compliance and process approved subdivisions; and

WHEREAS, corrective plat procedures were rarely used, and the mistakes they address can be resolved through recorded affidavit or replat;

IT IS HEREBY ORDAINED BY THE COUNTY COUNCIL OF ST. JOSEPH COUNTY, INDIANA, THAT:

SECTION 1.

That Title XV, Land Usage, Chapter 153, Subdivisions, of the St. Joseph County Code, be hereby deleted in its entirety.

SECTION 2.

That the St. Joseph County Code is hereby amended by adding hereto a new Title XV, Land Usage, Chapter 153, Subdivisions, which shall read as attached.

SECTION 3.

This ordinance shall be in full force and effect from and after its enactment and publication as required by law, and full execution of any conditions of Commitments placed upon the approval.

_________________________________
MEMBER, ST. JOSEPH COUNTY COUNCIL
## ST. JOSEPH COUNTY
### CHAPTER 153: SUBDIVISIONS

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GENERAL PROVISIONS

153.005 PURPOSE AND INTENT.

The purpose and intent of this chapter shall be to provide rules, regulations and standards in order to achieve orderly development in the County through land Subdivision by:

(A) Promoting the public health, safety, comfort, convenience, and general welfare of the community by addressing the future development needs of the County following the policies and objectives of the Comprehensive Plan, the provisions of the Chapter 154: Planning and Zoning, and the development standards of this Chapter;

(B) Preserving elements of the natural environment, such as but not limited to the following: floodplains; wetlands, marshes and bogs; and natural drainage ways such as streams and ravines;

(C) Promoting public health, comfort, and general welfare, and attaining air quality standards, by providing for efficient traffic circulation;

(D) Promoting public health, safety, and convenience by providing for the adequate provision of public and private sewage and water supply systems, storm water drainage, and containment systems;

(E) Protecting historic monuments, buildings, or structures as designated by the State or National Registry of Historic Buildings and Monuments and as designated by local authority.

153.010 AUTHORITY.

(A) This Chapter is adopted pursuant to the authority contained in Indiana Code 36-7-4 et. seq.;

The authority to hold hearings on and approve Plats, Replats, and the vacation of Plats or parts of Plats involving all real property located within the boundaries of unincorporated St. Joseph County is hereby delegated to the Plat Committee of St. Joseph County, Indiana, referred to hereafter as the Committee, as authorized by the Area Plan Commission of St. Joseph County, Indiana, referred to hereafter as the Commission;

(B) Whenever any provision of this Chapter refers to or cites a section of the Indiana Code, and that section is later amended or superseded, this Chapter shall be deemed amended to
refer to the amended section or the section that most nearly corresponds to the superseded section;

153.015 EMINENT DOMAIN AND USE - UNITED STATES OF AMERICA OR STATE OF INDIANA OWNED PROPERTY.

Nothing in this Chapter, or in any rules, regulations, or orders issued pursuant to this Chapter, shall be deemed to restrict or regulate or to authorize any unit of government, legislative body, the Commission, or the Area Board of Zoning Appeals now or hereafter established, to restrict or regulate the exercise of the power of eminent domain by the State of Indiana or by any agency of the State of Indiana, or the use of property owned or occupied by the State of Indiana or any agency of the State of Indiana.

153.020 INTERPRETATION.

In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements to meet the Purpose and Intent of this Chapter. In the case of any conflict or inconsistency between two or more provisions of this Chapter or any other ordinance of the County, the provision which imposes the greater or higher or more restrictive standard of performance shall control.

153.025 INTERPRETATION OF TERMS OR WORDS.

The language of this Chapter shall be interpreted in accordance with Section 154.635.

153.030 PRIVATE PROVISIONS.

The provisions of this Ordinance are not intended to abrogate any Easement, covenant, or other private agreement or restriction.

153.035 SAVING PROVISION.

Except as shall be expressly provided for in this Chapter, the adoption of this Chapter shall not:

(A) abate any action pending under, or by virtue of, any prior subdivision control ordinance;

(B) discontinue, abate, modify, or alter any penalty accruing or about to accrue under, or by virtue of, any prior subdivision control ordinance;

(C) affect the liability of any person, firm, or corporation under, or by virtue of, any prior subdivision control ordinance;
(D) waive any right of the County under any section or provision of any prior subdivision control ordinance; or,

(E) vacate or annul any rights obtained by any person, firm, or corporation by lawful action of the County under, or by virtue of, any prior subdivision control ordinance.

153.040 TRANSITION RULES.

Any application for primary approval of a Subdivision, secondary approval of a Subdivision, or the vacation of Recorded Plats or parts of Recorded Plats which has been filed with the Commission, and which application is full and complete under the provisions of the County subdivision ordinance prior to the effective date of this Chapter, shall continue to be processed to completion pursuant to the terms and conditions of Ord. No. 44-08 adopted June 27, 2008.

153.045 SUBDIVISION COMPLIANCE REQUIRED.

(A) Compliance with the terms and provision of this Chapter shall be a prerequisite for the development of real property within the County. Failure to comply with the terms and provisions of this Chapter shall be deemed to be a civil zoning violation enforceable by the Zoning Administrator as provided in and Chapter 154: Planning and Zoning.

(B) No Subdivision, re-Subdivision, Plat, or Replat of any Lot, tract, or parcel of land shall be effected, nor shall any Street, sanitary sewer, storm sewer, water main, or other facility in connection therewith be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of this Chapter, or I.C. 32-25, et seq.

(C) All urban land use activities, including but not limited to residential, business, office, institutional, religious, commercial, and industrial, regardless of the zoning district in which they are located, are subject to the provisions of this Chapter, or I.C. 32-25, et seq.

(D) A Lot of Record, in its entirety, from which a parcel is being subdivided shall be included in the proposed Plat. If the balance of the parcel is under separate ownership, notification shall be required to be provided to said Owner(s) by certified mail, indicating the remainder of the parcel is no longer in compliance with the terms and provisions of this Chapter.

(E) No Subdivision shall be entitled to recording in the County Recorder’s office or have any validity until it has been approved in the manner prescribed in this Chapter.
153.050 SUBDIVISION COMPLIANCE REQUIRED – EXCEPTIONS.

The following are exempt from the terms and provisions of this Chapter.

(A) An agricultural Lot, comprising of 20 acres or more of contiguous land with 600 feet or more of frontage along a public road which does not include any part of an adjoining parcel that would result in the adjoining parcel not conforming with the requirements of the zoning district.

(B) The property meets the requirements of a Lot of Record as defined in Chapter 154: Planning and Zoning.

(C) Condominiums regulated by I.C. 32-25.

(D) An improvement location permit for the construction of two single-family dwellings within the real estate affected by a Subdivision which has received primary approval may be issued after all construction plans for required improvements have been approved by the County. Said dwellings shall not be occupied or otherwise sold as a permanent residence prior to secondary approval and recording of the Subdivision.

153.055 PROJECTS UTILIZING PRIVATE STREETS, OR LOTS WITHOUT FRONTAGE ALONG A PUBLIC STREET.

Projects or developments or any part thereof utilizing Private Streets, or Lots without frontage along a public Street or having access provided by a private access system shall be developed as one of the following:

(A) Only after obtaining a frontage variance from the Area Board of Zoning Appeals for those Lots without frontage on a public Street; or

(B) A Condominium regulated by I.C. 32-25; or

(C) As part of a multifamily zoning district; or

(D) As part of a planned unit development.

153.060 WAIVERS.

Should the Subdivider clearly demonstrate that because of peculiar physical conditions pertaining to her or his land or particular design considerations to enhance the development of her or his land, the literal enforcement of one or more of the regulations of this Chapter is impractical or will exact undue hardship, the Commission or Committee may approve such waiver or waivers that may be reasonable and within the general purpose and intent of the rules, regulations and standards established by this Chapter.
DESIGN STANDARDS

153.100 MINIMUM STANDARDS.

All Subdivisions submitted and approved under this Chapter shall comply with the following:

(A) All applicable County design specifications and standards, such as but not limited to, Rights-of-way, street design speeds, drainage, sewage disposal, potable water, and Public Utilities

(B) In order to promote public safety, Subdivisions shall be coordinated with existing developments or neighborhoods through the interconnection of Streets and the provision of multiple means of access to the overall street system.

(C) The review of Subdivisions shall give consideration to the needs and requirements for open space uses and community facilities, including but not limited to the following: school sites and other public and semi-public buildings and facilities; locations for water supply systems, sewage treatment facilities, and drainage facilities; and open space and recreational sites, all in accordance with adopted local and regional land use, facility, and transportation plans. Where such open space uses and community facilities are located in whole or part within the Subdivision and are deemed necessary, the Commission may require the reservation of such areas per Section 153.170.

153.105 STREET REQUIREMENTS.

(A) Public Streets required. Streets within Subdivisions shall be Public Streets, unless the Streets meet the requirements of Section 153.055.

