CHAPTER 153: SUBDIVISIONS

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GENERAL PROVISIONS

§ 153.001 SHORT TITLE.

The ordinance codified in this chapter shall be known and cited as the “St. Joseph County Subdivision Control Ordinance” or “this chapter”.
(Ord. 44-08, passed 6-10-2008)

§ 153.002 PURPOSE.

The purpose of this chapter shall be to provide rules, regulations and standards in order to achieve orderly development in the county through land subdivision; to promote the utilization of land so as to assure to the residents of the county the best possible environment; to cause land subdivision to be made in accordance with the general development plan of the county; and to promote health, safety and the general welfare for the citizens of the county. This chapter shall be administered to ensure orderly growth and development, the conservation, protection and proper use of land by adequate provision for circulation, utilities and services.
(Ord. 44-08, passed 6-10-2008)

§ 153.003 ADMINISTRATIVE AUTHORITY.

The Area Plan Commission, by virtue of I.C. 36-7-4-701 et seq., as amended, is established as the administrative agency for this chapter.
(Ord. 44-08, passed 6-10-2008)
§ 153.004 SUBDIVISION COMPLIANCE REQUIRED.

(A) No subdivision, resubdivision, 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.

(B) 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. A subdivision shall be required whether a parcel or portion of land is intended for sale or lease except when the lease of land is for the purpose of a utility substation or communication facility and structures accessory thereto. An agricultural lot, as defined in § 153.010 (see Lot, Agricultural), is not subject to the provisions of this chapter. (Ord. 44-08, passed 6-10-2008)

§ 153.005 SALES AND CONSTRUCTION COMPLIANCE REQUIRED; EXCEPTION.

No property shall be sold or leased, nor shall a permit to erect, alter or repair any building upon land in a subdivision be issued, unless and until a subdivision has been approved and recorded, and until the improvements required by the county in connection therewith have either been constructed or guaranteed as provided in this chapter. However, if a subdivision has received primary approval, permits for model homes may be issued, provided that no more than two permits are in existence at any one time, and that the homes are not occupied until the subdivision has been given secondary approval and has been recorded, as provided in this chapter. (Ord. 44-08, passed 6-10-2008)

§ 153.006 CONDOMINIUMS NOT REQUIRED TO BE SUBDIVIDED.

I.C. 36-7-4-702 states that condominiums regulated by I.C. 32-25 may not be regulated by a local subdivision control ordinance. (Ord. 44-08, passed 6-10-2008)

§ 153.007 PROJECTS UTILIZING PRIVATE STREETS, OR LOTS WITHOUT FRONTOAGE 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:
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(A) Only after obtaining a frontage variance from the Area Board of Zoning Appeals for those lots without frontage on a public street;

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

(C) As part of a multi-family zoning district; or

(D) As part of a planned unit development.
(Ord. 44-08, passed 6-10-2008)

§ 153.008 SUBDIVISIONS WHICH WILL HAVE LOTS UTILIZING AN ON-SITE SEWAGE DISPOSAL SYSTEM.

Developers of subdivisions which will utilize sewage disposal systems other than either a municipally owned sewer disposal system, or a legally constituted public sewer district, shall submit a County Health Officer’s report, as defined in § 153.010, to the Commission with all subdivision submittals other than replats and corrective plats.
(Ord. 44-08, passed 6-10-2008)

§ 153.009 INTERPRETATION OF TERMS OR WORDS.

The language of this chapter shall be interpreted in accordance with the following regulations:

(A) The word “person” includes a firm, association, organization, partnership, trust, limited liability company, corporation or other legal entity, as well as an individual.

(B) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular, in each case, if the context so requires.

(C) The word “shall” is mandatory, the word “may” is permissive.

(D) The words “used” or “occupied” include the words “intended”, “designed”, “constructed”, “altered” or “arranged” to be used or occupied.

(E) The word “lot” includes the words “plot”, “tract” or “parcel”.

(F) Where a regulation involves two or more items, conditions, provisions or events connected by the conjunction “and”, “or”, or “either… or”, the conjunction shall be interpreted as follows:

1. “And” indicates that all the connected items, conditions, provisions or events shall apply.

2. “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
(3) "Either ... or" indicates that all the connected items, conditions, provisions or events shall apply singly but not in combination.
(Ord. 44-08, passed 6-10-2008)

§ 153.010 DEFINITIONS.

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

APPROPRIATE AGENCIES. Those agencies designated by ordinance or the staff to review subdivisions and may include but are not limited to the following: County Surveyor, County Engineer, State and County Health Departments, City or Town Engineer, State Department of Natural Resources, State Office of Aviation, Indiana Department of Environmental Management (IDEM), Indiana Department of Transportation (INDOT), and Army Corps of Engineers.

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

ASSessor’S OFFICE. The St. Joseph County Assessor’s office.

BOARD. The St. Joseph County Board of Commissioners.

COMMISSION. The St. Joseph County Area Plan Commission.

COMMISSION’S CERTIFICATE OF APPROVAL. The certificate block signed by the President of the Commission or the Chairperson of the Committee and attested to by the Secretary of the Commission or Committee, as appropriate.

COMMISSION’S SEAL. The official seal of the Commission.

COMMITTEE. The Plat Committee of the Area Plan Commission.

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

CORRECTIVE PLAT. A plat for the purpose of correcting the following types of errors, and no other, in a recorded subdivision:

(1) The legal description, political jurisdiction, or section, township or range numbers;

(2) A note;

(3) Any bearing, distance or curve data;
(4) A misspelling;

(5) The delineation of a feature such as an area subject to the National Flood Insurance Program;

(6) The addition, location or function of an easement;

(7) The name of a recorded subdivision; or

(8) Incorrect or missing signatures.

COUNCIL. The County Council of St. Joseph County.

COUNTY. St. Joseph County, Indiana.

COUNTY ENGINEER. The St. Joseph County Engineer.

COUNTY HEALTH OFFICER. The Health Officer of St. Joseph County or his or her designee.

COUNTY HEALTH OFFICER’S REPORT. A written and signed statement from the County Health Officer that provides an assessment of the suitability of the proposed subdivision to support the installation of an on-site septic system and on-site drinking water system:

(1) For major primary subdivisions, the COUNTY HEALTH OFFICER’S REPORT shall include:

   (a) An assessment of the general types of septic systems that may be acceptable for the subdivision; and

   (b) An assessment of whether there are any known groundwater contamination issues that may impact the development of the subdivision or the issuance of water supply well permits by the St. Joseph County Health Department.

(2) For major secondary and minor subdivisions, the COUNTY HEALTH OFFICER’S REPORT shall include:

   (a) An assessment of the type of septic system acceptable for each designated lot within the subdivision;

   (b) An assessment of whether each lot within the proposed subdivision has sufficient space, with soils acceptable for the designated septic system, for an original and replacement septic system; and

   (c) An assessment of whether a water supply well can be installed on each proposed lot consistent with St. Joseph County well drilling and groundwater protection laws.
COUNTY HEALTH OFFICER’S REPORT REQUEST. A signed statement requesting that the St. Joseph County Health Department issue a County Health Officer’s report. The request shall:

(1) Be on a form provided by the St. Joseph County Health Department;

(2) Include one complete copy of the soil reports for the soil borings and/or test pits required by the St. Joseph County Health Department;

(3) One copy of the plat drawings and site data sheets as described in §§ 153.047 and 153.062, which shall include the location and number of each soil boring and test pit;

(4) Any other information specified by the St. Joseph County Health Department and necessary to issue a County Health Officer’s report; and

(5) Be accompanied by a nonrefundable fee as established by the St. Joseph County Board of Commissioners.

COUNTY HIGHWAY DEPARTMENT. The St. Joseph County Highway Department.

COUNTY SURVEYOR. The St. Joseph County Surveyor.

CUL-DE-SAC. A minor collector street or local street with only one outlet and terminating in a radius for the reversal of vehicular traffic movement. For the purposes of this chapter, a CUL-DE-SAC also means any number of interconnected minor collector streets or 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.
DEPARTMENT OF NATURAL RESOURCES. The State Department of Natural Resources.

DRAINAGE BOARD. The St. Joseph County Drainage Board.

DWELLING, MULTI-FAMILY. A building consisting of three or more dwelling units, including condominiums, with varying arrangements of entrances and party walls.

DWELLING, SINGLE-FAMILY. A building containing one dwelling unit.

DWELLING, TWO-FAMILY. A building consisting of two dwelling units which may be either attached side by side or one above the other, and each dwelling unit having a separate or combined entrance.

DWELLING UNIT. One or more rooms arranged as a single housekeeping unit with separate living, sleeping, sanitary and cooking facilities physically separated from any other dwelling unit in the same structure.

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.

FEASIBILITY STUDY. A written report prepared by a registered engineer or registered land surveyor pertaining to the suitability of the site for various types of water and sewer systems; for storm drainage retention/detention or disbursal; and the subsoil conditions for various methods of street construction.

FEDERAL EMERGENCY MANAGEMENT AGENCY. The administrative office of the National Flood Insurance Program.

FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

FLOODPLAIN. The channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The FLOODPLAIN includes both the floodway and the floodway fringe districts.

FLOOD PROTECTION GRADE. The elevation of the regulatory flood plus two feet at any given location in the special flood hazard area.

FLOOD, REGULATORY. The flood having a 1% probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana
Natural Resources Commission and the Federal Emergency Management Agency. The **REGULATORY FLOOD** elevation at any location is as defined in the floodplain regulations section of the St. Joseph County zoning ordinance. The **REGULATORY FLOOD** is also known by the term **BASE FLOOD**.

**FLOODWAY.** The channel of a river or stream and those portions of the floodplain adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

**FLOODWAY FRINGE.** Those portions of the floodplain lying outside the floodway.

**IMPROVED PUBLIC RIGHT-OF-WAY.** Those streets classified by the County Engineer as bituminous concrete, cement concrete or brick, and which have been dedicated and accepted into the county street system.

**I.A.C.** Indiana Administrative Code.

**I.C.** Indiana Code.

**INDEMNITY AGREEMENT.** An agreement between the Board and a developer/homeowner’s association stating the county agrees to allow sidewalks/pedestrian ways/alternative multi-use or bike paths to remain within the dedicated roadway right-of-way in a development, and the indemnitee(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 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 300 feet of the proposed major subdivision;
   
   (b) The staff of the Area Plan Commission; and
   
   (c) The subdivider.

2. For minor subdivisions and subdivision replats:

   (a) The staff of the Area Plan Commission; and

   (b) The subdivider.
(3) For corrective plats:

(a) The staff of the Area Plan Commission; and

(b) The owners of all included lots for Type II and III corrective plats.

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 or lease; and does not include the area of streets, roads or future roadway easements.

LOT, AGRICULTURAL. A lot for any agricultural land use activities which:

(1) Comprises 20 acres or more of contiguous land with 600 feet or more of frontage along a public road;

(2) 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; and

(3) Does not involve the extension of any new streets.

LOT, DOUBLE FRONTAGE. A lot, other than a corner lot, which fronts on two streets.

LOT OF RECORD. Any of the following:

(1) Any lot, in its entirety, of a subdivision that was recorded in the Recorder’s office prior to the adoption of this chapter.

(2) Any part of a lot or any combination of parts of lots of a subdivision, provided that prior to the adoption of this chapter all of the following provisions are complied with:

(a) The subdivision was recorded in the Recorder’s office;

(b) Recorded evidence of ownership describing the property as a single and separate ownership was recorded in the Recorder’s office;

(c) The property met or exceeded the lot area and width requirements of the zoning district in which the property is located; and

(d) The property had frontage in conformance with the requirements of the zoning ordinance along an improved, dedicated and accepted public road.

(3) A parcel described by a metes and bounds description, or as lots or any combination of parts of lots of an unrecorded subdivision, provided that all of the following provisions are complied with:
(a) Recorded evidence of ownership describing the parcel as a single and separate ownership was recorded in the Recorder’s office prior to March 20, 1961;

(b) The current legal description describes the parcel as recorded in the Recorder’s office prior to March 20, 1961; and

(c) The parcel has frontage along an improved, dedicated and accepted public road.

(4) A parcel described by a metes and bounds description, or lots or any combination of parts of lots of unrecorded subdivisions provided that all of the following provisions are complied with:

(a) Recorded evidence of ownership describing the parcel as a single and separate ownership was recorded in the Recorder’s office between March 20, 1961 and March 30, 1966;

(b) The current legal description describes the parcel as recorded in the Recorder’s office between March 20, 1961 and March 30, 1966;

(c) The parcel met or exceeded the lot area and width requirements of the zoning district in which the parcel is located; and

(d) The parcel has frontage along an improved, dedicated, and accepted public road in conformance with the requirements of the zoning ordinance.

(5) A parcel of land ten acres or more in size that is zoned “A” Agricultural and was zoned “R” Residential prior to April 13, 1979, provided that all of the following provisions are complied with:

(a) The property is to be used for an agricultural use as defined in the zoning ordinance; and

(b) The property meets or exceeds the then required 300 feet of frontage along an improved, dedicated and accepted public road; and

(c) Recorded evidence of ownership describing the parcel as a single and separate ownership was recorded prior to April 13, 1979 in the Recorder’s office.

(6) A parcel of land ten acres or more in size that is zoned “A” Agricultural and was zoned “A” Agricultural prior to April 13, 1979, provided that all of the following provisions are complied with:

(a) The property is to be used for an agricultural use as defined in the zoning ordinance;

(b) The property meets or exceeds the then required 300 feet of frontage along an improved, dedicated and accepted public road; and
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(c) Recorded evidence of ownership describing the parcel as a single and separate ownership was recorded prior to April 13, 1979 in the Recorder’s office.

(7) A parcel of land ten acres or more in size zoned “R” Residential provided that all of the following provisions are complied with:

(a) The parcel has frontage along an improved, dedicated and accepted public road in conformance with the requirements of the zoning ordinance;

(b) Recorded evidence of ownership describing the parcel as a single and separate ownership was recorded in the Recorder’s office prior to the adoption of this chapter; and

(c) The current legal description describes the parcel as recorded in the Recorder’s office prior to July 8, 1997.

(8) A parcel of land described by a metes and bound description, or as a lot or lots or any combination of parts of lots of an unrecorded or recorded subdivision that does not meet any of the other sections of this definition and provided that prior to adoption of this chapter the following were met:

(a) Recorded evidence of ownership describing the property as a single and separate ownership was recorded in the Recorder’s office; and

(b) A primary structure existed on the property.

(9) A lot of record as defined in divisions (1) through (8) above which is reduced in area as a result of action by a governmental unit or entity.

LOWEST FLOOR. The lowest of the following:

(1) The top of the basement floor;

(2) The top of the garage floor, if the garage is the lowest level of the building;

(3) The top of the first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or

(4) The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of floodwaters, unless:

(a) The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of floodwaters, by providing a minimum of two openings, in addition to doorways and windows, having a total area of one square foot for every two square feet of area subject to flooding. The bottom of all such openings shall be no higher than one foot above grade.
(b) Such enclosed space shall be usable for the parking of vehicles and building access.

**NON-ACCESS EASEMENT.** A public easement along a public right-of-way across which access to the property is not permitted.

**ON-SITE SEWAGE DISPOSAL SYSTEM.** All equipment and devices necessary for proper conduction, collection, storage, treatment and disposal of sewage within the boundary of a subdivision, including but not limited to the following:

1. A soil absorption system consisting of pipes laid in a system of trenches or elevated beds into which the effluent from a septic tank is discharged for soil absorption;

2. A septic tank;

3. A cluster system designed to serve the proposed subdivision; or

4. Any other system approved by the County Health Officer.

**OUTLOT.** A nonbuildable lot.

**OWNER.** Any individual, firm, association, syndicate, co-partnership or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this chapter.

**PERFORMANCE GUARANTEE.** Any guarantee which may be accepted in lieu of a requirement that certain improvements be made before the Committee gives secondary approval to the subdivision, including by way of illustration but not limited to: tax performance bonds, escrow agreements, deposit agreements and other similar collateral or surety agreements approved as valid and enforceable by the Board of County Commissioners. Refer to § 153.113 for details.

**PLAT COMMITTEE.** A 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.*

**PRIVATE SEWER.** An on-site sewage disposal system on an individual lot which is provided for use by the occupant of the lot and is subject to the approval of the County Health Officer.

**PRIVATE WATER.** An on-site water supply system on an individual lot which is provided for consumption by the occupants of the lot and is subject to the approval of the County Health Officer.

**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 (including cable television systems), transportation, drainage, sewer or water.

PUBLIC WATER. A water supply system which is operated or owned by a governmental unit, or under the jurisdiction of the Indiana Utility Regulatory Commission.

RECORDER’S OFFICE. The Recorder’s office of St. Joseph County.

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

REGISTERED LAND SURVEYOR. A surveyor who is registered by the State of Indiana as a professional land surveyor.

