

Additional Information

Based upon Indiana Law, the only issue that the Committee/Commission may address is whether a proposed subdivision meets the requirements of the subdivision ordinance. Court rulings have established that Area Plan Commissions *have "no discretion to approve some subdivision plats and disapprove others, but may only determine whether a plat presented to them comports with requirements of their subdivision ordinance."* The courts have also ruled that: *"Testimony of adjacent landowners at hearing on proposed subdivision plat is irrelevant in establishing whether plat complies with master plan, ordinances, and statutes."*

Therefore, although public input is allowed at the meeting, the Committee/Commission can not consider arguments concerning whether or not streets should be extended from adjacent subdivisions, whether the property should remain as is, be developed for some other purpose, or be developed to standards other than those specified by the subdivision ordinance. Further, the Committee/Commission may not impose any specifications concerning style, type, size or cost of the structures to be built within the subdivision. If the proposed subdivision meets all of the requirements of the Subdivision Regulations, the Committee/Commission must approve the subdivision.

Notes

Area Plan Commission of St. Joseph County, IN

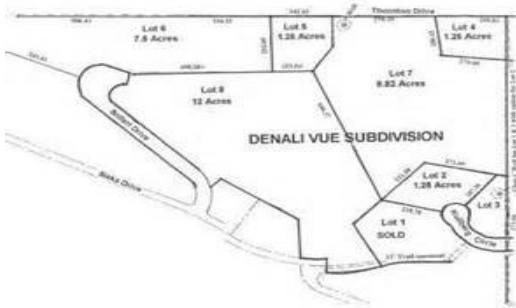
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How to Subdivide Property



Area Plan Commission of St. Joseph County, IN



Subdividing

Subdividing property is necessary to ensure :

- That public improvements are available when it is time to build;
- The appropriate sewage and water facilities are being proposed; and
- That new streets, utilities and drainage systems are designed and constructed according to appropriate standards;

The Area Plan Commission administers the subdivision of land within the Commission's jurisdictions. All subdivisions, whether residential, commercial or industrial, are reviewed and approved by the Commission. The Commission has delegated this approval process to a Plat Committee.

The Plat Committee consists of five individuals appointed by the Commission, one of whom must be a member of the Commission. The members of the Plat Committee are appointed because of their knowledge of the development process.

Procedure—General

A typical subdivision takes about six weeks from the time an application is filed, to a decision by the Plat Committee. Major Subdivisions require more time since there are two submittals required—primary and secondary.

- A. The filing of a subdivision plat requires the services of a land surveyor who is registered by the State of Indiana as a Professional Land Surveyor.
- B. It is recommended that either the property owner, the developer or the registered land surveyor contact the Area Plan Commission staff prior to filing a subdivision plat.
- C. The subdivision plat and application are filed with the Area Plan Commission by the registered land surveyor.
- D. The Area Plan Commission staff will review the subdivision for conformity with the Subdivision Control Ordinance, and refer the plat to all the pertinent agencies for their review and recommendation.
- E. During the review period, staff will be in contact with the registered land surveyor for corrections, updates or clarifications to ensure that the subdivision plat meets all requirements.
- F. Per an established schedule, the staff sets the subdivision plat for Plat Committee consideration.
- G. Major subdivisions require a public hearing and notification of surrounding property owners.
- H. Once a subdivision Plat is approved, it is recorded, after which building permits may be obtained from the Building Department.

Plats acted on by the Plat Committee can be appealed to the Area Plan Commission.

Documentation—General

Required items for submittal:

1. Application
2. Filing Fee
3. Subdivision Plat
4. Drainage Plan, if applicable
5. Health Officers Report, if applicable
6. Proof of Ownership
7. Any other documentation that may be required by the Commission to make an informed decision.

A Plat Committee schedule can be obtained at the Commission's web site, or in person at the Commission's office on the 11th Floor of the County-City Building.



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