(B) Residential Street layout. Residential Streets shall be laid out so as to discourage through and high-speed traffic, as appropriate, and shall be integrated into the existing street network.

(C) Stub Streets.

(1) Stub Streets connecting adjacent areas shall be dedicated and improved to the latest standards adopted by the County. Temporary turnaround Easements shall be required at the discretion of the County. Temporary turnaround Easements shall comply with the design standards of the County Engineer.

(2) In order to provide an integrated street system, all existing Stub Streets of abutting Subdivisions shall be continued into the existing street systems. Existing Stub Streets in abutting Subdivisions which are to be continued and are unimproved shall be improved by the Subdivider, unless surety is in place in the abutting Subdivision, or the Stub Street is not shown on the approved construction plans of the abutting Subdivision.
(D) **Non-access Easement.** At the discretion of the County, a five-foot non-access Easement may be required along any Street, proposed or existing. The County has full discretion to determine the width, location, and number of access points (drives) across the non-access Easement.

(E) **Dead-end Streets.** Dead-end Streets shall be prohibited, except as Stub Streets to permit Street extension into adjoining vacant tracts, or when designed as Cul-de-sac Streets.

(F) **Half-Streets.** The platting of half-Streets shall be prohibited, except when the County determines it essential to the reasonable development of the Subdivision in conformity with other requirements of this Chapter.

(G) **Reserve Strips.** Reserve Strips denying access to adjacent Streets are prohibited, unless a written agreement between the Subdivider and the County, setting forth the terms for the sale of such strip, is submitted to the Commission at the time the Subdivision is submitted for secondary approval. The written agreement shall be recorded, and the instrument number noted on the Secondary Plat.

(H) **Cul-de-sac Streets.** Cul-de-sac Streets shall not be more than 1,000 feet in length, measured along their centerline from the centerline of the Street of origin to the center point of the turn-around. See Section 153.900 for a graphic of what constitutes a Cul-de-sac Street for the purposes of this Chapter.

(I) **Horizontal curve.** Along Arterial Streets, Collector Streets or Local Streets, the minimum centerline horizontal curve shall be designed in accordance with American Association of State Highway and Transportation Officials: A Policy on Geometric Design of Highways and Streets or the Indiana Department of Transportation Design Guide, latest edition, as determined by the County Engineer. The minimum curve radius for a design speed of 25 mph shall not be less than 180 feet.

(J) **Excess Right-of-way.** Right-of-way widths in excess of those recommended by the most current transportation plan adopted by the Michiana Area Council of Governments or the design standards of the County Engineer may be required whenever topography requires additional width to provide for adequate and stable earthen side slopes, unless the developer uses acceptable engineering solutions approved by the County Engineer.

(K) **Bridges.** Bridges of primary benefit to the Subdivider, as determined by the County Engineer, shall be constructed at the full expense of the Subdivider without reimbursement from the County. The sharing of expense for the construction of bridges not of primary benefit to the Subdivider, as determined by the County Engineer, will be fixed by special agreement between the County and the Subdivider.

(L) **Design standards for all Private Streets.** Private Streets shall comply with the minimum pavement width standards set forth in Chapter 154.076 Planning and Zoning and the minimum depth and materials standards required by the County for Public Streets.
(M) Grading and improvement plan. Streets shall be graded and improved to conform with the construction standards and specifications of the County and those standards set forth in Table 153-1: Minimum Design Standards for Streets, set forth below. Such construction standards and specifications shall be indicated on construction plans required prior to secondary approval and shall be approved as to design and specification by the County Engineer.

(N) Street signs, pavement markings and traffic control signs. The Subdivider shall provide street signs at every street intersection within the Subdivision. The Subdivider shall also provide pavement markings and traffic control signs at required locations as determined by the County Engineer and as shown on the approved construction plans. All street signs, pavement markings, and traffic control signs shall conform to the standards and the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways as published by the Indiana Department of Transportation. After proper installation and County acceptance, the maintenance and replacement of street signs, pavement markings, and traffic control signs shall be the responsibility of the County. All work by the Subdivider related to street signs, pavement markings, and traffic control signs shall be performed under the supervision of the County Engineer at the Subdivider’s cost.

(O) Street lights. The Subdivider shall install and bear the cost of street lights at entrances in conformance with the construction standards and specifications of the County for street lights. Street light plans, which may include internal street lights, shall be approved by the County Engineer.

(P) Widening and realignment of existing Streets. Where a Subdivision borders an existing narrow Street or when the most currently adopted transportation plan indicates plans for realignment or widening of a Street that would require use of some of the land in the Subdivision, the Subdivider shall be required to dedicate that portion of such existing Street which is contained within the land subject to the Secondary Plat of the Subdivision, to the full width required by the County, and improve such Street to the current standards. Land reserved for any Street purposes shall not be counted in satisfying the minimum yard or lot area requirements of Chapter 154: Zoning and Planning.

(Q) Design standards for all Public Streets. In order to provide for Streets which are of a suitable location, width, material, and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, snow removal, sanitation, and road maintenance equipment, and to coordinate Streets so as to compose a convenient system and avoid undue hardships to adjoining properties, all Streets which are to be dedicated to, and accepted for maintenance by the County shall be designed and constructed in accordance with the following guidelines as applicable:

(1) Table 153-1: Minimum Design Standards for Streets, set forth below;

(2) Current standards and specifications as approved by the Board;
(3) American Association of State Highway and Transportation Officials (AASHTO): A Policy on Geometric Design of Highways and Streets (commonly referred to as the "Green Book");

(4) Indiana Department of Transportation Standards, Specifications and Design Manual;

(5) Indiana Manual on Uniform Traffic Control Devices for Streets and Highways; and,

(6) Current Americans with Disabilities Act (ADA) Guidelines.

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(1) The reservation and dedication of Rights-of-ways of Streets shall be in accordance with the Long Range Transportation Plan as adopted by the Michiana Area Council of Governments (MACOG) and/or the latest design and construction standards approved by the County. The minimum half Right-of-way width on roadways identified in the County’s Long Range Transportation Plan as adopted by MACOG is 65’.

(2) For regulations regarding maximum grades, minimum grades, curve radius, tangent lengths, sight distances, pavement widths, medians, curb and gutter and back-to-back of curb widths, pavement depth and materials, sidewalks, corner radius, and transition curves, see the County design and construction standards approved by the County.

(3) Refer to Section 153.130 for more information regarding sidewalks, pedestrian ways and bike paths.
153.110 INTERSECTION STANDARDS.

(A) No more than two Streets shall intersect at one point.

(B) All Streets shall intersect at 80 to 90 degrees for a minimum centerline distance of one hundred feet on both sides of the intersection; however, when approved by the County Engineer, the angle of intersection may be reduced to not less than 70 degrees.

(C) Two minor Collector or Local Streets, or minor Collector or Local Street segments, intersecting from opposite sides of a Street, shall intersect at their centerlines or have their centerlines offset at least 150 feet.

(D) Two Arterial or major Collector Streets, or Arterial or major Collector Streets segments, intersecting from opposite sides of a Street, shall intersect at their centerlines, or their centerlines shall be offset at least 500 feet.

(E) When a minor Collector or Local Street and an Arterial or major Collector Street intersect from opposite sides of a Street, the centerlines shall intersect, or the Streets shall have their centerlines offset by at least 150 feet.

153.125 STREET NAMES.

(A) No new Streets shall have a name which duplicates or so nearly duplicates an existing Street name so as to be confused with any existing Street in the incorporated or unincorporated areas of the County, unless the new Street is to be an extension of an existing Street.

(B) Loop Streets which are an extension of existing Streets, but will never be continued, shall not duplicate the name of the existing Street.

(C) Cul-de-sac Streets which are an extension of existing Streets may duplicate the name of the existing Street, but the last word of a Cul-de-sac Street name shall be “Court”.

(D) Continuous Streets which have major directional changes shall require a change in street name for each directional change, unless otherwise determined by the County Surveyor or County Engineer.

153.130 PEDESTRIAN AND BICYCLE IMPROVEMENTS.

(A) Sidewalks. Sidewalks are not required and remain optional along all Streets, except when sidewalks exist adjacent to the proposed Subdivision, and extension of those sidewalks would provide continuation of the sidewalk system, serving public welfare, safety, and convenience. Sidewalks, if provided, shall:
(1) be located along the side of a Street within the dedicated, non-paved portion of the Street Right-of-way.

(2) be constructed in compliance with County design and construction standards.

(B) Pedestrian ways. Where the Commission determines it is necessary for the public welfare, safety, or adequate pedestrian circulation, pedestrian Easements of not less than 15 feet in width shall be provided. Paved walkways of not less than five feet in width shall be placed within the pedestrian Easement.

(C) Alternative multi-use or bike paths.

(1) Where the Commission determines that it is appropriate, an alternative multi-use or bike path may be proposed in lieu of sidewalks. Multi-use or bike paths shall be a minimum of ten feet in width and a minimum of 16-foot clear area containing the path.

