

WAYNE COUNTY, INDIANA

CHAPTER 55

SUBDIVISION REGULATION

ORDINANCE NO. 1993-6

Adopted April 21, 1993

AMENDED

July 24, 2001, Ordinance No. 2001-02

July 26, 2023, Ordinance No. 2023-006

ORDINANCE NUMBER 93-6

THIS IS AN AMENDMENT TO THE WAYNE COUNTY CODE MORE SPECIFICALLY ARTICLE 55 SUBDIVISION REGULATION ORDINANCE BY AMENDING THE ENTIRE SUBDIVISION REGULATION ORDINANCE.

WHEREAS, THE Wayne County Advisory Plan Commission did hold numerous public gatherings and a public hearing on the 10th day of March, 1993 to review and accept input on the amendment to the Ordinance, which was advertised in accordance with state laws, and was later considered at a public hearing on the 10th day of March, 1993, which was advertised according to the state law, and;

WHEREAS, the amended Ordinance was approved by the Plan Commission on the said 10th day of March, 1993 and certified to the County Commissioners with recommendation that they adopt the amendments to the Ordinance as the Subdivision Regulation Ordinance for Wayne County, and;

WHEREAS, this amendment would completely replace and supersede the Subdivision Regulation Ordinance of Wayne County, and;

WHEREAS, this amendment is consistent with the terms of the Comprehensive Plan adopted by Wayne County, and this Ordinance will completely replace the existing Wayne County Subdivision Regulation Ordinance previously adopted, thereby will promote the public health, safety, comfort, morals, convenience and general public welfare, and

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Wayne County, State of Indiana, that the county code be amended as follows:

SECTION 1

Subdivision Regulation Ordinance, Chapter 55, Articles I through XVI, including Sub-Sections 55.01 through 55.201, an exact copy of which is attached to and made a part of this Ordinance by this reference, hereby amends and completely supersedes all of the sections of Chapter 55 Subdivision Regulation, heretofore enacted by Wayne County, Indiana.

SECTION 2

The prior Chapter 55 Subdivision Regulation Ordinance adopted October 30, 1967 is hereby repealed.

SECTION 3

The new Ordinance Chapter 55 for Subdivision Regulation contains the following articles:

- | | | |
|-------------|---|-------------------------------|
| Article I | - | General Provisions |
| Article II | - | Definitions |
| Article III | - | Approval of Plats and Replats |
| Article IV | - | Procedure |

- Article V - Plat Committee
- Article VI - Approvals
- Article VII - Financial Responsibilities – Bonding
- Article VIII - General Requirements
- Article IX - Minimum Standards of Improvements
- Article X - Streets and Roadways
- Article XI - Street Construction Standards
- Article XII - Modifications
- Article XIII - Variances
- Article XIV - Improvement Location Permits – Fees
- Article XV - Certificates, Dedication
- Article XVI - Validity – Adoption – Amendment

SECTION 4

This Ordinance shall become effective this 21 day of April, 1993.

Passed by the County Commissioners for Wayne County, Indiana this 21 day of April, 1993.

By: *Roy Werking*
Roy Werking

By: *Marcia French*
Marcia French

By: *Max Smith*
Max Smith

Members of the Board of County Commissioners of Wayne County, Indiana on the 21 day of April, 1993.

ATTEST:
Joseph L. Kaiser
Joseph L. Kaiser,
Auditor of Wayne County, Indiana



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ARTICLE I

GENERAL

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ARTICLE I GENERAL

55.01 ESTABLISHMENT OF CONTROL.

No plat or replat of a subdivision of land located within the jurisdiction of the Wayne County Plan Commission shall be filed with the Wayne County Auditor, and the Wayne County Recorder shall not record same unless it has first received secondary approval by the Wayne County Plan Commission, and such approval shall have been entered in writing on said plat by the Secretary of said Commission and further evidenced by affirming the Commission's seal upon the plat.

55.02 OTHER DEPARTMENT CLEARANCES.

The Wayne County Plan Commission shall not approve said plat or replat until the requirements of the following officials have been satisfied: Health Officer, Surveyor, Soil Conservationist, Board of Commissioners and County Highway Engineer.

55.03 TERRITORIAL LIMITS OF REGULATIONS.

The rules and regulations governing plat and subdivisions of land contained herein shall apply within all of the unincorporated areas of the county, unless by proper ordinance, an area of jurisdiction has been granted to a municipal or town plan commission.

55.04 TECHNICAL REVIEW COMMITTEE.

The Plan Commission shall establish this committee to review the application for technical conformity with the standards of this Ordinance when requested by the Plan Commission, Plat Committee or Plan Commission Staff. They shall send their comments to the pertinent hearing. Such comments are not necessary for action to be taken on a subdivision.

55.05 RESERVED.

55.06 MINIMUM STANDARDS – CHECKLIST REQUIREMENTS.

There is hereby established a list of minimum standards that have heretofore been established by the Plan Commission and by the Board of Zoning Appeals as conditions for passage of a subdivision. These conditions must be contained in the subdivision to which they are applicable, and a checklist will be submitted by the developer, along with each plat, showing that these documents have been prepared, cleared by the respective departments and are included in the plat materials. This checklist may be supplemented from time to time by conditions imposed by the technical committee, the compliance to which will also be submitted along with the plat, and made a part of the report to the Plat Committee, or the Plan Commission, upon submission for secondary approval.

ARTICLE II DEFINITIONS

Section 55.10 Definitions

ARTICLE II DEFINITIONS

55.10 DEFINITIONS.

For the purpose of this Ordinance certain terms or words used herein shall be interpreted or defined in the Zoning Ordinance of Wayne County. Other special definitions for this Ordinance are as follows. Words used in the present tense include the future tense; the singular number shall include the plural and the singular; and the word “shall” is always mandatory and not discretionary.

“BUILDING SETBACK LINE.” A line on a plat between which line and the street of a lot or block, buildings may not be erected.

“COMMISSION.” The Wayne County Indiana Plan Commission.

“COUNTY HIGHWAY ENGINEER.” The Wayne County Highway Engineer.

“COUNTY HIGHWAY SUPERVISOR” The Wayne County Highway Supervisor.

“HMA.” Hot mix asphalt.* (*Amended, Ord. No. 2001-02)

“LOT DEPTH.” The mean horizontal distance between the front lot line along the street right-of-way and the rear lot line, measured within the lot boundaries.

“PLANNING DIRECTOR.” The head of the staff of the Wayne County Plan Commission.

“PLAT.” A map or drawing on which the subdivider’s plan of a subdivision is shown, which is presented for approval. The final plat is the map or drawing which is intended to be filed for record and which meets the requirements of Section 55.53 herein.

“ROADBED.” The portion of the right-of-way between the outside shoulder lines or curb faces.

“ROADWAY.” The paved area of the right-of-way including all curb and gutter facilities.

“SHOULDERS.” The portion of the roadbed not covered by pavement.

“STREET.” A right-of-way dedicated to the public use, which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, land, drive, place, cul-de-sac or other appropriate name. A street may also be identified, according to type of use, as follows:

- (A) Primary Thoroughfares are those streets so designated in the Major Highway Plan.
- (B) Secondary Thoroughfares are those streets so designated in the Major Highway Plan.

- (C) Parkways are those streets so designated in the Major Highway Plan.
- (D) Collector Streets are those streets which carry traffic from minor streets to primary or secondary thoroughfares, including access streets to neighborhoods or sub-neighborhoods and afford traffic circulation within such neighborhoods or sub-neighborhoods.
- (E) Minor Streets are those streets which are used exclusively or principally for access to abutting properties.
- (F) Frontage Access Streets are minor streets which are parallel to and adjacent to principal thoroughfares and which provide access to abutting properties and protection from through traffic.
- (G) Cul-de-sac are minor streets having only one end open to traffic and being permanently terminated at the other end by a vehicle turn-around.

“SUBDIVISION.” See definition in the Zoning Ordinance which is controlling in this Ordinance also.

- (A) **“PARCEL.”** A segment of land.
- (B) **“RECORD OF TRANSFER.”** The record as it appears in the records of the Recorder of Wayne County.
- (C) **“NEW STREET.”** Any street constructed to county specifications and in accordance with this Subdivision Control Ordinance to be built as part of the proposed subdivision.

ARTICLE III SUBDIVISION APPROVAL OF PLATS AND REPLATS

- Section 55.20 Authority Over Plats
- 55.21 Standards for Approval
- 55.22 Replat

ARTICLE III SUBDIVISION APPROVAL OF PLATS AND REPLATS

55.20 AUTHORITY OVER PLATS.

The Wayne County Plan Commission or Plat Committee have exclusive control over the approval of plats and replats, of subdivisions involving unincorporated lands in Wayne County, under its jurisdiction.

