

**ST. JOSEPH COUNTY  
CHAPTER 153: SUBDIVISIONS**

**TABLE OF CONTENTS**

**Section**

**General Provisions**

153.005 Purpose and Intent  
153.010 Authority  
153.015 Eminent Domain and Use – United States of America or State of Indiana Owned Property  
153.020 Interpretation  
153.025 Interpretation of Terms or Words  
153.030 Private Provisions  
153.035 Saving Provision  
153.040 Transition Rules  
153.045 Subdivision Compliance Required  
153.050 Subdivision Compliance Required – Exceptions  
153.055 Projects Utilizing Private Streets, or Lots without Frontage along a Public Street  
153.060 Waivers

**Design Standards**

153.100 Minimum Standards  
153.105 Street Requirements  
153.110 Intersection Standards  
153.125 Street Names  
153.130 Pedestrian and Bicycle Improvements  
153.135 Lot Requirements  
153.140 Easements  
153.145 Extension of Public Water and Sewer  
153.150 Provision for Public Water  
153.155 Provision for Public Sewer  
153.160 Subdivisions in Special Flood Hazard Areas  
153.165 Subdivisions in Designated Wetlands  
153.170 Reservation

**Subdivision Submittal Requirements**

153.200 Consultation Required  
153.205 Required Submittal Components

**Review, Approval and Appeal Procedures**

- 153.300 Primary Approval Procedure
- 153.305 Minor and Replat Secondary Approval
- 153.310 Major Secondary Approval Procedure
- 153.315 Appeal of Committee Action
- 153.320 Recording Procedure

**Improvements**

- 153.400 Design and Construction
- 153.405 Inspection
- 153.410 Improvements
- 153.415 Installation of All Required Improvements
- 153.420 Surety for Completion of Improvements
- 153.425 Maintenance Bond
- 153.430 Use of Bond Funds
- 153.435 Approval of Construction Plans
- 153.440 Acceptance of Dedication
- 153.445 Acceptance of Improvements

**Vacation of Land in a Plat**

- 153.500 Jurisdiction
- 153.505 Application
- 153.510 Vacation of Land in a Recorded Plat by the Plat Committee
- 153.515 Notice of Plat Committee Action
- 153.520 Appeals

**Definitions**

- 153.900 Definitions

## 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*;

**CHAPTER 153: SUBDIVISIONS**  
**Design Standards**

(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.

<b>Table 153 – 1: Minimum Design Standards for Streets</b>				
	<i>Major Arterial</i>	<i>Major Collector</i>	<i>Minor Collector</i>	<i>Local</i>
Half <i>Right-of-way</i> (1)	50' (1)	50'	30'	25'
Pavement width	(2)	(2)	34'	24'
Curb and gutter	(2)	(2)	Yes	Yes
Back-to-back of curb	(2)	(2)	38'	28'
Sidewalks	(2)	(2)	5'(3)	5' (3)
Cul-de-sac	Not applicable	Not applicable	Not applicable	ROW-58' radius Pavement- 55' radius
<p>(1) The reservation and dedication of <i>Rights-of-ways</i> of <i>Streets</i> 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 <i>County</i>. The minimum half <i>Right-of-way</i> width on roadways identified in the <i>County's</i> Long Range Transportation Plan as adopted by MACOG is 65'.</p>				
<p>(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 <i>County</i> design and construction standards approved by the <i>County</i>.</p>				
<p>(3) Refer to Section 153.130 for more information regarding sidewalks, pedestrian ways and bike paths.</p>				

**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.

#### **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.

<b>Submittal Components</b>	<b><i>Minor Subdivision</i></b>	<b><i>Replat</i></b>	<b><i>Major Primary Subdivision</i></b>	<b><i>Major Secondary Subdivision</i></b>
<b>(A) Plat</b>	<u>REQUIRED</u>	<u>REQUIRED</u>	<u>REQUIRED</u>	<u>REQUIRED</u>
<b>(B) Support Data Sheet</b>	<u>REQUIRED</u>	May be requested	<u>REQUIRED</u>	
<b>(C) Application Form</b>	<u>REQUIRED</u>	<u>REQUIRED</u>	<u>REQUIRED</u>	<u>REQUIRED</u>
<b>(D) Commission Fees</b>	<u>REQUIRED</u>	<u>REQUIRED</u>	<u>REQUIRED</u>	<u>REQUIRED</u>
<b>(E) Proof of Ownership</b>	<u>REQUIRED</u>	<u>REQUIRED</u>	<u>REQUIRED</u>	<u>REQUIRED</u>
<b>(F) Soil Report and County Health Department Fees</b>	<u>REQUIRED</u> – If creating new Buildable Lot(s) On Well/Septic	County Health Department May Request Information	<u>REQUIRED</u> – If creating new Buildable Lot(s) On Well/Septic	<u>REQUIRED</u> – If creating new Buildable Lot(s) On Well/Septic
<b>(G) Drainage Plan</b>	May be requested		<u>REQUIRED</u>	
<b>(H) Traffic Impact Study</b>	May be requested		May be requested	May be requested
<b>(I) Digital Data Submission</b>	<u>REQUIRED</u>	<u>REQUIRED</u>	<u>REQUIRED</u>	<u>REQUIRED</u>
<b>(J) Engineering Feasibility Study</b>	<u>REQUIRED</u>		<u>REQUIRED</u>	
<b>(K) St. Joseph County Water and Sewer District Letter</b>	<u>REQUIRED</u> – If connecting to District Water or Sewer	<u>REQUIRED</u> – If connecting to District Water or Sewer	<u>REQUIRED</u> – If connecting to District Water or Sewer	<u>REQUIRED</u> – If connecting to District Water or Sewer
<b>(L) Other Governmental Reviews</b>	When applicable	When applicable	When applicable	When applicable



