

TOWN OF ST. JOE, INDIANA

ORDINANCE NO. 2026-6-10

**AN ORDINANCE ESTABLISHING SUBDIVISION CONTROL FOR THE TOWN OF ST. JOE,
INDIANA, GOVERNING SUBDIVISIONS, REPLATS, AND PLAT VACATIONS**

DeKalb County, Indiana

FINAL DRAFT FOR TOWN BOARD APPROVAL

Certified to the Town Board by the St. Joe Zoning and Planning Board
on the 6th day of October 2026

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PREAMBLE

WHEREAS, the Town of St. Joe, DeKalb County, Indiana (the "Town") is a municipal corporation organized under Indiana law and governed by an elected Town Board; and

WHEREAS, IC 36-7-4-700 et seq. (the "700 Series") authorizes the legislative body of a municipality to adopt a subdivision control ordinance upon certification by its plan commission; and

WHEREAS, the Town has adopted a zoning ordinance under the 600 Series of IC 36-7-4 (the "ETJ Zoning Ordinance"), and DeKalb County does not exercise planning and zoning jurisdiction within the Town's jurisdictional area; and

WHEREAS, the Town has determined that the division of land within its jurisdiction should be governed by uniform, predictable standards addressing lot dimensions, public ways, drainage, and the extension of utility services; and

WHEREAS, the Town has further determined that procedures for replats and for the vacation of recorded plats, platted lots, platted easements, and platted covenants should be set out clearly and consistently with IC 36-7-3 and IC 36-7-4;

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of St. Joe, DeKalb County, Indiana, as follows:

ARTICLE 1. AUTHORITY, PURPOSE, JURISDICTION, AND APPLICABILITY

1.01 Short Title

This Ordinance shall be known and may be cited as the **Town of St. Joe Subdivision Control Ordinance** (the "Ordinance").

1.02 Authority

This Ordinance is adopted under IC 36-7-4, and particularly the 700 Series (IC 36-7-4-700 through IC 36-7-4-711). It has been certified to the Town Board by the St. Joe Zoning and Planning Board as required by IC 36-7-4-701.

1.03 Purpose

This Ordinance is adopted to:

- A.** Provide for the orderly, coordinated division of land consistent with the Town's Comprehensive Plan and ETJ Zoning Ordinance;
- B.** Establish standards, as required by IC 36-7-4-702(b), for the minimum width, depth, and area of lots; for public way widths, grades, curves, and coordination with existing and planned public ways; and for the extension of water, sewer, and other municipal services;
- C.** Ensure that every lot offered for sale, lease, transfer, or development is legally created, adequately served, and buildable;
- D.** Secure the timely and adequate installation of required improvements through performance and maintenance sureties;

- E. Provide a clear, lawful process for replatting recorded subdivisions and for vacating all or part of a recorded plat; and
- F. Protect the public health, safety, and general welfare.

1.04 Jurisdiction

This Ordinance applies to all land within the corporate boundaries of the Town and to all land within the Town's extraterritorial jurisdiction ("ETJ") boundary as adopted and filed under IC 36-7-4-205 and depicted on the Official ETJ Zone Map. When the Zoning and Planning Board acts on any matter arising within the ETJ, the two (2) county-appointed citizen members shall serve and vote as provided in IC 36-7-4-214.

1.05 Applicability; Plat Required

- A. No person shall subdivide land, replat land, or vacate all or part of a plat within the Town's jurisdiction except in conformity with this Ordinance.
- B. No plat, replat, or instrument of plat vacation shall be presented to the DeKalb County Recorder for recording unless it bears the certificate of approval required by this Ordinance. A plat recorded without the required certificate is void as provided by IC 36-7-3-2(d) and IC 36-7-3-10(d).
- C. No lot, parcel, or interest in land created in violation of this Ordinance shall be conveyed, offered for sale or lease, or used as the basis for an Improvement Location Permit, building permit, or connection to Town utilities.

1.06 Relationship to Other Regulations

Where this Ordinance and the ETJ Zoning Ordinance both apply, the more restrictive standard governs. A waiver of a subdivision standard granted under Section 8.01 does not waive any standard of the ETJ Zoning Ordinance; relief from a zoning standard requires a variance from the Board of Zoning Appeals under the 900 Series of IC 36-7-4. This Ordinance does not supersede the Floodplain Overlay (FP-O), state or federal wetland regulation, or the jurisdiction of the DeKalb County Surveyor or DeKalb County Drainage Board over regulated drains.

1.07 Establishing Buildable Lots

No structure shall be permitted on a lot within the Town's jurisdiction unless the lot:

- A. Resulted from a subdivision, minor subdivision, or replat approved under this Ordinance or under the ordinance in effect at the time the lot was created; or
- B. Was lawfully established of record before the effective date of this Ordinance and is not the result of a division of a platted lot that was made without required plat approval; or
- C. Is otherwise permitted by the recorded covenants and restrictions of an approved, recorded subdivision.

1.08 Fees

Applications under this Ordinance shall be accompanied by the fee for the corresponding application type set out in the DeKalb County fee schedule adopted under the DeKalb County Unified Development Ordinance, as that schedule exists on the effective date of this Ordinance. That schedule is adopted by

reference as the Town's uniform fee schedule under IC 36-7-4-704, and a dated copy shall be maintained on file with the Clerk-Treasurer and made available for public inspection. A subsequent amendment to the DeKalb County schedule takes effect within the Town only upon its adoption by the Town Board. Fees are nonrefundable once an application has been docketed and are in addition to recording, notice, publication, inspection, and consultant review costs, which shall be borne by the applicant.