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 lots within the area proposed to be replatted;
3. Does not change or modify the approved drainage system or plan;
4. Does not change or modify the approved water supply system or plan; and
5. Does not change or modify the approved sewage disposal system or plan.

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

REVERSE FRONTAGE. An arrangement of lots where a lot has frontage on two streets which are generally parallel, with access denied to the major arterial street or major collector street.

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.

ROAD. See Street.

ROAD, TEMPORARY ACCESS. A road which is normally not built to county standards, but shall be constructed of material capable of supporting heavy emergency vehicles under any weather conditions.
**SIGHT DISTANCE EASEMENT.** A public easement established to provide a clear sight triangle in specified areas to keep clear of obstructions or restrict landscaping that might block a motorist’s view of potentially conflicting vehicles. The dimensions of the easement depend on the design speed of the intersecting roadways and the type of traffic control at the intersection. The county uses an uncontrolled intersection design in subdivisions; any deviation must be approved by the County Engineer.

**SIGHT TRIANGLE.** The triangular portion of land along the intersection of rights-of-way and across their included corners (or the intersection of a right-of-way and a private drive) in which no structure or landscaping material may be erected, placed, planted or allowed to grow in a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. Area comprising the SIGHT TRIANGLE shall be dedicated as a public sight distance easement.

**SPECIAL FLOOD HAZARD AREA.** Those lands within St. Joseph County, Indiana that are subject to inundation by a regulatory flood. The SPECIAL FLOOD HAZARD AREAS are generally identified as such on the Flood Insurance Rate Maps of St. Joseph County, Indiana prepared and published by the Federal Emergency Management Agency.

**SOIL INVESTIGATOR.** An individual acceptable to both the Indiana State Department of Health and the County Health Department as a person qualified to analyze soils as to their suitability for the installation of on-site sewage disposal systems.
STAFF. The staff of the St. Joseph County Area Plan Commission.

STANDARDS. A specific and detailed listing of materials and construction methods for subdivision improvements and standards of construction and design, as adopted by the Board.

STREET. A way or place (including a road) reserved for vehicular traffic and for providing the principal means of access to abutting property.

STREET, FRONTAGE. A secondary road which is generally parallel to and separated from a major arterial street or major collector street by a non-access easement, and which has limited access points to the major arterial street or major collector street in order to provide safe and convenient access to abutting properties without each property having direct access to the major arterial street or major collector street.

STREET, LOOP. A street that has its only ingress and egress at two points on the same street.

STREET, MAJOR. Any arterial street or collector street which complies with the following:

(1) Arterial. Any public street that provides for through traffic movements between areas within the county and through the county.

(2) Collector. A public street which carries traffic from minor collector streets or local streets to arterial streets.

STREET, MINOR. Any collector street or local street which complies with the following:

(1) Collector. Any street the primary function of which is to provide direct access to residential, commercial, industrial or other abutting real estate, and may include the principal entrance street of a development.

(2) Local. Any street the primary function of which is to provide interior circulation within a subdivision and provide direct access to abutting real estate.

STREET, PRIVATE. Any street that is not owned, maintained by or the responsibility of a unit of government.

STREET, PUBLIC. Any street, the right-of-way of which has been dedicated and accepted by 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 or the authorized agent for the owner of a subdivision.
SUBDIVISION. A division of land for any development, including but not limited to residential, business, office, institutional, religious, commercial, industrial, or any combination thereof, whether for sale or lease, and includes major and minor subdivisions, replats and corrective plats.

SUBDIVISION, MAJOR.

(1) A division of land for any development, including but not limited to residential, business, office, institutional, religious, commercial, industrial or any combination thereof, accessed by or along an existing dedicated, accepted and improved public right-of-way, by legal description or by subdivision into two or more lots or parcels for the purpose, whether immediate or future, of conveyance, transfer, improvement or sale, or for which the Commission determines that the extension of the street system and provision of required improvements is necessary in order to permit logical and orderly future development.

(2) A division of land for an agricultural lot or agricultural lots, as defined above, and not involving the extension of any new streets, shall be exempted from this definition.

SUBDIVISION, MINOR.

(1) A division of land for any development, including but not limited to residential, business, office, institutional, religious, commercial, industrial or any combination thereof, whether for sale or lease, along an existing, dedicated, accepted and improved public right-of-way. And further, the subdivision is:

(a) Along a minor street or streets, provided that all lots shall have permanent access to the minor street; or

(b) Along a major street; provided, that lots shall not have permanent access to the arterial street; and further provided, that there shall be a non-access easement along the arterial street.

(2) A division of land for the purpose of creating a lot for an existing house located along an existing, dedicated, accepted and unimproved public right-of-way in an “A” Agricultural district.

(3) A division of land for an agricultural lot or agricultural lots, as defined in this section (see Lot, Agricultural) above, and not involving the extension of any new streets shall not be required to be subdivided.

(4) A lot, parcel or tract of land as defined in this definition, that was in single and separate ownership on January 1, 1977, may be divided as a minor subdivision into not more than three lots, the balance of the original tract included. Any further division shall be only through a major subdivision. The division of land for agricultural lots as defined in this section (see Lot, Agricultural), and not involving the extension of any new streets shall not be required to be subdivided and shall not be construed as a lot split.
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**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.

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

**ZONING ORDINANCE.** The zoning ordinance of St. Joseph County, Indiana, set forth in Chapter 154.
(Ord. 44-08, passed 6-10-2008)

**DESIGN STANDARDS**

§ 153.020 MINIMUM STANDARDS.

The subdivider shall observe the following minimum requirements and standards. All subdivisions approved by the Commission shall comply with the following:

(A) The subdivision shall conform to the applicable provisions of the zoning ordinance.

(B) In all subdivisions every consideration shall be given to preserve the natural environment and historic monuments as designated by the State or National Registry of Historic Buildings and Monuments and as designated by local authority.

(C) In order to promote public safety, the efficient use of motor fuels and the attainment of air quality standards, the subdivision shall be coordinated with existing developments or neighborhoods through the interconnection of streets whenever possible.

(D) In the review of subdivisions, the Commission shall give consideration to the needs and requirements for the following open space uses and community facilities, including but not limited to: school sites, other public and semi-public buildings and facilities and locations for water supply systems, sewage treatment facilities and drainage facilities in accordance with local and regional land use and transportation plans.

(E) Where open space uses or community facilities shown in a plan adopted by the county, school district, governmental unit or other public agency are located in whole or part within the subdivision, the Commission may require the reservation of such area as may be deemed reasonable for those purposes. When such an area is not intended to be dedicated by the subdivider, it shall be reserved as vacant real estate for a period of 18 months from the date of approval of the primary plat for the purpose
of permitting the county, school district, governmental unit or other public agency to acquire an option
to purchase the real estate for the 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.

(1) 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 the 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 the alternative use and development has been conditionally
approved, the subdivider may submit a revised final plat for review and approval upon expiration of the
18-month period specified above. The proposed revised final plat shall be labeled as a “Revised Final
Plat for ________”. The Executive Director shall review the revised final plat and, upon determining that
the revised final plat conforms to all requirements of this chapter, shall approve the revised final plat
under the same terms and conditions applicable to any other final plat that was included as a section or
phase of the proposed primary plat. The Executive Director shall consult with the Plat Committee prior
to making any final determinations on such a revised final plat.

(2) 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 the land is freed from reservation, the land
shall be the subject of a new application for primary plat as set forth in this chapter.
(Ord. 44-08, passed 6-10-2008)

§ 153.021 STREET REQUIREMENTS.

(A) Design speeds. The designers of subdivision streets are advised to contact the County Engineer
to establish design speeds for the streets within a subdivision.

(B) Street arrangement. The arrangements of proposed streets shall conform to the design standards
of the County Engineer as approved by the Board.

(C) Residential street layout. Residential streets shall be laid out so as to discourage through and
high-speed traffic and shall conform to the latest standards adopted by the Board.

(D) Stub streets. Stub streets connecting adjacent areas shall be dedicated and improved to the latest
standards adopted by the Board. Temporary turnaround easements shall be required for any stub street
in excess of one lot in length or may be required at the discretion of the County Engineer or the
Commission. Temporary turnaround easement shall comply with the design standards of the County
Engineer, as approved by the Board.

(E) Street intersections. All street intersections shall be designed in compliance with the intersection
sight requirements in the latest standards adopted by the Board.
(F) **Non-access easement.** Subdivisions abutting arterial streets shall provide a frontage street or reverse frontage with a minimum five-foot non-access easement along the arterial street.

(G) **Continuation of stub streets.** In order to provide an integrated street system, all stub streets of abutting subdivisions shall be continued into the proposed and existing street system. Existing stub streets in abutting subdivisions which are to be continued and are unimproved shall be improved by the subdivider of the proposed subdivision 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; or the abutting subdivision was platted prior to 1997.

(H) **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-sacs.

(I) **Half-streets.** The platting of half-streets shall be prohibited, except when the Commission determines it essential to the reasonable development of the subdivision in conformity with other requirements of this chapter. Whenever a half-street has been determined essential, a right-of-way of 50 feet and a pavement width per the latest standards adopted by the Board shall be required.

(J) **Reserve strips.** Reserve strips or areas denying access to adjacent streets are prohibited, unless a written agreement between the subdivider and the Board, setting forth the terms for the sale of such strip or area, is submitted to the Committee at the time the subdivision is submitted for secondary approval.

(K) **Cul-de-sac streets.** Cul-de-sac streets with a turnaround, not a system of minor collector or local 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 turnaround, nor have more than 30 lots with direct access to the cul-de-sac. A system of any number of interconnected minor collector or local streets, whether ending in turnarounds or stub streets and having only one current means of ingress and egress to a public street that provides two means of ingress and egress, shall not be more than 1,000 feet unless a greater length is approved by the Plat Committee or a temporary access road is provided, the design and width of which is approved by both the County Engineer and the Plat Committee. See § 153.010 for a graphic of “cul-de-sac”.

(L) **Lot frontage.** Lots within subdivisions shall have frontage along a public street and shall have continuous access to other public streets of the county.

(M) **Public streets required.** Streets within subdivisions shall be public streets, unless the streets are within a project which has been granted a frontage variance by the Area Board of Zoning Appeals; or is organized under the authority of I.C. 32-25; or within an area zoned for multi-family uses; or are part of a planned unit development.

(N) **Horizontal curve.** Along major streets, minor collector street 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 editions, as determined by the County Engineer. The minimum curve radius for a design speed of 25 mph shall not be less than 180 feet.

(O) *Excess right-of-way.* Right-of-way widths in excess of those recommended by the Transportation Plan adopted by the Michiana Area Council of Governments or the design standards of the County Engineer as approved by the Board, and required by this chapter, may be required whenever, due to topography, additional width is necessary to provide for adequate and stable earthen side slopes, unless the developer uses an acceptable engineering solutions approved by the County Engineer. Such earthen side slopes shall not be in excess of one foot vertical for each three feet horizontal.

(P) *Bridges.* Bridges of primary benefit to the subdivider, as determined by the Commission, 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 Commission, will be fixed by special agreement between the county and the subdivider.

(Q) *Design standards for all private streets.* Private streets (which are not intended to be dedicated to or accepted by the county for maintenance), which have been authorized for use by the Area Board of Zoning Appeals; or developed under the authority of I.C. 32-25; or within an area zoned for multi-family uses; or as part of nonresidential district; or within a Planned Unit Development District where private streets were approved as part of the planned unit development process, shall comply with the minimum pavement width standards set forth in § 154.076 of the zoning ordinance and the minimum depth and materials standards required by the Board for public streets.

(R) *Grading and improvement plan.* Streets shall be graded and improved to conform with the construction standards and specifications of the Board 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 plat approval and shall be approved as to design and specification by the County Engineer.

(S) *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 acceptance by the Board of street signs, pavement markings and traffic-control signs, the Board shall be responsible for maintenance and replacement. 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.

(T) *Street lights.* The subdivider shall provide and install street lights at entrances to conform with the construction standards and specifications of the Board for street lights. Street light plans, which may include internal street lights, shall be approved by the County Engineer.
(U) **Widening and realignment of existing streets.** Where a subdivision borders an existing narrow street or when the Long Range 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 the existing street which is contained within the land subject to the secondary plat of the subdivision to the full width required by this chapter, and improve the street as required by the Plan Commission and as approved by the Board. Land reserved for any street purposes shall not be counted in satisfying the minimum yard or lot area requirements of the St. Joseph County zoning ordinance.

(V) **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 Board 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 of Commissioners;
4. *Indiana Department of Transportation Standards, Specifications and Design Manual*;
5. *Indiana Manual on Uniform Traffic Control Devices for Streets and Highways*; and

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<th>Table 153-1: Minimum Design Standards for Streets</th>
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<tr>
<td><strong>Major Arterial</strong></td>
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<td>Half right-of-way$^{(1)}$</td>
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<td>Pavement width</td>
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### Major Arterial | Major Collector | Minor Collector | Local
---|---|---|---
Sidewalks | (3) | (3) | Yes - 5 ft. (4) | Yes - 5 ft. (4)
Cul-de-sac | Not applicable | Not applicable | Not applicable | 55 ft. paved radius

**NOTES:**

(1) The reservation and dedication of rights-of-ways of streets shall be in accordance with the county’s 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 Board. The minimum half right-of-way width on roadways identified in the county’s Long Range Transportation Plan as adopted by MACOG is 65 ft.

(2) Minimum 58 ft. right-of-way radius on cul-de-sacs

(3) 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 Board.

(4) Refer to § 153.024 for more information regarding sidewalks, pedestrian ways and bike paths.

(Ord. 44-08, passed 6-10-2008)

### § 153.022 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 100 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 major streets, or major street 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 street and a major 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.

(Ord. 44-08, passed 6-10-2008)
§ 153.023 STREET NAMES.

(A) No new street shall have a name which duplicates or so nearly duplicates 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 the so named 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-sacs which are an extension of existing streets may duplicate the name of the existing street, but shall end in “Court”.

(D) Continuous streets which have major directional changes shall require a change in street name for each directional change.

(E) The last word of a cul-de-sac street name shall be “Court”.
(Ord. 44-08, passed 6-10-2008)

§ 153.024 SIDEWALKS/PEDESTRIAN WAYS/ALTERNATIVE MULTI-USE OR BIKE PATHS.

(A) Sidewalks.

(1) Sidewalks shall be located along side of a street within the dedicated, non-paved portion of the street right-of-way as follows:

(a) Major streets - optional;

(b) Minor collector or local streets - optional; and

(c) Cul-de-sac streets - optional.

(2) Sidewalks shall be constructed in compliance with the county design and construction standards approved by the Board.

(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 11 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 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 may be constructed of concrete, asphalt or other material approved by the County Engineer and installed in compliance with the county design and construction standards approved by the Board.

(3) Alternative multi-use or bike paths may be located in either the public right-of-way or a pedestrian easement reserved for that use outside of the public 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 public right-of-way within a development until these provisions are covered under a separate county ordinance.

(Ord. 44-08, passed 6-10-2008)

§ 153.025 LOTS.

(A) Residential lots within subdivisions, unless excepted in § 153.007, shall have frontage along an improved public right-of-way.

(B) Lot size. The minimum lot areas, widths and building setbacks shall meet the requirements of the zoning ordinance and all other applicable ordinances.

(C) The requirements of the St. Joseph County Board of Health or the Indiana State Department of Health may require that residential lots served by on-site sewage disposal systems be larger than the minimum lot area required by local ordinances.

(D) The requirements of the St. Joseph County Board of Health or the Indiana State Department of Health may require that nonresidential lots served by on-site water and/or sewage disposal systems be larger than the minimum lot size required by other ordinances.

(E) Lots served by an on-site sewage disposal system shall have adequate area of naturally occurring soils determined by the Health Officer as being suitable for the placement of two conventional on-site sewage disposal drain fields.

(F) Lots containing easements dedicated for future street 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.
(G) Lots which abut a required storm water retention/detention pond shall have lot lines which extend into the pond so as to include all portions of the pond within one or more of the abutting lots.

(H) The area of street or road rights-of-way, landscape easements, or storm water retention or detention easements shall not be used for determining lot area and required yards.

(I) Lot lines adjoining utility easements shall not be less than 20 feet in length, to provide adequate utility access.

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

(K) Double frontage. Lots shall not have double frontage, except where reversed frontage is required.

(L) Triple frontage. Triple frontage lots (i.e., those lots which have frontage on three streets and do not include a non-access easement along the abutting major streets) shall be prohibited in residential developments.

(M) Lots abutting a major arterial street or a major collector street shall have their access from either a minor collector street or a local street. A five-foot non-access easement shall be placed upon that portion of a lot abutting an major arterial street.

(N) Corner lots shall have a sight triangle that conforms with the standards established by the zoning ordinance, and the American Association of State Highway and Transportation Officials or the Indiana Design Guide Manual as determined by the County Engineer.