55.21 STANDARDS FOR APPROVAL.

In determining whether to grant primary approval of a plat, the Plan Commission shall determine if the plat or subdivision qualifies for primary approval under the standards prescribed in the subdivision regulations in the following areas:

- (1) Minimum width, depth and area of the lots in the subdivision.
- (2) Public way widths, grades, curves, and the coordination of subdivision public ways with current and planned public ways.
- (3) The extension of water, sewer, and other municipal services.
- (4) Fair allocations of areas for streets, parks, schools, public and semi-public buildings, homes, utilities, business and industry.
- (5) Any approval must meet the standards prescribed in the Wayne County Zoning Ordinance for a similar use.

As a condition of primary approval of a plat, the Commission may specify:

- (1) The manner in which public ways shall be laid out, graded and improved.
- (2) Provisions for water, sewage and other utility services.
- (3) Provisions for lot size, number and location.
- (4) Provisions for drainage design.
- (5) Provisions for other services as specified in the Subdivision Regulations.

55.22 REPLAT.

A replat of an approved or recorded subdivision plat shall be required for any change in said plat, if such change affects a street layout, any lot line, or an area reserved for public use. The transfer between adjoining property owners that does not create any additional building lot shall not require a replat.

- (A) All of the owners of the land in the plat proposed for the replat must acknowledge in a written document that they are a part of the requested plat.

- (B) A replat request must be approved by the Plan Commission utilizing the same procedure, rules and regulations as for subdivision approval.

ARTICLE IV PROCEDURE

- Section 55.30 Application
 55.31 Preliminary Considerations
 55.32 Comprehensive Plan Requirements
 55.33 Design Criteria
 55.34 Street Access, Drainage, Unsuitable Contours
 55.35 Documents Required to be Submitted on Primary
 Approval
 55.36 Hearing
 55.37 Rules

ARTICLE IV PROCEDURE

55.30 APPLICATION.

- (A) FORMS. Any person desiring the approval of a plat shall submit an application for approval on forms provided by the Planning Department staff.

55.31 PRELIMINARY CONSIDERATIONS.

In order to make the most of the opportunities related to the subdivision and to conserve time, effort and expense, the owner or subdivider shall consult with the Planning Director or staff prior to the preparation of the tentative plan of the subdivision. The need for sanitation, water supply, drainage, and public utilities, and relationship to other developments, existing, and proposed, in the vicinity, should be determined in advance of preparation of the subdivision plan. Consultation should also be held with those familiar with the economic factors affecting the subdivision.

55.32 COMPREHENSIVE PLAN REQUIREMENTS.

The Comprehensive Plan should be reviewed to determine how the proposed plan is to be coordinated with said Master Plan with particular attention given to matters enumerate in I.C. 36-7-4-600 Indiana General Assembly. The owner or developer shall determine that his subdivision provides for the following:

- (1) Coordination of subdivision streets with existing and planned streets or highways;
- (2) Coordination with and extension of facilities included in the Master Plan;
- (3) Establishment of minimum width, depth, and area of lots within the projected subdivisions as set forth in Zoning and Improvement Location Permit Regulations;
- (4) Distribution of population and traffic in a manner tending to create conditions favorable to health, safety, convenience and the harmonious development of the county;
- (5) Fair allocations of areas for streets, parks, schools, public and semi-public buildings, home utilities, business and industry as outlined by the Master Plan.

55.33 DESIGN CRITERIA.

The developer shall also determine that his subdivision meets the design criteria required by the Commission, including the manner in which streets shall be laid out, graded and improved, and that he has made the required or adequate provisions for water, sewage, other utility services, schools, essential municipal services, and recreation facilities.

55.34 STREET ACCESS, DRAINAGE, UNSUITABLE CONTOURS.

No land shall be approved for a subdivision unless adequate access to the land over improved streets or thoroughfares exists or will be provided by the subdivider; or if the land is subject to period flooding, lies below the designated floodcrest elevation level; or if it is otherwise considered by the Commission to be unsuitable for urban development by reason of improper drainage, objectionable earth and rock formation, steep slopes, or any other feature that may be harmful to the health and safety of possible residents or the county as a whole.

55.35 DOCUMENTS REQUIRED TO BE SUBMITTED ON PRIMARY APPROVAL.

DOCUMENTS TO BE SUBMITTED FOR PRIMARY APPROVAL ARE AS FOLLOWS:

- (A) For minor subdivision.
 - (1) The subdivider shall submit six (6) copies of preliminary plat of the proposed subdivision, drawn to a scale of one hundred (100) feet to one (1) inch. This preliminary plat does not require the precise detail of a plat for secondary approval but shall include the following:
 - (a) Proposed name of the subdivision.
 - (b) A legal description of the subdivision.
 - (c) Name and address of the surveyor or engineer who prepared the preliminary plat.
 - (d) Layout of lots, showing numbers, dimensions, areas and building setback lines.
 - (e) Right-of-way adjacent to the subdivision showing name, existing and proposed width of right-of-way, type and width of pavement.
 - (f) Proposed entrance to lots with sight distance.
 - (g) Easements, existing or proposed.
 - (h) Soil types
 - (i) Drainage pattern to and from subdivision.
 - (j) Any information deemed necessary.
 - (k) Names of adjoining property owners.

(B) For major subdivision.

Note: six (6) copies of the following information and plans shall be submitted.

- (1) A location map is required showing the following:
 - (a) Subdivision name and location (not duplicating the name of any plat heretofore recorded in the area under the jurisdiction of the Commission);
 - (b) Thoroughfares related to the subdivision;
 - (c) Public transportation lines;
 - (d) Main shopping center;
 - (e) Community or neighborhood stores;
 - (f) Elementary and high schools, including location of those proposed in the Master Plan;
 - (g) Parks and playgrounds, including locations of those proposed in the Master Plan;
 - (h) Zoning district boundaries and districts in the area;
 - (i) Other community features;
 - (j) Title, scale, north point and date of preparation.

- (C) A site map showing the following shall be submitted:
 - (1) Topographic data in the following forms, which shall be determined by the Planning Director during preliminary consideration of the plan;
 - (a) A contour map with vertical intervals of at least two (2) feet if the general slope of the site is less than ten (10) percent, and vertical intervals of five (5) feet if the general slope is greater than ten (10) percent. U.S. Geological Survey (U.S.G.S.) topographic data may be used in the preparation of the preliminary plan, unless the Commission requires a topographic survey, in which case topographic data shall refer to U.S.G.S. North America Datum – Mean Sea Level Elevation;
 - (b) Water courses, marshes, rock outcrops, wooded areas and other natural or man-made features which would affect the plan of subdivision in detail satisfactory to the Commission;

- (c) Tract boundary lines, showing dimensions, bearings, angles and references to section, township and range lines or recorded corners.
 - (d) Streets and right-of-way on or adjoining the site to a distance of not less than one hundred fifty (150) feet from site boundaries, including dedicated right-of-way widths, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalk, tree planting and other pertinent data;
 - (e) Easements; Locations, widths and purposes.
 - (f) Utilities, including sanitary and storm sewer, other drainage facilities, water lines, gas mains, electric utilities and other facilities, including size or capacity of each and the location of or distance to each utility indicated;
 - (g) Zoning of the site and adjoining property;
 - (h) Existing or proposed platting of adjacent land;
 - (i) Other features or condition which would effect the subdivision either favorably or adversely; and
 - (j) Title, scale, north point and date.
- (D) A preliminary plan of the subdivision, drawn to a scale of a minimum of one hundred (100) feet to one (1) inch, except that when the drawing at that scale requires more than one (1) sheet, a scale recommended by the Planning Director may be used. All plats shall be drawn on a sheet(s) twenty-four (24) by thirty-six (36) inches in size. The preliminary plan shall show:
- (1) Proposed name of the subdivision;
 - (2) Name and addresses of owner and subdivider and the engineer or surveyor who prepared the plans;
 - (3) Street pattern, showing the names (which shall not duplicate names of other streets in the county) and widths of right-of-ways of streets, and widths of crosswalks, easements and alleys;
 - (4) Layout of lots, showing dimensions, areas and numbers;
 - (5) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes;
 - (6) Building setback or front yard lines;

- (7) Key plan, legend and notes; and
- (8) Scale, north point and date.

Note: The plan and information called for in Section 55.22-2(B) (C) above may be submitted on one or more sheets or maps but shall be of the size required under “C” above.

- (E) Certification or other evidence of approval by the Wayne County Health Officer of the proposed plans in respect to the proposed means of sewage disposal and the size of lots.
- (F) A true copy of the proposed protective covenants or private restrictions, if any, to be incorporated in the plat of the subdivision.
- (G) Information as to any agreements which have been entered into with the owners of other property within the neighborhood in which the proposed subdivision is located, as to general plans for the entire neighborhood. (Reference should be made to the Master Plan for suggestions as to the general street pattern and design of the neighborhood.)

55.36 HEARING.

Notice and Public Hearing.

After the staff has announced a date for a hearing before the Plan Commission, it shall:

- (1) Notify the applicant in writing.
- (2) Give notice of the hearing by publication in accord with I.C. 5-3-1.
- (3) Provide due notice to interested parties at least ten (10) days before the date set for the hearing.
- (4) The public hearing will be conducted as outlined in the Rules of Procedure for the Plan Commission.