1.09 Definitions

For purposes of this Ordinance, the following terms have the meanings set out below. Terms not defined here have the meaning given in the ETJ Zoning Ordinance or, if not defined there, their ordinary meaning.

Term	Definition
Administrator	The Zoning Administrator of the Town of St. Joe, or the Administrator's designee, serving as staff to the Zoning and Planning Board and the Plat Committee.
Buildable Lot	A lot meeting the criteria of Section 1.07 and the dimensional standards of the ETJ Zoning Ordinance.
Exempt Division	A division of land described in Section 2.01 that does not require plat approval.
Improvement Location Permit (ILP)	The permit issued by the Town under the ETJ Zoning Ordinance authorizing improvement of a parcel.
Lot of Record	A lot or parcel described in a deed or plat recorded in the Office of the DeKalb County Recorder.
Parent Tract	A tract of land as it existed of record on the effective date of this Ordinance, identified by a single parcel number or by a single contiguous legal description in common ownership on that date. Subsequent conveyance, division, or change in ownership does not create a new Parent Tract.
Plat Committee	The committee appointed by the Zoning and Planning Board under IC 36-7-4-701(e) and Article 7 of this Ordinance.
Primary Approval / Primary Plat	The approval described in IC 36-7-4-702 and IC 36-7-4-707, establishing the layout, design, and conditions of a subdivision.
Replat	A modification to a recorded subdivision plat as described in Section 5.01.
Residual Parent Tract	The remainder of a Parent Tract after one or more lots have been divided from it.
Secondary Approval / Secondary Plat	The final approval described in IC 36-7-4-709 authorizing recording of the plat.
Subdivision	The division or partial division of a Parent Tract or any parcel of land into two (2) or more lots, parcels, sites, units, plats, or interests, or the combination of two (2) or more lots into one (1) lot, for the purpose of offer, sale, lease, transfer of ownership, or development. "Subdivision" includes a replat and a plat vacation.
Surveyor	A professional surveyor registered in the State of Indiana.
Town Board	The Town Board of the Town of St. Joe, which is the legislative body of the Town for purposes of IC 36-5-2 and IC 36-7-4.
Zoning and Planning Board	The plan commission of the Town of St. Joe, established under the 200 Series of IC 36-7-4. Where the Indiana Code or this Ordinance refers to the "plan commission," that reference means the Zoning and Planning Board.

ARTICLE 2. TYPES OF DIVISION

2.01 Exempt Divisions

The following divisions do not require plat approval, but do require a written determination of exemption issued by the Administrator before recording. A division is exempt only if it creates no nonconforming lot, creates no landlocked parcel, and requires no new public way:

- A. A division creating a parcel conveyed to the Town, DeKalb County, the State of Indiana, a school corporation, a public utility, or a regulated drainage authority for a public purpose, including right-of-way, easement, or drainage acquisition;
- B. A boundary line adjustment between two (2) adjoining Lots of Record that creates no additional lot, where each resulting lot conforms to the ETJ Zoning Ordinance or is no more nonconforming than before;
- C. The combination of two (2) or more adjoining Lots of Record into a single lot, where the resulting lot conforms to the ETJ Zoning Ordinance;
- D. A division of land into parcels of twenty (20) acres or more, each having frontage on an existing public way meeting the standards of Article 4, and each intended solely for agricultural use with no residential building right created; and
- E. A court-ordered division, including partition, condemnation, or a decree in a dissolution or probate proceeding.

Anti-circumvention. A division exempt under this Section shall not be counted in determining whether a further division qualifies as a Minor Subdivision. No division, whether exempt or platted, shall render the Residual Parent Tract a nonconforming lot.

2.02 Minor Subdivision

A. Intent. The Minor Subdivision is intended for the limited division of a Parent Tract for individual lots where no new public way and no extension of public infrastructure is required, and where the review burden of a full subdivision is not warranted.

B. Features. A division qualifies as a Minor Subdivision only if all of the following are true:

1. No new public way is opened, extended, or dedicated;
2. The total number of lots created from the Parent Tract, **including the Residual Parent Tract**, does not exceed **four (4)**, counted cumulatively from the effective date of this Ordinance regardless of intervening ownership changes;
3. Each lot has frontage on an existing public way meeting the standards of Section 4.01(B) and Article 4, or on a shared access easement approved under Section 4.06;
4. No public water main or sanitary sewer main extension exceeding three hundred (300) feet is required;
5. The plat complies in all respects with this Ordinance and the ETJ Zoning Ordinance; and
6. No portion of any lot lies within a floodway, and any portion within a Special Flood Hazard Area is shown and dimensioned on the plat.

C. Approval. A Minor Subdivision is eligible for primary approval by the Plat Committee **without public notice and hearing** under IC 36-7-4-701(d), subject to the notice-of-appeal-rights requirement of Section 7.04. The Plat Committee may grant primary and secondary approval in a single action.

D. Covenants. Every Minor Subdivision creating a lot in the A-Crop or A-Stock district, or a lot abutting land in the A-Crop or A-Stock district, shall record covenants running with the land that acknowledge the priority of lawful agricultural operations, including customary noise, odor, dust, hours of operation, and application of fertilizers and crop protection products, and that waive any nuisance claim arising from such lawful operations. Covenants shall be reviewed for form by the Administrator and recorded with the plat.