(O) The frontage of all lots, except lots fronting on cul-de-sacs and stub streets, shall be accessible from at least two different and independent directions by improved, dedicated and accepted public roads.
If approved by the County Engineer and the Plat Committee, a temporary access road may be used to satisfy this requirement.

(P) In the case of a lot within a minor subdivision which is located along a minor collector street or a local street, the lot shall have permanent access to the minor collector or local street.

(Q) In the case of a double frontage or corner lot within a minor subdivision which is located along a major street (major arterial or major collector), the lot shall not have permanent access to the major street; and further provided, that there shall be a non-access easement along the major street.

(R) In the case of a lot within a minor subdivision or a major subdivision, which lot contains an existing primary use, the County Engineer shall determine the appropriate location, if any, for an opening in a non-access easement so as to allow access to the lot from a major street (major arterial or major collector). When access to an existing primary use is present, the opening in the non-access easement shall be located at the existing point of access unless the required sight triangle or horizontal curve requirements are not met. The location and width of the opening in the non-access easement shall be noted on the subdivision drawing.

(S) In the case of a lot within a minor subdivision which only has frontage on an major street (major arterial or major collector), the County Engineer shall determine the appropriate location, if any, for an opening in a non-access easement to the lot from a major street. The County Engineer may determine the location at the time of plat 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. (Ord. 44-08, passed 6-10-2008)

§ 153.026 EASEMENTS.

(A) Easements within subdivisions shall be provided for public utilities, drainage, and road 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 Board.

(B) Whenever a public utility holds an easement for the use of the entire property to be subdivided, the subdivider shall obtain a release of the easement from the public utility. The blanket easement may be reduced to an area that allows the utility to maintain its facilities. 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. (Ord. 44-08, passed 6-10-2008)
§ 153.027 EXTENSION OF PUBLIC WATER AND SEWER.

Where the Commission determines that it is economically feasible to extend public sewer and/or water or other municipal services 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 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.
(Ord. 44-08, passed 6-10-2008)

§ 153.028 PROVISION FOR PUBLIC WATER.

Where the Commission determines that it is not economically feasible, at the time the primary 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, when requested by a Town or City Engineer, 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 City or Town Engineer prior to the approval of a secondary plat. Further, the required easements shall be shown and dedicated on the secondary plat.
(Ord. 44-08, passed 6-10-2008)

§ 153.029 PROVISIONS FOR PUBLIC SEWER.

Where the Commission determines that it is not economically feasible, at the time the primary 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, when requested by a Town or City Engineer, 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 City or Town Engineer prior to the approval of a secondary plat. Further, the required easements shall be shown and dedicated on the secondary plat.
(Ord. 44-08, passed 6-10-2008)

§ 153.030 MULTI-FAMILY DEVELOPMENTS.

(A) Multi-family developments shall be served by public water and sanitary sewer systems; and further shall only be constructed after secondary plats have been recorded and the improvements required
by the county in connection therewith have either been constructed or guaranteed, as provided in this chapter.

(B) The standards and requirements of this chapter may be modified by the Commission for multi-family developments which, in the judgment of the Commission, achieve substantially the objectives of this chapter and which are further protected by such covenants or other legal provisions as shall assure conformity to the achievement of the plan for the development. Such developments shall meet the requirements of the zoning ordinance and other applicable codes and ordinances.
(Ord. 44-08, passed 6-10-2008)

§ 153.031 SUBDIVISIONS IN FLOOD HAZARD AREAS.

(A) Primary plats shall be reviewed to determine whether the proposed subdivision lies in a special flood hazard area. If the proposed subdivision is to be located in a special flood hazard area, the subdivider’s registered land surveyor or 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, including but not limited to the following: all public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage; adequate drainage shall be provided so as to reduce exposure to flood hazards; and on-site waste disposal systems, if provided, shall be so located as to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

(B) All subdivisions to be located in a special flood hazard area shall have the elevation of the 100-year flood noted on the secondary plat and a delineation of the special flood hazard area thereon.
(Ord. 44-08, passed 6-10-2008; Ord. 100-10, passed 10-12-2010)

MINOR SUBDIVISIONS

§ 153.045 CONSULTATION ENCOURAGED.

Prior to the submission of a minor subdivision, the subdivider is encouraged to consult informally with the staff. This will create an understanding between the staff and the subdivider which may help to alleviate future misunderstandings and extensive revisions.
(Ord. 44-08, passed 6-10-2008)
§ 153.046 WHEN PERMITTED.

A minor subdivision shall have the meaning and shall be permitted as set forth in § 153.010.  
(Ord. 44-08, passed 6-10-2008)

§ 153.047 APPLICATION; PRIMARY AND SECONDARY APPROVAL.

An application for a minor subdivision shall be submitted to the Commission in accordance with the filing schedule established by the Commission. The submission shall include the following:

(A) Drawing. An original drawing on 24-inch by 36-inch vellum, linen or Mylar film, at a scale not less than one inch equals 100 feet or greater than one inch equals 50 feet. All printed numbers, letters and typed information shall be in capital letters and the size of an 11 point (pt.) type font so that the drawing is adaptable to photographic reduction and will maintain complete legibility. The original drawing shall be accompanied by six prints and include the following:

(1) Name of the subdivision, which shall not duplicate or closely approximate the name of any other subdivision within the incorporated or unincorporated areas of the county;

(2) Legal description of the subdivision which shall include section, township, range and governmental township;

(3) Boundary of subdivision, based on accurate traverse survey with accurate dimensions in feet and hundredths thereof, and bearings expressed in degrees, minutes and seconds. The traverse survey shall be closed to the minimum requirements of the state standards for the practice of land surveying as required by 865 I.A.C. 1-12-7 et seq. A separate boundary closure sheet need not be submitted;

(4) Name, address, seal, signature and certification of the registered land surveyor preparing or certifying the subdivision, in a manner prescribed by the Commission;

(5) Numeric scale, graphic bar scale, north point and date;

(6) Elevation and delineation of the 100-year regulatory flood and certification of compliance with the National Flood Insurance Program, when applicable;

(7) A note shall be placed on the plat, when applicable, to indicate that existing predevelopment soil conditions contain historical wetness indicators and therefore, that when building a structure below grade, special consideration should be given to soil conditions;
(8) A blank area of four inches vertical by nine inches horizontal within which to affix the Commission’s certificate of approval without obscuring or obliterating any other items on the plat;

(9) The location of all public wells and the delineation of any wellhead protection area, when applicable;

(10) Delineation of those soils that may not be suitable for a conventional subsurface on-site sewage disposal system by a either a soil investigator or as shown in the Soil Survey of St. Joseph County, Indiana, and a note concerning restrictions for on-site sewage disposal systems;

(11) Delineation of wetlands identified by the National Wetlands Inventory, when applicable;

(12) Delineation of airport noise sensitive zone, when applicable;

(13) A note shall be placed on the plat indicating that building setbacks shall conform to the applicable provisions of the zoning ordinance;

(14) Owner’s certification, in a manner prescribed by the Commission;

(15) All right-of-way lines and width of right-of-way, existing and required for dedication;

(16) Statement that all easements that are indicated on documentation provided by the property owner are shown on the drawing;

(17) Statement regarding how the subdivision will be served by water and sewer, i.e., well and septic or municipal water and sewer;

(18) Lot numbers;

(19) All lot lines and easements with accurate dimensions in feet and hundredths thereof, and bearings expressed in degrees, minutes and seconds. All easements shall be identified as to their specific use;

(20) Deed of dedication, in a manner prescribed by the Commission;

(21) Notarization and seal, in a manner prescribed by the Commission;

(22) Statement concerning any encroachments upon existing building setback lines and/or easements;

(23) Accurate location and type of all existing and required monuments conforming to state standards 865 I.A.C. 1-12-18 et seq.;
(24) Township, range and section lines accurately tied to the subdivision by bearing and distances in feet and hundredths thereof;

(25) Coordinate data which ties the subdivision to the North American Datum 1983 State Plane Coordinates System, to the standards adopted by the County Surveyor, or provide a letter from the County Surveyor which indicates that ties to the State Plane Coordinates System is not required; and

(26) This drawing shall be accompanied by such other information as the Commission may require under the provisions of this chapter.

(B) Site data sheet (SDS). Six prints of a drawing on a sheet 24 inches by 36 inches, at a scale not less than one inch equals 100 feet or greater than one inch equals 50 feet, including but not limited to the following:

(1) Name of the subdivision;

(2) The adjacent county roads and the nearest major intersection, with right-of-way widths labeled;

(3) Name and address of the registered land surveyor preparing the subdivision;

(4) Numeric scale, graphic bar scale, north point and date;

(5) Known or suspected location of landfills, dumpsites or sites used for disposing of hazardous substances;

(6) Location of soil borings and test pits;

(7) Existing human-made structures and improvements within the proposed subdivision, including: driveways, culverts, fences, utility poles, hydrants and the like. Profiles of ditches at 25-foot intervals may be required at the request of the County Engineer;

(8) Natural features such as wooded areas, swamps, marshes, streams and drainage courses, and objects which may be located within the public rights-of-way, including trees;

(9) Existing topographic contours at vertical intervals of two feet or less. Vertical control data shall be based on National Geodetic Vertical Datum or the St. Joseph County GIS. United States Geological Survey contours shall not be acceptable;

(10) A graphic and/or textual summary of any known environmental site studies which contains a recommendation or conclusion which impacts the site of the proposed subdivision;
(11) The location of all public wells and the delineated wellhead protection area, if any;

(12) Legal description and tract boundary drawing of the entire property which is being subdivided;

(13) A vicinity key map at a noted scale of one inch equals 2,000 feet (1" = 2,000') or one inch equals 3,000 feet (1" = 3,000'), showing the location of the subdivision, major streets and physical features, such as rivers and creeks, within a distance of two miles;

(14) Name and address of the subdivider;

(15) The address and approximate distance of the nearest house to the subdivision or within the subdivision;

(16) The existing tax key number for the property to be subdivided; and

(17) If the property within 300 feet (300') of the subdivision has been subdivided, the subdivision layout, name, section and instrument number shall be included.

(C) Engineering feasibility report. Three copies of a report, including but not limited to the following:

(1) Sanitary sewage:
   (a) Type of sanitary sewage disposal system to be used (public or private systems); and
   (b) Distance from the nearest public sewer.

(2) Water supply:
   (a) Type of water supply to be used (public or private systems); and
   (b) Distance from the nearest public water main.

(3) If within 500 feet of an existing public sewer or water main, provide a letter from the owner of the system indicating adequate capacity exists and approval to connect, or an analysis of the feasibility of connecting to the system. The analysis shall include the distance to the point of connection, estimate of cost of extending the system through the subdivision, and the capacity of the existing system to handle the additional load.

(D) Drainage plan. A drainage plan, as required for major subdivisions under § 153.062(E), may be required for a minor subdivision upon request by the County Engineer or County Surveyor.
(E) County Health Officer’s report.

(1) Report not required. A County Health Officer’s report shall not be required if the subdivision is connecting to both public water and public sewer facilities or if no new buildable lots served by an on-site septic system or well are being created as a result of the subdivision.

(2) Report required. If either a private water system or private sewer system is proposed, developers of subdivisions subject to requirements of the Indiana State Department of Health and the St. Joseph County Health Department shall:

(a) Provide proof of submittal to the County Health Department of soil boring location and test result information at the time of filing with the Area Plan Commission;

(b) Before a subdivision can be placed on a Plat Committee agenda for public hearing, the County Health Officer’s report as defined in § 153.010 shall be submitted to the office of the Area Plan Commission not less than three weeks prior to a Plat Committee meeting;

(c) Failure to submit a Health Officer’s report to the Area Plan Commission not less than three weeks prior to a hearing date will result in the proposed subdivision not being placed on a Plat Committee agenda; and

(d) A revised County Health Officer’s request shall be submitted and a revised County Health Officer’s report shall be obtained any time there is substantive change to the proposed subdivision, including any significant, as determined by the Health Department, alteration of lot lines, addition of easements, or other changes that could affect the ability of the lot to meet State of Indiana or St. Joseph County requirements for septic systems and water wells.

(F) Traffic impact study. A traffic impact study may be required by the County Engineer when warranted in compliance with the INDOT Traffic Impact Study Guidelines. Such traffic impact study shall be prepared by a registered professional engineer and shall evaluate the impact of present and future traffic generated by the proposed development on the adjacent roadway network.

(G) Digital data submission. All minor plats submitted for secondary review shall include a digital copy of the proposed subdivision prepared in accordance with the requirements set forth in the Digital Data Submission Standards as set forth by the Commission.

(H) Ownership and subsequent divisions report. One copy of a report including the following:

(1) Proof of ownership of the property to be subdivided as contained within a parcel or tract of land in single or separate ownership as of January 1, 1977; and

(2) A history of any divisions to that original parcel or tract of land subsequent to January 1, 1977.
(I) Ownership. Proof of ownership of the subdivision.

(J) Other approval. The applicant shall provide a summary of any other local, state or federal governmental approvals required for the development of the subdivision and a statement of the status of each such approval.

(K) Fee. The submission of the subdivision shall be accompanied by fees as prescribed by the Commission.

(L) Application. A completed application shall be submitted upon forms provided and in a manner prescribed by the Commission.

(M) St. Joseph County Water and Sewer District report. If municipal water or sewer is being extended to the subdivision, submit a letter from the District’s Engineer indicating that a copy of the plat has been filed with the District.
(Ord. 44-08, passed 6-10-2008)

§ 153.048 REVIEW, APPEAL AND APPROVAL PROCEDURE.

The review, appeal and approval procedure for minor subdivisions shall be as follows:

(A) Completeness. All of the required information shall be complete upon filing in order for staff to begin its review. Applications with incomplete plans shall not be docketed until complete plans have been filed with the Commission.

1. The staff shall determine if all required elements of an application for a minor subdivision have been provided. If staff determines that an application is complete, staff shall begin the review process in accordance with the filing schedule established by the Commission.

2. If, however, staff notes a deficiency in the application materials, staff shall notify the applicant of the deficiency. Upon receipt of the materials required to complete the application, staff shall begin the review process for the next available meeting of the Committee.

3. The Executive Director, in its sole discretion, may waive or relax any of the requirements listed above for a primary plat of a minor subdivision, as circumstances dictate.

(B) Referral and review. The staff shall refer prints of the subdivision to the appropriate agencies.

1. If the subdivision falls within a designated special flood hazard area, the subdivision shall be reviewed by the Department of Natural Resources in accordance with § 153.031, Subdivisions in Flood Hazard Areas.
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(2) The staff may also refer the subdivision to any state agency, board or department which has regulations or rules which affect the use or design of the subdivision, or the location or height of structures to be placed within the subdivision.

(3) The agencies shall review the subdivision and submit a report to the staff. The staff shall review the subdivision for technical conformity with the standards fixed in this chapter and the requirements, recommendations and comments of the reviewing agencies, and prepare a report with a recommendation for the Committee’s consideration.

(C) Submission to Plat Committee. Within the time frame as established by resolution of the Area Plan Commission, the staff shall announce the date, time and place of the meeting at which the Committee shall consider the subdivision, and give due notice in writing to all interested parties at least ten days before the date set for the meeting.

(D) Committee consideration. After receiving the staff report and recommendation, the Committee shall consider the subdivision for primary approval without public notice and hearing.

(E) Committee action.

(1) If, after consideration, the Committee finds that the subdivision complies with all standards regarding primary approval of minor subdivisions, the Committee shall give primary 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 or conditions imposed. The Chairperson and Secretary of the Committee shall seal and certify two copies of the subdivision, provide the subdivider’s registered land surveyor with one copy and retain the second copy in the Commission’s files.

(2) If, after consideration, the Committee finds that the subdivision does not comply with all standards regarding primary approval of subdivisions, the Committee shall deny primary approval to the subdivision and make written findings of fact and a decision which sets forth its reasons for disapproval.

(F) Notice of Committee’s action. Within five days after the Committee’s action on the subdivision, the Secretary of the Committee shall provide all interested parties with a copy of the findings of fact and decision, and notify them in writing of their right to appeal the Committee’s decision to the Commission. Appeals shall be in writing, shall indicate the desire to have the minor subdivision reviewed by the Commission, shall state the reason for the appeal and shall be filed within ten days of the date of the notice by the Secretary.

(G) If no appeal has been filed.

(1) If the minor subdivision, for which primary and secondary approval has been requested, received primary approval by the Committee, and no appeal has been filed within five days of the date of the notice of Committee’s action, 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 and the Chairperson and Secretary of the Committee shall seal and certify the original drawing. The staff shall record the subdivision per division (K) of this section.

(2) If the minor subdivision, for which primary and secondary approval has been requested, received primary approval by the Committee, and no appeal has been filed within five days of the date of the notice of Committee’s action, and all modifications or conditions placed upon the subdivision by the Committee, if any, have not been complied with or corrected within two years, the staff shall deny secondary approval to the subdivision. The Secretary of the Committee shall provide written notice to the subdivider which sets forth its reasons for denying secondary approval, and release the original drawing of the subdivision to the registered land surveyor who prepared it.