## REVIEW, APPROVAL AND APPEAL PROCEDURES

### 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.





## IMPROVEMENTS

### 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*.



## 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.



## DEFINITIONS

### 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.

**CHAPTER 153: SUBDIVISIONS**

**Definitions**

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**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.

**CHAPTER 153: SUBDIVISIONS**  
**Definitions**

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**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.

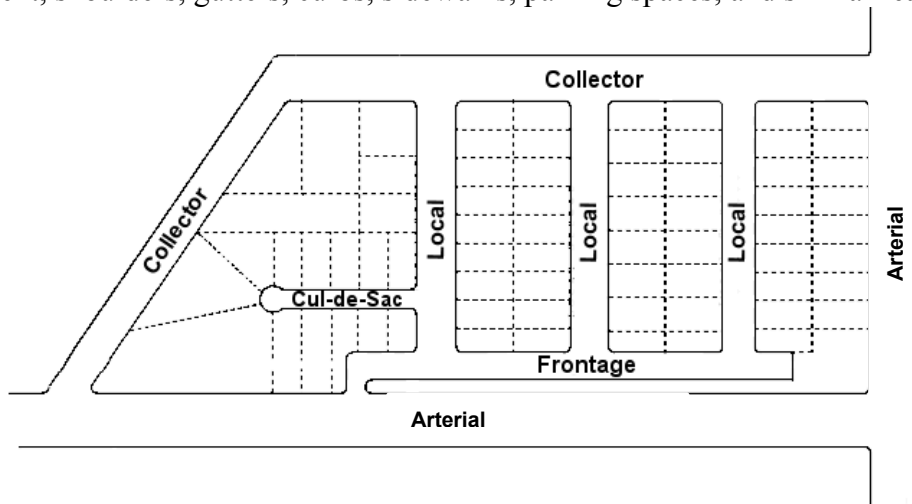
**RETENTION / DETENTION BASIN.** An artificially created depression which is required in connection with a storm water management system.

**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*.

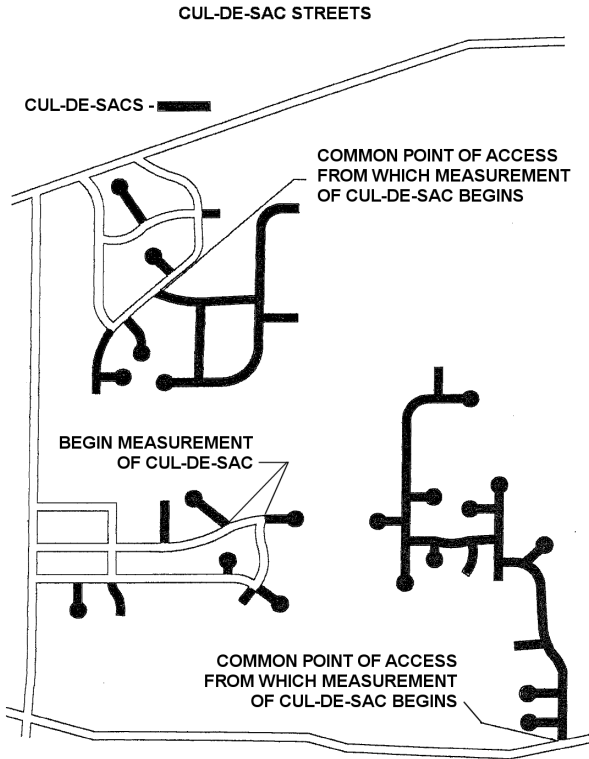
**STREET.** Any public *Right-of-way*, or private *Easement*, with the exception of alleys, essentially open to the sky and open and dedicated to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, lane, road, 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*.

## CHAPTER 153: SUBDIVISIONS

### Definitions

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***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.