E. Exhaustion. Once four (4) lots (including the Residual Parent Tract) have been created from a Parent Tract, any further division of any resulting lot requires approval as a Conventional Subdivision under Section 2.03.

2.03 Conventional Subdivision

A. Intent. The Conventional Subdivision accommodates residential, commercial, industrial, or mixed-use development in which lots are laid out to the dimensional standards of the underlying zoning district and served by public ways and utility systems constructed to Town standards.

B. Features. A Conventional Subdivision:

1. Creates five (5) or more lots from a Parent Tract, or creates any number of lots requiring a new public way or a major utility extension;
2. Requires primary approval by the Zoning and Planning Board after public notice and hearing under Sections 6.03 through 6.04;
3. Requires construction or bonding of all improvements required under Article 4 before secondary approval; and
4. Requires dedication of public ways, drainage facilities, and utility easements as shown on the approved primary plat.

C. Standards. Lot area, width, and setbacks shall meet the minimums of the applicable zoning district (R-50, R-75, R-100, C, I, IN, MU, MP, A-Crop, A-Stock, OP) as set out in Article 4 of the ETJ Zoning Ordinance, together with the supplemental standards of Article 4 of this Ordinance.

2.04 Determination of Type

The Administrator shall determine the applicable subdivision type at the pre-application stage. An applicant may appeal that determination to the Zoning and Planning Board under Section 7.04. No applicant shall divide a Parent Tract in phases, series, or successive conveyances for the purpose of avoiding the standards applicable to a Conventional Subdivision.

ARTICLE 3. PLAT PREPARATION AND CONTENT

3.01 Preparation

Every primary plat, secondary plat, replat, and plat vacation exhibit shall be prepared, signed, and sealed by a Surveyor and shall comply with 865 IAC 1-12 and IC 36-7-3-2, including the surveyor's certificate and metes-and-bounds description.

3.02 Required Content

Each plat shall show, at a minimum:

- A. Proposed subdivision name (approved by the Zoning and Planning Board and not duplicative of any recorded plat in DeKalb County), north arrow, graphic scale not smaller than 1" = 100', and date of preparation and each revision;
- B. Boundary of the tract with bearings and distances, total acreage, section-township-range, and current parcel number(s);
- C. All lots numbered consecutively, with dimensions and areas in square feet and acres;
- D. Existing and proposed public ways with names, right-of-way widths, and centerline data; existing and proposed easements with width and purpose;
- E. Building setback lines for each lot;
- F. Existing and proposed water mains, sanitary sewers, storm sewers, hydrants, and lift stations, or a note identifying the approved on-site systems;
- G. Special Flood Hazard Area boundaries, floodway boundaries, base flood elevations, wetlands, and regulated drains and their statutory easements;
- H. Monuments set and found;
- I. Land dedicated to public use and land reserved as common open space, with the instrument of conveyance identified;
- J. Certificates for the owner's dedication, the Surveyor, the Zoning and Planning Board or Plat Committee, and the DeKalb County Auditor and Recorder;
- K. A statement of the Parent Tract from which the lots are derived, the parcel number of that Parent Tract, and the number of divisions previously taken from it; and
- L. Reference to all covenants, restrictions, and commitments recorded concurrently.

3.03 Digital Submission

The applicant shall furnish the Administrator a digital copy of the recorded plat in a format compatible with the DeKalb County GIS system, and shall obtain parcel identification numbers and addresses as required by the County.

ARTICLE 4. DESIGN AND IMPROVEMENT STANDARDS

These standards are adopted to satisfy IC 36-7-4-702(b). They may be waived only as provided in Section 8.01.

4.01 Lots — Width, Depth, and Area

- A. Minimum lot area and minimum lot width shall be as prescribed for the applicable zoning district by the ETJ Zoning Ordinance (R-50: 2,500 sq. ft. / 50 ft. width; R-75: 10,000 sq. ft. / 75 ft. width; R-100: as prescribed / 100 ft. width; other districts as prescribed).
- B. Minimum lot frontage shall be **one hundred twenty (120) feet**, measured at the right-of-way line of the public way on which the lot fronts. This standard is carried over from the DeKalb County Unified Development Ordinance and applies in addition to the district minimum lot width required by subsection (A). Where subsection (A) and this subsection differ, the more restrictive standard governs under Section 1.06.

- C. Minimum lot depth shall be one hundred (100) feet in all residential districts.
- D. The depth of a lot shall not exceed three (3) times its width, except in the A-Crop, A-Stock, and OP districts.
- E. A corner lot shall be ten (10) feet wider than the district minimum to accommodate setbacks on both frontages.
- F. Every lot shall abut a public way for a distance not less than the minimum lot frontage required by subsection (B), except that a lot fronting on the turnaround of a cul-de-sac may have a minimum of forty (40) feet of frontage at the right-of-way line if the required minimum lot frontage is met at the front building line.
- G. Double-frontage lots are prohibited except where required by topography or to buffer an arterial, in which case a nonaccess easement shall be platted along the arterial frontage.
- H. Side lot lines shall be substantially at right angles or radial to the public way.
- I. No lot shall be created that is divided by a municipal corporate boundary, a school corporation boundary, or a township line.