(3) If the minor subdivision was denied primary approval by the Committee and no appeal has been filed within five days of the notice of Committee’s action, the staff shall release the original drawing of the subdivision to the registered land surveyor who prepared it.

(H) If an appeal has been filed. If an appeal has been filed within five days of the date of the notice of Committee’s action, the staff shall announce the date, time and place of the meeting at which the Commission shall consider the subdivision, and shall give due notice in writing to all interested parties at least ten days before the date set for the meeting of the Commission at which the plat shall be considered. The staff shall prepare a report with a recommendation for Commission consideration.

(I) Commission consideration after appeal. After receiving the staff report and recommendation, the Commission shall consider the subdivision without public notice and hearing. The Commission shall consider the subdivision as though the Plat 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.

(J) Commission action.

(1) If, after consideration, the Commission finds that the subdivision complies with all standards regarding primary approval of minor subdivisions, the Commission shall give primary 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 or conditions imposed. The Secretary of the Commission shall then provide the subdivider with a copy of the findings of fact and decision. The President and Secretary of the Commission shall seal and certify two copies of the subdivision and provide the subdivider’s registered land surveyor with one copy along with a copy of the findings of fact and decision, signed by the Secretary of the Commission. The second copy of the sealed and certified subdivision shall be retained in the records of the Commission. When all modifications or conditions placed upon the subdivision by the Commission, if any, have been complied with or corrected, the staff shall give secondary approval to the subdivision. The President and Secretary of the Commission shall seal and certify the original drawing. The staff shall record the subdivision per division (K) of this section.
(2) If the subdivision, for which secondary approval has been requested, received primary approval by the Commission and all modifications or conditions placed upon the subdivision by the Commission have not been complied with or corrected within two years, the staff shall deny secondary approval to the subdivision. The Secretary of the Commission shall provide written notice to the subdivider which sets forth its reasons for denying secondary approval, and release the original drawing of the subdivision to the registered land surveyor who prepared it.

(3) If, after consideration, the Commission finds that the subdivision does not comply with all standards regarding primary approval of minor subdivisions, the Commission shall deny the subdivision primary 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 original drawing to the subdivider’s registered land surveyor.

(K) Recording. Within seven days of secondary approval, the staff shall record the subdivision in the Recorder’s office and so notify the subdivider. The staff shall have the original drawing of the subdivision duplicated at a reduced scale and release the original drawing to the registered land surveyor who prepared it. The staff shall distribute reduced copies of the subdivision as prescribed by the Commission.
(Ord. 44-08, passed 6-10-2008; Ord. 83-11, passed 8-16-2011)

MAJOR SUBDIVISIONS

§ 153.060 CONSULTATION REQUIRED.

(A) Prior to the submission of a major subdivision, the subdivider shall consult informally with the staff, the County Surveyor, the County Engineer and other agencies deemed appropriate by the staff. This will create an understanding between the staff and the subdivider which may help to alleviate future misunderstandings and extensive revisions.

(B) The level of information received by the developer at a consultation is dependent upon the quality and quantity of information provided by the developer for review and comment. It is strongly recommended that a consultation take place a minimum of two weeks prior to an application deadline to allow time to prepare the required plans; however, a consultation may take place at any time prior to filing.
(Ord. 44-08, passed 6-10-2008)

§ 153.061 NAME OF SUBDIVISION.

The name of the subdivision shall not duplicate or closely approximate the name of any other subdivision within the incorporated or unincorporated areas of the county. Care should be taken to keep
names short and, if applicable, consistent with adjacent subdivisions which have been previously approved and recorded.
(Ord. 44-08, passed 6-10-2008)

§ 153.062 APPLICATION; PRIMARY APPROVAL.

An application for primary approval of a major subdivision shall be submitted in accordance with the filing schedule established by the Commission. The submission shall contain the following:

(A) **Drawing.** An original drawing on 24-inch by 36-inch vellum, linen or Mylar film, at a scale of one inch equals 200 feet or less. All printed numbers, letters and typed information shall be in capital letters and the size of an 11 point (pt.) type font so that the drawing is adaptable to photographic reduction and will maintain complete legibility. The original drawing shall be accompanied by six prints and include the following:

1. Name of the subdivision;
2. Location of the subdivision by section, township, range and governmental township;
3. Boundary of the proposed subdivision based on accurate traverse survey with accurate dimensions in feet and hundredths thereof, and bearings expressed in degrees, minutes and seconds. The traverse survey shall be closed to the minimum requirements of the state standards for the practice of land surveying as required by 865 I.A.C. 1-12-7 et seq. A separate boundary closure sheet need not be submitted;
4. Name, address, seal, signature and certification of the registered land surveyor preparing or certifying the subdivision, in a manner prescribed by the Commission;
5. Numeric scale, graphic bar scale, north point and date;
6. Elevation and delineation of the 100-year regulatory flood, when applicable;
7. A note shall be placed on the plat, when applicable, to indicate that existing predevelopment soil conditions contain historical wetness indicators and therefore that, when building a structure below grade, special consideration should be given to soil conditions;
8. A blank area four inches vertical by nine inches horizontal, within which the Commission may affix its certificate of approval without obscuring or obliterating any other items on the plat;
9. The location of all public wells and the delineation of any wellhead protection area, when applicable;
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(10) Delineation of wetlands identified by the National Wetlands Inventory, when applicable;

(11) Delineation of airport noise sensitive zone, when applicable;

(12) A note shall be placed on the plat indicating that building setbacks shall conform to the applicable provisions of the zoning ordinance;

(13) Name and address of subdivider;

(14) Layout of proposed streets, which shall include: the classification of each street; the names and widths; walkways; easements; and location of any accel/decel lane or passing blister;

(15) Statement that all easements that are indicated on documentation provided by the property owner are shown on the drawing;

(16) Statement regarding how the subdivision will be served by water and sewer, i.e., well and septic or municipal water and sewer;

(17) Layout and approximate dimensions of lots;

(18) Lot numbers;

(19) All existing easements in exact dimensions of feet and hundredths thereof, and bearings expressed in degrees, minutes and seconds;

(20) Coordinate data which ties the subdivision to the North American Datum 1983 State Plane Coordinates System to the standards adopted by the County Surveyor, or provide a letter from the County Surveyor which indicates that ties to the State Plane Coordinates System is not required;

(21) Any areas other than public rights-of-way to be dedicated or reserved for public or semi-public use, or areas to be reserved for the use of all property owners, shall be shown on the drawing and labeled as to their use and shall have a separate legal description on the drawing with accurate dimensions in feet and hundredths thereof and bearings expressed in degrees, minutes and seconds;

(22) Show in dotted or dashed line, the location, width and names of previously subdivided and recorded streets and lots in the proposed subdivision and within 300 feet of the proposed subdivision;

(23) The frontage streets and the nearest major intersections, with existing and proposed rights-of-way labeled;

(24) A vicinity key map at a noted scale of one inch equals 2,000 or 3,000 feet showing the location of the subdivision, major streets and physical features, such as rivers and creeks, within a distance of two miles;
(25) Location of any public on-site water and/or wastewater treatment plants; and

(26) The drawing shall be accompanied by such other information as the Commission may require under the provisions of this chapter.

(B) Watershed map. Six prints (if placed on a sheet other than the site analysis), on 24-inch by 36-inch sheets, of the Commission’s watershed map or similar map showing:

(1) Location of the subdivision within the watershed;

(2) Intermediate streams, drainage courses and reaches within the total watershed;

(3) Delineation of the watershed flowing into the proposed subdivision and the number of acres within that part of the watershed; and

(4) Delineation of the watershed flowing out of the proposed subdivision and the number of acres within that part of the watershed.

(C) Site data sheet (SDS). Six prints of a map or a series of maps on 24-inch by 36-inch sheets, at a scale of one inch equals 200 feet or less (the Commission’s section maps may be used as base maps) showing the following information for the proposed subdivision and the adjacent area within 300 feet, including but not limited to the following:

(1) Name of the subdivision;

(2) Show in dotted or dashed line the location, width and names of previously subdivided and recorded streets and lots in the proposed subdivision and within 300 feet of the proposed subdivision;

(3) Name and address of the registered land surveyor preparing the subdivision;

(4) Numeric scale, graphic bar scale, north point and date;

(5) Known or suspected location of landfills, dumpsites or sites used for disposing of hazardous substances;

(6) Soil information, as determined by a soil investigator or the Soil Survey of St. Joseph County, Indiana, with soil boundaries, identification codes, names, slope and erosion factors. Location of soil borings and test pits when applicable;

(7) Existing human-made structures and improvements within the proposed subdivision, including: driveways, culverts, fences, utility poles, hydrants and the like. Profiles of ditches at 25-foot intervals may be required at the request of the County Engineer;
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(8) Natural features such as wooded areas, swamps, marshes, streams, drainage courses and objects which may be located in the public right-of-way, including trees;

(9) Existing topographic contours at vertical intervals of two feet or less. Vertical control data shall be based on National Geodetic Vertical Datum or the St. Joseph County GIS. United States Geological Survey contours shall not be acceptable;

(10) A graphic and/or textual summary of any known environmental site studies which contains a recommendation or conclusion which impacts the site of the proposed subdivision;

(11) The location of all public wells and the delineated wellhead protection area, if any;

(12) Location of the subdivision by section, township, range and governmental township;

(13) Boundary of subdivision, with approximate dimensions in feet;

(14) Floodplains and floodways as shown on maps published by the Federal Emergency Management Agency;

(15) Delineation and location of all watersheds, streams, drainage courses, reaches and swales which flow into and/or through the proposed subdivision if not shown on a separate watershed map;

(16) At the boundary of the proposed subdivision, the acreage of all watersheds which flow into and out of the subdivision if not shown on a separate watershed map;

(17) Acres of watersheds at the confluence of streams, drainage courses, reaches and swales within the proposed subdivision if not shown on a separate watershed map; and

(18) If adjoining property within 300 feet of the subdivision has not been subdivided, the names of property owners, as shown in the Assessor’s office, Auditor’s office or Recorder’s office shall be included. If the property within 300 feet of the subdivision has been subdivided, the subdivision layout, name, section and instrument number shall be included.

(D) Engineering feasibility report. Three copies of a typed feasibility report covering sewage, water and drainage facilities and streets to serve the subdivision, including but not limited to the following:

(1) Existing system. The applicant shall submit either (i) if the subdivider proposes to connect to an existing public sewer and/or water supply system, a letter from the utility indicating the ability of the utility to service the subdivision and approval for that subdivision to connect to the utility; or, (ii) if the subdivider does not propose to connect to an existing public sewer or water supply system, a report on the feasibility of a connection shall be made. The report shall include the distance from the nearest public sewer and water mains, the capacity of the existing systems intended to handle the additional load and the estimated cost.
(2) *Community system.* If the connection to an existing sewer or water system is not feasible, the feasibility of constructing a public on-site sewage and/or water system shall be studied. The study shall give consideration to treatment works, receiving streams, lagoons and public on-site water supplies and their estimated cost.

(3) *Drainage system.* If the connection to an existing storm drain system is not feasible, the type of drainage system to be utilized shall be stated.

(4) *Street construction.* A preliminary report on type of street construction to be used based on the latest standards adopted by the Board.

(E) *Drainage plan.* The drainage plan shall be prepared and certified by a registered engineer or registered land surveyor in accordance with standards adopted by the Board, and submitted to the County Engineer. Prior to the preparation of a drainage plan, the registered engineer or registered land surveyor shall confirm the watershed area with the County Surveyor and shall submit the watershed confirmation to the County Engineer along with the proposed drainage plan. The County Engineer shall make initial comments on design within 30 days of submittal. The submittal of the subdivision to the Commission shall not be accepted unless one copy of the approved drainage plan or, when appropriate, a letter of no objection to submittal from the County Engineer accompanies the submittal. An application for approval of the subdivision’s drainage system as an “urban drain” as specified in the 1965 Indiana Drainage Code, Chapter 305, Acts of 1965, as amended, must be submitted prior to primary approval of the subdivision.

(F) *County Health Officer’s report.*

(1) *Report not required.* A County Health Officer’s report shall not be required if the subdivision is connecting to both public water and public sewer facilities.

(2) *Report required.* If either a private water system or private sewer system is proposed, developers of subdivisions subject to requirements of the Indiana State Department of Health or the St. Joseph County Health Department shall:

(a) Provide proof of submittal to the County Health Department of soil boring location and test result information at the time of filing with the Area Plan Commission.

(b) Before a subdivision can be placed on a Plat Committee agenda for public hearing, the County Health Officer’s report as defined in § 153.010 shall be submitted to the office of the Area Plan Commission not less than three weeks prior to a Plat Committee meeting.

(c) Failure to submit a Health Officer’s report to the Area Plan Commission not less than three weeks prior to a hearing date will result in the proposed subdivision not being placed on a Plat Committee agenda.
(d) A revised County Health Officer’s Request shall be submitted and a revised County Health Officer’s report shall be obtained any time there is substantive change to the proposed subdivision including any alteration of lot lines, addition of easements, or other changes that could affect the ability of the lot to meet State of Indiana or St. Joseph County requirements for septic systems and water wells.

(G) Traffic impact study. A traffic impact study may be required by the County Engineer when warranted in compliance with the INDOT Traffic Impact Study Guidelines or the guidelines specified in the county design and construction standards approved by the Board. Such traffic impact study shall be prepared by a registered professional engineer and shall evaluate the impact of present and future traffic generated by the proposed development on the adjacent roadway network.

(H) Digital data submission. All major plats submitted for primary review shall include a digital copy of the proposed subdivision prepared in accordance with the requirements set forth in the Digital Data Submission Standards as set forth by the Commission.

(I) Ownership. A letter from the subdivider showing his or her interest in the property to be subdivided, or that he or she is the agent for the owner of the land, or proof of ownership, or a copy of a purchase agreement.

(J) Property list. A list showing names and addresses of property owners within 300 feet of the proposed subdivision and two sets of stamped, addressed envelopes for property owners within 300 feet of the proposed subdivision. Names and addresses may be obtained from the Assessor’s office or the Auditor’s office.

(K) Other approval. The applicant shall provide a summary of any other local, state or federal governmental approvals required for the development of the subdivision and a statement of the status of each such approval.

(L) Fee. The submission of the subdivision shall be accompanied by fees as prescribed by the Commission.

(M) Application. A completed application upon forms provided and in a manner prescribed by the Commission.

(N) St. Joseph County Water and Sewer District report. If municipal water or sewer is being extended to the subdivision, submit a letter from the District’s engineer indicating that a copy of the plat has been filed with the District.
(Ord. 44-08, passed 6-10-2008)

§ 153.063 PRIMARY REVIEW, APPEAL AND APPROVAL PROCEDURE.

The primary review, appeal and approval procedure for major subdivisions shall be as follows:
(A) **Completeness.** All of the required information shall be complete upon filing in order for staff to begin its review. Applications with incomplete plans shall not be docketed until complete plans have been filed with the Commission.

(1) The staff shall determine if all required elements of an application for a major subdivision have been provided. If staff determines that an application is complete, staff shall begin the review process in accordance with the filing schedule established by the Commission.

(2) If, however, staff notes a deficiency in the application materials, staff shall notify the applicant of that deficiency. Upon receipt of the materials required to complete the application, staff shall begin the review process for the next available meeting of the Committee.

(3) The Executive Director, in his or her sole discretion, may waive or relax any of the requirements listed above for a primary plat of a major subdivision, as circumstances dictate.

(B) **Referral and review.** The staff shall refer prints of the subdivision to the appropriate agencies.

(1) If the subdivision falls within a designated special flood hazard area, the subdivision shall be reviewed by the Department of Natural Resources in accordance with § 153.031.

(2) The staff may also refer the subdivision to any state agency, board or department which has regulations or rules which affect the use or design of the subdivision, or the location or height of structures to be placed within the subdivision.

(3) The agencies shall review the subdivision and submit a report to the staff. The staff shall review the subdivision for technical conformity with the standards fixed in this chapter and the requirements, recommendations and comments of the reviewing agencies, and prepare a report with a recommendation for the Committee’s consideration.

(C) **Submission to Plat Committee.** Within the time frame as established by resolution of the Area Plan Commission, 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 hearing and give notice of the hearing by publication in accordance with I.C. 5-3-1 et seq.

(D) **Committee consideration.** After receiving the staff report and recommendation, the Committee shall consider the subdivision at a public hearing.

(E) **Committee action.**

(1) If, after consideration, the Committee finds that the subdivision complies with all standards regarding primary approval of major subdivisions, the Committee shall give primary approval to the
subdivision, with or without modifications or conditions imposed, and make written findings of fact and a decision which shall include any modifications or conditions imposed.