55.37 RULES.

The Plan Commission shall from time to time establish rules for procedure, such as the process of hearings, notice, etc., which will be governing and will control all hearings of the Commission.

ARTICLE V PLAT COMMITTEE

Section	55.40	Plat Committee General
	55.41	Committee Make-up
	55.42	Committee Quorum
	55.43	Meetings
	55.44	Power to Act

ARTICLE V PLAT COMMITTEE

55.40 PLAT COMMITTEE GENERAL.

The Plan Commission hereby appoints a plat committee to hold hearings on matters delegated to it on behalf of the Plan Commission.

55.41 COMMITTEE MAKE-UP.

- (1) The plat committee shall consist of three (3) or five (5) persons, with at least one (1) of the members being a member of the Plan Commission.
- (2) The appointment of a member of the plat committee is for a term of one (1) year, but the Commission may remove a member from the committee.
 - (a) The commission must mail notice of the removal along with written reasons for the removal.
 - (b) A member who is removed may not appeal the removal to a court or otherwise.

55.42 COMMITTEE QUORUM.

The plat committee may take action only by a majority vote of committee members.

55.43 MEETINGS.

The plat committee meetings shall be scheduled by the plan director or planning staff as needed to review and conduct hearings on behalf of the Plan Commission.

- (A) All meetings shall be open to the public.

55.44 POWER TO ACT.

The plat committee has the power to act in the following matters:

- (1) MINOR SUBDIVISIONS

A minor subdivision of land that does not involve the opening of a new public way and that complies in all other respects with the Subdivision Regulations and Zoning Ordinance may be granted primary approval by the plat committee without public notice and hearing subject to appeal to the Plan Commission.

ARTICLE VI APPROVALS

Section	55.50	Primary Approval by Plat Committee – Minor Subdivision
	55.51	Primary Approval by Plan Commission – Major Subdivision
	55.52	Appeals
	55.53	Secondary Approval - Documents
	55.54	Secondary Approval Procedure

ARTICLE VI APPROVALS

55.50 PRIMARY APPROVAL BY PLAT COMMITTEE – MINOR SUBDIVISION.

- (A) Review of application.
 - (1) For minor subdivision that does not involve the opening of a new way:
 - (a) The planning department staff shall review the application for technical conformity with the standards fixed in the Subdivision Regulations.
 - (b) Within thirty (30) days after receipt of the application, the plat committee shall review the application and grant primary approval or deny primary approval.
 - (c) Within ten (10) days after primary approval or denial, the planning department staff shall provide for due notice to interested parties of their right to appeal to the Plan Commission the primary approval or disapproval of the plat, or the imposition of a condition on primary approval by the plat committee.
- (B) Appeals Procedure.
 - (1) An applicant or other interested party may appeal to the Plan Commission the primary approval or disapproval of a plat, or the imposition of a condition on primary approval by the plat committee.
 - (2) A notice of appeal must be filed with the Plan Commission within ten (10) days after a copy of the action of the plat committee is mailed to the interested party or applicant.
 - (3) If an appeal is filed, notices shall be given and a public hearing held by the Plan Commission in the same manner as outlined in 55.51.

55.51 PRIMARY APPROVAL BY PLAN COMMISSION – MAJOR SUBDIVISION.

- (A) Review of application.
 - (1) The planning department staff shall review the application for technical conformity with the standards fixed in the Subdivision Regulations.
 - (2) Within thirty (30) days after receipt of the application, the planning department staff shall announce the date of a hearing before the Plan Commission.

- (3) The planning department staff shall transmit the plat and construction plans to appropriate agencies (utilities, government agencies, etc.) as deemed necessary for review and comment. The staff shall request that a report be returned within fifteen (15) days after receipt of the request.
- (B) Primary approval.
- 1) If after the public hearing, the Plan Commission determines that the application and plat comply with the requirements in the Subdivision Regulations, it shall make written findings and a decision granting primary approval to the plat.
 - 2) If, after the public hearing, the Plan Commission disapproves the plat, it shall make written findings that set forth its reasons and a decision denying primary approval and shall provide the applicant with a copy.
 - 3) Any decision must be signed by the Plan Commission secretary.
 - 4) The Plan Commission has the power to approve, disapprove, or impose condition on the approval of plats.
 - 5) The primary approval by the Plan Commission of a plat must be certified on behalf of the Commission by the Plan Commission secretary.
 - 6) Primary approval of a plat shall be effective for a period of twelve (12) months, unless, upon request of the applicant, the commission grants an extension.

55.52 APPEALS.

- (1) The primary approval of a plat by the Plan Commission or the imposition of a condition on primary approval is a final decision of the Plan Commission that may be reviewed by certiorari.
- (2) Said appeal for review shall be presented to the Circuit or Superior Courts of Wayne County within thirty (30) days after the date of the decision of the Plan Commission

55.53 SECONDARY APPROVAL - DOCUMENTS.

SECONDARY APPROVAL DOCUMENTS TO BE SUBMITTED

- (A) Engineering plans and any other prerequisites established on primary approval showing the following information:
 - (1) Profiles, typical cross-sections and specifications for proposed street improvements; and

- (2) Profiles and other explanatory data concerning the installation of sanitary and storm sewage systems and water distribution system, including elevations, minimum lengths and sizes of all culverts, pipes, drop inlets, head walls and other drainage information.
- (B) A plat submitted for secondary approval shall meet the following specifications:
- (1) The original drawing of the secondary plat of the subdivision shall be drawn to a scale of one hundred (100) feet to one (1) inch. The secondary plat shall be drawn on a sheet twenty-four (24) by thirty-six (36) inches in size and if the resulting drawing would be over 24 x 36 inches in size, it may be submitted on more than one sheet. The original drawing of one (1) transparency print, and three (3) line prints of the secondary plat and all required signed certifications of approval shall be submitted to the Commission.
 - (2) Plat requirements for minor subdivision may include all or parts of the documents spelled out for a major subdivision. Prior to preparation of a plat for secondary approval, the developer shall confer with the Planning Department staff to determine what the minimum requirements are.
- (C) The following basic information shall be shown:
- (1) All plat boundary lines with lengths of courses to hundredths of a foot and bearings to half minutes – these boundaries to be determined by an accurate survey in the field which shall be balanced and closed with an error of closure not to exceed one (1) foot in ten thousand (10,000) feet;
 - (2) The exact location and width along the property line of all existing recorded streets intersecting or paralleling the boundaries of the tract;
 - (3) Accurate distances and directions to the nearest street corners or official monuments. Reference corners shall be accurately described on a plan. Each plat shall show bearing and distance to two monumented and referenced section or quarter section corners and show the origin of the bearing of the lines. There shall be sufficient information on the plat to permit, in the future, accurate relocation of all property corners and street lines;
 - (4) Accurate metes and bounds description of the boundary;
 - (5) The accurate location and type of material of all permanent referenced monuments.
 - (6) Source of title to the land as shown by the books of the County Recorder.
 - (a) Description of title as shown on Auditor's Transfer Books.

- (b) If more than one owner, statement of proper division of owners of separate lots as they shall be entered on Auditor's Transfer Books.
- (7) The exact layout, including (a) street and alley lines with accurate dimensions in feet and hundredths of feet; their name, bearings, angles of intersection and widths (including widths along the line of any obliquely-intersecting street); (b) the length of all arcs-radii, points of curvature and tangent bearings; (c) all easements, when provided for or owned by public services (with the limitation of the easement rights definitely stated on the plat); (d) all lot line with dimensions in feet and hundredths and with bearings and angles to minutes if other than right angles to the street and alley lines.
- (8) Lots and blocks numbered in numerical order;
- (9) The accurate outline and dimensions of all property (a) which is offered for dedication for public use, and of all property which may be reserved for acquisition by a public agency for such use of (b) which may be reserved by covenant in the deeds for the common use of the property owners in the subdivision, with the purpose indicated thereon;
- (10) In case the subdivision is traversed by a watercourse, channel, stream or creek, the present and any prior locations of such watercourse, channel, stream or creek;
- (11) Building setback lines as fixed by the Zoning Ordinance and any other setback lines or street lines established by public authority, and those stipulated in the deed restrictions;
- (12) Private restrictions, if any: (a) boundaries of each type of use restrictions; (b) other private restrictions for each definitely restricted section of the subdivision.
- (13) Name of the subdivision and name of number of the largest subdivision or tract of which the tract being subdivided forms a part;
- (14) Names and locations of adjoining subdivisions and location and ownership of adjoining subdivided property;
- (15) Names and addresses of the owner of record, the subdivider and the engineer or surveyor who prepared the plat;
- (16) North point, scale (numerical or graphic), and date;
- (17) Statement that any lot transferred will have a width and area the same as those shown on the plat;

- (18) Certification by a registered professional engineer or surveyor or the effect that: (a) the plat represents a survey made by him and that all monuments indicated thereon actually exist and their location, size and material are correctly shown; and (b) that all requirements of these Subdivision Regulations have been fully complied with;
- (19) A certificate by the owner of the land in substantially the following form: “As owner, I hereby certify that I caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on the plan”. This certificate shall be executed as a conveyance is executed.
- (20) A certificate issued by the County Treasurer to the effect that there are no unpaid special assessments on any of the land included in the plat;
- (21) Certificate of dedication of street and of other properties offered for dedication for public uses; and
- (22) Certificates for approval by the Commission.