(2) Alternative multi-use or bike paths shall be constructed of hard surface construction approved by the County Engineer and installed in compliance with the County design and construction standards.

(3) Alternative multi-use or bike paths may be located in either the Right-of-way or a dedicated Easement reserved for such use outside of the Right-of-way.

(D) Indemnity. An Indemnity Agreement in favor of the County shall be provided for all sidewalks/pedestrian ways/alternative multi-use or bike paths installed in the Right-of-way within a development until such provisions are covered under a separate County ordinance.

153.135 LOT REQUIREMENTS.

(A) Lots shall comply with the minimum lot frontage, width, and area requirements established by Chapter 154: Zoning and Planning unless they are designated as non-buildable Outlots.

(B) The requirements of the County Health Department or the Indiana State Department of Health may require that Lots served by a Private Sewer be larger than the minimum lot area required by Chapter 154: Zoning and Planning.

(C) Lots served by a Private Sewer utilizing a soil absorption system and a septic tank shall have adequate area suitable for the placement of two conventional on-site sewage disposal drain fields. The area designated for a replacement disposal drain field shall be so indicated on each Lot as a dedicated Easement for that purpose.

(D) Lots which abut a required storm water Retention/Detention Basin Easement shall have lot lines extend into such Easement so as to include all portions of the Easement within one or more of the abutting Lots.
(E) Lot lines adjoining utility Easements shall not be less than twenty feet in length, to provide adequate utility access.

(F) Side lot lines shall generally be at right angles or radials to the Street line, or substantially so.

(G) Lots containing Easements dedicated for future Rights-of-Way along a side lot line shall be considered as corner Lots. The area of the future Street Right-of-way shall not be used for determining lot area and lot width.

(H) Lots abutting an Arterial Street or a major Collector Street, shall have their access from either a minor Collector Street or a Local Street unless in those circumstances where the only viable access is from the major Street, in which case a waiver may be granted by the Committee or Commission to allow such access. A five-foot non-access Easement shall be placed upon that portion of a Lot abutting a major Arterial Street. The County Engineer shall determine the appropriate location, if any, for any opening in a non-access Easement to the Lots in a Subdivision. The County Engineer may determine such location at the time of Subdivision approval, or at a later date, provided a note is placed on the Plat to indicate that the location of any access approved at a later date is subject to the approval of the County Engineer.

153.140 EASEMENTS.

(A) Easements within Subdivisions shall be provided for Public Utilities, drainage, and Street maintenance and operation, as necessary, and dimensioned and labeled as to their specific use. Size of Easements shall conform to the latest standards adopted by the County.

(B) Whenever a Public Utility holds an Easement for the use of the entire property (blanket Easement) to be Subdivided, the Subdivider shall obtain a release of the Easement from the Public Utility. Said Easement must be reduced to an area established by the Public Utility. Copies of the releases shall be submitted when the Subdivision is submitted for Secondary Approval.

(C) Easements not covered in the deed of dedication will require a separate dedication note on the Secondary Plat outlining the purpose of the Easement.

153.145 EXTENSION OF PUBLIC WATER AND SEWER.

Where the County Health Officer, the Indiana Department of Health, or the Commission determine that it is economically feasible to extend Public Sewer and/or Public Water to a Subdivision, or where public health or safety dictates that such services be extended, the Commission shall require the Subdivider to extend such public service to the Subdivision as a condition of primary approval. The determination of economic feasibility of Public Sewer and Public Water shall be made by the Commission in accordance with the provisions of Resolution No. 148-03: “A Resolution of the Area Plan Commission of St Joseph County, Indiana, Establishing a Policy Governing the Consideration of Economic Feasibility of Public Sewer and Water Service in Approving New Subdivisions”, as the same may be amended from time to time.
CHAPTER 153: SUBDIVISIONS
Design Standards

153.150 PROVISION FOR PUBLIC WATER.

Where the Commission determines that it is not economically feasible at the time the Subdivision is submitted to extend Public Water, the Subdivider shall design the Subdivision in such a manner that Public Water can most economically be installed to each Lot after the Subdivision is developed. The Commission may require that a water line general concept plan for all the property included in the Primary Plat be submitted to and approved by the applicable Public Water official prior to the approval of a Secondary Plat. Further, the required Easements shall be shown and dedicated on the Secondary Plat.

153.155 PROVISIONS FOR PUBLIC SEWER.

Where the Commission determines that it is not economically feasible at the time the Subdivision is submitted to extend Public Sewer, the Subdivider shall design the Subdivision in accordance with the requirements and specifications set forth in Resolution No. 144-03: “A Resolution of the Area Plan Commission of St. Joseph County, Indiana, Establishing a Policy Governing Consideration of Planned Methods of Waste Disposal in Approving New Subdivisions”, as the same may be amended from time to time. The Commission may require that a sanitary sewer line general concept plan for all the property included in the Primary Plat be submitted to and approved by the applicable Public Sewer official prior to the approval of a Secondary Plat. Further, the required Easements shall be shown and dedicated on the Secondary Plat.

153.160 SUBDIVISIONS IN SPECIAL FLOOD HAZARD AREAS.

(A) Primary Plats shall be reviewed and follow any and all requirements of the Floodplain Regulations in Chapter 154: Planning and Zoning, to determine whether the proposed Subdivision lies in a Special Flood Hazard Area (SFHA). If the proposed Subdivision is to be located in a SFHA, the Subdivider's Professional Land Surveyor or Professional Engineer shall forward pertinent plans and materials to the Department of Natural Resources for review and comment. Appropriate changes and modifications may be required in order to assure that the development of the proposed Subdivision is consistent with the need to minimize flood damages.

(B) All Subdivisions to be located in a SFHA shall have the elevation of the 100-year flood noted on the Secondary Plat and a delineation of the SFHA thereon.

153.165 SUBDIVISIONS IN DESIGNATED WETLANDS.

Primary Plats shall be reviewed to determine whether the proposed Subdivision lies in a designated wetland area. If the proposed Subdivision has a designated wetland area within its boundaries, the Subdivider's Professional Land Surveyor or Professional Engineer shall forward pertinent plans and materials to the U.S. Army Corp of Engineers and the Indiana Department of Environmental Management for review and comment. Appropriate changes and modifications may be required in order to assure that the development of the proposed Subdivision is consistent with all applicable regulations.
153.170 RESERVATION.

(A) Where uses and community facilities described in Section 153.100 (C), above, are located in whole or part within the Subdivision, and when such an area is not intended to be dedicated by the Subdivider, it shall be reserved as vacant real estate for the proposed purpose(s) for a period of eighteen months from the date of approval of the Primary Plat. The County, school district, governmental unit, or other public agency shall use this reservation to acquire an option to purchase said real estate for such community facility development. If the County, school district, governmental unit, or other public agency and the Subdivider do not enter into such adoption agreement within the time limit, or institute condemnation proceedings, the community facility reservation shall become null and void.

(B) A Subdivider may, but shall not be required to, file a Primary Plat that indicates an alternate use and development of the reservation area in the event that such land is freed from reservation. If the Subdivider has submitted a proposed Primary Plat which includes an alternate use and development of the land subject to the reservation, and such alternative use and development has been conditionally approved, the Subdivider may submit a final Secondary Plat for review and approval upon expiration of the 18-month period specified above. The Executive Director shall review the Secondary Plat and, upon determining that the Secondary Plat conforms to all requirements of this Chapter, shall approve the Secondary Plat under the same terms and conditions applicable to any other Secondary Plat that was included as a section or phase of the Primary Plat. The Executive Director shall consult with the Committee prior to making any final determinations on such a revised Secondary Plat.

(C) If the Subdivider has not submitted a proposed Primary Plat which includes an alternate use and development of the land subject to the reservation and such land is freed from reservation, such land shall be the subject of a new application for Primary Plat as set forth in this Chapter.
# SUBDIVISION SUBMITTAL

## 153.200 CONSULTATION REQUIRED.

Prior to the submission of a Subdivision, the Subdivider is encouraged to consult with the Staff to ensure conformity with the intent and requirements of the Subdivision regulations which may help to alleviate future misunderstandings and extensive revisions.

## 153.205 REQUIRED SUBMITTAL COMPONENTS.

Applications for Subdivision submittals shall contain the following components. For requirements related to the structure and detail of each component, see the Subdivision Application and Filing Requirements.