(2) If, after consideration, the Committee finds that the subdivision does not comply with all standards regarding primary approval of major subdivisions, the Committee shall deny primary approval to the subdivision, make written findings of fact and a decision which sets forth its reasons for disapproval.

(F) Notice of Committee’s action. Within five days after the Committee’s action on the subdivision, the Secretary of the Committee shall provide the subdivider with a copy of the findings of fact and decision, and notify all interested parties of the Committee’s decision and their right to appeal the Committee’s decision to the Commission. Appeals shall be in writing, shall indicate the desire to have the major subdivision reviewed by the Commission, shall state the reason for the appeal and shall be filed within five days of the date of the Committee’s action on the subdivision.

(G) If no appeal has been filed.

(1) If the subdivision received primary approval by the Committee, and no appeal has been filed within five days of the date of the Committee’s action, the Chairperson and Secretary of the Committee shall seal and certify the original drawing and one copy of the original drawing. The original drawing shall then be released to the subdivider’s registered land surveyor and the copy of the original drawing shall be retained in the files of the Commission.

(2) If the subdivision was denied primary approval by the Committee and no appeal has been filed within five days of the Committee’s action, the staff shall release the original drawing of the subdivision to the registered land surveyor who prepared it.

(H) If an appeal has been filed. If an appeal has been filed within five days of the date of the Committee’s action, 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.

(I) Commission consideration. After receiving the staff report and recommendation, the Commission shall consider the subdivision at a public hearing. The Commission shall consider the subdivision as though the Plat 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.

(J) Commission action.

(1) If, after consideration, the Commission finds that the subdivision complies with all standards regarding primary approval of major subdivisions, the Commission shall give primary 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. The President and Secretary of the Commission shall seal and certify the original drawing and one copy of the original drawing, and release the original drawing to the subdivider's registered land surveyor. The copy of the original drawing shall be retained in the records of the Commission.

(2) If, after consideration, the Commission finds that the major subdivision does not comply with all standards regarding primary approval of major subdivisions, the Commission shall deny primary approval to the subdivision and make written findings of fact and a decision which sets forth its reasons for disapproval. The Secretary of the Commission shall then provide the subdivider with a copy of the findings of fact and decision, and release the original drawing to the subdivider's registered land surveyor.

(K) Effective approval. Primary approval of the subdivision shall be effective indefinitely; however, all subdivisions receiving secondary approval shall be developed to the latest standards adopted by the Board, and applicable codes and ordinances at the time of secondary approval. 
(Ord. 44-08, passed 6-10-2008; Ord. 100-10, passed 4-13-2010; Ord. 83-11, passed 8-16-2011)

§ 153.064 APPLICATION; SECONDARY APPROVAL.

An application for secondary approval of a major subdivision may be submitted at the convenience of the subdivider. The submission shall contain the following:

(A) Drawing. An original drawing on 24-inch by 36-inch vellum, linen or Mylar film, at a scale of not less than one inch equals 100 feet or greater than one inch equals 50 feet. All printed numbers, letters and typed information shall be in capital letters and the size of an 11 point (pt.) type font so that the drawing is adaptable to photographic reduction and will maintain complete legibility. The subdivision may include all or part of the subdivision which received primary approval, and shall retain the lot numbers and overall characteristics of the subdivision which received primary approval. The original drawing shall be accompanied by six prints and include the following:

(1) Name of the subdivision, which shall not duplicate or closely approximate the name of any other subdivision within the incorporated or unincorporated areas of the county. If the subdivision is only a portion of the subdivision which received primary approval, each section or addition shall be separately and sequentially designated;

(2) Legal description of the subdivision which shall include section, township, range and governmental township;

(3) Boundary of subdivision, based on accurate traverse survey with accurate dimensions in feet and hundredths thereof, and bearings expressed in degrees, minutes and seconds. The traverse survey shall be closed to the minimum requirements of the state standards for the practice of land surveying as required by 865 I.A.C. 1-12-7 et seq. A separate boundary closure sheet need not be submitted;
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(4) Name, address, seal, signature and certification of the registered land surveyor preparing or certifying the subdivision as prescribed by the Commission;

(5) Numeric scale, graphic bar scale, north point and date;

(6) Elevation and delineation of the 100-year regulatory flood and certification of compliance with the National Flood Insurance Program, when applicable;

(7) A note shall be placed on the plat, when applicable, to indicate that existing predevelopment soil conditions contain historical wetness indicators, and therefore when building a structure below grade, special consideration should be given to soil conditions;

(8) A blank area four inches vertical by nine inches horizontal, within which the Commission may affix its certificate of approval without obscuring or obliterating any other items on the plat;

(9) The location of all public wells and the delineation of any wellhead protection area, when applicable;

(10) Delineation of those soils that may not be suitable for a conventional subsurface on-site sewage disposal system by a either a soil investigator or as shown in the Soil Survey of St. Joseph County, Indiana, and a note concerning restrictions for on-site sewage disposal systems;

(11) Delineation of wetlands identified by the National Wetlands Inventory, when applicable;

(12) Delineation of Airport Noise Sensitive Zone, when applicable;

(13) A note shall be placed on the plat indicating that building setbacks shall conform to the applicable provisions of the zoning ordinance;

(14) Owner’s certification, in a manner prescribed by the Commission;

(15) Exact location, width and name of all streets, alleys and walkways within the subdivision;

(16) Statement that all easements that are indicated on documentation provided by the property owner are shown on the drawing;

(17) Statement regarding how the subdivision will be served by water and sewer, i.e., well and septic or municipal water and sewer;

(18) Lot numbers - lots in sections or additions to a subdivision with the same name shall be numbered consecutively throughout the several sections or additions;
(19) All lot lines and easements with accurate dimensions in feet and hundredths thereof and bearings expressed in degrees, minutes and seconds. All easements shall be identified as to their specific use;

(20) Any areas other than public rights-of-way to be dedicated or reserved for public or semi-public use, or areas to be reserved for the use of all property owners, shall be shown on the drawing and labeled as to their use and shall have a separate legal description on the drawing with accurate dimensions in feet and hundredths thereof and bearings expressed in degrees, minutes and seconds;

(21) Deed of dedication, in a manner prescribed by the Commission;

(22) Notarization and seal, in a manner prescribed by the Commission;

(23) Statement concerning any encroachments upon building setback lines and/or easements;

(24) Accurate location and type of all existing and required monuments conforming to the state standards 865 I.A.C. 1-12-18 et seq.;

(25) All recorded subdivisions abutting the subdivision shall be shown in dotted or dashed lines with name, section or addition and Recorder’s instrument number;

(26) Urban drain certificate, as prescribed by the Commission, when applicable;

(27) Township, range or section line accurately tied to the subdivision or a corner of a recorded subdivision by bearing and distances in feet and hundredths thereof;

(28) Coordinate data which ties the subdivision to the North American Datum 1983 State Plane Coordinates System, to the standards adopted by the County Surveyor, or provide a letter from the County Surveyor which indicates that ties to the State Plane Coordinates System is not required;

(29) All radii, central angles, points of curvature and tangency, length of tangents, lengths of arcs, widths of rights-of-way and similar data shall be shown for all streets. All street lines shall be tied to other streets and alleys with accurate dimensions in feet and hundredth thereof and angles or bearings; and

(30) The drawing shall be accompanied by such other information as the Commission may require under the provisions of this chapter.

(B) County Engineer’s report. A report from the County Engineer shall be submitted to the staff prior to secondary approval of the subdivision. The report shall indicate whether the requirements of §§ 153.112(B) and 153.113 have been satisfactorily completed, or whether plans and specifications for
Improvements have been approved and performance guarantees for the required improvements have been filed and approved. These guarantees shall:

(1) Run to the county; and

(2) Provide satisfactory surety as required by the latest standards adopted by the Board.

(C) County Surveyor’s report. A report from the County Surveyor shall be submitted to the staff prior to secondary approval of the subdivision. The report shall indicate whether an “urban drain” was initially required, that the County Drainage Board has classified the subdivision’s drainage system as an urban drain as specified in I.C. 36-9-27-67 through 36-9-27-69, as amended.

(D) County Health Officer’s report. Developers of subdivisions subject to the requirements of the Indiana State Department of Health shall submit a written approval statement from the County Health Officer as defined in § 153.010. The report shall be accompanied by copies of all information submitted to the Health Officer.

(E) Digital data submission. All major plats submitted for secondary review shall include a digital copy of the proposed subdivision prepared in accordance with the requirements set forth in the Digital Data Submission Standards as set forth by the Commission.

(F) Ownership. Proof of ownership of the subdivision.

(G) Fee. The submission of the subdivision shall be accompanied by fees as prescribed by the Commission.

(H) Application. A completed application upon forms provided and in a manner prescribed by the Commission.

(I) Rule 5. Any subdivision subject to Rule 5 shall provide proof of application for a notice of intent.

(J) Other approval. The applicant shall provide a summary of any other local, state or federal governmental approvals required for the development of the subdivision and a statement of the status of each such approval.

(K) St. Joseph County Water and Sewer District report. If municipal water or sewer is being extended to the subdivision, submit a letter from the District’s engineer indicating that a copy of the plat has been filed with the District.
(Ord. 44-08, passed 6-10-2008)
§ 153.065 SECONDARY REVIEW AND APPROVAL PROCEDURE.

The secondary review and approval procedure for a major subdivision shall be as follows:

(A) *Referral and review.* The staff shall refer prints of the subdivision to the appropriate agencies. The appropriate agencies shall review the subdivision and submit a report to the staff. The staff shall review the subdivision for technical conformity with the standards fixed in this chapter and the requirements, recommendations and comments of the appropriate agencies.

(B) *Request for hearing by Plat Committee.* Upon review of prints for a subdivision, the County Surveyor, the County Engineer, the County Health Officer or the developer may request that the secondary review of the plat be referred to the Plat Committee for review and determination and the subdivision shall be placed on the agenda of the first available meeting of the Committee.

(C) *Approval.* Within the time frame as established by resolution of the Area Plan Commission and upon receipt of the reports from the appropriate agencies, and after the ten-day appeal period for primary approval of the subdivision has expired and an appeal, if any, has been acted upon by the Commission, the staff shall grant secondary approval to the subdivision and the Chairperson and the Secretary of the Committee shall seal and certify the original drawing.

(D) *Determination of major change.* A subdivision being considered for secondary approval shall be considered to be a major change from the subdivision having received primary approval if:

1. Any interior minor collector street or local street has been relocated in such a way as to adversely impact abutting property owners;

2. Any entrance streets have been relocated in such a way as to adversely impact abutting property owners;

3. Any stub streets have been relocated in such a way as to adversely impact abutting property owners;

4. The drainage plan has been altered in such a way as to adversely impact abutting property owners;

5. An increase in the number of lots shown on the approved primary plat; or

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

(E) *Committee/staff action.*

1. If, after consideration the Committee/staff finds that the major subdivision complies with all standards regarding secondary approval of major subdivisions; all required improvements meet the
requirements of §§ 153.112 and 153.113 or that surety has been posted; that it does not constitute a major change from the subdivision which received primary approval; and that it complies with all the conditions and modifications imposed upon the subdivision by either the Committee or the Commission as a condition of primary approval, the Committee/staff shall give secondary approval to the subdivision, and staff shall record the subdivision. The Chairperson and Secretary of the Committee shall certify and seal the original drawing. The Secretary of the Committee shall provide written notification to the subdivider that the subdivision was approved by the Committee/staff and that the subdivision will be recorded within seven days of secondary approval per division (F) below.

(2) If the Committee/staff finds that the major subdivision does not comply with all standards regarding secondary approval of major subdivisions; or that any required improvement does not meet the requirements of §§ 153.112 and 153.113 or that surety has not been posted; or that the subdivision constitutes a major change from the subdivision which received primary approval, or that it does not comply with all the conditions and modifications imposed upon the subdivision by the Commission or Committee as a condition of primary approval, the Committee/staff shall deny the subdivision secondary approval. The Secretary of the Committee shall then provide written notice to the subdivider, which sets forth the Committee/staff’s reasons for disapproval, and release the original drawing to the subdivider’s registered land surveyor.

(F) Recording. Within seven days of the secondary approval, the staff shall record the subdivision in the Recorder’s office and so notify the subdivider. The staff shall have the original drawing of the subdivision duplicated at a reduced scale and release the original drawing to the registered land surveyor who prepared it. The staff shall distribute reduced copies of the subdivision as prescribed by the Commission.
(Ord. 44-08, passed 6-10-2008)

**SUBDIVISION REPLATS**

§ 153.075 CONSULTATION ENCOURAGED.

Prior to the submission of a subdivision replat, the subdivider is encouraged to consult informally with the staff. This will create an understanding between the staff and the subdivider which may help to alleviate future misunderstandings and extensive revisions.
(Ord. 44-08, passed 6-10-2008)

§ 153.076 APPLICATION.

(A) An application for primary or secondary approval of a subdivision replat shall be submitted to the Commission in accordance with the filing schedule established by the Commission. The name of the
subdivision replat shall not be identical to that of the original subdivision, but the name of the original subdivision shall be contained within that of the subdivision replat.

(B) The submission shall include the following:

(1) *Drawing.* An original drawing on 24-inch by 36-inch vellum, linen or Mylar film, at a scale of not less than one inch equals 100 feet or greater than one inch equals 50 feet. All printed numbers, letters and typed information shall be in capital letters and the size of an 11 point (pt.) type font so that the drawing is adaptable to photographic reduction and will maintain complete legibility. The original drawing shall be accompanied by six prints and include the following:

(a) Name of the subdivision;

(b) Legal description of the subdivision which shall include section, township, range and governmental township;

(c) Boundary of subdivision, based on accurate traverse survey with accurate dimensions in feet and hundredths thereof, and bearings expressed in degrees, minutes and seconds. The traverse survey shall be closed to the minimum requirements of the state standards for the practice of land surveying as required by 865 I.A.C. 1-12-7 et seq. A separate boundary closure sheet need not be submitted;

(d) Name, address, seal, signature and certification of the registered land surveyor preparing or certifying the subdivision, in a manner prescribed by the Commission;

(e) Numeric scale, graphic bar scale, north point, and date;

(f) Elevation and delineation of the 100-year regulatory flood and certification of compliance with the National Flood Insurance Program, when applicable;

(g) A blank area four inches vertical by nine inches horizontal, within which the Commission may affix its certificate of approval without obscuring or obliterating any other items on the plat;

(h) The location of all public wells and the delineation of any wellhead protection area, when applicable;

(i) Delineation of those soils that may not be suitable for a conventional subsurface on-site sewage disposal system by a either a soil investigator or as shown in the Soil Survey of St. Joseph County, Indiana, and a note concerning restrictions for on-site sewage disposal systems;

(j) A note shall be placed on the plat, when applicable, to indicate that existing predevelopment soil conditions contain historical wetness indicators and therefore that when building a structure below grade, special consideration should be given to soil conditions;
(k) Delineation of wetlands identified by the National Wetlands Inventory, when applicable;

(l) Delineation of Airport Noise Sensitive Zone, when applicable;

(m) A note shall be placed on the plat indicating that building setbacks shall conform to the applicable provisions of the zoning ordinance;

(n) Owner’s certification, in a manner prescribed by the Commission;

(o) Exact location, width and name of all streets, alleys and walkways within the subdivision;

(p) Statement that all easements that are indicated on documentation provided by the property owner are shown on the drawing;

(q) Original lot lines and lot numbers in dotted lines;

(r) New lots shall be designated by letters;

(s) All lot lines and easements with accurate dimensions in feet and hundredths thereof and bearings expressed in degrees, minutes and seconds. All easements shall be identified as to their specific use;

(t) Any areas other than public right-of-way to be dedicated or reserved for public use or semi-public use, or areas to be reserved for the use of all property owners, shall be shown on the drawing and labeled as to their use and shall have a separate legal description on the drawing with accurate dimensions in feet and hundredths thereof and bearings expressed in degrees, minutes and seconds;

(u) Deed of dedication in a manner, prescribed by the Commission;

(v) Notarization and seal, in a manner prescribed by the Commission;

(w) Statement concerning any encroachments upon existing building setback lines and/or easements;

(x) Accurate location and type of all existing and required monuments conforming to state standards 865 I.A.C. 1-12-18 et seq.;

(y) All recorded subdivisions abutting the subdivision shall be shown in dotted or dashed lines with name, section or addition and Recorder’s instrument number;
(z) Urban drain certificate, as prescribed by the Commission, when applicable; and

(aa) The drawing shall be accompanied by such other information as the Commission may require under the provisions of this chapter.

(2) Application. A completed application shall be submitted upon forms provided and in a manner prescribed by the Commission.

(3) Septic system/water supply update. Staff shall submit one copy of each proposed replat to the St. Joseph County Health Department for review and comment regarding the suitability of the replat to support an on-site septic system or a water supply well, as appropriate. The St. Joseph County Health Department may require that the applicant submit additional information deemed appropriate and necessary to provide suitable comments.

