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Morgan County Subdivision Regulations

Date: 11/4/2010

Revision #:

Morgan County Subdivision Regulations

Local governments throughout Ohio regulate the subdivision process because the way land is subdivided often determines how a community grows and develops. The subdivision of property can raise issues ranging from health concerns over water supply and sewage disposal, to traffic impacts and quality of life issues. Even a small subdivision of residential lots in a rural area involves health-related concerns over where well and septic systems will be located on a lot. Large subdivisions of many residential lots and new streets can have a major impact on area traffic circulation, storm water flows, demands for community services, and environmental quality.

**As approved by unanimous vote by the
Morgan County Planning Commission**

DATE: November 30, 2004

Commissioner Dean Cain _____

Commissioner Tim Vanhorn _____

Commissioner Mike Reed _____

Todd Sidwell _____

Art Langerman _____

Marvin Clark _____

Walter Olszewski _____

Dana Snouffer _____

Keith Spare _____

Darel Kuntz _____

Geoffrey Hammond _____

Enactment

These Regulations shall become effective from and after the date of their approval, adoption, or amendment by the county or regional planning commission and the board of county commissioners after public hearing and certification to the county recorder as required by Chapter 711 of the Ohio Revised Code. Henceforth, any other regulations previously adopted by Morgan County shall be deemed to be repealed. These Regulations shall in no way affect any subdivision having received preliminary plan approval prior to the effective date of these regulations or any amendment thereto, provided, however, that no changes to the preliminary plan, as approved, are introduced by the sub divider.

PASSED: In Regular Session December 6, 2004

President of the Board of Commissioners

Carl Dodrill

Member Commissioner

Ron Moore

Member Commissioner

Bruce Dozer

ATTEST: _____

Sharon Travis

Clerk, Morgan County Commissioners

Article 1

GENERAL PROVISIONS.

Standards.

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Article 1
GENERAL PROVISIONS.
Standards.

100 Title

These rules, regulations and standards shall be officially known as the “Subdivision Regulations of the County of Morgan Ohio,” and shall hereinafter be referred to as “these Regulations.”

101 Policy

- a. It is declared to be the policy of Morgan County to consider the subdivision of land and its subsequent development as subject to the control of Morgan County, pursuant to any official comprehensive plan (when one exists) for orderly, planned, safe, efficient, and economical development.
- b. Land to be subdivided shall be of such character that it can be used safely for building purposes, and shall not be subdivided until adequate facilities and improvements such as drainage, water, sewerage, and public open space are provided, or a performance bond is filed to assure that the required improvements will be made by the subdivider.
- c. The existing and proposed public improvements shall conform with and be related to the proposals shown in the comprehensive plan, capital improvement program, and development programs of Morgan County, and it is intended that these Regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building codes, housing codes, zoning resolutions, the comprehensive plan, and the Floodplain Regulations of Morgan County.

102 Purpose

These Regulations are adopted as minimum requirements for the regulation and control of land subdivision within the unincorporated area of the county. These regulations are intended to:

- a. Establish standards for logical, sound, and economical development.
- b. Establish and maintain a character of subdivision development consistent with the distinguishing natural features of the land. In Morgan County these features commonly include steep hillsides, soils that are shallow to bedrock, and areas that are prone to landslips.
- c. To provide for adequate light, air and privacy, to secure safety from fire, flood, and other danger, to prevent population congestion and overcrowding of the land, to

provide orderly expansion and extension of community services and facilities at minimum cost and maximum convenience.

- d. To provide for the proper arrangement of streets and highways in relation to those existing or planned and to provide for the most beneficial relationship between use of land, buildings, traffic, and pedestrian movements.
- e. To improve the quality of life through protection of the total environment, including the prevention of air, water, light, and noise pollution, the prevention of soil erosion, and the preservation of natural beauty and topography.
- f. To ensure appropriate surveying of land, preparing and recording of plats and the equitable handling of all subdivision plats by providing uniform procedures and standards for observance by both Morgan County and developers.

103 Authority

The Ohio Revised Code, Chapter 711, enables the board of county commissioners and the planning commission of Morgan County to adopt regulations governing plats and subdivisions of land within the unincorporated area of the county.

104 Public Purpose

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of public police power delegated by the state to Morgan County pursuant to Chapter 711 of the Ohio Revised Code. The developer shall be in compliance with conditions established by the planning commission for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of Morgan County and the health, safety, and general welfare of the future lot owners of the subdivision and of Morgan County generally.

105 Jurisdiction

- a. These Regulations shall be applicable to all subdivisions of land located within the unincorporated area of Morgan County.
- b. A city that has adopted a major thoroughfare, parks and public open space plan for the territory within the city limits and for the territory within three miles of the city, or any portion thereof, and has adopted subdivision regulations may exercise extraterritorial jurisdiction for a distance of up to three miles of its corporate limits if county or township zoning is not in effect within the area as provided in Section 711.09 of the Ohio Revised Code. The city planning commission may receive advice from the county or regional planning commission upon all subdivision plats located within three miles of the corporate limits.
- c. A village located in any county that contains no city that has adopted a major thoroughfare, parks, and public open space plan for territory within the village limits and for territory within one and one-half miles of the village, or any portion thereof, and has adopted subdivision regulations may exercise extraterritorial jurisdiction for a distance of up to one and one-half miles from its corporate limits if county or township zoning is not in effect within the area and no county subdivision regulations

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are in effect as provided in Section 711.09 of the Ohio Revised Code. The village planning commission, platting commissioner or village council may receive advice from the regional or county planning commission upon all subdivision plats located within one and one-half miles of the corporate limits.