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<thead>
<tr>
<th>Submittal Components</th>
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<th>Replat</th>
<th>Major Primary Subdivision</th>
<th>Major Secondary Subdivision</th>
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<td><strong>(A) Plat</strong></td>
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<td><strong>(B) Support Data Sheet</strong></td>
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<td><strong>(C) Application Form</strong></td>
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<td><strong>(D) Commission Fees</strong></td>
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<td><strong>(E) Proof of Ownership</strong></td>
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<tr>
<td><strong>(F) Soil Report and County Health Department Fees</strong></td>
<td>REQUIRED- If Creating New Buildable Lot(S) On Well/Septic</td>
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<td>REQUIRED- If Creating New Buildable Lot(S) On Well/Septic</td>
<td>REQUIRED- If Creating New Buildable Lot(S) On Well/Septic</td>
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<td><strong>(G) Drainage Plan</strong></td>
<td>May be requested</td>
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<td><strong>(H) Traffic Impact Study</strong></td>
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<td><strong>(I) Digital Data Submission</strong></td>
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<td><strong>(J) Engineering Feasibility Study</strong></td>
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<td><strong>(K) St. Joseph County Water and Sewer District Letter</strong></td>
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<td>REQUIRED- If Connecting to District Water or Sewer</td>
<td>REQUIRED-If Connecting to District Water or Sewer</td>
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<td><strong>(L) Other Governmental Reviews</strong></td>
<td>When Applicable</td>
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153.300 PRIMARY APPROVAL PROCEDURE.

(A) Completeness. A subdivision application shall include all required information in order for Staff to begin its review. Applications with incomplete submittals shall not be considered until a complete application has been filed with the Commission. If Staff determines that an application is complete, or at the discretion of the Executive Director, the review process shall proceed in accordance with the filing schedule established by the Commission.

(B) Referral and review. The Staff shall refer the Subdivision to the reviewing agencies for comment. The Staff shall review the Subdivision to ensure conformity with the intent and regulations fixed in this Chapter, Chapter 154: Planning and Zoning and the requirements, recommendations, and comments of the reviewing agencies. The Staff shall then prepare a report with a recommendation for the Committee’s consideration.

(C) Committee Consideration. After receiving the staff report and recommendation, the Committee shall consider the Subdivision for primary approval.

(1) Minor Subdivisions and Replats shall be considered without public notice or public hearing.

(2) Major Subdivisions shall receive a public hearing. The Staff shall announce the date, time and place of the meeting at which the Committee shall consider the Subdivision, mail due notice to all Interested Parties at least ten days before the date set for the hearing and give notice of the hearing by publication in accordance with I.C. 5-3-1, et seq.

(D) Committee Action.

(1) If, after consideration, the Committee finds that the Subdivision complies with all standards regarding primary approval, the Committee shall grant primary approval with or without modifications imposed and make written findings of fact.

(2) For Major Subdivisions, the Chairman and Secretary of the Committee shall certify and place the Seal on one copy of the Primary Plat and distribute copies to all reviewing agencies. A Subdivider may pursue secondary approval of a Major Subdivision in its entirety or by sections per Section 153.310. Primary approval of the Subdivision shall be effective indefinitely. However, all secondary approvals of Major Subdivisions shall be developed to the latest standards adopted by the Board and applicable codes and ordinances at the time of secondary approval.
(3) If, after consideration, the Committee finds that the Subdivision does not comply with all standards regarding primary approval, the Committee may, at the request of the Subdivider, Staff, Professional Land Surveyor, or Committee member, table the Subdivision to a specified future Committee meeting. If a Subdivision has been previously tabled twice, the Subdivision will be tabled indefinitely upon the third tabling and will not be included on future Committee agendas without a request from the Subdivider or Professional Land Surveyor. If a tabled Subdivision has not received primary approval within two years from the initial tabling, it will be withdrawn from consideration by the Committee.

(4) If, after consideration, the Committee finds that the Subdivision does not comply with the intent and standards regarding primary approval, the Committee shall deny such approval to the Subdivision and make written findings of fact setting forth the reasons for disapproval.

(E) Appeal to Commission. Committee decisions regarding primary approval of a Subdivision may be appealed to the Commission by Interested Parties. See Section 153.315.

153.305 MINOR AND REPLAT SECONDARY APPROVAL PROCEDURE

If an appeal of the Committee’s decision has not been filed within five days of the Committee’s action, or a Waiver of Right to Appeal has been signed by all Interested Parties and all modifications or conditions placed upon the Subdivision by the Committee, if any, have been complied with or corrected, the Staff shall grant secondary approval to the Subdivision. The Professional Land Surveyor shall submit a DWG file containing the boundaries and lot lines of the approved Subdivision, and the Staff shall record the Subdivision per the requirements Section 153.320. If all modifications or conditions placed upon the Subdivision by the Committee have not been complied with or corrected within two years of the Subdivision being granted primary approval, the Committee shall deny secondary approval to the Subdivision. The Secretary shall provide written notice of the denial to the Subdivider stating the reasons for denial and release the signed Plat to the Professional Land Surveyor who prepared it.

153.310 MAJOR SECONDARY APPROVAL PROCEDURE

(A) Completeness. A subdivision application shall include all the required information in order for Staff to begin its review. Applications with incomplete submittals shall not be considered until a complete application has been filed with the Commission. If Staff determines that an application is complete, or at the discretion of the Executive Director, the review process shall proceed.

(B) Referral and review. The Staff shall refer the Subdivision to the reviewing agencies for comment. The Staff shall review the Subdivision to ensure that the following conditions are met:
(1) That the Subdivision is in conformity with the intent and regulations fixed in this Chapter, Chapter 154: Planning and Zoning and the requirements, comments and recommendations of the reviewing agencies;

(2) That all required improvements have been completed or that surety has been posted per Section 153.400 to Section 153.445;

(3) That the submittal does not constitute a major change from the Subdivision which received primary approval per Section 153.310 (C); and

(4) That the Subdivision complies with all the conditions and modifications imposed upon the Subdivision by either the Committee or the Commission as a condition of primary approval.

(C) Determination of Major Change. A Subdivision being considered for secondary approval shall be considered a major change from the Subdivision having received primary approval if any of the following has occurred:

(1) Any interior Streets, entrance Streets, or Stub Streets have been relocated in such a way as to adversely impact abutting property Owners; or

(2) The drainage plan has been altered in such a way as to adversely impact abutting property Owner(s) or undermine the development of future sections of the approved primary Subdivision; or

(3) The number of Lots has been increased from that shown on the approved primary Subdivision; or

(4) The Executive Director, in her or his sole discretion, believes it advisable, because of the collective effect of numerous small changes.

(D) Staff Action

(1) If the Staff finds that the Major Subdivision complies with all standards regarding secondary approval, such approval shall be granted, and upon submission of a DWG file containing the boundary and lot lines of the Subdivision, it shall be recorded per the requirements of Section 153.320. The Secretary of the Committee shall provide written notification to the Subdivider that the Subdivision was approved and shall be recorded.

(2) If the Staff finds that the Major Subdivision does not comply with all standards regarding secondary approval, the Staff shall deny the Subdivision. The Secretary of the Committee shall provide written notice to the Subdivider, which sets forth the reasons for denial, and release the signed Secondary Plat to the Subdivider's Professional Land Surveyor.
(E) Appeal to Committee. Staff denial of secondary approval of a Major Subdivision may be appealed to the Committee by the Subdivider or the Professional Land Surveyor, in which case the Subdivision shall be placed on the agenda of the first available Committee meeting. The Committee shall consider the Subdivision without public notice or a public hearing and apply the criteria described in Section 153.310 (B). If the Committee grants secondary approval, the Chairman and Secretary of the Committee shall certify and place the Seal on the signed Secondary Plat and the Staff shall record the Subdivision per the requirements of Section 153.320. If the Committee denies Secondary Approval, the Committee shall make written findings of fact setting forth the reasons for disapproval, and the signed Secondary Plat shall be released to the Subdivider’s Professional Land Surveyor.

(F) Appeal to Commission. Committee denial of secondary approval of a Major Subdivision may be appealed to the Commission by the Subdivider or the Professional Land Surveyor, in which case the Subdivision shall be placed on the agenda of the first available Commission meeting. See Section 153.315.

153.315 APPEAL OF COMMITTEE ACTION

(A) Filing. An appeal of a Committee action may be filed by Interested Parties within five days of the date of the Committee's action. Appeals shall be in writing, shall indicate the desire to have the Subdivision reviewed by the Commission, and shall state the reason for such appeal. The Staff shall place the Subdivision on the agenda of the Commission's first available meeting, mail due notice in writing to all Interested Parties at least ten days before the date set for hearing, and give notice of the hearing by publication in accordance with I.C. 5-3-1, et seq. The Staff shall prepare a report with a recommendation for Commission consideration.

(B) Commission consideration. The Commission shall consider the Subdivision at a public hearing. The Commission shall consider the Subdivision as though the Committee had not acted upon it. The Subdivision shall be considered in its entirety, as if it were a new submission, with all items considered, not just the items appealed.

(C) Commission action.

(1) If, after consideration, the Commission finds that the Subdivision complies with all standards regarding primary or secondary approval, depending on the decision being appealed, the Commission shall grant approval to the Subdivision, with or without modifications and conditions imposed, and make written findings of fact and a decision which shall include any modifications and conditions imposed. The Secretary of the Commission shall then provide the Subdivider with a copy of the findings of fact and decision.