55.54 SECONDARY APPROVAL PROCEDURE.

- (1) The Plan Commission has authority to grant secondary approval on all major plats or delegate to the plat committee authority to grant such approval.
- (2) The Plat Committee shall have authority to grant secondary approval on minor plats and any other matters delegated to it by the Plan Commission.
- (3) Secondary approval of a plat may be granted, after expiration of the time period for appeal of primary approval.
- (4) Secondary approval does not require notices or public hearing.
- (5) Secondary approval request must be submitted by the petitioner to the Plan Department.
- (6) Secondary approval may include all or only part of the primary approved plat, submission of a plat for secondary approval covering a portion of the area contained in the primary approved plat may be permitted only after consideration of the effect of the continuity of roads, utilities and services.
- (7) When secondary approval of a plat is granted, the plat shall be certified and signed by the president and secretary of the Plan Commission and the Commission seal be affixed to the plat.
- (8) Secondary approval shall be void unless the plat is properly recorded in the office of the County Recorder within twelve (12) months after approval. This time limit may be extended by the Plan Commission upon written request of the subdivider.

- (9) The filing and recording of the plat is without legal effect unless Secondary approval is granted by the Plan Commission or plat committee.

ARTICLE VII FINANCIAL RESPONSIBILITY – BONDS

- Section 55.60 Certificate of Financial Responsibility
- 55.61 Preliminary Bond
- 55.62 Maintenance Bond for Streets

ARTICLE VII FINANCIAL RESPONSIBILITY – BONDS

55.60 CERTIFICATE OF FINANCIAL RESPONSIBILITY.

In submitting the secondary plat to the Commission, it shall be accompanied by a certificate from the Board of County Commissioners stating that there has been filed with and approved by that body, one of the following:

- (A) A certificate by the Developer’s Engineer/Surveyor that all improvements and installations to the subdivision required by Section 55.100 thru 55.106 and 55.130 thru 55.134 of this Ordinance have been made or installed in accordance with specifications: or * *(*Amended, Ord. No. 2023-006)*

55.61 PRELIMINARY BOND.

- (A) If the installation is not completed the developer may be allowed to proceed by posting a bond which shall:
 - (1) Run to the Wayne County Board of Commissioners;
 - (2) Be in an amount determined by the Commission to be sufficient to complete the improvements and installations in compliance with these subdivision regulations;
 - (3) Be with surety satisfactory to the Commission, and
 - (4) Specify the time for completion of the improvements and installations.
 - (5) If improvements are not completed within a period of time established by the bond, the surety company shall be responsible for the completion of the works within the next twelve (12) months.
- (C) The subdivider shall have the option of either of the following courses of action in lieu of providing the bond as specified in Section 55.61.
 - (1) The subdivider may deposit cash money with the Wayne County Auditor in the amount of the bond. In this event, the subdivider shall be entitled to receive progress payments of not more than 90% of the value of any work completed; provided, however, that all such work completed shall have been inspected and approved by the appropriate county officials. The remaining 10% of the cash deposit over and above the 90% progress payments shall be retained by the County Auditor for a period of three (3) years from the date of final approval of the improvements and can be used to repair any defects in workmanship or materials which might develop in such improvements; provided, however, that such 10% of the deposit money shall be paid to the subdivider upon filing of the Maintenance Bond required by Section 55.62 hereof. Any payments or release of funds by the County Auditor shall be made only upon receipt of an approval

certificate signed by the President of the Board of Commissioners and attested by its secretary.

- (2) The subdivider may file bonds obtained by the contractors who are to perform the several phases of the work to be performed in installing the improvements provided that the amounts of such bonds are in amounts satisfactory to the County Board of Commissioners for the particular work to be done and provided further that if several bonds are filed as provided in this section all such bonds shall have a common surety.

55.62 MAINTENANCE BOND FOR STREETS.

- (A) The approval of a secondary plat by the Commission shall not be deemed to be an acceptance of the dedication of any public street, road, or highway offered for dedication in such plat.
- (B) Before the acceptance of any streets, sidewalks, curb and gutter, sewer or other improvement the subdivider shall furnish a three (3) year Maintenance Bond covering such improvements which shall:
 - (1) Run to the Wayne County, Indiana Board of Commissioners in an amount equal to twenty-five percent (25%) of the cost of said improvements as estimated by the applicant and approved by the Board.
 - (2) Provide surety satisfactory to the Board.
 - (3) Warrant the workmanship and materials used in the construction and completion of said improvements to be of good quality.
 - (4) Warrant the construction has been in accordance with the procedures, regulations, and requirements of these specifications and the approved proposal of the applicant.
 - (5) Provide that for a period of three (3) years after the date of the Board's hearing at which the applicant submitted this maintenance bond, the applicant will, at his own expense, make all repairs to said improvements which may become necessary by reason of improper workmanship or materials, with such maintenance, however, not to include any damage to said improvements resulting from forces or circumstances beyond the control of said applicant or occasioned by the inadequacy of these specifications.

ARTICLE VIII GENERAL REQUIREMENTS

**GENERAL PRINCIPLES OF DESIGN AND MINIMUM
REQUIREMENTS FOR THE LAYOUT OF SUBDIVISIONS**

Section	55.70	General Requirements
	55.71	Street Layout Requirements
	55.72	Block Layout Requirements
	55.73	Lots
	55.74	Easements
	55.75	Building Setback Lines
	55.76	Public Open Spaces
	55.77	Natural Surface Drainage

ARTICLE VIII GENERAL REQUIREMENTS

GENERAL PRINCIPLES OF DESIGN AND MINIMUM REQUIREMENTS FOR THE LAYOUT OF SUBDIVISIONS

55.70 GENERAL REQUIREMENTS.

In laying out a subdivision, the subdivider shall comply with the following principles and requirements:

- (A) The subdivision shall conform to the principles, standards, and proposals set forth in or contained in the Master Plan.
 - (1) Whenever a tract to be subdivided embraces any part of a highway, thoroughfare, major street or parkway, so designed on said plan, such part of such public way shall be platted by the subdivider in the location and at the width indicated on the plan.
 - (2) Where a proposed park or other recreational area, school or other public ground shown in said plan is located in whole or in part within the proposed subdivision, such proposed public ground or park, if not dedicated to the City, County or Board of Education, shall be reserved for acquisition by the City, County or Board of Education, as the case may be, within a period by two (2) years by purchase or other means.
- (B) Where held appropriate by the Commission, open spaces, constituting a reasonable proportion of the gross acreage of the subdivision, suitably located and of adequate size for parks, playgrounds or other recreational purposes for local or neighborhood use shall be provided for in the proposed subdivision; and if not dedicate to the City or County, as the case may be, shall be reserved for the common use of all property owners in the proposed subdivision by covenant in the deeds.
- (C) Due regard shall be shown for all natural features, such as tree growth, water courses, historic spot, or similar conditions.

55.71 STREET LAYOUT REQUIREMENTS.

The street layout of the subdivision shall be in general conformity with a plan the most advantageous development of adjoining areas and the entire neighborhood:

- (A) Where appropriate to the design, proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.
- (B) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless in the opinion of the Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent

tracts. Cul-de-sacs of reasonable length will be approved where they are appropriate for the type of development contemplated or where necessitated by topography or other limiting conditions. However, such cul-de-sacs should not exceed five hundred (500) feet in length if fifteen (15) or more lots about such street.

- (C) Minor streets shall be so designed that their use by through traffic shall be discouraged.
- (D) Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit, but at not less than sixty (60) degrees in any case.
- (E) Wherever there exists adjacent to the tract to be subdivided a dedicated or platted and recorded half width street or alley, the other half-width of such street or alley shall be platted.
- (F) Alleys shall be platted in all business districts, to provide safe access to residential lots fronting on highways, major thoroughfares, and parkways. Alleys shall be platted in the rear of such lots or service drives provided in front thereof. (Alleys will not be approved in other locations in residence districts, unless required by unusual topography or other exceptional conditions.)
- (G) Intersections of more than two (2) streets at one point shall be avoided.
- (H) Proposed streets shall be adjacent to the contours of the land so as to produce reasonable gradient and more desirable building sites.
- (I) Lands abutting principal thoroughfares should be platted with the view to making the lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic on such lots; and with the view, also, to minimizing interference with traffic on such trafficways as well as the accident hazard. This may be accomplished in several ways, the choice depending on topography and other physical conditions, the character of existing and contemplated developments, and other pertinent factors as indicated below and on the accompanying exhibit "Development Standards".
 - (1) By platting the lots abutting such trafficways at generous depth and by providing vehicular access to them by means of either alleys, or service drives in the rear, or frontage access streets next to the thoroughfare, connected therewith at infrequent intervals.
 - (2) By not fronting the lots on the thoroughfares but on a minor street paralleling the highway at a distance of a generous lot depth, not be less than two hundred (200) feet. Private driveways in this case would, of course, connect with such minor street.
 - (3) By means of a street platted more or less parallel with the highway, six hundred (600) to one thousand (1,000) feet distant therefrom, from which

loop streets or cul-de-sacs would extend toward the thoroughfare and provide access to the lots backing upon the highway.