- d. The regional or county planning commission and the city with subdivision regulation jurisdiction over unincorporated territory within Morgan County may agree, in writing, that the approval of the plat by the city, as provided in Section 711.09 of the Ohio Revised Code, shall be conditioned upon receiving advice from or approval by the regional or county planning commission.
- e. The regional or county planning commission may cooperate with any city or village located in Morgan County in the review of subdivision plats occurring on lands adjoining the corporation line of said city or village or within a reasonable distance of same. The regional or county planning commission may, as a condition for such cooperation, and in order to carry out these Regulations more effectively, seek an agreement with any city or village. The term of the agreement may permit joint review, by the regional or county planning commission and any city or village, of subdivisions occurring next to or within its corporate limits.
- f. County, regional, and municipal planning commissions and other agencies with subdivision approval authority will have to reach agreement on review of lands, proposed for subdivision, which lie partially within and partially outside of the three or one and one-half mile limit area.

106 Relation to Other Laws

- a. The provision of these Regulations shall supplement the laws of the State of Ohio, other resolutions adopted by the board of county commissioners or township trustees, or the rules and regulations promulgated by authority of such law or resolution relating to the purpose and scope of these Regulations.
- b. No subdivision plat shall be approved for recording until the requirements of these Regulations have been met and certification thereof has been endorsed upon the plat by the appropriate reviewing authority.
- c. Whenever the requirements of these Regulations are at variance with the requirements of other lawfully adopted rules, regulations, or resolutions, the most restrictive or that imposing the highest standard shall govern. These Regulations shall be interpreted as minimum requirements.
- d. Whenever a township or part thereof has adopted a county or township zoning resolution, under Chapter 303 or 519 of the Ohio Revised Code, all proposed subdivisions shall meet the requirements of said zoning resolution, as well as the provisions of these Regulations.

107 Validity and Separability

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If, for any reason, any clause, provision or portion of these Regulations shall be held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect validity or legality of these Regulations as a whole, or any part thereof, other than the part so held to be invalid. These Regulations shall not abate any legal action pending under prior subdivision regulations and shall not interfere with other applicable laws and regulations or with deed restrictions.

108 Saving Provision

These Regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the county under any section or provision existing at the time of adoption of these Regulations, or as vacating or annulling any rights adopted by any person, firm, or corporation by lawful action of the county except as shall be expressly provided for in these Regulations.

Article 2

ADMINISTRATION

Standards

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Article 2

ADMINISTRATION

Standards

200 Administration, Enforcement and Interpretation

These Regulations shall be administered by the County or Planning Commission of Morgan County. The planning commission, assisted by other government agencies, legal counsel, and through other advice it may solicit, shall administer and enforce these Regulations. Discretionary, conflicting, or disputed aspects of these Regulations shall be interpreted by the planning director or other individual designated by the County Commissioners or Planning Commission.

201 Reservations and Repeals

Upon the adoption of these Regulations, according to law, any previous Subdivision Regulations of Morgan County, are hereby repealed, except as to those sections expressly retained in these Regulations.

202 Amendments

The Planning Commission may amend, supplement or change these Regulations in accordance with the appropriate sections of the Ohio Revised Code. However, the planning commission may only amend, supplement or change regulations, requiring the actual construction of improvements, or posting of performance guarantees, after review and adoption by the county commissioners.

203 Variances, Exceptions and Waiver of Conditions

Where, due to exceptional topographic or other physical conditions, the Planning Commission finds that extraordinary and unnecessary hardship may result from strict application of these Regulations, or the purposes of these Regulations may be served to a greater extent by an alternative proposal, it may approve variances, exceptions, and waivers of conditions, provided that they will not be detrimental to the public health, safety, or welfare or injurious to other properties. Variances for roadway specifications and construction standards can only be made by the Board of County Commissioners. Recommendations and justifications regarding variances shall be provided by the planning commission. Such variances shall not have the effect of nullifying the intent and purpose of these Regulations, the comprehensive plan, or the zoning resolution, when they exist. In granting variances or modifications the planning commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified. An application for relief may be denied if an owner requests it merely for his own convenience, such as when the land is not

usable due to error or poor assumptions on the owner's part, or when the only supporting evidence is that compliance would add significantly to development costs.

204 Expiration or Extension

Failure to comply with stated time periods of these Regulations shall result in the expiration of the application and associated planning commission approvals. Before expiration, the subdivider may provide a letter and extension fee stating why these time periods cannot be met and requesting their extension. The subdivider is solely responsible for knowing expiration dates and meeting or extending them in accordance with these Regulations. The Planning Commission shall have no duty, obligation or responsibility to remind or notify subdividers of approaching expiration dates.

205 Voided Applications

An application shall become void and have no rights, standing, or status under these Regulations, upon expiration, withdrawal, or disapproval.

206 Recording of Plat

No plat of any subdivision shall be recorded by the County Recorder or have any validity until said plat has received a final approval in the manner prescribed in these Regulations.

207 Revision of Plat after Approval

No change, modification, or revision shall be made in any plat of a subdivision after approval has been given by the planning commission, and endorsed in writing on the plat, unless said plat is first resubmitted to the planning commission.

208 Fees

The Board of County Commissioners shall establish a schedule of fees, charges, expenses, and collection procedures for administration of these Regulations. The schedule of fees shall be posted in the office of the Morgan County Engineer. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal. The subdivider shall be solely responsible for submittal of the plat and payment of fees to the local agency having jurisdiction regarding review and/or approval of proposed improvements, including water and sanitary sewage facilities.