(a) In the case of Minor Subdivisions and Replats, the Staff shall grant secondary approval to the Subdivision once all modifications and conditions placed upon the Subdivision, if any, have been complied with or corrected.
(b) In the case of *Major Secondary Subdivisions*, the President and Secretary of the *Commission* shall certify and place the *Seal* on the signed *Secondary Plat* following the *Commission's* approval.

(c) Following secondary approval, *Staff* shall record the *Minor Subdivision, Replats, or Major Subdivisions* per the requirements of Section 153.320. If all modifications or conditions placed upon a *Minor Subdivision* or *Replat* by the *Commission* have not been complied with or corrected within two years, the *Staff* shall deny secondary approval to the *Subdivision* and the Secretary of the *Commission* shall provide written notice to the *Subdivider* which includes the reasons for denial.

(2) If, after consideration, the *Commission* finds that the *Subdivision* does not comply with all standards regarding primary or secondary approval, the *Commission* shall deny approval and make written findings of fact and a decision which sets forth its reasons for disapproval. The Secretary of the *Commission* shall provide the *Subdivider* with a copy of the findings of fact and decision and release the signed *Plat* to the *Subdivider's Professional Land Surveyor*.

**153.320 RECORDING PROCEDURE.**

Following secondary approval, The Chairman and Secretary of the *Committee* (or President and Secretary of the *Commission* if secondary approval is granted upon appeal to the *Commission*) shall certify the signed *Secondary Plat* and affix the *Seal*. Within seven days of the submission of a DWG file containing the subdivision boundary and lot lines, *Staff* shall record the *Subdivision* with the *County Recorder* and so notify the *Subdivider*. The *Staff* shall have the sealed and certified *Plat* duplicated at a reduced scale and release the original to the *Professional Land Surveyor* who prepared it.
153.400 DESIGN AND CONSTRUCTION.

All required improvements shall be designed and constructed in accordance with the latest standards adopted by the Board. The Subdivider shall bear the cost of all improvements referenced in this Chapter.

153.405 INSPECTION.

Final inspection of construction of all required improvements shall be provided by the reviewing agency responsible for the review and approval of plans for such required improvements, such as the County Engineer, County Health Department, or County Surveyor.

153.410 IMPROVEMENTS.

(A) Monuments. Monuments which conform to State Standards 865 I.A.C. 1-12-18, et seq., shall be set at each corner or angle of the outside boundary of each Major Secondary Subdivision along with all lot corners or angle of each Lot.

(B) Drainage, Street and underground utility improvements.

(1) Approval of construction plans. After a Subdivision has received primary approval, prior to construction of any drainage improvements, Streets, or underground utilities in a Subdivision, and prior to submittal of a Subdivision for secondary approval, the Subdivider shall, in conformance with the policy of the Board, submit prints as follows:

   (a) To the County Surveyor: All drainage facilities within the Subdivision, such as storm sewers, culverts, drainage ditches, and Retention/Detention Basins.

   (b) To the County Engineer:

      1. All Streets within the Subdivision which received primary approval;

      2. All drainage facilities within the Subdivision, such as storm sewers, culverts, drainage ditches, and Retention/Detention Basins; and

      3. All underground utility facilities within the Subdivision.

(2) Submission of as-built drawings. Upon completion of the drainage facilities, Streets, and underground utility improvements, as-built drawings of the drainage improvements and the Street and underground utility improvements sealed by a Professional Land Surveyor or Professional Engineer, shall be filed with the County Engineer for record keeping.
(C) **Fire hydrants.** Whenever a *Public Water* system is provided, fire hydrants shall be installed per the requirements of the water provider.

(D) **Street signs; pavement markings and traffic-control signs.** Street-name and traffic-control signs and pavement markings shall be placed at intersections according to the standards and specifications of the *Board.* The *Subdivider* shall bear the financial responsibility for all material and installation costs associated with all street-name signs and required regulatory traffic control signs. Materials for such signs may be purchased and installed at the direction of the *County Engineer.*

(E) **Water and sewer systems.** If water or sewer systems other than a *Public Utility* are to be installed, the plans and specifications for such systems shall be approved by the Indiana State Department of Health and the *County Health Officer* and/or *County Engineer.* If a *Private Water or Sewer* system is used and located within the *Right-of-way,* the *Subdivider* and the *Board* shall enter into a written agreement outlining each party’s responsibilities for installation and maintenance of the systems.

(F) **Early warning system.** Where the St. Joseph County Emergency Management Agency (EMA) determines that adequate coverage by the *County’s* early warning siren system does not exist for a proposed *Major Subdivision* of ten or more *Lots* and where the EMA determines it necessary for public safety, developers of new *Subdivisions* with ten or more *Lots* shall be required to furnish and install an Early Warning System that meets the specifications of the EMA or its successors. Following its acceptance by the EMA, the Early Warning System will be maintained by the *County.*

153.415 INSTALLATION OF ALL REQUIRED IMPROVEMENTS.

(A) **Completion and installation of improvements.** Prior to the secondary approval of a *Subdivision,* the *Subdivider* shall complete, in accordance with and to the satisfaction of the *County Engineer* and the *County Surveyor,* all public improvements such as but not limited to: *Streets* (except street surface coat improvements), drainage structures and facilities, sidewalks, erosion control, fencing, debris and waste removal, soil preservation, lot drainage, final grading and lawn preparation, street signs, and monumentation as required by this Chapter, or provide surety for required public improvements per Section 153.420. Public improvements shall be dedicated to the *County,* free and clear of all liens and encumbrances on the dedicated property and public improvements.

153.420 SURETY FOR COMPLETION OF IMPROVEMENTS.

(A) **Prior to the secondary approval of a Subdivision, if the Subdivider has not completed the installation and dedication of the required improvements called for in Section 153.415 above, the Subdivider shall be required to post a performance bond or irrevocable letter of credit in a form acceptable to the Board in which the Subdivider covenants to complete all required improvements.** The performance bond or irrevocable letter of credit shall:
(1) Be filed on forms approved for use by the Board.

(2) Establish the Board as the beneficiary of such performance bond or irrevocable letter of credit;

(3) Provide that all required improvements be completed within three years following secondary approval;

(4) Be in an amount equal to 100 percent of the cost, as established pursuant to an estimate submitted to and approved by the County Engineer, for the completion of all improvements and installations required by this Chapter;

(5) Be in effect until compliance with the terms and provisions of the performance bond or irrevocable letter of credit, and released through a letter approved by the Board;

(6) Specify that all improvements and installations shall be completed in accordance with the requirements and specifications of this Chapter:

   a. For single family or two-family Subdivisions, prior to the time that single family or two-family dwellings are upon 80 percent of the Lots shown upon the Secondary Plat or within three years after the date on which the Secondary Plat was approved, whichever occurs first, or

   b. For multifamily, commercial or industrial Subdivisions, within three years after the date on which the Secondary Plat was approved.

(C) Proof of compliance. Upon completion of all improvements and installations as required by this Chapter, the Subdivider shall furnish the Board with a completion affidavit indicating that said improvements have been constructed, installed and completed in compliance with the provisions of this chapter, the requirements of the Board, and the provisions of any other applicable ordinances of the County. The Board, the County Engineer and the County Surveyor shall determine whether all improvements have been constructed and completed as required. Upon approval of the completion affidavit by the Board, the County shall assume maintenance responsibility of the improvements and installations, subject to the provisions of any applicable maintenance bonds.

(D) Completion letter. Upon acceptance of a required improvement or installation, the County Engineer shall provide a Completion Letter to the Subdivider stating that the required improvements for which that agency or department is responsible have been accepted for maintenance by the County, subject to the terms of a maintenance bond, as required in Section 153.425.
153.425 MAINTENANCE BOND.

Prior to the acceptance of such improvements and installations for public maintenance, the Subdivider shall provide a three-year maintenance bond to cover all improvements and installations proposed for public maintenance, with the Subdivider or some other person satisfactory to the Board as principal, which shall:

1. Be filed on forms approved for use by the Board;
2. Establish the Board as the beneficiary;
3. Be in an amount equal to 10 percent of the amount of the total original performance bond or irrevocable letter of credit for the improvements and installations subject to the maintenance bond;
4. Warrant the workmanship and materials used in the construction, installation and completion of said improvements and installations are of good quality and have been constructed and completed in a workmanlike manner in accordance with the standards, specifications and requirements of this Chapter and the satisfactory construction plans and specifications therefore submitted to the County Engineer and County Surveyor; and
5. Shall covenant to maintain each required improvement and also shall warrant that all required improvements will be free from defects following the Board’s approval of the Subdivision’s completion affidavit. The Subdivider, at their expense, shall make all repairs to said improvements and installations, or the foundations thereof, which may become necessary by reason of improper workmanship or materials, but not including any damage to said improvements and installations resulting from forces or circumstances beyond the control of said Subdivider or occasioned by the inadequacy of the standards, specifications or requirements of this Chapter.