- (4) One of the means just described shall be required on all federal numbered highways, and any frontage access streets shall be incorporated as part of the right-of-way of said highway.

55.72 BLOCK LAYOUT REQUIREMENTS.

Block layout shall be as follows:

- (A) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths except in the case of an interior street paralleling a principal thoroughfare.
- (B) The lengths of blocks shall be such as are appropriate for the locality and the type of development contemplated but normally shall not exceed fifteen hundred (1,500) feet where the average size of lots does not exceed one (1) acre in area.
- (C) In any block over nine hundred (900) feet in length the Commission may require that a crosswalk or pedestrian way, not less than twelve (12) feet wide, be provided, near the center and entirely across such block.
- (D) The number of intersecting streets along highways, thoroughfares, and parkways shall be held to a minimum. Wherever practicable, blocks along such trafficways shall be not less than one thousand (1,000) feet in length.

55.73 LOTS.

- (A) Every lot shall abut on a dedicated street.
- (B) The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated, and shall conform with the provisions of the Zoning Ordinance – unless stipulated otherwise, herein. Excessive depth in relation to width shall be avoided. (proportion of 2 ½ to 1 normally shall be considered a maximum).
- (C) Lots for residence purpose shall be at least sixty-five (65) feet wide at the building line and corner lots shall be platted wider than interior lots in order to permit conformance with the setback on the side street required by the Zoning Ordinance.
- (D) Double frontage lots should not be platted, except, that where desired along principal thoroughfares lots may face an interior street and back on such thoroughfares; in which case an easement for a planting screen, at least twenty (20) feet wide shall be provided along the back of the lots.
- (E) Side lot lines shall be approximately at right angles to the right-of-way line of the street on which the lot abuts.

- (F) In case the subdivision lies inside the area designated as an Urban Service Area in the Master Plan, that is the area which a city or town expects to serve with water and sanitary sewers, and in case (a) the water and sanitary facilities to be provided in the subdivision are to be completed with already available such facilities nearby or (b) the water supply facilities are to be so connected and a complete sanitary sewer system including an approved central water supply system and the aforesaid complete sanitary system both are to be provided by the subdivider, the minimum lot size shall be as stipulated in the Zoning Ordinance. If the subdivision lies outside of a designated Urban Service Area, the minimum lot size shall be one (1) acre if both water and sanitary facilities are to be provided on an individual lot basis, and one-half (½) acre if only sanitary facilities are provided on an individual lot basis and water by a central system, or such larger minimum size in either case as may be prescribed by the County Health Department.
- (G) Residential lots fronting or abutting on primary thoroughfares and other important trafficways should have a minimum depth of two hundred (200) feet to permit buildings to be set back a sufficient distance from such trafficways.
- (H) Lots abutting upon a water course, drainage way, channel, or stream shall be of such additional depth or width as required, to provide an acceptable building site, whose edge shall be the same as the easement dedicated for such water course.

55.74 EASEMENTS. (*Amended, Ord. No. 2023-006)

- (A) Where alleys are not provided, easements for utilities shall be provided. Such easements shall have minimum widths of fifteen (15) feet, and where located along lot lines, one-half (½) of the width shall be taken from each lot. Before determining the location of easement the plan shall be discussed with utility officials to assure their proper placing for the installation of such services. At deflection points in these easements, if overhead utility lines are contemplated, additional easements shall be established for pole-line anchors.
- (B) Where a subdivision is traversed by a water course, drainage way, channel or stream there shall be provided a drainage easement conforming substantially with the line of such water course. It shall include an additional area, outside the water course, drainage way, channel or stream, of a least fifteen (15) feet wide and shall include both edges of the flood plain area as certified by the Developer's Engineer/Surveyor.*
- (C) Where a subdivision is traversed by a legal drain as defined by the Indiana Drainage Laws, there shall be provided a drainage right-of-way conforming substantially with the line of such drain. It shall include an additional area, outside the drainage way, of seventy-five (75) feet on both sides of the legal drain. The seventy-five (75) feet is to be measured at right angles to the centerline of a tile drain and to be measured at right angles from the existing top edge of each bank of an open drain as determined by the Developer's Engineer/Surveyor.*

55.75 BUILDING SETBACK LINES.

Building setback lines shall be as required by the Zoning Ordinance and as follows:

- (A) Along state or federal numbered highways and along thoroughfares designated in the Major Highway Plan – a minimum distance of sixty (60) feet measured from officially established right-of-way lines on said plan;
- (B) In all other cases, the minimum distance required by the Zoning Ordinance, but in no case less than twenty-five (25) feet in residential or manufacturing developments.

55.76 PUBLIC OPEN SPACES.

- (A) Where sites or locations for parks, schools, playgrounds, or other public uses proposed in the Master Plan are located within the subdivision area or where such sites are deemed to be desirable by the Commission, the Commission may request their dedication for such purposes or their reservations for a period of three (3) years following the date of approval of the final plat. In the event the governmental agency concerned passes a resolution expressing its intent to acquire the land so reserved, the reservation period may be extended for an additional one (1) year.
- (B) Failure to acquire said area by voluntary means within the designated time, shall waive the requirements of Section 55.76 (A) above the said area shall thereafter be free of such reservation for public acquisition.

55.77 NATURAL SURFACE DRAINAGE.* (*Amended, Ord. No. 2023-006)

If there is natural surface drainage across the subdivision from adjoining lands, easements of sufficient width shall be provided, and if necessary, drains of sufficient capacity constructed to provide proper drainage of said adjoining tracts for both present use and future development.

Design of storm and surface water systems shall be the responsibility of the Developer's Engineer/Surveyor. Said design shall be submitted to the Wayne County Surveyor prior to and as a condition of Secondary Plat Approval.

As-Built Plans shall be prepared and certified by the Developer's Engineer/Surveyor and submitted to the County Surveyor prior to the issuance of a Certificate of Use and Occupancy.

ARTICLE IX MINIMUM STANDARDS OF IMPROVEMENTS

Section	55.100	General Conformation Requirements
	55.101	Monuments and Markers
	55.102	Streets
	55.103	Sewers
	55.104	Septic Systems
	55.105	Water
	55.106	Storm Drainage

ARTICLE IX MINIMUM STANDARDS OF IMPROVEMENTS

55.100 GENERAL CONFORMANCE REQUIREMENTS.

- (A) All of the improvements required under these regulations shall be constructed prior to filing with the Commission of the secondary plat for final approval, in accordance with the specifications and under the supervision of the officials having jurisdiction: or
- (B) In lieu of construction of said improvements as above specified, the subdivider shall furnish a bond which shall run to the county; in an amount determined by the Commission to be sufficient to complete the improvements and installation in compliance with this Ordinance, and be with surety, satisfactory to the Commission- as more fully specified in Section 55.62.

55.101 MONUMENTS AND MARKERS.

Monuments and markers shall be placed so that the scored or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument is level with the surface of the surrounding ground.

- (A) Monuments shall be set as follows:
 - (1) At the intersection of all lines forming angles in the boundary of the subdivision;
 - (2) At or near the intersection of street right-of-way lines.
- (B) Markers shall be set as follows:
 - (1) At the beginning and ending of all curves along street property lines;
 - (2) At all points where lot lines intersect curves, either front or rear;
 - (3) At all angles in property lines of lots;
 - (4) At all other lot corners.
- (C) Monuments shall be of concrete or stone with a minimum size of four (4) inches by four (4) inches by three (3) feet, and shall be marked on top either with an iron or copper dowel set flush with the top of the monument. Markers shall consist of iron pipes or steel bars at least three (3) feet long, and not less than one (1) inch in diameter.

55.102 STREETS.

Streets and alleys shall be completed to grades shown on plan profiles and cross-sections prepared by the subdivider and approved by the Commission. All street plans must conform to the requirements in Section 55.140 -55.153.