209 Violations and Penalties

Whoever transfers, offers for sale, or leases for a period of more than five years any lot, parcel or tract of land from a plat of a subdivision before such plat has been recorded in the office of the county recorder or that violates these regulations shall forfeit and pay the sum of not less than ten dollars (\$10) nor more than five-hundred dollars (\$500) for each lot, parcel, or tract of land so sold. The description of such lot, parcel, or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this section.

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No building permit, where required, shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these Regulations, nor shall the county have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these Regulations.

A County Recorder who records a plat contrary to the provisions of these Regulations shall forfeit and pay not less than one-hundred dollars (\$100) nor more than five-hundred dollars (\$500), to be recovered with costs in a civil action by the prosecuting attorney in the name and for the use of the county.

210 Appeal

Any person who believes he or she has been aggrieved by these Regulations or the actions of the planning commission has all rights to appeal as set forth in Chapter 711 of the Ohio Revised Code or any other applicable section.

Article 3

SUBDIVISION APPLICATION, PROCEDURES AND APPROVAL PROCESS

Standards

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331 Signing, Recordation and Transmittal of Copies of Final Plat

The final plat shall be submitted in drawing exchange format(DXF) on floppy disk, zip disk, or CD Rom.

332 Final Plat Amendments

Article 3

SUBDIVISION APPLICATION, PROCEDURES AND APPROVAL PROCESS

Standards

300 Purpose

The purpose of this article is to establish the procedure for review and approval of subdivisions, as authorized under Chapter 711 of the Ohio Revised Code. The procedure is intended to provide orderly and expeditious processing of such applications.

301 General Procedure

Before any land is subdivided the owner of the property, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures:

- a. Lot Split or Minor Subdivision: These shall be processed by an individual designated by the Planning Commission and require a survey drawing, a deed with a legal description, fees, and shall include a sketch plat as recommended by the Planning Commission.
- b. Platted Subdivision or Major Subdivision: These involve approval actions by the planning commission. The approval process for a major development, whether a subdivision, cluster development, or planned unit development (PUD), is essentially the same, and includes three principal steps: sketch plan, a preliminary plan, and a final plat.

302 Outline of Conditions for Minor Subdivision

Approval of a minor subdivision may be granted by a designated representative of the Planning Commission if the proposed subdivision of the parcel of land meets all of the following conditions:

- a. The proposed division of a parcel of land as shown on the last proceeding tax duplicate involves no more than five (5) lots, after the original parcel has been completely subdivided, any one of which is under five (5) acres (inclusive of the remainder parcel).
- b. The proposed subdivision is along an existing public street, and involves no opening, widening or extension of any street or road or public utility.
- c. The proposed division is not contrary to applicable subdivision, zoning or other regulations or has received any necessary variances.
- d. The proposed subdivision is approved by the zoning inspector, Ohio Environmental Protection Agency (for special sanitary districts), local Health Department, the County Engineer, and others as may be applicable.
- e. The property has been surveyed and a survey sheet and a legal description of the property is submitted with the application.

303 Administrative Procedure and Approval

- a. A minor subdivision or lot split application available at the County Engineer's office

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shall be filed by the landowner or designated representative. A complete application shall contain a survey drawing, a deed, a legal description for each lot being created, a fee as set forth in these Regulations, and a certification of approval by the local Health Department, and others as may be applicable

- b. After the split has been given approval by any other departments with review responsibility, the deed, a copy of the health department approval and a copy of the survey drawing is then checked by the designated representative of the Planning Commission for its conformity with these Regulations.
- c. The designated representative of the Planning Commission shall stamp and sign the deed "description approved for Auditors transfer," if the lot in question meets all requirements as specified above, within seven (7) working days after submission.
- d. The deed shall then be taken to the County Auditor for the transfer of property and then to the County Recorder where it will become a legal lot of record. Lot split requests expire if not recorded within (1) year of initial fee payment.
- e. Incomplete or deficient proposals shall be disapproved and the subdivider notified of issues and reasons for the disapproval.

304 Submission Requirements

The application for minor subdivision shall include the following:

- a. The survey shall conform to the minimum standards for boundary surveys in State of Ohio (OAC 4733-37) and the Morgan County Conveyance Standards.
- b. Dimensions shown in feet and hundredths of feet .
- c. Location of monuments and their descriptions.
- d. Areas within the 100 year floodplain and within floodways, as determined from flood studies or by scaling from mapping provided by the Federal Emergency Management Agency, shall be delineated.
- e. Other items or provisions deemed necessary by the planning commission.

305 Combining Entire Existing Tax Parcels, Replat, Subdivision Vacations, Plat of Streets, Common Open Spaces, and Easements for Public Utilities

- a. Combining entire existing tax parcels can be accomplished by the County Auditor without Planning Commission approval if the existing parcels have the same deed reference, are adjacent to each other, are not separated by a public roadway, and acreage of all parcels is combined into a single tax parcel by filling out an "Application for Combination" at the Auditor's office listing the tax parcel numbers to be combined.
- b. A subdivider proposing the re-subdivision of a plat previously recorded by the County Recorder shall follow the same procedures required for a major subdivision. Other proposals for the alteration of a plat or the vacating of a plat shall comply with Sections 711.17-711.20 of the Revised Code.
- c. Proposals for the platting of street openings, widenings, and extensions; platting of open spaces for common use by owners, occupants, or leaseholders; and easements for the extension and maintenance of public sewer, storm drainage, or other public utilities shall follow the same procedures required for a major subdivision .