153.430 USE OF BOND FUNDS.

Any funds received from the performance bonds or irrevocable letter of credit for Subdivision improvements and installations or from the maintenance bonds for the maintenance of improvements and installations required by this Chapter shall be used only for the purpose of making or repairing the improvements and installations for which said bonds were provided in accordance with the standards, specifications and requirements of this Chapter.

153.435 APPROVAL OF CONSTRUCTION PLANS.

No construction of any infrastructure within a Subdivision required by this Chapter, the Commission, or any other applicable ordinance of the County, shall commence prior to the approval of construction plans by the County Engineer or any other reviewing agency. Failure to
obtain approval of construction plans prior to constructing infrastructure is a violation of this Chapter which is enforceable under the provisions of Section 153.045.

153.440 ACCEPTANCE OF DEDICATION.

In any Subdivision containing Streets which are therein reserved for dedication to public use, secondary approval and recording of the Subdivision by the Committee shall constitute the acceptance of such dedication.

153.445 ACCEPTANCE OF IMPROVEMENTS.

Acceptance of improvements shall be upon the completion of the required improvements in conformance with the terms of this Chapter and the latest standards adopted by the Board.
CHAPTER 153: SUBDIVISIONS
Vacation of Land in a Plat

VACATION OF LAND IN A RECORDED PLAT

153.500 JURISDICTION.

Pursuant to IC 36-7-3 et. seq. and IC 36-7-4-711, et. seq., the Committee has jurisdiction to vacate all or part of a Recorded Plat pertaining to land owned by the petitioner, while the County Council has jurisdiction to vacate a public way, public place or a platted Easement.

153.505 APPLICATION

(A) In a case in which all of the Owners of land in a Recorded Plat are in agreement regarding a proposed vacation, the Owners may file a written instrument to vacate all or part of that Recorded Plat under IC 36-7-3-10 et. seq. The instrument may be approved under this section without notice or a hearing.

(B) In a case in which not all of the Owners of land in a Recorded Plat are in agreement regarding a proposed vacation, the Owners may file a written instrument to vacate all or part of that Recorded Plat under IC 36-7-4-711 et. seq.

(C) An application for a Recorded Plat vacation shall include:

(1) A Declaration of Vacation upon forms provided in a manner prescribed, which shall include:

(a) The reasons for and the circumstances prompting the request;
(b) A specific description of the property in the Recorded Plat proposed to be vacated;
(c) The name and address of every other Owner of land in the Recorded Plat

(2) Fees as prescribed; and

(3) Proof of ownership.

153.510 VACATION OF LAND IN A RECORDED PLAT BY THE PLAT COMMITTEE.

Within thirty days after receipt of a Recorded Plat vacation petition, the Committee may approve or disapprove a petition for the vacation of all or part of a Recorded Plat. The Committee shall make written findings that set forth the reasons for the approval or disapproval of the petition. The findings shall be signed by the Chair and Secretary of the Committee. Within seven days of being signed, the findings of the vacation shall be recorded in with the County Recorder and shall be placed in the file of the original Subdivision to be retained as a permanent record of the determination.
154.515 NOTICE OF PLAT COMMITTEE ACTION.

Within five days after the Committee's action on the vacation request, the Secretary of the Committee shall provide all Interested Parties with a copy of the findings and decision of the Committee and notify them in writing of their right to appeal the Committee's decision to the Commission. Appeals shall be in writing, indicate the desire to have the vacation reviewed by the Commission, state the reason for such appeal, and shall be filed within five days of the date of the notice by the Secretary of the Committee.

153.520 APPEALS.

The approval, disapproval, or imposition of a condition on the approval of the vacation of all or part of a Recorded Plat is a final decision of the Commission. The Petitioner or an aggrieved party may seek review of the decision of the Commission as provided by IC 36-7-4-1016.
153.900 DEFINITIONS.

The following terms or words used in the text of this chapter shall have the following meanings, unless a contrary meaning is required by the context of a particular sentence or phrase or specifically prescribed in a particular sentence or phrase.

**AREA BOARD OF ZONING APPEALS.** The Area Board of Zoning Appeals of St. Joseph County, Indiana

**BOARD.** The Board of County Commissioners of St. Joseph County, Indiana.

**COMMISSION.** The Area Plan Commission of St. Joseph County, Indiana.

**COMMITTEE.** The Plat Committee, appointed by the Commission, to hold hearings on, and approve subdivisions on behalf of the Commission in conformance with I.C. 36-7-4-701, et seq.

**CERTIFICATE OF APPROVAL.** A certificate applied to an approved Plat signed by the President of the Commission or the Chairperson of the Committee, as appropriate, and attested to by the Secretary of the Commission.

**CONDOMINIUM.** Any project regulated by I.C. 32-25.

**COUNTY.** St. Joseph County, Indiana.

**COUNTY COUNCIL.** The County Council of St. Joseph County, Indiana.

**COUNTY ENGINEER.** The County Engineer of St. Joseph County, Indiana.

**COUNTY HEALTH DEPARTMENT.** The St. Joseph County, Indiana Department of Health.

**COUNTY HEALTH OFFICER.** The Health Officer of the County Health Department or their designee.

**COUNTY RECORDER.** The Recorder of St. Joseph County, Indiana.

**COUNTY SURVEYOR.** The County Surveyor of St. Joseph County, Indiana.

**DEPARTMENT OF NATURAL RESOURCES.** The Indiana Department of Natural Resources (DNR).
**EASEMENT.** A grant by a property owner, to the general public and/or public utility or utilities, or other individual or individuals for the use of land for a specifically stated purpose or purposes.

**ENGINEERING FEASIBILITY STUDY.** A report prepared by a Professional Engineer or Professional Land Surveyor pertaining to the suitability of the site for various types of public water and sewer systems, for storm drainage retention/detention or disbursal, and the sub-soil conditions for various methods of street construction which may include soil borings for determining sub-surface soil condition or any other additional information required by the County Engineer.

**EXECUTIVE DIRECTOR.** The Executive Director of the Area Plan Commission of St. Joseph County, Indiana.

**INDEMNITY AGREEMENT.** An agreement between the Board and a developer/homeowner’s association stating that the County agrees to allow sidewalks/pedestrian ways/alternative multi-use or bike paths, or streetlighting to remain within the dedicated roadway right-of-way in a development or at the entrance to a development, and that the indemnitor(s) agrees to defend and indemnify the County and hold the County harmless from any liability, loss, or damage the County may suffer as a result of claims, demands, costs or judgments against it arising from any act or injury on the sidewalks/pedestrian ways/alternative multi-use or bike paths, or related to street lighting, not caused by the County, its agents or servants or anyone employed by the County.

**INTERESTED PARTIES.** Shall include the following:

1. For Major Subdivisions:
   
   a. The Owners of property located within 660 feet of the proposed Subdivision;
   
   b. Staff; and

   c. The Subdivider.

2. For Minor Subdivisions and Replats:
   
   a. Staff; and
   
   b. The Subdivider.

3. For Vacation of Land in a Recorded Plat:
   
   a. Staff; and

   b. The Owners of all Lots included in the plat vacation.
LOT. A parcel or portion of land separated from other parcels or portions by description as on a subdivision of record or survey map or by metes and bounds for purposes of sale, and does not include the area of streets, roads or future roadway easements.

LOT OF RECORD. As defined in Chapter 154.048 Planning and Zoning.

OUTLOT. A non-buildable Lot.

OWNER. Any individual, firm, association, syndicate, co-partnership or corporation having proprietary interest in land.

PLAT. A drawing of all or a portion of a Subdivision created by a Professional Land Surveyor.

PLAT, PRIMARY. A drawing of a proposed Subdivision that is presented for review and primary approval.

PLAT, SECONDARY. A drawing of all or a portion of a Subdivision that is presented for secondary approval.

PLAT, RECORDED. A drawing of a subdivision which has received secondary approval and has been recorded with the County Recorder.

PRIVATE SEWER. An on-site sewage disposal system, including a septic system on an individual lot which is provided for use by the occupant of the Lot, a cluster system designed to serve a proposed Subdivision, or any other system approved by the County Health Officer. PRIVATE SEWERS are subject to the approval of the County Health Officer or the Indiana State Department of Health.
PRIVATE WATER. An on-site water supply system, commonly known as a well, on an individual lot which is provided for consumption by the occupants of the Lot and is subject to the approval of the Health Officer.

PROFESSIONAL ENGINEER. An engineer who is registered by the State of Indiana as a PROFESSIONAL ENGINEER.

PROFESSIONAL LAND SURVEYOR. A surveyor that is registered or licensed by the State of Indiana as a PROFESSIONAL LAND SURVEYOR.