55.103 SEWERS.

- (A) The subdivider shall provide the subdivision with a complete sanitary sewer system which shall connect with a sanitary sewer outlet approved by the State Board of Health, except that when such approved outlet is not available one of the following methods of sewage disposal shall be used:
- (1) A complete sanitary sewer system to convey the sewage to a treatment plant to be provided by the subdivider in accordance with minimum requirements of the State Board of Health. When a sanitary sewer system is installed it shall include all laterals and service sewers to the property line of lots to be served;

55.104 SEPTIC SYSTEMS.

- (1) Private sewage disposal systems on individual lots, consisting of a septic tank and tile absorption field or other approved sewage disposal system, when laid out in accordance with minimum standards of the State Board of Health, on lots of (a) at least one-half (1/2) acre in area when water is supplied by a central system, and (b) at least one (1) acre in size when water is not so supplied; or such larger area in each case as may be required by the County Health Officer to ensure the satisfactory functioning of such private sewage disposal system.
- (2) The plans for the installation of a sanitary system shall be prepared by the subdivider and approved by the State Board of Health, and the plans for such a system as built shall be filed with the Commissioners. In case percolation tests are required by the Health Officer, they shall be conducted according to his instructions and at the subdivider's expense.
- (3) The phrase "the subdivider shall provide" shall be interpreted to mean that the subdivider shall install the facility referred to, or that the subdivider shall require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to shall be installed by the owner of the lots in accordance with these regulations.

55.105 WATER.

- (A) The subdivider shall provide a complete water main supply system which shall be connected to a municipal or community water supply approved by the State Board of Health; except, that when such municipal or community water supply is not available the subdivider shall provide an individual water supply on each lot in

the subdivision in accordance with minimum requirements of the State Board of Health.

- (B) The plans for the installation of a water main supply system shall be prepared by the subdivider and approved by the State Board of Health. Upon the completion of the water supply installation, the plans for such system as built shall be filed with the Commissioners.
- (C) The phrase “the subdivider shall provide” shall be interpreted to mean that the subdivider shall install the facility referred to, or that the subdivider shall require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to shall be installed by the owner of the lots in accordance with these regulations.

55.106 STORM DRAINAGE.

- (A) The subdivider shall provide an adequate storm water system whenever curb and gutter is installed and/or when the evidence available to the Commission indicates that the natural surface drainage is inadequate. When the natural surface drainage is deemed adequate, easements shall be provided for surface drainage, unless curb and gutter and storm water sewers are installed.
- (B) The phrase “the subdivider shall provide” shall be interpreted to mean that the subdivider shall install the facility referred to, or that the subdivider shall require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to in these paragraphs shall be installed by the owner of the lots in accordance with these regulations.

ARTICLE X STREETS AND ROADWAYS

GENERAL STANDARDS

Section	55.120	Minimum Right-of-Way Widths of Streets, Alleys and Easements for Utilities
	55.121	Minimum Pavement Widths
	55.122	Street Grades, Curves and Sight Distances
	55.123	Intersections
	55.124	Curb and Gutter
	55.125	Dead End Streets Cul-De-Sac

OFF STREET IMPROVEMENTS

Section	55.130	Sidewalks
	55.131	Street Signs
	55.132	Street Trees
	55.133	Unpaved Area
	55.134	Street Plans

ARTICLE X STREETS AND ROADWAYS

GENERAL STANDARDS

55.120 MINIMUM RIGHT-OF-WAY WIDTHS OF STREETS, ALLEYS AND EASEMENTS FOR UTILITIES.

- (A) Primary thoroughfare; as specified on the Major Highway Plan, but not less than eighty (80) feet in any case.
- (B) Secondary thoroughfares; as specified on the Major Highway Plan, but not less than sixty (60) feet in any case.
- (C) Collector streets – sixty (60) feet.
- (D) Minor street – fifty (50) feet. All cul-de-sacs shall terminate in a circular right-of-way with a minimum diameter of one hundred (100) feet.
- (E) Alleys – twenty (20) feet.
- (F) Easements for utilities along rear or side lot lines for utilities – fifteen (15) feet.
- (G) In business or manufacturing subdivision the above minimum right-of-way widths of streets and alleys shall be increased in accordance with requirements of the Plan Commission.

55.121 MINIMUM PAVEMENT WIDTHS.

- (A) Minimum pavement widths, face to face of curb, required to be installed at the subdivider's expense shall be as follows:
 - (1) Primary and secondary thoroughfares and parkways as shown on the Major Highway Plan forty-four (44) feet;
 - (2) Collector streets – thirty-six (36) feet;
 - (3) Minor streets – twenty-eight (28) feet; For distance from back of curb to back of curb using an integral curb and gutter add 1' – 6' to each side.
 - (4) The pavement of a turning circle at the end of a cul-de-sac street have a minimum outside diameter of eighty (80) feet.
 - (5) Alleys – full width of the right-of-way twenty (20) feet.
- (B) All minor street pavements without curb and gutter shall be twenty-four (24) feet minimum width.

55.122 STREET GRADES, CURVES AND SIGHT DISTANCES.

- (A) The grades of streets shall be not less than one-half of one (0.5) percent and shall not exceed the following:
 - (1) Primary thoroughfares so designated on the Major Highway Plan – four (4) percent;
 - (2) Secondary thoroughfares and parkways – six (6) percent;
 - (3) Collector streets – Eight (8) percent;
 - (4) Minor streets and alleys – ten (10) percent;
 - (5) Pedestrian ways or crosswalks – twelve (12) percent unless steps of an acceptable design are to be constructed.
- (B) All changes in street grades above one (1) percent shall be connected by vertical curves of a minimum length in feet equal to eighty (80) time the algebraic difference in the rate of grade for thoroughfares and parkways, and one-half of this minimum for all other streets.
- (C) The radii of curvature on the center line shall not be less than the following:
 - (1) Primary and secondary thoroughfares – five hundred (500) feet;
 - (2) Collector streets – two hundred (200) feet;
 - (3) Minor streets – one hundred (100) feet;
 - (4) The tangent distance between reverse curves shall be a minimum of one hundred (100) feet.

55.123 INTERSECTIONS.

- (A) At street and alley intersections property line corners shall be rounded by an arc, the minimum radius of which shall be twenty (20) and ten (10) feet respectively. In business districts a chord may be substituted for such arc.
- (B) Minor street intersections shall be rounded by radii of at least twenty (20) feet.
- (C) Intersections involving primary and secondary thoroughfares, parkways and collector streets shall be rounded by radii of at least thirty-five (35) feet.
- (D) The above minimum radii shall be increased when the smallest angle of intersection is less than ninety (90) degree.

55.124 CURB AND GUTTER.

Whenever a proposed subdivision lies adjacent to or between other subdivisions which have been provided with curb and gutter, or wherever the proposed subdivision will have lots averaging twenty thousand (20,000) square feet or less in area, the Commission shall require curb and gutter to be installed on each side of the street. The curb and gutter shall be of one of the construction types approved by the County Highway Engineer.

55.125 DEAD END STREETS CUL-DE-SAC.

- (A) All dead-ended streets not meeting the definition of a cul-de-sac in the Wayne County, Indiana Subdivision Regulations shall be considered as temporarily dead-ended.
- (B) Each temporarily dead-ended street shall be terminated by a vehicle turnaround for every case in which such street is proposed to be should logically be extended beyond the plat limits with the following exceptions. A vehicle turnaround will not be required, provided the dead-end street is less than four hundred (400) feet in length or is not abutted by more than two (2) lots on either side of the street with the maximum length of the dead-end street not to exceed four hundred (400) feet.
- (C) An easement of one hundred (100) feet diameter shall be provided for all such vehicle turnarounds.
- (D) All such vehicle turnarounds shall be construed with seven (7) inches of compacted aggregate base material to an eighty (80) foot diameter and be provided with adequate drainage to same all in compliance with Article VII of the Subdivision Regulations.

OFF STREET IMPROVEMENTS

55.130 SIDEWALKS.

Wherever a proposed subdivision lies adjacent to or between other subdivisions which have been provided with sidewalks, the Commission shall require connecting sidewalks on both sides of the streets which are extensions of existing streets having such sidewalks. Sidewalks on each side of a street within a subdivision shall also be required where the lots average twenty thousand (20,000) square feet or less in area. When sidewalks are provided, they shall be constructed of Portland Cement Concrete, at least four (4) inches thick and four (4) feet wide.

55.131 STREET SIGNS.

The subdivider will pay for all street identification signs and posts, provided, supplied, and installed by the County Highway Department, at their costs, at each intersection in the subdivision so that all street signs will conform to the current signs and posts being used by the County Highway Department.

55.132 STREET TREES.

The subdivider shall provide street trees selected from a list of trees recommended by the County Agricultural Agent. Such trees shall be located on both sides of each street at intervals of from forty (40) to sixty (60) feet. The position of such trees within the street right-of-way shall be determined by the Commission.

55.133 UNPAVED AREA.

All unpaved areas within a dedicated street right-of-way shall be graded and seeded or sodded in accordance with the county standards and specifications.

55.134 STREET PLANS.

Construction plans, including the following, for improvements to be installed, shall be furnished in accordance with the specifications of the County Engineer or the official having jurisdiction, and shall receive approval of these officials before improvements are installed.

- (A) The profile of each proposed street, with tentative grades indicated;
- (B) The cross-section of each proposed street, showing the width of pavement, the location and width of sidewalks and the location and size of utility mains;
- (C) The plans and profiles of proposed sanitary sewers and stormwater sewers, with grades and sizes indicated, or method of sewage or stormwater disposal in lieu of sewers;
- (D) A plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants.