306 Transfer of Property between Adjoining Owners

- a. Where a transfer of property between adjoining owners, which is less than (5) acres in size, results in a residual parcel, which is less than (5) acres, said residual parcel shall be subject to the requirements of these Regulations; and, the transfer of property shall be approved only if the residual meets these Regulations. The grantees' names on the deed shall match the ownership of the adjacent parcel being enlarged by the transfer. Deeds for combining acreage shall include the notation: "Not to be used as a separate building site or transferred as an independent parcel in the future without Planning Commission approval."
- b. If the transfer of property is within a recorded subdivision it shall be submitted as a major subdivision if it involves the creation of any subdivision lot as a separate building tract.

307 Outline of Conditions for Major Subdivisions

A proposal involving any of the following shall be subject to major subdivision procedures:

- a. Five (5) lots or more, regardless of size.
- b. Creation, widening or extension of a street or access easement.
- c. Division or allocation of land as a utility or drainage easement.
- d. Subdividing platted land to create additional building lots in a recorded subdivision.

308 Pre-Application Conference and Sketch Plan

- a. Prior to preparing a sketch plan, the subdivider may request an informal discussion with the designated representative of the planning commission to discuss the procedures for approval of the subdivision plan and to familiarize the developer with the comprehensive plan, thoroughfare plan, drainage and sewerage requirements, fire prevention, and the availability of existing utility services .
- b. The application shall combine a pre-application conference with the sketch plan. The sketch plan shall include: a completed and signed application form, (3) copies of the sketch plan, and may include a fee as set forth in the appendix.

309 Submission Requirements

Sketch plans shall be submitted to the planning commission, prepared in pen or pencil, shall be drawn to a convenient scale, and shall show the following information:

- a. Location or vicinity map.
- b. Ownership of property and adjacent properties.
- c. Existing and proposed public roads and easements.
- d. Existing structures.
- e. North arrow.
- f. Outline of areas to be subdivided.
- g. Approximation of proposed lot lines.
- h. Important natural features and drainage ways.
- i. A written statement about storm drainage, sewage disposal, water supply, and other facilities that exist in the area and the likely impacts of the development on those systems.

310 Preliminary Plan

The developer shall submit a preliminary plan for review and tentative approval prior to the formulation and submittal of detailed construction drawings. The preliminary plan is conducted for the developer's benefit; its submission does not constitute a formal subdivision review pursuant to Section 711.10 of the Ohio Revised Code. With the submission of the preliminary plan, the applicant waives any rights to an approval under Section 711.10 of the Ohio Revised Code until such time as application is made for final subdivision plat review and is submitted to the Planning Commission for review and approval as detailed in these Regulations.

311 Preliminary Plan Form

The preliminary plan application shall contain:

- a. Complete application form available from the Planning Commission.
- b. Signed variance application form and fee set forth in the appendix.
- c. Copies of the preliminary plan containing all required information.
- d. One set of conceptual subdivision improvement plans, provided that completed design drawings shall be required at a later time.
- e. Include a signed letter of intent from all applicable public utility service providers.

312 Preliminary Plan Content

The preliminary plan shall contain the following information:

- a. Proposed name of the subdivision, location by section, range, township or other survey.
- b. Boundaries and acreage.
- c. Name, address and telephone number of the owner, subdivider, professional surveyor and professional engineer with appropriate numbers and seals.
- d. Date of survey, scale of the plat, north point, legend and a vicinity map of a scale not less than 2000 feet to an inch.
- e. Name of adjacent subdivisions, owners of adjoining parcels, and location of common boundary lines, extended to 200 feet beyond the boundary of the subdivision.
- f. Topographic contours with intervals no greater than 2 feet at 5% slope, no greater than 5 feet for slopes over 5% and less than or equal to 15%, and no greater than 10 feet for slopes greater than 15%.
- g. Location, width, and names of existing streets, railroad rights-of-way, easements, parks, buildings, corporation and township lines; wooded areas, water courses, drainage patterns, and water bodies.
- h. Topographic features within and adjacent to the plat for a minimum distance of 200 feet unless access to adjacent property has been denied the professional surveyor.
- i. Location of floodways, floodplains, and a good faith effort to identify other potentially hazardous areas.
- j. A good faith effort to identify the location of environmentally sensitive areas.
- k. The soil types, derived from the USDA Soil Survey.
- l. A good faith effort to identify the layout, number, dimensions of each lot, and setback lines (a note listing setback dimensions may be added in lieu of showing setback lines if the plan will be made more legible).

- m. Parcels of land reserved for public use or reserved by covenant for residents of the subdivision.
- n. Point of ingress/egress or driveway locations and the distance to any existing driveway(s).
- o. Type of water supply and wastewater disposal proposed, approximate locations and dimensions of all proposed utilities and sewer lines, easements, drainage tiles, water mains, culverts, or other underground utilities within the tract or adjacent thereto.
- p. Known cemeteries, historical or archeological sites.
- q. Copy of proposed covenants and restrictions, and a schedule outlining the order of development of each section or phase of the subdivision.

313 Additional Information for the Preliminary Plan

The following information does not apply to all projects and may be requested during the site review or required during review and approval of applications.

- a. Statements of proposed use of lots, giving type and number of dwelling units and/or type of business or industry.
- b. Conceptual plan for commercial and industrial development, showing proposed parking, loading areas, alleys, pedestrian walkways, streets, points of vehicular ingress/egress to the development and landscape features.
- c. A drawing of all present and proposed grades and facilities for storm water drainage in cases where natural drainage is altered.
- d. A feasibility study on sewer and water facilities for land developments of two or more dwelling units.
- e. Screening, buffering and/or noise abatement measures.
- f. Typical cross-sections and centerline profiles for each proposed street, and preliminary engineering designs of any new bridges or culverts proposed in the project.
- g. Other information, studies, items, or provisions deemed necessary or prudent to create buildable sites and to promote the public health, safety, and welfare.