4.02 Public Ways — Widths, Grades, and Curves

Classification	Min. Right-of-Way	Min. Pavement	Max. Grade	Min. Grade	Min. Centerline Radius
Local street	50 ft.	26 ft.	8%	0.5%	150 ft.
Minor collector	60 ft.	30 ft.	6%	0.5%	300 ft.
Major collector / arterial	70 ft.	36 ft.	5%	0.5%	500 ft.
Cul-de-sac turnaround	50 ft. radius	40 ft. radius	5%	0.5%	—
Alley	20 ft.	16 ft.	8%	0.5%	—

- A. Streets shall connect to and continue existing streets at equal or greater width and shall be coordinated with the Town's Comprehensive Plan and thoroughfare plan and with adjoining platted or planned streets.
- B. A cul-de-sac shall not exceed six hundred (600) feet in length measured from the centerline of the intersecting street to the center of the turnaround, and shall be used only where a through street is impracticable.
- C. Half-streets are prohibited. Where a Parent Tract abuts an existing half-street, the applicant shall dedicate the balance of the right-of-way.
- D. Street intersections shall be at ninety (90) degrees, and in no case less than seventy-five (75) degrees. Centerline offsets of less than one hundred twenty-five (125) feet are prohibited.
- E. A tangent of not less than one hundred (100) feet shall separate reverse curves.
- F. Grades shall not exceed four percent (4%) within one hundred (100) feet of an intersection.

- G.** Blocks shall not exceed one thousand three hundred twenty (1,320) feet in length. A pedestrian cross-access easement not less than ten (10) feet wide may be required in blocks exceeding eight hundred (800) feet.
- H.** Street names shall not duplicate or closely resemble existing names in DeKalb County and shall be approved by the Zoning and Planning Board with the concurrence of the DeKalb County Highway Department and County 911 addressing authority.
- I.** Pavement design, subgrade, base, drainage, and signage shall meet Town construction standards or, where none apply, INDOT standard specifications.
- J.** Sidewalks not less than five (5) feet wide shall be installed on both sides of all streets in the R-50, R-75, MU, and C districts, and on at least one side in the R-100 district.

4.03 Extension of Water, Sewer, and Other Municipal Services

- A. Water.** Every lot shall connect to the St. Joe municipal water system where a main is available within three hundred (300) feet of the lot's frontage. The applicant shall extend mains across the full frontage of the subdivision at the applicant's expense, sized as required by the Town, with valves, fittings, and fire hydrants spaced not more than five hundred (500) feet apart. Where public water is not available, each lot shall be served by a private well approved by the DeKalb County Health Department, and each lot shall contain sufficient area to meet state isolation distances.
- B. Sanitary sewer.** Every lot shall connect to public sanitary sewer where a main is available within three hundred (300) feet. Where public sewer is not available, each lot shall be served by an on-site sewage disposal system approved by the DeKalb County Health Department, and each lot shall contain a primary and a reserve absorption field area meeting 410 IAC 6-8.3 and the district minimum lot area.
- C. Stormwater.** The applicant shall submit a drainage plan sealed by a professional engineer demonstrating that post-development peak discharge for the 2-, 10-, 25-, and 100-year storm events does not exceed pre-development peak discharge, and that no drainage is diverted onto adjoining land. Where the subdivision affects a regulated drain, the plan shall be submitted to the DeKalb County Surveyor and DeKalb County Drainage Board, and any required approval obtained before secondary approval.
- D. Other utilities.** Electric, gas, telephone, cable, and broadband service shall be installed underground in all new subdivisions except where the Town Engineer finds underground installation impracticable. Utility installation shall be coordinated with the affected utilities under IC 8-1-2.
- E. Fire protection.** Fire hydrant locations and water supply shall be reviewed by the Concord Township Volunteer Fire Department before secondary approval.

4.04 Easements

Utility easements not less than ten (10) feet wide shall be provided along all rear lot lines and not less than five (5) feet wide along side lot lines where needed. Drainage easements shall be not less than twenty (20) feet wide, or wider as required by the Town Engineer or County Surveyor, and shall be centered on the drainage way.

4.05 Monuments

Permanent monuments shall be set at all boundary corners, points of curvature, points of tangency, and street intersections, and lot corner markers set at all lot corners, in compliance with 865 IAC 1-12. Monuments disturbed during construction shall be reset by a Surveyor at the applicant's expense before release of the maintenance surety.

4.06 Shared Access Easements

Where permitted for a Minor Subdivision, a shared access easement shall serve not more than three (3) lots, shall be not less than thirty (30) feet wide, shall be improved to a driving surface of not less than sixteen (16) feet capable of supporting emergency apparatus, and shall be governed by a recorded maintenance agreement running with the land. The Town assumes no maintenance obligation for a shared access easement.

4.07 Open Space and Public Sites

Where the Comprehensive Plan identifies a proposed park, school site, trail corridor, or public facility within the subdivision, the Zoning and Planning Board may require that the area be reserved for a period not exceeding one (1) year to allow negotiation for acquisition. Reservation under this Section is not a dedication and does not constitute a taking.

ARTICLE 5. REPLATS

5.01 Definition of Replat

A **Replat** is a modification to a recorded subdivision plat, recorded with the DeKalb County Recorder, that does one or more of the following:

- A.** Divides one or more platted lots into two (2) or more lots;
- B.** Adjusts lot lines between platted lots;
- C.** Combines two (2) or more platted lots into a single lot;
- D.** Relocates, widens, or vacates a platted easement, except that the vacation of a platted easement is also subject to Section 6.06; or
- E.** Corrects a scrivener's error, bearing, distance, or dimension in a recorded plat.