ARTICLE XI STREET CONSTRUCTION STANDARDS

MINIMUM STREET CONSTRUCTION SPECIFICATIONS.

Section	55.140	Inspection
	55.141	Intent
	55.142	Special Provisions
	55.143	Street Construction Inspection
	55.144	Pavement Design
	55.145	Drainage Structures
	55.146	Street Construction
	55.147	Cement Concrete Pavements
	55.148	Hot Asphaltic Concrete Pavements
	55.149	Curbs and Gutters
	55.150	Cement Concrete Sidewalks
	55.151	Finishing Shoulders, Ditches, and Slopes
	55.152	Street Signs

ARTICLE XI STREET CONSTRUCTION STANDARDS

MINIMUM STREET CONSTRUCTION SPECIFICATIONS.

55.140 INSPECTION.

The County Engineer shall be notified by the subdivider forty-eight (48) hours in advance of the starting date of any work on the proposed improvements. All material delivered to the job shall be subject to inspection at the source and/or site, and may be rejected at either location. Final acceptance of the work rests with the County Engineer and the performance bond shall be retained in full effect until the acceptance of the work is made officially. All inspection of materials and work shall be made at the expense of the owner or subdivider.

55.141 INTENT.

The intent of these “Minimum Specifications” is to provide procedures, regulations, and specifications necessary for the inclusion of “right-of-way” into the Wayne County, Indiana highway system, said “right-of-way” to be dedicated to the public use, which affords the means of access to abutting property.

155.142 SPECIAL PROVISIONS.

Specifications for material, construction and maintenance are “Indiana Department of Highways Standard Specifications” dated 1988 or any subsequent amendments thereto and any subsequent county ordinance or Wayne County Highway directive. If a conflict arises the county ordinance and highway directive shall prevail. Reference is made to these “Standard Specifications” by section and number in the following paragraphs.

55.143 STREET CONSTRUCTION INSPECTION.

- (A) The interest of the county is to secure adequately constructed and good quality streets for their future administration and maintenance; the subdivider and/or any of his agents shall permit and cooperate in the inspection of any part of the construction at any time by the County Highway Engineer or his assigned inspector.
- (B) During the course of construction the subdivider shall be required to notify the County Highway Engineer as follows:
 - (1) Forty-eight (48) hours in advance of the starting date of any work.
 - (2) After completion of the subgrade, and before any base courses are to be placed.
 - (3) Prior to placing of any pavement.
 - (4) The subdivider shall not proceed with any work outlined herein until approval is granted by the County Highway Engineer.

55.144 PAVEMENT DESIGN.

Minimum design standards shall be in accordance with these specifications, including all drawings, details, and cross sections; however, any pavement design required for those special cases not covered by these regulations shall be presented during preliminary discussions. Unusual soil conditions and specialized traffic usage are examples of special cases.

55.145 DRAINAGE STRUCTURES.

- (A) The applicant shall provide for the continued flow or controlled flow of surface water and/or water percolating through the soil (ground water) thereby protecting the right-of-way from water damage.
- (B) Open ditches, pipes, culverts, drop inlets, bridges, headwalls, and similar or related installations shall be utilized to carry water to outlets which may be either natural or artificial water courses or lakes, ponds, etc.

55.146 STREET CONSTRUCTION.

Minimum requirements for road construction shall be in accordance with the “Standards Specifications” unless otherwise noted. These minimum specifications shall prevail over the “Standard Specifications” when in conflict therewith.

- (A) Preparation for subgrade shall be done in the following ways:
 - (1) All perishable or unsuitable material including trees, shrubbery, stumps, roots and vegetation shall be completely removed from the roadbed area and disposed of. All peat, muck, marl or any other similar unsuitable material shall be completely removed from the right-of-way and replaced with material which will hold its form. If water is present in any excavated area backfill shall be made with material complying with Section 211.02(b).
 - (2) After the embankment area has been cleared and substantially leveled the ground shall be well compacted with a three (3) wheeled or a tandem roller weighing at least ten (10) tons or crawler-tread equipment having a bearing of not less than six (6) pounds per square inch of tread or with vibratory compactors, if material at the ground surface is granular. Any embankment placed on this prepared surface shall be constructed in accordance with Section 203. After all earth work is substantially complete the subgrade shall be cut, fine graded and dressed for the specified width to grades conforming to the profile elevations designated in the submitted proposal. All soft, spongy, yielding, and unsuitable material that does not compact to form a nearly uniform density throughout by the use of a three wheel or tandem roller weighing not less than ten (10) ton, shall be removed and replaced with granular material.

- (3) All locations not accessible to the roller shall be compacted with mechanical tamps.
- (4) All utility service connections, sewers, drains, etc. shall be constructed prior to the construction of surface treatment.
- (5) All trenches and excavations shall be backfilled with granular material and compacted to insure no future settlement.
- (6) The trench bottom shall conform in shape and size to the lower third of the pipe and shall be uniformly firm and true throughout its length.
- (7) In case a firm foundation is not encountered at the required grade, the unstable material shall be removed and replaced with suitable material to a depth that will produce a uniform and stable foundation.

55.147 CEMENT CONCRETE PAVEMENTS.

- (A) Type I pavement construction shall be required for primary and secondary thoroughfares and parkways, shall have an eight (8) inch uniform thickness, shall be air-entrained, and every cubic yard in place shall contain no less than 564 pounds of cement.
- (B) Type II pavement construction shall be required for collector and minor streets, shall have a six (6) inch uniform thickness, shall be air-entrained, and every cubic yard in place shall contain no less than 564 pounds of cement.
- (C) Joint requirements are as follows:
 - (1) Transverse contraction joints (premolded strip or sawed) shall be place at distances not to exceed twenty (20) feet.
 - (2) Transverse expansion joints shall be place at intersections where new slab abut old slabs, and where indicated on the approved plans.
 - (3) Longitudinal construction joints shall be place in all pavements more than one traffic lane in width.
 - (4) No two transverse joints of any kind shall be permitted within ten (10) feet of one another.
- (D) Consolidation, finishing and strike-off:
 - (1) The batches shall be deposited so as to require as little rehandling as possible, but necessary hand spreading shall be done with shovels not with rakes.

- (2) After the concrete has been deposited it shall be compacted, leveled, and finished by approved methods. Competent concrete finishers shall be employed at all times to finish, test, and check the pavement surface. The finished surface shall be free from porous spots, irregularities, depression pockets or rough spots.
- (3) The sequence of operation shall be consolidation and strike-off, longitudinal floating, checking and removal or laitance, final finish and curing.
- (E) Curing pavement provision shall be made for maintaining concrete in a moist condition for four (4) days. In lieu of moist curing, an improved impervious membrane cure may be used.
- (F) Sealing cracks and joints: Refer to Section 501.19.

55.148 HOT ASPHALTIC CONCRETE PAVEMENTS.*

Any specification for materials, construction, and maintenance under this Section has been developed from the 1999 Indiana Department of Highway Standard Specifications and any amendment thereto, by any subsequent ordinance passed by the Wayne County Commissioners, and by the Wayne County Highway Department directives. If a conflict arises, any subsequent ordinance and the Highway Department directive shall prevail. Reference is made to these “Standard Specifications” by section and number herein.

The following sub-headings shall be considered integral parts of this type of pavement.

- (A) Compacted Aggregate Base: This item shall consist of a foundation course of compacted dense-graded aggregate placed in layers not to exceed four (4) inches on a prepared subgrade in compliance with these specifications and Section 303, except that calcium chloride will not be required.
- (B) HMA Base: This term shall consist of a hot mixed, hot laid asphaltic concrete base course. Refer to applicable provisions of Section 402.04(a).
- (C) HMA Intermediate: This term shall consist of a hot mixed, hot laid asphaltic concrete binder course. Refer to applicable provisions of Section 402.04(b).
- (D) HMA Surface: This term shall consist of a hot mixed, hot laid asphaltic concrete constructed as a medium-texture course. Refer to Section 402.04(c).
- (E) Pavement Types:
 - (1) Type I pavement construction shall be required for primary and secondary thoroughfares. Type I pavement shall have a one hundred ten (110) pound per square yard surface course, a five hundred fifty (550) pound per square yard base course, and an eight (8) inch compacted aggregate base.

- (2) Type II pavement construction shall be required for collector streets. Type II pavement shall have a one hundred ten (110) pound per square yard surface course, a four hundred forty (440) pound per square yard base course, and an eight (8) inch compacted aggregate base.
- (3) Type III pavement construction shall be required for minor streets. Type III pavement shall have a one hundred ten (110) pound per square yard surface course, a three hundred thirty (330) pound per square yard base course or binder course, and an eight (8) inch compacted aggregate base.
(*Amended Ord. No. 2001-02)

55.149 CURBS AND GUTTERS.

Cement concrete curbs and gutters shall consist of plain concrete curb, integral curb, or combined curb and gutter in conformance with applicable provisions of Section 605 and 607 and these specifications. Every cubic yard of concrete in place shall contain no less than 564 pounds of cement.