(4) Digital data submission. All subdivision replats submitted for secondary review shall include a digital copy of the proposed subdivision prepared in accordance with the requirements set forth in the Digital Data Submission Standards as set forth by the Commission.

(5) Ownership. Proof of ownership of the subdivision replat.

(6) Fee. The submission of a subdivision replat shall be accompanied by fees as prescribed by the Commission.

(Ord. 44-08, passed 6-10-2008)

§ 153.077 REPLAT REVIEW, APPEAL AND APPROVAL PROCEDURE.

The review, appeal and approval procedure for subdivision replats shall be as follows:

(A) Referral and review. The staff shall refer prints of the subdivision replat to the appropriate agencies.

(1) If the subdivision falls within a designated special flood hazard area, the subdivision shall be reviewed by the Department of Natural Resources in accordance with § 153.031.

(2) The staff may also refer the subdivision replat to any state agency, board or department which has regulations or rules which affect the use or design of the subdivision replat, or the location or height of structures to be placed within the subdivision replat.

(3) The agencies shall review the subdivision replat and submit a report to the staff. The staff shall review the subdivision replat for technical conformity with the standards fixed in this chapter and the requirements, recommendations and comments of the reviewing agencies, and prepare a report with a recommendation for the Committee's consideration.
(B) Submission to Plat Committee. Within the time frame as established by resolution of the Area Plan Commission, the staff shall announce the date, time and place of the meeting at which the Committee shall consider the subdivision replat, and shall give due notice in writing to all interested parties at least ten days before the date set for the hearing.

(C) Committee consideration. After receiving the staff report and recommendation, the Committee shall consider the subdivision replat for primary approval without public notice and hearing.

(D) Committee action.

(1) If, after consideration, the Committee finds that the subdivision replat complies with all standards regarding primary approval of subdivision replats the Committee shall give primary approval to the subdivision replat, with or without modifications or conditions imposed, and make written findings of fact and a decision which shall include any modifications or conditions imposed. The Chairperson and Secretary of the Committee shall seal and certify two copies of the subdivision replat, provide the subdivider’s registered land surveyor with one copy and retain the second copy in the Commission’s files.

(2) If, after consideration, the Committee finds that the subdivision replat does not comply with all standards regarding primary approval of subdivision replats the Committee shall deny primary approval to the subdivision replat and make written findings of fact and a decision which sets forth its reasons for disapproval.

(E) Notice of Committee’s action. Within five days after Committee’s action on the subdivision replat, the Secretary of the Committee shall provide all interested parties with a copy of the findings of fact 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, shall indicate the desire to have the subdivision replat reviewed by the Commission, shall state the reason for the appeal and shall be filed within five days of the date of the notice by the Secretary.

(F) If no appeal has been filed.

(1) If the subdivision replat, for which primary and secondary approval has been requested, received primary approval by the Committee, and no appeal has been filed within five days of the date of the notice of Committee’s action, and all modifications or conditions placed upon the subdivision replat by the Committee, if any, have been complied with or corrected, the staff shall grant secondary approval to the subdivision replat. The Chairperson and Secretary of the Committee shall seal and certify the original drawing. The staff shall record the subdivision replat per division (J) of this section.

(2) If the subdivision replat, for which primary and secondary approval has been requested, received primary approval by the Committee, and no appeal has been filed within five days of the date of the notice of Committee’s action, and all modifications or conditions placed upon the subdivision replat by the Committee, if any, have not been complied with or corrected within two years, the staff
shall deny secondary approval to the subdivision replat. The Secretary of the Committee shall provide written notice to the subdivider which sets forth its reasons for denying secondary approval, and release the original drawing of the subdivision replat to the registered land surveyor who prepared it.

(3) If the subdivision replat was denied primary approval by the Committee and no appeal has been filed within five days of the notice of the Committee’s action, the staff shall release the original drawing of the subdivision replat to the registered land surveyor who prepared it.

(G) If an appeal has been filed. If an appeal has been filed within five days of the date of the notice of the Committee’s action, the staff shall announce the date, time and place of the meeting at which the Commission shall consider the subdivision, and shall give due notice in writing to all interested parties at least ten days before the date set for the hearing. The staff shall prepare a report with a recommendation for Commission consideration.

(H) Commission consideration. After receiving the staff report and recommendation, the Commission shall consider the subdivision replat without public notice and hearing. The Commission shall consider the subdivision replat as though the Plat Committee had not acted upon it. The subdivision replat shall be considered in its entirety, as if it were a new submission, with all items considered, not just the items appealed.

(I) Commission action.

(1) If, after consideration, the Commission finds that the subdivision replat complies with all standards regarding primary approval of subdivision replats the Commission shall give primary approval to the subdivision replat, with or without modifications and conditions imposed, and make written findings of fact and a decision, which shall include any modifications or conditions imposed. The Secretary of the Commission shall then provide the subdivider with a copy of the findings of fact and decision. The President and Secretary of the Commission shall seal and certify two copies of the subdivision replat and provide the subdivider’s registered land surveyor with one copy along with a copy of the findings of fact and decision, signed by the Secretary of the Commission. The second copy of the sealed and certified subdivision replat shall be retained in the records of the Commission. When all modifications or conditions placed upon the subdivision replat by the Commission, if any, have been complied with or corrected, the staff shall give secondary approval to the subdivision replat. The President and Secretary of the Commission shall seal and certify the original drawing. The staff shall record the subdivision replat per division (J) of this section.

(2) If the subdivision replat, for which secondary approval has been requested, received primary approval by the Commission and all modifications or conditions placed upon the subdivision by the Commission have not been complied with or corrected within two years, the staff shall deny secondary approval to the subdivision replat. The Secretary of the Commission shall provide written notice to the subdivider, which sets forth its reasons for denying secondary approval, and release the original drawing of the subdivision replat to the registered land surveyor who prepared it.

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(3) If, after consideration, the Commission finds that the subdivision replat does not comply with all standards regarding primary approval of subdivision replats, the Commission shall deny the subdivision replat primary 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 original drawing to the subdivider’s registered land surveyor.

(J) Recording. Within seven days of secondary approval, the staff shall record the subdivision replat in the Recorder’s office and so notify the subdivider. The staff shall have the original drawing of the subdivision replat duplicated at a reduced scale and release the original drawing to the registered land surveyor who prepared it. The staff shall distribute reduced copies of the subdivision replat as prescribed by the Commission.

(Ord. 44-08, passed 6-10-2008; Ord. 100-10, passed 10-12-2010)

CORRECTIVE PLATS

§ 153.090 TYPES OF CORRECTIVE PLATS.

There are three different types of subdivisions for correcting errors. They are:

(A) Type 1 Corrective Plat.

(1) A procedure whereby the surveying firm, or its successors or assigns, or firm that employed the registered land surveyor who prepared a recorded subdivision may correct the following minor drafting or typographical errors:

(a) The legal description, political jurisdiction, or section, township or range numbers;

(b) A note that does not affect the use or enjoyment of a lot;

(c) Any bearing, distance or curve data, provided the bearing, distance or curve data of an adjoining lot or an easement that crosses or adjoins a lot is not affected;

(d) A misspelling; or

(e) To correct an incorrect or missing signature(s).

(2) A Type 1 Corrective Plat may not change the name of a recorded subdivision. A Type 1 Corrective Plat may be filed without the consent of the property owners.
(B) Type 2 Corrective Plat. A procedure whereby any registered land surveyor may correct the following drafting, typographical or surveying errors, or the name of a recorded subdivision where the owners of all the affected lots have signed the corrective plat:

(1) The legal description, political jurisdiction, or section, township or range numbers;

(2) A note;

(3) Any bearing, distance or curve data;

(4) A misspelling;

(5) The delineation of a feature such as an area subject to the National Flood Insurance Program;

(6) The addition, location or function of an easement;

(7) The name of a recorded subdivision; or

(8) To correct an incorrect or missing signature(s).

(C) Type 3 Corrective Plat.

(1) A procedure whereby any registered land surveyor may correct the following drafting, typographical or surveying errors where not all of the owners of all the affected lots have signed the corrective plat:

(a) The legal description, political jurisdiction, or section, township or range numbers;

(b) A note;

(c) Any bearing, distance or curve data;

(d) A misspelling;

(e) The delineation of a feature such as an area subject to the National Flood Insurance Program;

(f) The function of an easement; or

(g) To correct an incorrect or missing signature(s).
(2) A Type 3 Corrective Plat may change a name of a recorded subdivision only when at least two-thirds of the lot owners have agreed in writing to the name change.
(Ord. 44-08, passed 6-10-2008)

§ 153.091 CORRECTIVE PLAT NEED NOT COVER THE ENTIRETY OF A RECORDED SUBDIVISION.

A corrective plat does not have to include the entire recorded subdivision being corrected. Only that part of the recorded subdivision that is being corrected or affected needs to be submitted.
(Ord. 44-08, passed 6-10-2008)

§ 153.092 APPLICATION PROCEDURE FOR TYPE 1 CORRECTIVE PLATS.

(A) An application for a Type 1 Corrective Plat may be submitted at the convenience of the firm, or its successors or assigns, that employed the registered land surveyor or which prepared the recorded subdivision.

(B) The submission shall contain the following:

(1) Drawing. An original drawing on 24-inch by 36-inch vellum, linen or Mylar film, at a scale not less than one inch equals 50 feet to 200 feet. All printed numbers, letters and typed information shall be in capital letters with a minimum size of an 11 point (pt.) type font so that the drawing is adaptable to photographic reduction and will maintain complete legibility. The original drawing shall be accompanied by three prints and include the following:

(a) The name of the Type 1 Corrective Plat shall be “The name and section number of the recorded subdivision being corrected followed by [ordinal number, i.e., 1st Corrective Plat]. The Commission staff shall assign the number;

(b) Location of the Type 1 Corrective Plat by section, township, range and governmental township;

(c) Lot numbers;

(d) All easements, including their functions, labeled and dimensioned;

(e) A note shall be placed on the plat indicating that building setbacks shall conform to the applicable provisions of the zoning ordinance;

(f) All right-of-way lines, labeled and dimensioned;
(g) Name, address, seal, signature and certification of the registered land surveyor preparing the Type 1 Corrective Plat;

(h) Name and address of the registered land surveyor who prepared the recorded subdivision being corrected and the name and address of the surveying firm, if any, who employed the registered land surveyor;

(i) Numeric scale, graphic bar scale, north point and date;

(j) A blank area four inches vertical by nine inches horizontal, within which the Commission may affix its certificate of approval without obscuring or obliterating any other items on the Type 1 Corrective Plat;

(k) Date of recording and instrument number of the recorded subdivision for which the Type 1 Corrective Plat is being submitted;

(l) If the error being corrected is a bearing, distance, curve data or other dimension, indicate only the incorrect and correct data. Unaffected bearing, distance, curve data or other dimension need not be shown;

(m) Any information that is necessary to explain the error being corrected, or the reason for the correction;

(n) The drawing shall be accompanied by such other information as the Commission may require under the provisions of this chapter;

(o) A certificate for correction of errors, which includes the name of the registered land surveyor who prepared the Type 1 Corrective Plat, a complete description of the error, and identifies how the recorded and correct data are noted or identified on the drawing; and

(p) A statement by the registered land surveyor preparing the Type 1 Corrective Plat that the correction does not affect the name, section number, lot numbers or letters of the recorded subdivision, a bearing, distance or curve data of a lot line, or a bearing, distance, curve data or function of an easement.

(2) Digital data submission. All Type 1 Corrective Plats submitted for secondary review shall include a digital copy of the proposed subdivision prepared in accordance with the requirements set forth in the Digital Data Submission Standards as set forth by the Commission.

(3) Fee. The submission of the Type 1 Corrective Plat shall be accompanied by fees as prescribed by the Commission.
(4) **Application.** A completed application upon forms provided and in a manner prescribed by the Commission.  
(Ord. 44-08, passed 6-10-2008)

§ 153.093 TYPE 1 CORRECTIVE PLAT; REFERRAL, REVIEW, APPROVAL AND RECORDING PROCEDURES.

(A) **Referral and review.** After the filing date, the staff may, if necessary, refer prints of the corrective plat to the appropriate agencies for their review and recommendation. The agencies shall review the Type 1 Corrective Plat and submit a report to the staff. The staff shall review the Type 1 Corrective Plat for technical conformity with the standards fixed in this chapter and the requirements, recommendations and comments of the appropriate agencies.

(B) **Consideration.** Upon receipt of the reports, if any, from the appropriate agencies and completion of its own review, the staff shall consider the Type 1 Corrective Plat without public notice or hearing and determine whether the Type 1 Corrective Plat meets the requirements of § 153.092 above.

(C) **Staff action.**

(1) If, after consideration, the staff finds that the Type 1 Corrective Plat complies with all standards regarding primary and secondary approval of Type 1 Corrective Plats the staff shall grant primary and secondary approval. The Chairperson and Secretary of the Committee shall seal and certify the corrective plat. The staff shall record the Type 1 Corrective Plat per division (D) below.

(2) If, after consideration, the staff finds that the Type 1 Corrective Plat does not comply with all standards regarding primary and secondary approval of Type 1 Corrective Plats, the staff shall deny primary and secondary approval to the Type 1 Corrective Plat. The Secretary of the Committee shall provide written notice to the registered land surveyor which sets forth the reasons for disapproval, and release the original drawing to the registered land surveyor who prepared it.

(D) **Recording.** Within seven days of secondary approval, the staff shall record the Type 1 Corrective Plat in the Recorder’s office and so notify the registered land surveyor. The staff shall have the original drawing of the Type 1 Corrective Plat duplicated at a reduced scale and release the original drawing to the registered land surveyor who prepared it. The staff shall distribute reduced copies of the Type 1 Corrective Plat as prescribed by the Commission.  
(Ord. 44-08, passed 6-10-2008)

§ 153.094 APPLICATION PROCEDURE FOR TYPE 2 CORRECTIVE PLATS.

An application for a Type 2 Corrective Plat may be submitted at the convenience of the registered land surveyor. The submission shall contain the following:
(A) *Drawing*. An original drawing on 24-inch by 36-inch vellum, linen or Mylar film, at a scale of one inch equals 50 feet to 200 feet. All printed numbers, letters and typed information shall be in capital letters with a minimum size of an eleven point (11 pt.) type font so that the drawing is adaptable to photographic reduction and will maintain complete legibility. The original drawing shall be accompanied by three prints and include the following:

(1) Except when the purpose of a Type 2 Corrective Plat is to change the name of a subdivision, the name of the Type 2 Corrective Plat shall be the name and section number of the recorded subdivision being corrected followed by a number assigned by the Commission staff (e.g., ordinal number 1st) and the words “Corrective Plat”. If the purpose of the Type 2 Corrective Plat is to change the name, the name of the subdivision shall not duplicate or closely approximate the name of any other subdivision within county;

(2) Location of the Type 2 Corrective Plat by section, township, range and governmental township;

(3) Lot numbers;

(4) All easements, including their functions, labeled and dimensioned;

(5) A note shall be placed on the plat indicating that building setbacks shall conform to the applicable provisions of the zoning ordinance;

(6) All right-of-way lines, labeled and dimensioned;

(7) Name, address, seal, signature and certification of the registered land surveyor preparing the Type 2 Corrective Plat;

(8) Name and address of the registered land surveyor who prepared the recorded subdivision being corrected and the name and address of the surveying firm, if any, that employed the registered land surveyor;

(9) Numeric scale, graphic bar scale, north point and date;

(10) A blank area four inches vertical by nine inches horizontal, within which the Commission may affix its certificate of approval without obscuring or obliterating any other items on the Type 2 Corrective Plat;

(11) Date of recording and instrument number of the recorded subdivision for which the Type 2 Corrective Plat is being submitted;

(12) If the error being corrected is a bearing, distance, curve data or other dimension, indicate only the incorrect and correct data. Unaffected bearing, distance, curve data or other dimension need not be shown;
(13) Any information that is necessary to explain the error being corrected, or the reason for the correction;

(14) The drawing shall be accompanied by any other information as the Commission may require under the provisions of this chapter;

(15) A certificate for correction of errors which includes the name of the registered land surveyor who prepared the Type 2 Corrective Plat, a complete description of the error, and identifies how the recorded and correct data are noted or identified on the drawing; and

(16) Lots, lot numbers, and the names and addresses of lot owners immediately adjacent to the lot line, curve or easement being corrected.

(B) Ownership. Proof of ownership of any lot affected by the Type 2 Corrective Plat for correcting errors shall be submitted.

(C) Property owners list. A list of all affected property owners, as of ten days before the Type 2 Corrective Plat is submitted to the Commission.

(D) Signatures of all affected owners. All affected owners shall sign the plat.

(E) Notary statement. Notarization and seal as prescribed by the Commission.