PUBLIC SEWER. A sewage disposal system which is operated or owned by a governmental unit (but not including a storm sewer installed for the purpose of carrying surface water runoff or subsoil drainage), or under the jurisdiction of the Indiana Utility Regulatory Commission.

PUBLIC UTILITY. A firm, corporation, municipal department, or board duly authorized to furnish, or furnishing under regulation to the public, electricity, gas, steam, communication systems, transportation, drainage, sewer, or water.

PUBLIC WATER. A water supply system which is operated or owned by a governmental unit or a private entity (community well) under the jurisdiction of the Indiana Utility Regulatory Commission.

REPLAT. The process of allowing for an adjustment of a lot line or lines, and easements, as shown on a recorded subdivision which:

(1) Does not affect any Street layout, whether existing or proposed;

(2) Does not increase the total number of recorded Lots within the area proposed to be re-platted;

(3) Does not change or modify the approved drainage system or Drainage Plan, and;

(4) Does not change or modify the approved Private Sewage disposal system or the Private Water supply plan.

RESERVE STRIP. An area of land adjacent to a Right-of-way which is retained in ownership by an individual for the purpose of denying access to the adjacent land.

RETENTION / DETENTION BASIN. An artificially created depression which is required in connection with a storm water management system.

RIGHT-OF-WAY. A strip of land dedicated to public use and over which an alley, street, highway, pedestrian walkway, or other public way may be built as set forth in a written grant, declaration or conveyance that is recorded in the office of the County Recorder.
**SEAL.** The official seal of the *Commission*.

**STAFF.** The staff of the *Commission*.

**STREET.** Any public *Right-of-way*, or private *Easement*, with the exception of alleys, essentially open to the sky and open and dedicated to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, lane, road, drive, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a *Right-of-way* for those purposes. A *STREET* may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking spaces, and similar features.
**STREET, ARTERIAL.** Any Street designed to carry a large volume of vehicular traffic with the primary function of delivering traffic from Collector Streets to state and federal highway and between portions of the County. Additionally, for the purposes of Section 153.135 (H), all Streets located on township, range and section lines shall be considered Arterial Streets.

**STREET, COLLECTOR.** Any Street which provides for through traffic movements from Local Streets to Arterial Streets and between areas within the County.

**STREET, CUL-DE-SAC.** Any Local Street, with a single point of ingress and egress and with a turn-around at the end. For the purposes of this chapter, a **CUL-DE-SAC STREET** also means any number of interconnected Local Streets that share only one common point of access to a dedicated Public Street and such dedicated Public Street provides two directions of ingress and egress.
**STREET, LOCAL.** Any Street primarily designed and intended to carry low volumes of vehicular traffic movement at low speeds and provide direct access to residential, commercial, industrial, or other abutting real estate. LOCAL STREETS may include the principal entrance Street of a development or Streets which provide interior circulation within a Subdivision.

**STREET, LOOP.** A Local Street that has its only ingress and egress at two (2) points on the same Street.

**STREET, PRIVATE.** Any Street that has not been dedicated to the public and is therefore not owned or maintained or is not otherwise the responsibility of a unit of government.

**STREET, PUBLIC.** Any Street that has been dedicated to the public and is therefore owned or maintained or is otherwise the responsibility of a unit of government.

**STREET, STUB.** A Street which terminates at the Subdivision boundary and which is intended to be continued into the adjoining property when that property is subdivided.

**SUBDIVIDER.** The Owner of the land sought to be subdivided.

**SUBDIVISION.** A Major Subdivision, Minor Subdivision, or a Replat.

**SUBDIVISION, MAJOR.** A division of land into one (1) or more Lots requiring the extension of either new streets, water lines, sewer lines, storm water facilities, including Retention/Detention Basins, or any other public improvements, or a combination thereof.

**SUBDIVISION, MINOR.** A division of land into one (1) or more Lots not requiring the extension of either new streets, water lines, sewer lines, storm water facilities, including Retention/Detention Basins, or any other public improvements, or a combination thereof.

**URBAN DRAIN.** A drain which when constructed or reconstructed has or will have the hydraulic capacity to provide adequate drainage for land within a watershed which is being converted from rural land to urban land, as specified in I.C. 36-9-27-67 through 36-9-27-69.

**WAIVER OF RIGHT TO APPEAL.** A statement signed by the Subdivider waiving their right to appeal the decision of the Committee regarding primary approval for the purpose of expediting the secondary approval process.

**WELLHEAD PROTECTION AREA.** The surface and subsurface area surrounding a public water supply which has been designated a Wellfield Protection Area by the Indiana Department of Environmental Management or the Health Officer.

**ZONING ORDINANCE.** The zoning ordinance of St. Joseph County, Indiana, as set forth in Chapter 154: Planning and Zoning.
An Ordinance initiated by the Area Plan Commission of St. Joseph County amending Title XV, Chapter 154: Land Usage of St. Joseph County Code to provide assorted fixes to land use regulations.

Staff Comments:
This Ordinance proposes to add "Physical culture and health services, including gymnasiums, reducing salons, massage salons, and public baths;" as a Primary Use in the B: Business District, and to correct two instances of "Common Council" that should be "County Council".

Policy Plan:
This Ordinance is consistent with the Comprehensive Plan for South Bend and St. Joseph County, Indiana (2002), Goal 2, Objective B: Locate employment uses in such a manner that conflicts with residential land uses are minimized; and Goal 2, Objective C: Develop quality business areas to meet the retail and service needs of the planning area.

Recommendation:
Based on the information available prior to the public hearing, the staff recommends sending this Ordinance to the County Council with a favorable recommendation.

Analysis:
This Ordinance will add "Physical culture and health services, including gymnasiums, reducing salons, massage salons, and public baths;" as a Primary Use in the B: Business District, and it will correct two instances of "Common Council" that should be "County Council".
ORDINANCE NO.____________________

AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING
TITLE XV, CHAPTER 154: LAND USAGE OF ST. JOSEPH COUNTY CODE TO PROVIDE
ASSORTED FIXES TO LAND USAGE REGULATIONS.

PETITIONER:  ST. JOSEPH COUNTY AREA PLAN COMMISSION

WHEREAS, the County Council of St. Joseph County, Indiana, adopted a new zoning
ordinance for St. Joseph County that went into effect on June 13, 2005, and

WHEREAS, the ordinance has been in use since that time, and it has been determined that
certain changes are necessary to revise and clarify various sections of the ordinance;

IT IS HEREBY ORDAINED BY THE COUNTY COUNCIL OF ST. JOSEPH COUNTY,
INDIANA, THAT:

SECTION 1.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section
154.166 in B: Business District, as amended, is hereby further amended and supplemented as follows:

154.166 PERMITTED USES.

(A) Primary uses.

*   *   *

(50) Physical culture and health services, including gymnasiums, reducing salons,
massage salons, and public baths;

(5051)

(5152)

(5253)

(5354)

(5455)

(5556)
(5657)
(5758)
(5859)
(5960)
(6061)
(6162)
(6263)
(6364)
(6465)
(6566)
(6667)
(6768)
(6869)
(6970)
(7071)
(7172)
(7273)
(7374)

SECTION 2.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.181 in C: Commercial District, as amended, is hereby further amended and supplemented as follows:

154.181 PERMITTED USES.

(A) Primary uses.

*       *       *
(54) Physical culture and health services, including gymnasiums, reducing salons, massage salons, and public baths;

(55)

(56)

(57)

(58)

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(75)

(76)

(77)
SECTION 3.

Title XV, Land Usage, Chapter 154, Planning and Zoning of the St. Joseph County Code, Section 154.599 and 154.602 in Development Review Procedures, as amended, is hereby further amended and supplemented as follows:

154.599 ZONING ORDINANCE AMENDMENT PROCEDURES.

* * *

(3) County Council action. In the case of proposal to amend or partially repeal the text of this chapter or in the case of a zone map change, the Common Council may act upon such amendment only after a report has been presented by the Area Plan Commission after public notice and hearing in accordance with the provisions of Indiana Code 36-7-4-604, et seq.

* * *

154.602 COMBINED PUBLIC HEARING PROCEDURE.

* * *

(C) In conducting a combined hearing, the hearing examiner or committee of the Commission may exercise the following:

(1) the powers of the Area Plan Commission in making recommendations to the Common Council on rezoning petitions and text amendments under the I.C. 36-7-4-600 series.

* * *

SECTION 4.

This ordinance shall be in full force and effect from and after its enactment and publication as required by law, and full execution of any conditions of Commitments placed upon the approval.

____________________________________
MEMBER, ST. JOSEPH COUNTY COUNCIL
November 15, 2020
3:30 p.m.

THE AREA PLAN COMMISSION OF
ST. JOSEPH COUNTY, INDIANA

MINUTES

MEMBERS PRESENT: Dan Caruso, Robert Hawley, Abby Wiles, Adam DeVon, Jason Lambright, Ryan D. Fellows, John R. McNamara, P.E., L.S., Kirk Youell, Shawn Klein, Rachel Rawls, Mitch Heppenheimer, Mitch Heppenheimer, Counsel, Dr. Jerry Thacker, Samantha Keultjes, Elizabeth McCombs

PUBLIC HEARING - 3:30 P.M.