314 Public Hearing

The Planning Commission, prior to acting on a preliminary plan of a subdivision, may hold a public hearing at such time and upon such notice as the planning commission may designate.

315 Filing

The preliminary plan shall be considered officially filed after it is examined by the designated representative of the Planning Commission and is found to be in full compliance with the formal provisions of these Regulations. The subdivider shall be notified by mail within five (5) working days as to the date of official filing, which begins the thirty (30) day review period, and the meeting at which the plan shall be reviewed.

316 Review and Approval of Preliminary Plans

The Planning Commission shall forward copies of the preliminary plan to such officials and agencies as may be necessary for the purpose of study and recommendation. After receipt of reports from such officials and agencies, the Planning Commission shall determine whether the plan will be approved, approved with modifications, or disapproved. The reasons for such disapproval shall be stated in writing.

The Planning Commission shall act on the preliminary plan within thirty (30) working days after filing unless such time is extended by agreement with the subdivider. Approval of the preliminary plan shall be conditioned on compliance with all other applicable resolutions and regulations.

317 Preliminary Plan Expiration

The approval of the preliminary plan by the Planning Commission shall be effective for a maximum period of one (1) year from the date of its approval unless an extension of the approval has been granted in writing by the Planning Commission. If the final plat application is not accepted within one (1) year, the preliminary plan approval shall expire and become void.

318 Preliminary Plan Recall

The designated representative of the Planning Commission may recall unplatted portions of the preliminary plan for consideration, and reapproval, modification, or disapproval by the Planning Commission if:

- a. Incomplete, inaccurate or fraudulent information influenced approval.
- b. The subdivider has failed to satisfactorily pursue platting or conditions of approval.
- c. Previously unknown or new health, safety or environmental concerns arise.

The subdivider shall be notified by letter no later than 30 days before the recall is scheduled for consideration.

319 Submission to Ohio Department of Transportation

Any plan within (300) feet of the centerline of a state highway for which changes are proposed, or any land within a radius of (500) feet from the point of intersection of said

centerline with any public road or highway requires the Planning Commission give notice by registered or certified mail to the Ohio Department of Transportation. If the Ohio Department of Transportation notifies the Planning Commission that it shall proceed to acquire the land needed, the Planning Commission shall refuse to approve the plan.

320 Submissions to Township Trustees

Within five days after the submission of a plat for approval, the designated representative of the Planning Commission shall schedule a meeting to consider the plat. The Planning Commission shall send written notice by regular mail to the Clerk of the Township in which a proposed plat is located. The notice shall inform the Trustees of the submission of the proposal plat and of the date, time, and location of any meeting at which the Planning Commission will consider or act upon the proposed plat.

321 Grading of Site Prior to Final Approval

Subsequent to preliminary plan approval the developer may receive approval from the Planning Commission to begin earth excavation and construction to the grades and elevations required by the approved preliminary plan, as long as the project meets federal stormwater or other existing agency regulations pertaining to storm water.

322 Model Homes

For the purpose of allowing the early construction of model homes in a subdivision, the planning commission, in its sole discretion, may permit a portion of a major subdivision involving no more than (2) lots to be created in accordance with the procedures for minor subdivision, provided the portion has access from an existing Township, County, or State highway, and provided no future road or other improvements are anticipated where the lots are proposed. An application for minor subdivision or lot split shall be submitted to the Planning Commission simultaneously with the preliminary plan for the entire major subdivision. Subsequent to preliminary approval, the model homes may be constructed, subject to such additional requirements as the Planning Commission may require.

323 Final Plat Procedures

Having received the approval of the preliminary plan, the subdivider shall submit a final plat application containing all changes required by the Planning Commission in the preliminary plan.

The final plat shall be prepared by a professional surveyor, and the design for construction of improvements prepared by a professional engineer licensed to practice in the State of Ohio. Within five calendar days of submission, staff shall accept and

schedule the plat for the next appropriate meeting of the Planning Commission and notify the township in accordance with Section 711.10 of the ORC and this Section of these Regulations. Notification shall also be given to other appropriate agencies and officials.

A complete application shall contain:

- a. Complete and signed application form available from the Planning Commission with the fee as set forth in the appendix.
- b. Original plat document signed by the subdivider and lien holder with notary and seal and the professional surveyor with seal.
- c. Plat, signed by applicable zoning, health, sanitary and other government authorities.
- d. **(2)** sets of copies of the final plat and one **(1)** reproducible tracing of the plat .
- e. **(2)** sets of approved construction drawings and engineering specifications as required for grading, streets, stormwater management, waterline, sanitary sewer, and other improvements. Applicants are encouraged to file the application for final plat approval only after the appropriate authority approves construction drawings and engineering specifications. Failure to do so shall result in non-acceptance of the application.
- f. Supplementary and additional information as required by these Regulations.

324 Final Plat Form

The final plat shall be submitted in the following form:

- a. Drawn at a convenient scale.
- b. The original shall be drawn on reproducible material capable of producing blue or black line paper prints.
- c. Plats shall be furnished in drawing exchange (DXF) image format on a floppy disk, zip disk or CD ROM media for ease of adding to the tax map office records.
- d. No ditto marks shall be used on the final plat and a legend of all symbols and abbreviations used shall be included on the plat.

325 Final Plat Contents

The final plat shall contain the following information:

- a. Subdivision name, location by section, range, township or other accepted survey district.
- b. The plat shall comply with the Minimum Standards for Boundary Surveys in the State of Ohio and the measurement specifications as contained in Chapter 4733-37 of the Ohio Administrative Code.