5.02 Eligibility for Administrative Replat Procedure

A Replat may proceed under the Secondary Plat procedure of Section 6.04, **without primary plat approval**, if all of the following apply:

1. No new public way is created, extended, or vacated;
2. The Replat does not increase the total number of lots in the recorded subdivision by more than three (3);
3. Every resulting lot complies with this Ordinance and the ETJ Zoning Ordinance, or is no more nonconforming than before the Replat;
4. All owners of every lot affected by the Replat have signed the Replat and its dedication;
5. No recorded covenant, restriction, or commitment applicable to the subdivision is amended or extinguished, except by the separate procedure of Section 6.05;

6. The overall design, drainage pattern, and utility layout of the recorded subdivision are not materially altered; and
7. Adequate water and sewage disposal capacity exists for each resulting lot.

5.03 Replats Not Meeting Section 5.02

A Replat that does not meet every condition of Section 5.02 shall be processed as a new subdivision under Article 6, including primary plat approval with public notice and hearing.

5.04 Replat Content

A Replat shall show the recorded plat's name, instrument number, and recording date; the lots as originally platted in dashed lines; the lots as replatted in solid lines; and a note stating that the Replat supersedes the corresponding portion of the original plat. Lot numbering shall continue the original sequence or use a lettered suffix (for example, "Lot 6A" and "Lot 6B") so that no lot number is duplicated within the subdivision.

5.05 Effect

Upon recording, a Replat supersedes the recorded plat only as to the lots and easements shown on it. All other portions of the original plat, and all covenants and restrictions applicable to the subdivision, remain in full force unless separately amended or vacated.

ARTICLE 6. PROCEDURES

6.01 Pre-Application Conference

Before filing any application, the applicant shall meet with the Administrator to review the proposal, determine the applicable subdivision type, and identify required outside approvals. A sketch plan may be submitted. Nothing said at a pre-application conference binds the Town, the Zoning and Planning Board, or the Plat Committee.

6.02 Preliminary Plan (Optional)

An applicant may submit a Preliminary Plan for non-binding review and comment by the Zoning and Planning Board before incurring the cost of engineering. Review of a Preliminary Plan does not constitute primary approval, creates no vested right, and imposes no obligation on the Zoning and Planning Board.

6.03 Primary Plat

A. Application. The applicant shall file with the Administrator a complete application, the required number of plat copies, construction plans, a drainage plan, proposed covenants, evidence of title, and the filing fee. The Administrator shall determine completeness within fifteen (15) days. An incomplete application shall not be docketed.

B. Hearing date and notice. Upon determining that an application is complete, the Administrator shall set the matter for hearing before the Zoning and Planning Board and shall give notice as required by IC 36-7-4-705 and IC 36-7-4-706, including publication under IC 5-3-1 not less than ten (10) days before the hearing and written notice to interested parties as prescribed by the

Zoning and Planning Board's rules of procedure. The applicant shall bear the cost of notice and shall file proof of notice before the hearing.

- C. Referrals.** The Administrator shall transmit the application for review and comment to the Town Engineer, the Town water utility, the Concord Township Volunteer Fire Department, the DeKalb County Highway Department, the DeKalb County Surveyor, the DeKalb County Health Department, and any affected utility.
- D. Standard of decision.** Under IC 36-7-4-702(a) and IC 36-7-4-707, the Zoning and Planning Board or Plat Committee shall determine whether the application and plat comply with the standards of this Ordinance. **If the plat complies with those standards, primary approval shall be granted.** Primary approval is not a discretionary land use decision.
- E. Written findings.** The Zoning and Planning Board or Plat Committee shall make written findings and a written decision granting or denying primary approval. A decision granting approval shall specify each condition imposed and each waiver granted under Section 8.01. A decision denying approval shall state the reasons. The decision shall be signed by the President of the Zoning and Planning Board, or by the Chair of the Plat Committee where the Plat Committee acted, who are hereby designated as the officials required by IC 36-7-4-707 and IC 36-7-4-708(c).
- F. Conditions.** As a condition of primary approval, the Zoning and Planning Board or Plat Committee may specify the manner in which public ways are laid out, graded, and improved; provisions for water, sewage, drainage, and other utility service; lot sizes; and the provision of performance and maintenance sureties, as authorized by IC 36-7-4-702(d).
- G. Duration.** Primary approval expires **two (2) years** after the date of the written decision unless a secondary plat for at least one section has been granted secondary approval. The Zoning and Planning Board may grant one (1) extension of not more than one (1) year on written request filed before expiration. Primary approval of a phased subdivision remains in effect as to unrecorded sections for **five (5) years** if the first section receives secondary approval within two (2) years.
- H. Amendment.** A material change to an approved primary plat — including a change in lot count, street alignment, drainage concept, or open space — requires a new primary plat application. The Administrator may approve minor field adjustments that do not alter lot count, street alignment, or drainage capacity.