(F) Digital data submission. All Type 2 Corrective Plats submitted for secondary review shall include a digital copy of the proposed subdivision prepared in accordance with the requirements set forth in the Digital Data Submission Standards as set forth by the Commission.

(G) Fee. The submission of Type 2 Corrective Plats shall be accompanied by fees as prescribed by the Commission.

(H) Application. A completed application upon forms provided and in a manner prescribed by the Commission.
(Ord. 711-99, passed - -; Ord. 44-08, passed 6-10-2008)

§ 153.095 TYPE 2 CORRECTIVE PLAT; REFERRAL, REVIEW, APPEAL AND APPROVAL PROCEDURES.

The primary and secondary review, consideration, action, notice of committee action, appeal procedures, notice of Commission action, and recording procedures shall be the same as for a minor subdivision and as set out in § 153.048.
(Ord. 44-08, passed 6-10-2008)
§ 153.096 APPLICATION PROCEDURE FOR TYPE 3 CORRECTIVE PLATS.

An application for a Type 3 Corrective Plat may be submitted at the convenience of the registered land surveyor. The submission shall contain the following:

(A) Drawing. An original drawing on 24-inch by 36-inch vellum, linen or Mylar film, at a scale of one inch equals 50 feet to 200 feet. All printed numbers, letters and typed information shall be in capital letters with a minimum size of an 11 point (pt.) type font so that the drawing is adaptable to photographic reduction and will maintain complete legibility. The original drawing shall be accompanied by three prints and include the following:

(1) Except when the purpose of a Type 3 Corrective Plat is to change the name of a subdivision, the name of the Type 3 Corrective Plat shall be the name and section number of the recorded subdivision being corrected followed by a number assigned by the Commission staff (e.g., ordinal number 1st) and the words “Corrective Plat”. If the purpose of the Type 3 Corrective Plat is to change the name, the name of the subdivision shall not duplicate or closely approximate the name of any other subdivision within county;

(2) Location of the Type 3 Corrective Plat by section, township, range and governmental township;

(3) Lot numbers;

(4) All easements, including their functions, labeled and dimensioned;

(5) A note shall be placed on the plat indicating that building setbacks shall conform to the applicable provisions of the zoning ordinance;

(6) All right-of-way lines, labeled and dimensioned;

(7) Name, address, seal, signature and certification of the registered land surveyor preparing the Type 3 Corrective Plat;

(8) Name and address of the registered land surveyor who prepared the recorded subdivision being corrected and the name and address of the surveying firm, if any, that employed the registered land surveyor;

(9) Numeric scale, graphic bar scale, north point and date;

(10) A blank area four inches vertical by nine inches horizontal, within which the Commission may affix its certificate of approval without obscuring or obliterating any other items on the corrective plat;
(11) Date of recording and instrument number of the recorded subdivision for which the Type 3 Corrective Plat is being submitted;

(12) If the error being corrected is a bearing, distance, curve data or other dimension, show only the incorrect and correct data. No other bearing, distance, curve data or other dimension need be shown;

(13) Any information that is necessary to explain the error being corrected, or the reason for the correction;

(14) The drawing shall be accompanied by such other information as the Commission may require under the provisions of this chapter;

(15) A “Certificate for Correction of Errors”, which includes the name of the registered land surveyor who prepared the Type 3 Corrective Plat, a complete description of the error, and identifies how the recorded and correct data are noted or identified on the drawing; and

(16) Lots, lot numbers, and the names and addresses of lot owners immediately adjacent to the line, curve or easement being corrected.

(B) Ownership. Proof of ownership of all lots affected by the Type 3 Corrective Plat for correcting errors shall be submitted.

(C) Property owners list.

(1) A list of all affected property owners, as of the day before the Type 3 Corrective Plat for correcting errors is submitted to the Commission, prepared and certified by an abstract company.

(2) Two sets of addressed and stamped envelopes for delivery by registered mail with return receipts for affected property owners.

(D) Signatures of owners petitioning for the Type 3 Corrective Plat. At least one of the affected owners shall sign the plat.

(E) Notary statement. Notarization and seal as prescribed by the Commission.

(F) Digital data submission. All Type 3 Corrective Plats submitted for secondary review shall include a digital copy of the proposed subdivision prepared in accordance with the requirements set forth in the Digital Data Submission Standards as set forth by the Commission.

(G) Fee. The submission of the Type 3 Corrective Plat shall be accompanied by fees as prescribed by the Commission.
(H) Application. A completed application upon forms provided and in a manner prescribed by the Commission.
(Ord. 44-08, passed 6-10-2008)

§ 153.097 TYPE 3 CORRECTIVE PLAT; REFERRAL, REVIEW, APPEAL AND APPROVAL PROCEDURE.

The primary and secondary review, consideration, action, notice of Committee action, appeal procedures, notice of Commission action, and recording procedures shall be the same as for a major subdivision and as set out in § 153.063 (primary) and § 153.065 (secondary).
(Ord. 44-08, passed 6-10-2008)

**IMPROVEMENTS**

§ 153.110 DESIGN AND CONSTRUCTION.

All required improvements shall be designed and constructed in accordance with the latest standards adopted by the Board.
(Ord. 44-08, passed 6-10-2008)

§ 153.111 INSPECTION.

Final inspection of construction of all required improvements shall be provided by the applicable Town or City Engineer, the County Engineer or the County Surveyor that is responsible for the review and approval of plans for such required improvements.
(Ord. 44-08, passed 6-10-2008)

§ 153.112 IMPROVEMENTS.

(A) Boundary improvements; 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 plat.

(B) Drainage, street and underground utility improvements.

(1) Approval of construction plans. After a subdivision has received primary approval, and 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) **County Surveyor**: All drainage facilities within the subdivision, such as storm sewers, culverts, drainage ditches and retention ponds.

(b) **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 ponds; and

3. All underground utility facilities within the subdivision.

(2) **Submission of as-built drawings**.

(a) Upon completion of the drainage facilities, as-built drawings of the drainage improvements shall be filed with the County Surveyor and County Engineer for recordkeeping.

(b) Upon completion of the street and underground utility improvements, as-built drawings of the street and underground utility improvements 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. Hydrant spacing and hydrant make and type shall be in conformance with the Insurance Services Office requirements or standards and reviewed by the County Engineer and/or applicable City or Town Engineer.

(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 by the County Highway Department.

(E) **Water and sewer systems**. If water or sewer systems other than a public or private 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 public 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**. In those areas of the county not zoned “R” Residential at the time of passage of this chapter, and where the Commission and the St. Joseph County Emergency Management Agency 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 Commission and the St. Joseph County Emergency Management Agency determines it necessary for public safety, developers of new major subdivisions with ten or more lots shall be required to furnish and install an early warning system that meets the specifications of the St. Joseph County Emergency Management Agency or its successors. Following its acceptance by the St. Joseph County Emergency Management Agency, the early warning system will be maintained by the county.
(Ord. 44-08, passed 6-10-2008)

§ 153.113 INSTALLATION OF STREET AND DRAINAGE IMPROVEMENTS.

(A) Prior to the approval of any secondary plat, drainage structures and the paving course and curbing, except for the surface course, for all streets shall either: be completed and approved by the County Engineer and County Surveyor; or surety for their completion and maintenance shall be provided as set forth below, for all subdivisions which involve the dedication and extension of a public street or drainage improvements. See Appendices A through F of this chapter for applicable performance guarantee forms. A minor subdivision which does not involve the dedication and extension of any public street or any easement for drainage improvements shall be exempt from this provision.

(B) (1) Completion/installation of improvements. Prior to the approval of a secondary plat, the subdivider shall complete, in accordance with the Commission’s decision and to the satisfaction of the County Engineer and County Surveyor, all public improvements related to streets (except for the surface coat) and drainage as required by this chapter and specified in the secondary plat approved pursuant to this chapter, and dedicate the public improvements to the county, free and clear of all liens and encumbrances on the dedicated property and public improvements;

(2) Surety for completion/installation of improvements.

(a) Prior to the approval of a secondary plat, the subdivider shall post a performance bond or irrevocable letter of credit in a form acceptable to the Commission and the Board in which the subdivider covenants to complete all required street and drainage improvements no later than three years following the date on which the secondary plat is approved, and to complete all other required improvements, including but not limited to sidewalks, erosion control, fencing, debris and waste removal, soil preservation, lot drainage, final grading and lawn preparation, street signs, monumentation and street surface coat improvements. The subdivider shall covenant to maintain each required improvement and also shall warrant that all required improvements will be free from defects for a period of three years following the Board’s approval of the subdivision’s completion affidavit. The performance bond shall provide that the covenants contained in the performance bond shall run with the land and bind all heirs, executors, administrators, successors and assigns of the subdivider. The performance bond shall contain such other terms and conditions as agreed to by the subdivider and the Board.

(b) The subdivider shall provide a performance bond or irrevocable letter of credit before the seal of the Commission is affixed and attached to the secondary plat.
Subdivisions

(c) A performance bond or irrevocable letter of credit shall:

1. Establish the Board of Commissioners of St. Joseph County, Indiana as the beneficiary of the performance bond or irrevocable letter of credit;

2. Be in an amount equal to 100% 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;

3. Provide surety satisfactory to the Board;

4. 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 at a public meeting;

5. 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% 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 multi-family, commercial or industrial subdivisions, within three years after the date on which the secondary plat was approved.

6. Provide that the subdivider shall provide a maintenance bond as required by this chapter for all improvements and installations which require public maintenance by the county; and

7. Said performance bond or irrevocable letter of credit shall be filed on forms approved for use by the Board.

(3) 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 the 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 St. Joseph 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, St. Joseph County shall assume maintenance responsibility of the improvements and installations, subject to the provisions of any applicable maintenance bonds;

(4) Completion letter. Upon acceptance of a required improvement or installation, the accepting agency or department of St. Joseph County 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 below, and shall file a copy of the completion letter with the Executive Director of the Area Plan Commission;

(5) *Maintenance bond.* At the time of submission of any plat for secondary approval and prior to the acceptance of the 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:

(a) Establish the Board of Commissioners of St. Joseph County, Indiana, as the beneficiary of the maintenance bond;

(b) Be in an amount equal to 10% of the amount of the total original performance bond or irrevocable letter of credit for the improvements and installations subject to the maintenance bond;

(c) Provide surety satisfactory to the Board;

(d) Warrant the workmanship and materials used in the construction, installation and completion of the improvements and installations to be 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 therefor submitted to the County Engineer and County Surveyor;

(e) Provide that for a period of three years after formal acceptance, the subdivider shall, at the subdivider’s expense, make all repairs to the improvements and installations, or the foundations thereof, which may become necessary by reason of improper workmanship or materials, but not including any damage to the improvements and installations resulting from forces or circumstances beyond the control of the subdivider or occasioned by the inadequacy of the standards, specifications or requirements of this chapter; and

(f) Maintenance bonds shall be filed on forms approved for use by the Board.

(6) *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 improvements, installations or repair for which the bonds were provided in accordance with the standards, specifications and requirements of this chapter; and

(7) *Approval of construction plans.* No construction of any infrastructure within a subdivision required by this chapter, the Commission or any other applicable ordinance of St. Joseph County shall commence prior to the approval of construction plans by the County Engineer and appropriate agencies. Failure to obtain approval of construction plans prior to constructing infrastructure is a violation of this chapter which is enforceable under the provisions of § 153.143.
(Ord. 44-08, passed 6-10-2008; Ord. 100-10, passed 10-12-2010)

2010 S-1
§ 153.114 ACCEPTANCE OF DEDICATION.

In any subdivision containing streets or thoroughfares which are therein reserved for dedication to public use, secondary approval of the subdivision by the Committee shall constitute the acceptance of the dedication.
(Ord. 44-08, passed 6-10-2008)

§ 153.115 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.
(Ord. 44-08, passed 6-10-2008)

VACATION OF LAND IN A PLAT

§ 153.125 JURISDICTION.

Pursuant to I.C. 36-7-3 et seq. and I.C. 36-7-4-711 et seq., the Plat Committee has jurisdiction to vacate all or part of a 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.
(Ord. 44-08, passed 6-10-2008)

§ 153.126 VACATION OF LAND IN A PLAT BY THE PLAT COMMITTEE.

(A) In a case in which all of the owners of land in a plat are in agreement regarding a proposed vacation, the owners may file a written instrument to vacate all or part of that plat under I.C. 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 plat are in agreement regarding a proposed vacation, the owners may file a written instrument to vacate all or part of that plat under I.C. 36-7-4-711 et seq.

(C) Within 30 days after receipt of a plat vacation petition, the Committee may approve or disapprove a petition for the vacation of all or part of a plat. The Committee shall make written findings of fact that set forth the reasons for the approval or disapproval of the petition. The findings of fact shall be signed by the Chairman of the Committee. A copy of the findings of fact shall be retained as a part of the permanent record of the determination.
(Ord. 44-08, passed 6-10-2008; Ord. 83-11, passed 8-16-2011)
§ 153.127 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 of fact 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, shall indicate the desire to have the subdivision replat reviewed by the Commission, shall state the reason for such appeal and shall be filed within five days of the notice by the Secretary.
(Ord. 44-08, passed 6-10-2008; Ord. 83-11, passed 8-16-2011)

§ 153.128 APPEALS.

The approval, disapproval or imposition of a condition on the approval of the vacation of all or part of a 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 I.C. 36-7-4-1016.
(Ord. 44-08, passed 6-10-2008)

ADMINISTRATION

§ 153.140 RECOMMENDATIONS FOR MODIFICATIONS OR AMENDMENTS.

The Commission, in accordance with the statutes adopted by the Indiana General Assembly, may from time to time recommend to the Council revisions, modifications or amendments to this chapter.
(Ord. 44-08, passed 6-10-2008)

§ 153.141 WAIVERS.

Should the subdivider clearly demonstrate that because of peculiar physical conditions pertaining to his or her land or particular design considerations to enhance the development of his or her land, the literal enforcement of one or more of the regulations of this chapter is impracticable or will exact undue hardship, the Commission may permit 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.
(Ord. 44-08, passed 6-10-2008)
§ 153.142 APPROVAL REQUIRED.

No subdivision shall be entitled to recording in the office of the County Recorder or have any validity until it has been approved in the manner prescribed in this chapter.
(Ord. 44-08, passed 6-10-2008)

§ 153.143 COMPLIANCE.

(A) Compliance with the terms and provisions of this chapter shall be a prerequisite for the use and development of real property within St. Joseph County. Failure of a developer or subdivider to comply with the terms and provisions of this chapter shall be deemed to be a civil zoning violation enforceable by the Area Plan Commission as provided in I.C. 36-7-4 et seq., and §§ 154.615 through 154.620 and § 154.999 of the St. Joseph County zoning ordinance.

(B) For the purposes of enforcing this chapter, the term “Staff” as used in §§ 154.615 through 154.620 and § 154.999 of the zoning ordinance shall also include any applicable Town or City Engineer, the County Engineer or the County Surveyor, or an authorized agent of the engineer or surveyor, which shall specifically have the right of entry for inspection purposes and the power to issue a cease and desist order, all in accordance with that zoning subchapter.
(Ord. 44-08, passed 6-10-2008)
APPENDIX A:

IRREVOCABLE LETTER OF CREDIT
FOR
SUBDIVISION IMPROVEMENTS

[Name of Bank or Agency] hereby establishes our Irrevocable Letter of Credit No. in favor of St. Joseph County, at the request and for the account of [Name of Subdivider], for any sum or sums not exceeding [amount of credit] dollars, ($______), available upon presentation by the St. Joseph County Board of Commissioners (the “Board”), or any employee acting under the Board’s authority, of a letter signed by the Board enumerating any and all improvements, installations, and lot improvements (the “Improvements”) not completed as required by the St. Joseph County Subdivision Control Ordinance and the Board for the subdivision known as [Name of Subdivision and Section #, if applicable] (the “Subdivision”), Area Plan Commission Docket No.__________.

This Letter of Credit shall be applicable to the following Improvements [Check all items covered by this Letter]:

- [ ] road base course
- [ ] road intermediate course
- [ ] road surface course
- [ ] street signs
- [ ] curbs
- [ ] sidewalks
- [ ] sanitary sewer
- [ ] water system
- [ ] storm drainage & retention
- [ ] lot drainage
- [ ] erosion control
- [ ] soil preservation
- [ ] survey monumentation
- [ ] fencing
- [ ] debris and waste removal
- [ ] grading and landscaping
- [ ] as-built drawings
- [ ] ________________
- [ ] ________________
- [ ] ________________
- [ ] ________________

The drafts drawn under this Letter of Credit must state “Drawn under Letter of Credit No. ____ of [Name of Subdivider], dated the _____ day of ________.” The amounts of the drafts must be noted on the back of this Letter of Credit by the [Name of Bank or Agency].
This Letter of Credit is effective as of_______day of the__________,_______, and shall expire on the_______day of______________,_______, provided, however, such expiration date shall be automatically extended for successive periods of one year, unless: (i) a Release of Credit is received from the Board; or (ii) __[Name of Bank or Agency]__, by certified mail, return receipt requested, notifies both the Board and __[Name of Subdivider]__ at least 90 days before the current expiration date, that __[Name of Bank or Agency]__ has decided not to extend this Letter of Credit beyond the current expiration date. In the event of such notification by __[Name of Bank or Agency], the credit established by this Letter of Credit shall be available to St. Joseph County upon its sight draft or demand for payment for 90 days after receipt of such notice by St. Joseph County, as shown on the signed returned receipt.