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- c. A vicinity map showing general location of subdivision.
- d. Name, address and telephone number of owner, subdivider, professional surveyor and professional engineer with appropriate numbers and seals.
- e. Plat boundaries, based on accurate traverse, with angular and linear dimensions determined by an accurate control survey in the field. All lot lines shall be shown with accurate dimensions in feet and hundredths.
- f. Layout, number, dimensions of each lot, and set back lines (a note listing setback dimensions may be added in lieu of showing setback lines if the plat will be made more legible).
- g. Outline of areas to be dedicated or reserved for public or common use of property owners within the plat, and previous lots or blocks and their numbers indicated by a contrasting line style in the case of a replat.
- h. Bearings and distances to the nearest established street lines, and accurate location and description of all monuments.
- i. Names, locations, dimensions, rights-of-way of all existing and proposed streets and railroads within and adjoining the plat. Radii, internal angles, points of curvature, tangent bearings, length of arcs, and lengths and bearing of chords of all streets.
- j. Locations and dimensions of all easements and rights-of-way, with dimensions, purposes and wording addressing the purpose of such easements or rights-of-way.
- k. Location of all streams, rivers, canals or lakes, and flood hazard boundaries of the area.
- l. Base flood elevations shall be determined by the developer's engineer in areas where such information has not been made available from other sources.
- m. Copy of any restrictive covenants, and other notes, items, restrictions, or provisions required by these Regulations, the Planning Commission or its designated representative, or other plat signing authority.
- n. A statement or table showing total acreage in the subdivision and total acreage of lots, roads, open space, easements and other types of uses.
- o. Spaces for all signatures required by Article 10.

326 Additional Information for Final Plat

The following information shall be supplied in addition to the above required data:

- a. If a zoning change is involved, certification from the appropriate Township or County zoning inspector shall be required indicating that the change has been approved and is in accordance with the requirements of the zoning resolution.
- b. A letter from the permitting agency indicating that a driveway permit has been issued or will be issued by the Board of Township Trustees, the Office of the County Engineer or Ohio Department of Transportation on existing roads.

327 Filing

The final plat shall be filed with the Planning Commission not later than one (1) year after the date of approval of the preliminary plan; otherwise it will be considered void unless an extension is requested by the subdivider and granted in writing by the planning commission. The final plat shall be filed at least thirty (30) days prior to the meeting at which it is to be considered.

328 Planning Commission Action

Before any final plat is approved, the Ohio Department of Transportation must be notified as required by Section 319 of these Regulations. Staff shall provide a final plat report to the Planning Commission.

The Planning Commission shall act on the final plat within thirty (30) days after filing, unless such time is extended by agreement with the subdivider, the final plat is withdrawn or a delay of action is requested and granted. Conditional approval of a final plat shall be limited to minor clerical and other nonsubstantive errors as determined by the Planning Commission. If disapproved, the reason shall be stated in the record of the Planning Commission. Failure of the Planning Commission to act upon the final plat within such time shall be deemed an approval of the plat. If disapproved, the subdivider shall make the necessary corrections and resubmit the final plat, within thirty (30) days, to the Planning Commission for its final approval. If a final plat is refused by the Planning Commission, the person resubmitting the plat, which the Planning Commission refused to approve, may file a petition within sixty (60) days after such refusal in the court of common pleas of the county in which the land described in said plat is situated.

329 Public Improvements

Prior to the granting of approval of the final plat, the Planning Commission may require that all public improvements be installed prior to the signing of the final plat. If the Planning Commission does not require that all public improvements be installed and dedicated prior to signing of the final plat, the Planning Commission shall require that the applicant furnish a performance guarantee for the ultimate installation of said improvements. The requirements, approval and length of term for the performance guarantee shall be determined by the Planning Commission.

330 Final Plat Expiration

The subdivider shall record the final plat within 60 days of final approval, otherwise the final plat approval shall expire and become void.

331 Signing, Recordation and Transmittal of Copies of Final Plat

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When a final plat has been approved and all conditions for approval have been satisfied, the designated representative of the Planning Commission shall sign the certificate of approval on the original tracing and return the same to the subdivider. The subdivider shall, within 60 days, submit a copy of the approved plat for processing by the county tax map department, County Auditor, and filing with the County Recorder. It shall be the responsibility of the subdivider to gain all necessary certifications before filing the plat with the County Recorder. The subdivider shall provide the Planning Commission with a paper copy of the approved plat. After the plat is recorded, the original plat or an archival quality reproducible reproduction shall be filed with the County Recorder. ***The final plat shall be submitted in drawing exchange format(DXF) on floppy disk, zip disk, or CD Rom.***

332 Final Plat Amendments

Procedures and requirements for changing a Planning Commission-approved final plat (signed, unsigned, recorded or unrecorded) shall be specified by the Planning Commission in keeping with the spirit, intent and purpose of these Regulations. Amendment of the preliminary plan may be required before or concurrent with amendment of the final plat. Amendment fees are set forth in appendix A.

Article 4.

DESIGN AND CONSTRUCTION STANDARDS. Standards.