55.150 CEMENT CONCRETE SIDEWALKS.

This item consists of four (4) foot wide by four (4) inch deep sidewalks constructed on a prepared subgrade in conformance with applicable provisions of Section 604 and these specifications. Every cubic yard of concrete in place shall contain no less than 564 pounds of cement. When completed the sidewalk shall be cured for less than 96 hours.

55.151 FINISHING SHOULDERS, DITCHES AND SLOPES.

This item consists of the final shaping, dressing and protection from erosion of shoulders, ditches and slopes in conformance with the cross sections.

- (A) In general, all shoulders, side slopes, and ditches shall be protected from erosion by seeding and mulching as soon as possible after construction.
 - (1) Apply fertilizer as determined by soil tests or at the minimum rate of 1,000 pounds of 12-12-12 fertilizer (or its equivalent) per acre).
 - (2) The amount of pure live seed per acre shall be: Thirty-five (35) pounds of tall fescue or twenty (20) pounds of bluegrass with (20) pounds of creeping red fescue, and a nurse crop of one (1) bushel of oats, rye, or wheat.
 - (3) Work in fertilizer two (2) inches deep where possible and seed grass one-quarter (1/4) inch deep by firming or compacting the soil.
 - (4) Mulch areas with straw or suitable materials at a rate of one and one-half (1 1/2) tons per acre. Site conditions may require mulch to be anchored.
- (B) Earthen ditches, side slopes shall be no steeper than 2:1.

- (C) All ditches flow lines having grades in excess of five (5) percent shall have a concrete paved side ditch or a hand laid stone riprap side ditch as detailed in the proposal. In general those special cases of erosion not heretofore covered shall be controlled by riprap and slopewall.
- (D) All unpaved areas between the edge of the road pavement and the right-of-way line must support an adequate sod before the release of the three year maintenance bond can be made.

55.152 STREET SIGNS.

- (A) The installation of street identification signs shall conform to the current signs being used by the County Highway Department. In order to have clarity and uniformity, the County Highway Department will furnish and install said signs at their costs, said costs will be paid by the developer prior to the final acceptance of any street.
- (B) In the event that subsequent action by the county modifies the procedure to allow for private installation of street signs, then the developer must install the street signs according to the specifications adopted by the county and available at their office and which are to be included as an exhibit at the back of this Ordinance.

ARTICLE XII

MODIFICATIONS

Section 55.160

Modification

ARTICLE XII MODIFICATIONS

55.160 MODIFICATION.

- (A) The general principles of design and the minimum requirements for the laying out of subdivisions may be varied by the Commission at the time of platting in the case of a subdivision large enough (50 lots) or more to constitute a more or less self-contained neighborhood to be developed in accordance with a comprehensive plan safeguarded by appropriate restrictions, which in the judgment of the Commission make adequate provision for all essential community requirements; provided, however, that no modification shall be granted by the Commission which would conflict with the proposals of the Major Highway Plan, or with other features of the Master Plan, or with the intent and purpose of the general principles of design and all other variances by BZA minimum requirements, herein.
- (B) In granting modifications, the Plan Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so modified.
- (C) Any modification thus granted shall be entered in the minutes of the Commission setting forth the reasons which, in the opinion of the Commission, justified the modification.

ARTICLE XIII

VARIANCE

Section	55.170	Variance
	55.171	Conditions to Variance
	55.172	Notation of Variance
	55.173	Variance After Platting

ARTICLE XIII VARIANCE

55.170 VARIANCE.

- (A) In any particular case where the subdivider can show that, by reason of exceptional topographic or other physical conditions strict compliance with any requirements of these regulations would cause practical difficulty or exceptional or undue hardship, the Commission may at time of platting relax such requirements to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of these regulations or the desirable general development of the neighborhood and the community in accordance with the Master Plan and the Zoning Ordinance.

55.171 CONDITIONS TO VARIANCE.

In granting variances, the Plan Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied.

55.172 NOTATION OF VARIANCE.

Any variance, thus granted, shall be entered in the minutes of the Commission setting forth the reasons which, in the opinion of the Commission, justified the modification, and shall be noted on the face of the plat.

55.173 VARIANCE AFTER PLATTING.

The Board of Zoning Appeal shall have sole jurisdiction over any variance to a plat after it has been granted secondary approval.

ARTICLE XIV IMPROVEMENT LOCATION PERMITS – FEES

Section	55.180	Improvement Location Permit Requirements
	55.181	Temporary Permit Model Home
	55.182	Fees

ARTICLE XIV IMPROVEMENT LOCATION PERMITS – FEES

55.180 IMPROVEMENT LOCATION PERMIT REQUIREMENTS.

55.181 TEMPORARY PERMIT MODEL HOME.

Whenever a subdivision has received primary approval by the Plan Commission, the Commission may authorize the issuance of temporary building permits for the construction of two (2) model homes to be used for display only. There shall not be any residential use of the model homes until the plat of the subdivision has received secondary approval by the Commission.

55.182 FEES.

Certification that a fee has been paid to the General Fund which shall be twenty-five dollars (\$25.00) plus five dollars (\$5.00) for each lot, sub lot, or parcel of land.

ARTICLE XV CERTIFICATES, DEDICATION

Section 55.190 Secondary Approval Certificates

ARTICLE XV CERTIFICATES, DEDICATION

CERTIFICATES – DEED OF DEDICATION – SECONDARY APPROVAL

55.190 SECONDARY APPROVAL CERTIFICATES.

The Plan Director may issue a secondary approval certificate as follows:

- (A) Certificates of approval by the appropriate public officials and also by public utility officials concerning the satisfactory completion of improvements within their respective jurisdiction, shall be on file when required.
- (B) Certificate of approval by the County Attorney as to dedication of streets or roads and any covenants or restrictions therein, shall be on file when required.
- (C) A certificate by the County Treasurer to the effect that there are no unpaid taxes or unpaid special assessments on any of the land included in the subdivision, shall be on file when required.
- (D) Each secondary plat submitted to the Commission for approval shall carry a certificate signed by a Registered Professional Engineer or Land Surveyor in substantially the following form:

I, _____, hereby certify that I am a Professional Engineer, (or Land Surveyor), licensed in compliance with the laws of the State of Indiana; that this plat correctly represents a survey completed by me on _____; that all the monuments shown thereon actually exist; and that their location, size, type and material are accurately shown.

(SEAL) _____
Signature

- (E) Each secondary plat submitted to the Commission for approval shall carry a deed of dedication in substantially the following form:

We, the undersigned, _____, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and hereby lay off, plat and subdivide, said real estate in accordance with the within plat.

The subdivision shall be known and designated as _____, an addition to _____. All streets and alleys shown and not heretofore dedicated, are hereby dedicated to the public.

Front yard buildings setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure.

There are strips of ground, _____, feet in width as shown on this plat and marked "Easement", reserved for the use of public utilities for the installation of water, gas and sewer mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved. No permanent buildings or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities. No pipe, tile or any other obstruction shall be placed in any street drain side ditch without written approval of the County Highway Department.

(Additional dedication and protective covenants, on private restrictions, would be inserted here upon the subdivider's initiative or the recommendation of the Commission or listed on separate sheets and referred to in this deed of dedication giving date, book and page location of said separate covenants; important provisions are those in the case of residential use, the minimum habitable floor area.)

The foregoing covenants, (or restrictions), are to run with the land and shall be binding on all parties and all persons claiming under them until January ____, 19____, (a twenty-five (25) year period is suggested), at which time said covenants, (or restrictions), shall be automatically extended for successive periods of ten (10) years, unless changed by vote of a majority of the then owners of the building sites covered by these covenants (or restrictions), which shall remain in full force and effect.

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

Witness our hands and Seal this ____ day of _____, 19____.

State of Indiana
County of Wayne

Before me the undersigned Notary Public, in and for the County and State, personally appeared _____, _____, _____, and each separately and severally acknowledge the execution of the foregoing instrument as his or her voluntary act and deed for the purpose therein expressed. Witness my hand and Notarial Seal this ____ day of _____, 19____.

Notary Public

- (F) The following shall be attached for certification by the Commission:

UNDER AUTHORITY PROVIDED BY I. C. 36-7-04 ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THEREOF, AND AN ORDINANCE ADOPTED BY THE WAYNE COUNTY BOARD OF COMMISSIONERS, THIS PLAT WAS GIVEN SECONDARY APPROVAL BY THE WAYNE COUNTY PLAN COMMISSION AS FOLLOWS:

Secondary approval, granted by the Wayne County Plan Commission at a meeting held _____.

Secretary

ARTICLE XVI

VALIDITY – ADOPTION

Section	55.200	Validity
	55.201	Adoption

ARTICLE XVI VALIDITY – ADOPTION

55.200 VALIDITY.

If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

55.201 ADOPTION.

This Ordinance shall be in force and effect from and after its passage.

Passed by the Wayne County Board of Commissioners, Wayne County, Indiana.