6.04 Secondary Plat

- A. Application.** After primary approval, and after all required improvements are either completed and accepted or secured by a performance surety under Section 6.08, the applicant shall file a secondary plat conforming to the approved primary plat.
- B. Review.** The Administrator, with the Town Engineer, shall determine whether the secondary plat conforms to the primary plat and to all conditions of primary approval, and whether improvements have been completed or secured.
- C. Approval authority.**
1. The **Plat Committee** may grant secondary approval where the secondary plat conforms to the approved primary plat and all conditions have been met or secured.
 2. For a Minor Subdivision, the Plat Committee may grant primary and secondary approval in a single action under Section 2.02(C).

3. For a Replat eligible under Section 5.02, the **Administrator** may grant secondary approval administratively, subject to the notice of appeal rights required by Section 7.04.
- D. Certification and recording.** Secondary approval shall be certified on the plat by the designated official. The applicant shall record the plat with the DeKalb County Recorder, after obtaining the DeKalb County Auditor's certification that all taxes and special assessments are paid, within **ninety (90) days** of secondary approval. A secondary approval not recorded within ninety (90) days is void, and the plat shall be resubmitted.
- E. Filed copies.** Within fifteen (15) days after recording, the applicant shall deliver to the Administrator one (1) recorded paper copy and one (1) digital copy of the plat and all recorded covenants, together with recording information.

6.05 Plat Vacation — General

- A. Scope.** This Section governs the vacation of all or part of a recorded plat, including the vacation of platted lots and, where separately requested, of recorded covenants or commitments filed as part of the plat. The vacation of a public way or public place is governed by Section 6.07. The vacation of a platted easement is governed by Section 6.06.
- B. Two available procedures.** A plat vacation shall proceed under either:
 1. **Section 6.05(C) — Vacation by unanimous written instrument** (IC 36-7-3-10); or
 2. **Section 6.05(D) — Vacation by petition, notice, and hearing** (IC 36-7-4-711).
- C. Vacation by unanimous written instrument (IC 36-7-3-10).**
 1. Where **all** owners of land in the plat agree, they may file with the Administrator a written instrument, executed and acknowledged by every such owner, declaring all or the specified part of the plat to be vacated.
 2. The instrument shall be accompanied by a current title commitment or attorney's title opinion identifying every owner of land in the plat, a survey exhibit prepared by a Surveyor depicting the area to be vacated, and evidence that all taxes and special assessments are paid.
 3. The instrument may be approved **without notice and without a hearing**. The notice and hearing provisions of IC 36-7-4 do not apply to approval under this subsection.
 4. The instrument shall be approved by the Zoning and Planning Board where the Zoning and Planning Board has jurisdiction over the platted area under IC 36-7-4. Where the platted area lies inside the corporate boundaries and approval by the municipal works board is required by IC 36-7-3-10(c)(2), the Town Board, acting as the Town's board of works, shall approve the instrument.
 5. The DeKalb County Recorder may record the instrument only if a certificate showing the approval required by this subsection is attached. An instrument not executed and approved as required is void.
 6. This subsection does not authorize the vacation of a public way or public place. Any public way within the vacated area remains a public way unless separately vacated under Section 6.07.
- D. Vacation by petition, notice, and hearing (IC 36-7-4-711).**

1. **Who may petition.** An owner of land in a plat may file with the Zoning and Planning Board a petition to vacate all or part of the plat pertaining to the land owned by the petitioner. This procedure shall be used where the owners are not unanimous, where only part of a plat is to be vacated, or where the petitioner requests vacation of recorded covenants or commitments.
2. **Contents of petition.** The petition shall:
 - a. State the reasons for and the circumstances prompting the request;
 - b. Specifically describe, by legal description and survey exhibit, the property in the plat proposed to be vacated;
 - c. Give the name and mailing address of each owner of land in the plat and of each owner of land abutting the area proposed to be vacated;
 - d. Identify each public way, public place, and platted easement within or abutting the area proposed to be vacated, and state whether vacation of any of them is separately requested;
 - e. State whether the petition includes a request to vacate any recorded covenants or commitments filed as part of the plat, which are then also subject to vacation; and
 - f. Be accompanied by a current title commitment or attorney's title opinion, evidence that all taxes and special assessments are paid, and the filing fee.
3. **Hearing date.** Within **thirty (30) days** after receipt of a petition, the Administrator shall announce the date for a hearing before the Zoning and Planning Board.
4. **Notice.** Notice of the hearing shall be published under IC 5-3-1 not less than ten (10) days before the hearing, and written notice shall be mailed not less than ten (10) days before the hearing to every owner of land in the plat and to every owner of land abutting the area proposed to be vacated. The petitioner shall pay the cost of notice and shall file proof of notice before the hearing.
5. **Hearing.** The hearing is subject to IC 5-14-1.5. Any person aggrieved by the proposed vacation may appear and remonstrate.
6. **Grounds for remonstrance.** Consistent with IC 36-7-3-13, a remonstrator may object on the grounds that the proposed vacation would:
 - a. Hinder the growth or orderly development of the Town or of the neighborhood in which it is located;
 - b. Make access to the lands of the remonstrator by means of a public way difficult or inconvenient;
 - c. Hinder the public's access to a church, school, or other public building or place;
 - d. Hinder the use of a public way by the neighborhood in which it is located; or
 - e. Cause hardship to the owner of an abutting lot or parcel.
7. **Decision.** After the hearing, the Zoning and Planning Board shall make written findings and shall approve, approve with conditions, or deny the petition. The Zoning and Planning Board **shall deny** the petition, or shall condition approval to eliminate the defect, if it finds that the vacation would:

- a. Create a landlocked parcel or eliminate the sole legal access to any lot;
 - b. Create a lot that does not conform to the ETJ Zoning Ordinance, or increase the degree of nonconformity of an existing lot;
 - c. Eliminate a drainage, utility, access, or open space easement necessary to serve remaining lots, or interfere with a regulated drain;
 - d. Leave any public improvement without a responsible maintenance entity; or
 - e. Be established on one or more of the grounds set out in subdivision 6 above.
8. **Partial vacation.** A partial plat vacation may be approved for the purpose of removing specified lots from a recorded plat, including in order to permit a subsequent Minor Subdivision or Replat. Approval of a partial vacation does not constitute approval of any subsequent subdivision, which shall be reviewed separately on its own merits. The vacation shall not disturb the remaining lots, covenants, or easements except as expressly stated in the findings.
9. **Covenants.** Recorded covenants or commitments are vacated only if the petition expressly requested their vacation, notice so stated, and the written findings so provide.
10. **Recording; effect.** The approved vacation, with the certificate of approval attached, shall be recorded with the DeKalb County Recorder within ninety (90) days and a copy furnished to the DeKalb County Auditor. Consistent with IC 36-7-3-14, the descriptions of lots and parcels in a vacated plat are preserved for purposes of conveyance and taxation, and land in a vacated plat may continue to be described by reference to the plat.
11. **Termination.** A vacation proceeding is subject to the termination and limitation provisions of IC 36-7-3-15.

6.06 Vacation of Platted Easements

A petition to vacate a platted easement shall be filed and heard under Section 6.05(D) and is subject to IC 36-7-3-16. The petitioner shall obtain and file a written release or statement of no objection from every utility and drainage authority entitled to use the easement. A public utility's right to use a public way or place is not impaired by a vacation proceeding except to the extent the utility expressly waives that right in writing. No easement necessary for drainage, access, or utility service to a remaining lot shall be vacated.

6.07 Vacation of Public Ways and Public Places

The vacation of all or part of a public way or public place located within the corporate boundaries of the Town is governed by **IC 36-7-3-12** and is **not** within the jurisdiction of the Zoning and Planning Board. A petition shall be filed with the **Town Board**, which shall hold a hearing within thirty (30) days after receipt, with notice given by the Clerk-Treasurer at the petitioner's expense. After hearing, the Town Board may vacate the public way or public place **by ordinance**. The Clerk-Treasurer shall furnish a copy of each vacation ordinance to the DeKalb County Recorder for recording and to the DeKalb County Auditor. Any aggrieved person may appeal the ordinance to the circuit, superior, or probate court of DeKalb County within thirty (30) days of adoption, and the court shall try the matter de novo and may award damages. Where a public way located outside the corporate boundaries but within the ETJ is proposed to be vacated, the petition shall be filed with the Board of DeKalb County Commissioners.

6.08 Performance Surety

- A. In lieu of completing required improvements before secondary approval, the applicant may post a performance surety in favor of the Town, as authorized by IC 36-7-4-709.
- B. The amount shall equal **one hundred twenty percent (120%)** of the Town Engineer's approved estimate of the cost to complete the remaining improvements.
- C. Acceptable forms are cash escrow, an irrevocable letter of credit issued by a federally insured financial institution acceptable to the Town, or a surety bond issued by a surety licensed in Indiana and rated A- or better.
- D. The initial term shall be not less than **two (2) years**. The surety shall be renewed or replaced not less than thirty (30) days before expiration, and failure to do so is grounds for the Town to draw on the surety and complete the improvements.
- E. The Town may draw on the surety and complete the improvements if the applicant fails to complete them within the term, after thirty (30) days' written notice and opportunity to cure.

6.09 Maintenance Surety

- A. Before the Town accepts any public improvement, the applicant shall post a maintenance surety guaranteeing the improvement against defects in materials and workmanship.
- B. The amount shall equal **fifteen percent (15%)** of the actual construction cost of the improvements accepted, as documented by paid invoices certified by the applicant's engineer.
- C. The term shall be **three (3) years** from the date of the Town's written acceptance.
- D. Acceptable forms are the same as under Section 6.08(C).

6.10 Surety Release

- A. The applicant shall submit a written request for release, together with as-built drawings sealed by a professional engineer, certified construction costs, lien waivers, and, where applicable, the deed or instrument conveying the improvement to the Town.
- B. The Town Engineer shall inspect the improvements within thirty (30) days of a complete request.
- C. Consistent with IC 36-7-4-709, the Town may grant **partial releases** as discrete improvements are completed and accepted, provided that the balance remaining is not less than one hundred twenty percent (120%) of the estimated cost to complete the remaining work.
- D. The Town Board shall act on a release request within **sixty (60) days** after the Town Engineer's inspection report. A release shall be granted where the improvements conform to the approved plans and the conditions of primary approval.
- E. No performance surety shall be released until any required maintenance surety has been posted.

ARTICLE 7. PLAT COMMITTEE; APPEALS

7.01 Establishment

The Zoning and Planning Board is authorized to appoint a Plat Committee under IC 36-7-4-701(e) to hold hearings on and approve plats and replats on the Zoning and Planning Board's behalf.

7.02 Membership

The Plat Committee shall consist of **three (3)** persons appointed by the Zoning and Planning Board, at least one (1) of whom shall be a member of the Zoning and Planning Board. The Zoning and Planning Board shall designate the Chair. Members serve one-year terms and may be reappointed. Two (2) members constitute a quorum, and the concurring vote of two (2) members is required for any action.