400 General Purpose

401 Suitability of Land

402 Conformance to Applicable Rules and Regulations

403 Subdivision and Site Design

404 Blocks

405 Lot Improvements Lot Arrangement and Dimensions

406 Easements

407 Standards for Nonresidential Subdivisions

Article 4 DESIGN AND CONSTRUCTION STANDARDS Standards

400 General Purpose

The purpose of good subdivision and site design is to create a functional and attractive development, minimize adverse impacts, and ensure that a project will be an asset to the County and Township. To promote this purpose, the subdivision shall conform to this article's standards which are designed to result in a well-planned community without adding unnecessarily to development costs. These design controls shall help insure creation of convenient and safe streets, usable lots, and space for public purposes, and will minimize the undesirable features of unplanned, haphazard growth. The Planning Commission has the responsibility for reviewing the design of each subdivision early in its design development to insure that all the requirements of these Regulations are addressed.

401 Suitability of Land

If the Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to poor drainage, flood hazard, topography, inadequate water supply, landslip potential, unstable subsurface conditions due to underground mining or other reasons and other such conditions which may endanger health, life, safety, or property; and, if by any public agencies concerned it is determined that in the best interest of the public the land should not be developed for the purpose proposed, the Planning Commission shall not approve the subdivision unless adequate methods for alleviating the problems are advanced by the subdivider. For major subdivisions a written statement may be required by the Planning Commission describing characteristics of the development site, such as bedrock geology and soils, topography, flood prone areas, existing vegetation, structures and road networks, visual features, and past and present use of the site.

402 Conformance to Applicable Rules and Regulations

In addition to the requirements established in these Regulations, all subdivisions shall comply with the following:

- a. All applicable County or Township zoning resolutions and all other applicable laws in which the subdivision is to be located.
- b. The comprehensive plan, public utility plan, and capital improvement programs, including plans for all streets, drainage systems, and parks shown on the comprehensive plan as may be adopted by the County.
- c. The special requirements of these Regulations and any rule of the health department and/or appropriate state agencies.
- d. The rules of the Ohio Department of Transportation if the subdivision or any lot contained therein abuts a state highway or connected street.
- e. The standards and regulations adopted by the county engineer, and all boards,

agencies and officials of the county.

403 Subdivision and Site Design

Design of the subdivision shall take into consideration existing County, municipal and regional comprehensive plans, and shall be based on a site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alterations of natural features.

The following specific areas shall be preserved as undeveloped open space, to the extent consistent with the reasonable utilization of land, and in accordance with the U.S. and Ohio Constitutions and state or federal regulations:

- a. Unique and/or fragile areas, including wetlands, as may be defined in Section 404, Federal Water Pollution Act, as amended; and in Ohio Environmental Protection Agency standards.
- b. Land in the floodway as identified and mapped using the Federal Emergency Management Agency's Flood Hazard Boundary Maps.
- c. Steep slopes in excess of fifteen (15) percent unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken into account.
- d. Habitats of endangered wildlife, as identified on federal and state lists.
- e. Historically and culturally significant structures and sites, as listed on the National Register of Historical Places.
- f. Land located within 300 feet of an existing oil or gas well.

The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and, to mitigate adverse effects of noise, odor, traffic, drainage, and utilities on neighboring properties. The placement of buildings in residential developments shall take into consideration topography, building height, orientation and drainage.

404 Blocks

The following regulations shall govern the design and layout of blocks:

- a. The arrangements of blocks shall conform to the street design criteria set forth in these Regulations.

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- b. Blocks shall be arranged to accommodate lots and building sites of the size and character required by these Regulations and any applicable zoning resolution, to provide for adequate community facilities, and with regard of the limitations and opportunities of topography.
- c. Irregularly shaped blocks, blocks intended for cul-de-sacs and loop streets, and blocks containing interior parks and playgrounds may be approved by the planning commission if properly designed and located.
- d. No block shall be larger than (1400) feet, or (12) times the minimum lot width required in the zoning district, and no less than (800) feet. Cross streets shall be provided between blocks.
- e. Where blocks are more than (900) feet in length, a walkway easement not less than (10) feet in width at or near the halfway point of the block may be required between streets.
- f. Blocks in the traditional gridiron pattern should consist of two tiers of lots and an easement may be included to separate them for utilities and rear-yard access.

405 Lot Improvements Lot Arrangement and Dimensions

- a. Lot arrangement, design and dimensions shall be such that all lots will provide satisfactory building sites. Driveway access to buildings on the lot shall be from a dedicated public street (existing or proposed or on a private street meeting public street standards). Lots shall be properly related to topography and the character of the surrounding development, and shall be in compliance with the county or township zoning resolution and health regulations for the district in which they are located and for the use for which they are intended.
- b. Where a county or township zoning resolution is not in effect, the minimum lot size, width and frontage shall be as specified in Table 1. Where soil conditions are of such a nature that proper operation of wells and septic tanks may be impaired, the planning commission, upon recommendation from the health department may increase the size of any or all lots in the subdivision, or may deny approval of the subdivision.

Table 1: Minimum Lot Areas and Width Requirements.

Development type	Public Water Available	Central Sewage Treatment Available	Minimum Lot Width (feet)	Lot Area (per family or business)	Minimum Front Setback Requirements (feet from street right-of-way line)		
					Arterial Street	Collector Street	Local and Cul-de-Sac
Single or Two Families	Yes	No	125	87,120 sf	35	30	30
	No	Yes	70	43,560 sf	35	30	30
	Yes	Yes	70	9,450 sf	35	30	30
	No	No	125	87,120 sf	35	30	30
Multi-family	Yes	No	Prohibited				

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	No Yes No	Yes Yes No	90 90 Prohibited	2,700 sf 2,700 sf	40 40	35 35	30 30
Commercial	Yes No Yes No	No Yes Yes No	150 90 90 150	1 acre 4,500 sf 4,500 sf	50 50	45 45	40 40
Industrial	Yes No Yes No	No Yes Yes No	Prohibited 100 100 Prohibited		50 50	45 45	40 40
<p>Note: Lot area does not include right-of-way. Lot areas may increase or decrease by recommendation of the County Health Department. For slope areas where the average slope is 15 % or greater, refer to hillside regulations.</p>							

- c. Dimensions of corner lots shall be large enough to allow the erection of buildings, observing the minimum front-yard setback from both streets.
- d. The maximum depth of any lot shall not be greater than four times its width.