The credit established by this Letter of Credit and the obligation to pay the same shall not be affected by the receivership, bankruptcy or insolvency of __[Name of Subdivider]__ or the attachment of his or her property. Nor shall this credit and the obligation to pay the same be affected by any security agreement between __[Name of Subdivider]__ and __[Name of Bank or Agency]__.

Whenever this Letter of Credit is drawn on under and in compliance with the terms of this Letter of Credit, __[Name of Bank or Agency]__ shall pay the amount of the draft directly to the Board of Commissioners or in accordance with the instructions of the Board.

________________________________________
[Name of Bank or Agency]

By: ________________________________
    Signature

Printed: ______________________________

Title: _______________________________

Date: _______________________________
APPENDIX B:

RELEASE OF IRREVOCABLE LETTER OF CREDIT

This Release of Irrevocable Letter of Credit (the "Release") is hereby presented by the St. Joseph County Board of Commissioners (the "Board") to [Name of Subdivider], (the "Principal"), and [Name of Bank or Agency], (the "Surety Company") as of this ___ day of ____________, ________.

WHEREAS, Principal and Surety Company have posted an Irrevocable Letter of Credit, Letter of Credit No. ________, in favor of St. Joseph County as surety for the improvements, installations and lot improvements (the "Improvements") required by the St. Joseph County Subdivision Control Ordinance (the "Subdivision Control Ordinance"), other applicable Ordinances of St. Joseph County, and the Board for the subdivision known as [Name of Subdivision and Section #, if applicable] (the "Subdivision"); and

WHEREAS, St. Joseph County has approved a Completion Affidavit from the responsible design professional representing that all Improvements have been constructed and installed in compliance with all requirements, standards and specifications of the Subdivision Control Ordinance, other applicable ordinances of St. Joseph County and the Board [Check all items to be covered by this Release]:

☐ road base course  ☐ road intermediate course
☐ road surface course  ☐ street signs
☐ curbs  ☐ sidewalks
☐ sanitary sewer  ☐ water system
☐ storm drainage & retention  ☐ lot drainage
☐ erosion control  ☐ soil preservation
☐ survey monumentation  ☐ fencing
☐ debris and waste removal  ☐ grading and landscaping
☐ as-built drawings  ☐ ____________________________;
☐ ____________________________

and

WHEREAS, the St. Joseph County has issued a Completion Affidavit indicating that St. Joseph County has accepted the above indicated Improvements for maintenance, subject to the provision of all applicable maintenance bonds.
NOW, THEREFORE, the Irrevocable Letter of Credit issued for the above indicated Improvements is hereby released.

ST. JOSEPH COUNTY

Approved this ______ day of __________________, ______.

By: ____________________________   By: ____________________________

Printed: ____________________________   Printed: ____________________________

President, Board of Commissioners  Vice President, Board of Commissioners  
St. Joseph County, Indiana  St. Joseph County, Indiana

By: ____________________________

Printed: ____________________________

Member, Board of Commissioners  
St. Joseph County, Indiana
APPENDIX C:
MAINTENANCE BOND
FOR
SUBDIVISION IMPROVEMENTS

This Maintenance Bond (the “Bond”), is hereby presented by [Name of Subdivider] (the “Principal”), and [Name of Bonding Company], (the “Surety Company”) to the St. Joseph County Board of Commissioners, (the “Board”) this day of , , , , to induce the Board to release applicable portions of performance bonds or letters of credit for the subdivision known as [Name of Subdivision and Section #, if applicable] (the “Subdivision”).

WHEREAS, Principal has installed certain improvements, installations, and lot improvements within the Subdivision, but the following improvements, installations, and lot improvements have not been accepted for public maintenance [Check all items covered by this Bond]:

☐ road base course ☐ road intermediate course
☐ road surface course ☐ street signs
☐ curbs ☐ sidewalks
☐ sanitary sewer ☐ water system
☐ storm drainage & retention ☐ lot drainage
☐ erosion control ☐ soil preservation
☐ survey monumentation ☐ fencing
☐ debris and waste removal ☐ grading and landscaping

☐ ☐

WHEREAS, Surety Company has pledged surety for the any maintenance actions required of the Principal related to said improvements, installations, and lot improvements; and

WHEREAS, Surety Company and Principal jointly and severally, bind themselves, their heirs, executors, administrators, successors and assigns to the Board for the maintenance of the above-listed improvements required by the St. Joseph County Subdivision Control Ordinance (the “Subdivision Control Ordinance”) and the Board, and agree to be held and firmly bound unto the Board.

WHEREAS, Principal certifies that all improvements, installations, and lot improvements within the subdivision have been completed in accordance with the requirements, standards and specifications
of the Subdivision Control Ordinance, other applicable ordinances of the county, and the construction plans for the subdivision as approved by the Board.

NOW, THEREFORE, Principal:

1. Warrants the workmanship and materials used in the construction, installation and completion of said improvements, installations, and lot improvements to be of good quality and constructed and completed in a workmanlike manner in accordance with the requirements, standards and specifications of the Subdivision Control Ordinance, other applicable ordinances of the county, and the construction plans for said improvements, installations, and lot improvements as approved by the county; and

2. Agrees to maintain said improvements, installations, and lot improvements, at Principal's own expense, for a period of three years after the date on which said improvements, installations, and lot improvements are accepted for public maintenance by the county, and shall make all repairs thereto which may become necessary by reason of improper workmanship or materials. This maintenance obligation shall not include any damage to said improvements, installations, and lot improvements which results from forces or circumstances beyond the control of the Principal or occasioned by the inadequacy of the standards, specifications and requirements of the Subdivision Control Ordinance or other applicable ordinances of the county.

Upon receipt by the Surety Company of written notice from the Board stating that the Principal has failed to maintain said improvements, installations, and lot improvements as required by the Subdivision Control Ordinance, the Board and this Bond, the Surety Company shall, at the option and direction of the county, promptly and at the Surety Company's expense take one of the following actions:

1. Arrange for the Principal, with consent of the county, to maintain the improvements, installations and lot improvements as required by the Subdivision Control Ordinance, the Board and this Bond;

2. Undertake to maintain the improvements, installations and lot improvements as required by the Subdivision Control Ordinance, the Board and this Bond; or

3. Make payment to the county in the amount to be incurred by the county to maintain the improvements, installations and lot improvements as required by the Subdivision Control Ordinance, the Board and this Bond, and the amount of this Bond shall be credited for any payments made in good faith by the Surety Company, provided that the Surety Company's obligations under this paragraph shall not to exceed [(written dollar amount of bond)] dollars, ($______), in the aggregate.

If Surety Company does not proceed as provided for above with reasonable promptness, but in all events within 30 days, the Surety Company shall be deemed to be in default on this Bond 15 days after receipt of an additional written notice from the Board to the Surety Company demanding that the Surety Company perform its obligations under this Bond, and the county shall be entitled to enforce any remedy available to the county.
Upon compliance with the terms and provisions of this Bond and the execution of a written Release of Maintenance Bond by the Board, the obligations contained herein shall become null and void.

IN WITNESS WHEREOF, the undersigned have executed this instrument this ________ day of ____________, ________.

______________________________  ________________________________
(Principal)                      (Surety Company)

By: ___________________________  By: ___________________________
   Signature                   Signature

Printed: ________________________  Printed: ________________________

Title: __________________________  Title: _________________________

Notice Address: __________________________

______________________________
______________________________

ST. JOSEPH COUNTY

Approved this ________ day of ____________, ________.

______________________________  ________________________________
(Principal)                      (Surety Company)

By: ___________________________  By: ___________________________
   Signature                   Signature

Printed: ________________________  Printed: ________________________

President, Board of Commissioners
St. Joseph County, Indiana

By: ___________________________
Printed: ________________________

Member, Board of Commissioners
St. Joseph County, Indiana

Vice President, Board of Commissioners
St. Joseph County, Indiana
APPENDIX D:

RELEASE OF MAINTENANCE BOND

This Release of Maintenance Bond (the “Release”) is hereby presented by the St. Joseph County Board of Commissioners (the “Board”) to [Name of Subdivider], (the “Principal”), and [Name of Bonding Company], (the “Surety Company”) as of this ________ day of __________, ______.

WHEREAS, Principal and Surety Company have posted a Maintenance Bond for the maintenance of improvements, installations and lot improvements (the “Improvements”) required by the St. Joseph County Subdivision Control Ordinance (the “Subdivision Control Ordinance”), other applicable Ordinances of St. Joseph County, and the Board for the subdivision known as [Name of Subdivision and Section #, if applicable] (the “Subdivision”); and

WHEREAS, the Bond is applicable to following Improvements [Check all items to be covered by this Release]:

☐ road base course ☐ road intermediate course
☐ road surface course ☐ street signs
☐ curbs ☐ sidewalks
☐ sanitary sewer ☐ water system
☐ storm drainage & retention ☐ lot drainage
☐ erosion control ☐ soil preservation
☐ survey monumentation ☐ fencing
☐ debris and waste removal ☐ grading and landscaping
☐ ☐

WHEREAS, the Improvements have been maintained at Principal’s own expense for a period of three years after the date on which said Improvements were accepted for public maintenance by St. Joseph County.

NOW, THEREFORE, the Maintenance Bond issued for the above indicated Improvements is hereby released.
ST. JOSEPH COUNTY

Approved this ________________ day of ____________________, ____________________.

By: ________________________________
   Signature

Printed: ________________________________

President, Board of Commissioners
St. Joseph County, Indiana

By: ________________________________

Printed: ________________________________

Member, Board of Commissioners
St. Joseph County, Indiana

By: ________________________________
   Signature

Printed: ________________________________

Vice President, Board of Commissioners
St. Joseph County, Indiana
APPENDIX E:

PERFORMANCE BOND FOR
SUBDIVISION IMPROVEMENTS

This Performance Bond (the “Bond”), is hereby presented by [Name of Subdivider], (the “Principal”), and [Name of Bonding Company], (the “Surety Company”) to the St. Joseph County Board of Commissioners (the “Board”) this _________ day of ________, ________, to induce the President and Secretary of the Area Plan Commission to sign the Secondary Plat of a subdivision to be known as [Name of Subdivision and Section #, if applicable] (the “Subdivision”).

WHEREAS, Principal has petitioned for and conditionally received Primary Plat approval by the Area Plan Commission under Docket No. __________________ for the Subdivision; and

WHEREAS, the installation of improvements required by the St. Joseph County Subdivision Control Ordinance (the “Subdivision Control Ordinance”) and the installation of improvements required by the Board as a condition of approval of the Secondary Plat have not been completed, constructed, and installed as required by the Subdivision Control Ordinance and the Board; and

WHEREAS, Surety Company has pledged surety for the actions of the Principal related to the completion, construction and installation of the improvements required by the Subdivision Control Ordinance and the Board; and

WHEREAS, Surety Company and Principal agree that the covenants contained herein shall (i) run with the land and (ii) jointly and severally, bind themselves, their heirs, executors, administrators, successors and assigns to St. Joseph County, Indiana (the “County”), and the Board, jointly and severally, for the completion, construction and installation of the improvements required by the Subdivision Control Ordinance and the Board.

NOW, THEREFORE, Principal agrees to the following obligations for the completion, construction and installation of the improvements, installations and lot improvements related to the development of the Subdivision:

1. Principal shall construct, install and complete the following required improvements, installations, and lot improvements for the Subdivision in compliance with all requirements, standards and specifications of the Subdivision Control Ordinance and other applicable Ordinances of the county within three years from the date on which the President and Secretary of the Area Plan Commission sign and certify the Secondary Plat.
(Check all items covered by this Bond):

☐ road base course  ☐ road intermediate course
☐ road surface course  ☐ street signs
☐ curbs  ☐ sidewalks
☐ sanitary sewer  ☐ water system
☐ storm drainage & retention  ☐ lot drainage
☐ erosion control  ☐ soil preservation
☐ survey monumentation  ☐ fencing
☐ debris and waste removal  ☐ grading and landscaping
☐ as-built drawings  ☐ 

2. Principal shall also construct, install and complete the following improvements as required by the Board within ________ (___) years from the date on which the President and Secretary of the Area Plan Commission sign and certify the Secondary Plat:

   a. ________________________________;
   b. ________________________________;
   c. ________________________________;

Upon receipt by the Surety Company of written notice from the Board stating that the Principal has failed to complete, construct and install the improvements, installations and lot improvements required by the Subdivision Control Ordinance and the Board, the Surety Company shall, at the option and direction of the county, promptly and at the Surety Company’s expense take one of the following actions:

1. Arrange for the Principal, with consent of the county, to perform and complete the construction and installation of the improvements, installations and lot improvements required by the Subdivision Control Ordinance and the Board;

2. Undertake to perform and complete the construction and installation of the improvements, installations and lot improvements required by the Subdivision Control Ordinance and the Board; or

3. Make payment to the county in the amount to be incurred by the county to complete the construction and installation of the improvements, installations and lot improvements required by the Subdivision Control Ordinance and the Board, and the amount of this Bond shall be credited for any payments made in good faith by the Surety Company, provided that the Surety Company’s obligations under this paragraph three shall not exceed ________ dollars, ($__________), in the aggregate.
If Surety Company does not proceed as provided for above with reasonable promptness, but in all events within 30 days, the Surety Company shall be deemed to be in default on this Bond 15 days after receipt of an additional written notice from the Board to the Surety Company demanding that the Surety Company perform its obligations under this Bond, and the county shall be entitled to enforce any remedy available to the county.

Upon compliance with the terms and provisions of this Bond and the execution of a written Release of Performance Bond by the Board, this Bond shall become null and void.

IN WITNESS WHEREOF, the undersigned have executed this instrument this ______________ day of ______________, __________.

____________________________________  ______________________________
(Principal)                              (Surety Company)
By: __________________________________  By: __________________________________
    Signature                            Signature
Printed: ______________________________  Printed: ______________________________
Title: __________________________________
Notice Address: ________________________  Notice Address: ________________________

ST. JOSEPH COUNTY

Approved this ______________ day of ______________, __________.

By: __________________________________  By: __________________________________
Printed: ______________________________  Printed: ______________________________

President, Board of Commissioners          Vice President, Board of Commissioners
St. Joseph County, Indiana                  St. Joseph County, Indiana

By: __________________________________
Printed: ______________________________

Member, Board of Commissioners
St. Joseph County, Indiana
APPENDIX F:

RELEASE OF PERFORMANCE BOND

This Release of Performance Bond (the “Release”) is hereby presented by the St. Joseph County Board of Commissioners (the “Board”) to [Name of Subdivider], (the “Principal”), and [Name of Bonding Company], (the “Surety Company”) as of this__________ day of__________________________.

WHEREAS, Principal and Surety Company have posted a Performance Bond for the improvements, installations and lot improvements (the “Improvements”) required by the St. Joseph County Subdivision Control Ordinance (the “Subdivision Control Ordinance”), other applicable Ordinances of St. Joseph County, and the Board for the subdivision known as [Name of Subdivision and Section #, if applicable] (the “Subdivision”); and

WHEREAS, St. Joseph County has approved a Completion Affidavit indicating that all Improvements have been constructed and installed in compliance with all requirements, standards and specifications of the Subdivision Control Ordinance, other applicable Ordinances of St. Joseph County and the Board [Check all items to be covered by this Release]:

☐ road base course  ☐ road intermediate course
☐ road surface course  ☐ street signs
☐ curbs  ☐ sidewalks
☐ sanitary sewer  ☐ water system
☐ storm drainage & retention  ☐ lot drainage
☐ erosion control  ☐ soil preservation
☐ survey monumentation  ☐ fencing
☐ debris and waste removal  ☐ grading and landscaping
☐ as-built drawings

☐ ________________________

☐ ________________________; and

WHEREAS, St. Joseph County has approved a Completion Affidavit indicating that St. Joseph County has accepted the above indicated Improvements for maintenance, subject to the provision of all applicable maintenance bonds.

NOW, THEREFORE, the Performance Bond issued for the above indicated Improvements is hereby released.
ST. JOSEPH COUNTY

Approved this _______ day of ________________________________.

By: ________________________________       By: ________________________________

Printed: ________________________________       Printed: ________________________________

President, Board of Commissioners       Vice President, Board of Commissioners
St. Joseph County, Indiana       St. Joseph County, Indiana

By: ________________________________

Printed: ________________________________

Member, Board of Commissioners
St. Joseph County, Indiana