7.03 Jurisdiction

The Plat Committee is authorized to grant primary and secondary approval for:

- A. Minor Subdivisions;
- B. Replats eligible under Section 5.02 that are not approved administratively; and
- C. Secondary plats conforming to a primary plat approved by the Zoning and Planning Board.

All other matters, including Conventional Subdivisions, plat vacations, and waivers under Section 8.01, are reserved to the Zoning and Planning Board.

7.04 Notice of Appeal Rights; Appeals

- A. Within **ten (10) days** after the Plat Committee grants primary approval without public notice and hearing under IC 36-7-4-701(d), the Administrator shall give due notice to interested parties of their right to appeal to the Zoning and Planning Board, in the manner set out in IC 36-7-4-706(2) and (3).
- B. An applicant or other interested party may appeal to the Zoning and Planning Board the primary approval or disapproval of a plat, or the imposition of a condition on primary approval by the Plat Committee, in accordance with IC 36-7-4-708 and IC 36-7-4-402(d). Where approval was granted without notice and hearing, an interested party shall file a notice of appeal not more than **five (5) days** after a copy of the Plat Committee's action is mailed to that party.
- C. The Zoning and Planning Board shall give notice and hold a hearing in the same manner as the Plat Committee, and has the same power to approve, disapprove, or impose conditions.
- D. A decision of the Zoning and Planning Board is subject to judicial review as provided in the 1600 Series of IC 36-7-4.

ARTICLE 8. WAIVERS, ENFORCEMENT, AND ADMINISTRATION

8.01 Waiver of Subdivision Standards

- A. Under IC 36-7-4-702(c), the standards fixed by this Ordinance may be waived at the discretion of the Zoning and Planning Board. Standards of the ETJ Zoning Ordinance may **not** be waived under this Section; relief from a zoning standard requires a variance under the 900 Series of IC 36-7-4.
- B. A written waiver request shall be filed with the plat application and shall identify each standard, state the reason, and describe any alternative proposed.
- C. In granting a waiver, the Zoning and Planning Board may allow or require a written commitment under IC 36-7-4-1015, which shall be recorded with the plat and shall run with the land.
- D. Each waiver shall be recited in the written findings and decision and noted on the recorded plat.

8.02 Waiver of Conditions by the Town Board

Under IC 36-7-4-701(f), the Town Board reserves to itself the power to waive any condition imposed upon primary approval of a plat by the Zoning and Planning Board under IC 36-7-4-702. A person seeking such a waiver shall file a written request with the Clerk-Treasurer within thirty (30) days of the written decision imposing the condition. The Town Board shall place the request on the agenda of a regular meeting within forty-five (45) days, shall hear the applicant and the Zoning and Planning Board, and shall act by resolution stating its reasons.

8.03 Enforcement

- A.** No Improvement Location Permit, building permit, or connection to Town water or sewer service shall be issued for any lot created in violation of this Ordinance.
- B.** The Town may institute an action for injunction, mandatory injunction, or other appropriate relief under the 1000 Series of IC 36-7-4 to prevent or abate a violation, and may recover its costs and reasonable attorney's fees.
- C.** A violation of this Ordinance is an ordinance violation punishable by a fine of not more than **two thousand five hundred dollars (\$2,500.00)** as authorized by IC 36-1-3-8. Each day a violation continues after written notice constitutes a separate violation, and each lot conveyed in violation constitutes a separate violation.
- D.** The remedies in this Section are cumulative.

8.04 Recording Prohibition

The Town shall furnish the DeKalb County Recorder and the DeKalb County Auditor with a copy of this Ordinance and with the signature and certificate forms required by it.

8.05 Severability

If any section, subsection, sentence, clause, or phrase of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, that holding shall not affect the validity of the remaining portions, which shall remain in full force and effect.

8.06 Repealer

All prior ordinances and parts of ordinances of the Town of St. Joe in conflict with this Ordinance are repealed to the extent of the conflict. Any application filed and complete before the effective date of this Ordinance shall be governed by the regulations in effect at the time of filing.

8.07 Savings Clause

This Ordinance does not discontinue, reduce, modify, or alter any penalty accruing or about to accrue, nor affect any right, liability, or obligation existing under any prior ordinance.

8.08 Effective Date

This Ordinance takes effect upon its adoption by the Town Board and publication as required by IC 5-3-1.

ADOPTION

SO ORDAINED by the Town Board of the Town of St. Joe, DeKalb County, Indiana, this _____ day of _____, 2026.

VOTING:

Member	AYE	NAY
Randy Drake, President	_____x_____	_____
Zebulon Griggs, Member	_____x_____	_____
Misty Spicer, Member	_____x_____	_____

PASSED AND ADOPTED by the Town Board of the Town of St. Joe, Indiana, this 6th day of October 2026.

TOWN OF ST. JOE, INDIANA — TOWN BOARD

Misty Spicer
Misty Spicer, President

Zebulon Griggs
Zebulon Griggs, Member

Randy Drake
Randy Drake, Member

ATTEST:

Angela Snyder
Angela Snyder, Clerk-Treasurer

Presented by me to the Town Board of the Town of St. Joe, Indiana, this 6th day of October, 2026.

Angela Snyder
ANGELA SNYDER, Clerk-Treasurer