1. REZONINGS:
   1. A proposed ordinance of Kimberli Phillips to zone from A: Agricultural District to I: Industrial District, property located at 30750 EDISON RD, St. Joseph County - APC# 2934-20. (Audio Position: 3:30)

      Upon a motion by Elizabeth McCombs, being seconded by Rachel Rawls and unanimously carried, a proposed ordinance of Kimberli Phillips to zone from A: Agricultural District to I: Industrial District, property located at 30750 EDISON RD, St. Joseph County is TABLED.

   2. A proposed ordinance of ST JOSEPH COUNTY DEPARTMENT OF REDEVELOPMENT to zone from A: Agricultural District to I: Industrial District, property located at 56458 WILLOW RD and 31917 STATE ROAD 2 HWY and 56340 WILLOW RD, St. Joseph County - APC# 2938-20. (Audio Position: 4:30)

      Upon a motion by John R. McNamara, P.E., L.S., being seconded by Dan Caruso and unanimously carried, a proposed ordinance of ST JOSEPH COUNTY DEPARTMENT OF REDEVELOPMENT to zone from A: Agricultural District to I: Industrial District, property located at 56458 WILLOW RD and 31917 STATE ROAD 2 HWY and 56340 WILLOW RD, St. Joseph County is TABLED.

   3. A proposed ordinance of DRAGONFLY PROPERTIES LLC to zone from R: Single Family District to O: Office District, property located at 14042 STATE ROAD 23 HWY and 14018 STATE ROAD 23 HWY, St. Joseph County - APC# 2939-20. (Audio Position: 6:00)
RYAN D. FELLOWS: The petitioner is requesting a zone change from R: Single Family District to O: Office District. Onsite are two single-family homes (on separate parcels). Immediately north is a vacant lot zoned R: Single-Family. Clay Fire Station 24 is located at the northeast corner of the intersection of SR 23 and Elm Rd, also zoned R: Single Family District. To the east are single-family homes zoned R: Single Family District. To the south are vacant lots owned by the petitioner zoned R: Single Family District. Immediately west and adjacent is a single-family home zoned R: Single-Family. Goddard School of Granger is located west and to the north of SR 23. The intent of the O: Office District is to provide specific areas where only certain limited offices and businesses may be developed. Since the district excludes retail and commercial uses, and requires extensive screening and landscaping of permitted uses and associated parking areas, it may serve as a buffer between residential areas and commercial developments. The O: Office District is expressly intended to be limited to the area in association with commercial areas, and the intersection of certain arterial streets, where a gradual transition from residential uses should occur, with other arterial and collector streets. O: Office uses and buildings shall be compatible in architectural type and style with adjacent residential uses and structures. The site plan submitted, for rezoning purposes only, shows the existing structures. The existing structures do not meet the required setbacks. As noted on the site plan, all future construction must meet the required setbacks. The SR 23 corridor has historically been single-family residential. After SR 23 was upgraded to a five-lane highway, several properties were rezoned to O: Office District in this area. Clay Fire Harris Township Fire Station and the Goddard School of Granger are newly built land uses in the immediate area, establishing a more commercial-like character. State Road 23 is a five-lane highway, including a center turn lane. It is classified as a minor arterial. It provides adequate vehicle capacity. Existing well and septic systems. None. The petitioner is not proposing any written commitments. The petition is consistent with the Comprehensive Plan for South Bend and Saint Joseph County Indiana (2002), Goal 2, Objective B: "Locate employment uses in such a manner that conflicts with residential land uses are minimized." The future land use map identifies the area as residential. No other plans have been adopted for this area. SR 23 has predominately been a residential corridor; however, the expansion of the road has encouraged more intense development along the corridor. Several properties have been rezoned to a district that allows for office or commercial uses nearby within the last few years. The most desirable use of this property is to take advantage of the high traffic capacity of SR 23 and one that limits the impact on surrounding residential properties. With proper landscaping screening, surrounding property values should not be adversely affected. The O: Office District allows limited offices and businesses; it is responsible to allow such a use at an intersection along a major corridor. Based on the information available prior to the public hearing, the staff recommends sending this rezoning to the County Council with a favorable recommendation. This rezoning will allow this property to serve as a more suitable for its location and provide a buffer between a highly-traveled five-lane highway and the residential properties around it.
PETITIONER

TERRY LANG, of Lang, Feeny & Associates, Inc., with offices located at 715 S Michigan St., South Bend, IN presented on behalf of the petitioner.

IN FAVOR

There was no one present to speak in favor of this petition.

REMONSTRANCE

There was one person present to speak in remonstrance of this petition. She was:

Judith Rubleske, residing at 515 S Main St., South Bend, IN

REBUTTAL

TERRY LANG, of Lang, Feeny & Associates, Inc., with offices located at 715 S Michigan St., South Bend, IN presented the rebuttal on behalf of the petitioner.

After due consideration, the following action was taken:

Upon a motion by John R. McNamara, P.E., L.S., being seconded by Elizabeth McCombs and unanimously carried, a proposed ordinance of DRAGONFLY PROPERTIES LLC to zone from R: Single Family District to O: Office District, property located at 14042 STATE ROAD 23 HWY and 14018 STATE ROAD 23 HWY, St. Joseph County, is sent to the County Council with a FAVORABLE recommendation. This rezoning will allow this property to serve as a more suitable for its location and provide a buffer between a highly-traveled five-lane highway and the residential properties around it.

2. TEXT AMENDMENTS:

1. A proposed ordinance initiated by the APC to add campgrounds as a special use in the A: Agricultural District in the Zoning Ordinance, St. Joseph County - APC# 2940-20. *(Audio Position: 16:25)*

RYAN D. FELLOWS: An Ordinance initiated by the Area Plan Commission of St. Joseph County amending Title XV, Chapter 154: Land Usage of St. Joseph County Code by amending Section 154.091 to amend A: Agricultural District to add Campgrounds (Seasonal) as a Special Use. This Ordinance is consistent with the Comprehensive Plan for South Bend and St. Joseph County, Indiana (2002), Goal 2, Objective B: Locate...
employment uses in such a manner that conflicts with residential land uses are minimized; and Goal 2, Objective C: Develop quality business areas to meet the retail and service needs of the planning area.

This Ordinance proposes to restore "Campgrounds (Seasonal)" as a Special Use in the A: Agricultural District after an earlier text amendment had the unintended consequence of eliminating it from the list. Based on the information available prior to the public hearing, the staff recommends sending this Ordinance to the County Council with a favorable recommendation. This Ordinance will restore "Campgrounds (Seasonal)" as a Special Use in the A: Agricultural District after an earlier text amendment had the unintended consequence of eliminating it from the list.

After due consideration, the following action was taken:

Upon a motion by Dan Caruso, being seconded by Elizabeth McCombs and unanimously carried, a proposed ordinance initiated by the APC to add campgrounds as a special use in the A: Agricultural District in the Zoning Ordinance, St. Joseph County, is sent to the County Council with a FAVORABLE recommendation. This Ordinance will restore "Campgrounds (Seasonal)" as a Special Use in the A: Agricultural District after an earlier text amendment had the unintended consequence of eliminating it from the list.

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Miscellaneous:

    None at this time.

2. Executive Director's Report:  

    (Audio Position: 19:20)

    Abby Wiles presented the Executive Director’s Report, including the following updates:

    1. New Member

        Welcome Elizabeth McCombs, President of Roseland’s Town Council, who is filling the vacancy for the Council on Town Affairs position (Towns of Roseland & Lakeville)

    2. Town Meetings

        In the process of contacting each town the APC serves to schedule individual meetings with key contacts from each community

    3. Zoning Violation Enforcement Process Update

        Working with the Constituent Services Manager to develop a formal process for handling zoning violation complaints

    4. Comprehensive Plan Update
Staff is beginning to review sample Request for Proposals (RFPs) to develop a draft roadmap for the Comprehensive Plan planning process (timeline, budget etc.)

5. AARP Network of Age-Friendly States and Communities
   Participating in the steering committee for this effort

3. Minutes:

   A Approval of the August 18, 2020 Area Plan Commission Minutes *(Audio Position: 22:55)*

   Upon a motion by John McNamara, P.E., L.S., being seconded by Dan Caruso and unanimously carried, the August 18, 2020 Area Plan Commission Meeting Minutes were approved.

4. Adjournment:

   Upon a motion by John McNamara, P.E., L.S., being seconded by Dan Caruso and unanimously carried, the September 15, 2020 Area Plan Commission Meeting adjourned at 3:52 p.m.

__________________________________________________________________________

Adam DeVon,
President of the Commission

__________________________________________________________________________

Abby Wiles,
Secretary of the Commission