Lot Orientation

- a. Residential lots shall front on a dedicated public street (existing or proposed) or on a private street meeting public street standards. All side lot lines where practicable should be at approximate right angles to street lines or radial to curving street lines, unless a variation from these rules will give a better street or lot plan. Variations are permitted to accommodate barriers such as streams and existing utility easements. However, side lot lines shall not deflect more than (30) degrees from the perpendicular in relation to street centerlines. A side lot line shall maintain the same angle of deflection between the front lot line and the minimum building setback line as established by the zoning resolution or these Regulations.
- b. The lot line common to the street right-of-way shall be the front line. All lots shall face the front line and a similar line across the street. Wherever feasible, lots shall be arranged so that the rear line does not abut the sideline of an adjacent lot.

Double Frontage Lots and Access to Lots

- a. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. Residential lots abutting arterial or collector streets, where marginal access streets are not desirable or possible to attain, shall be designed as reverse lots or with side lot lines parallel to the major traffic streets. These requirements may be waived by mutual consent of the planning commission and the county engineer.
- b. Lots may not be created by dividing land at the end of stub streets in adjacent

subdivisions, such stub streets being intended to promote continuity of street systems in adjoining subdivisions.

- c. Fifty (50) feet (minimum) of additional lot may be required where a residential lot in a subdivision backs up to a railroad right-of-way, a high pressure gasoline or natural gas line, open drainage ditch, an arterial street or interstate highway, an industrial area or other existing land use which may have a detrimental effect on the residential use of the property, and where no local street is provided at the rear of such lot.

406 Easements

- a. Location of utility line easements within the road right-of-way shall be located outside of the improved portion of the roadway. Utility easements may also be located along the front of line or centered on the rear or side lot line as necessary for utility lines. Easements shall give access to every lot, park or public grounds. Such easements shall be a total of not less than twenty (20) feet wide.
- b. Recommendations on the proposed layout of utility company easements shall be sought from all of the utility companies serving the area. It shall be the responsibility of the subdivider to submit copies of the preliminary plan to all appropriate public utility companies.
- c. Easements shall be provided for storm drainage purposes. Such easements shall conform substantially with the lines of any natural water course, channels, streams or creeks which traverse the subdivision or for any new channel which is established to substitute for an existing natural watercourse, channel, stream or creek. Such easements shall be of sufficient width to provide adequate area for maintenance; however easements shall not be less than twenty (20) feet. Provisions of an easement in no way make any political subdivision responsible for maintenance of storm water facilities. The plat shall specify the entity or person responsible for maintenance of storm water facilities.
- d. Whenever practicable, the utilities shall be placed underground, according to the standards of the appropriate utility company.
- e. The location of mailboxes and similar structures in the right-of-way of a public or private street shall be constructed so as to not create a hazard to the public and shall be constructed pursuant to standards of the Ohio Department of Transportation and the United States Postal Service.

407 Standards for Nonresidential Subdivisions

- a. In addition to the principles and standards in these Regulations, the applicant shall

demonstrate to the satisfaction of the Planning Commission that the streets, parcels, blocks, and lot patterns proposed are specifically adapted to the uses anticipated and take into account other uses in the vicinity.

- b. Proposed industrial parcels shall be suitable in area and dimension to the types of industrial development anticipated.
- c. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
- d. Blocks intended for commercial and industrial subdivisions shall be designed specifically for such purposes and shall include adequate provision for parking, loading and delivery services. Such blocks shall not be less than (250) feet in width and not less than (500) feet in length.
- e. Lots intended for other non-residential use shall be specifically noted and designed for such purposes, and shall have adequate provisions for off-street parking, setbacks, and loading and unloading areas.

Article 5

STREET DESIGN AND CONSTRUCTION STANDARDS

Standards

500 General

501 Conformity to Development Plans and Zoning

502 Existing Abutting Road Design Modification

503 Street Names

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505 Street Vacation

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509 Special Street Types

510 Street Design Standards for all Streets Except Cul-de-Sacs and Loop Type Local Streets

511 Street Design Standards for Cul-de-sac and Loop Type Streets

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515 Private Multiple Access Lot Drives

516 Off Street Parking

517 Sidewalks and Graded Areas

518 Street and Walkway Lighting

519 Monuments, Markers, and Pins

520 Culverts and Bridges

521 Street Improvements

522 Street Width

523 Street Subgrade

524 Street Base Course

525 Street Surface Course

526 Portland Cement Concrete Pavement

527 Full-Depth Asphalt Pavement

528 Street Curbs and Gutters

529 Open Ditches and Slopes

530 Driveways

531 Street Construction Standards

Article 5

STREET DESIGN AND CONSTRUCTION STANDARDS

Standards

500 General

These Regulations shall control the manner in which the road system is arranged on the land to permit the safe, efficient, and orderly movement of traffic; to meet, but not exceed, the needs of

the present and future population; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.

501 Conformity to Development Plans and Zoning

No subdivision shall be approved unless the area to be subdivided has frontage on and access from an existing street on the official thoroughfare map, or if there is no official thoroughfare map, unless such street is an existing state, county, or township highway, road or a street shown upon a plat approved by the Planning Commission and recorded in the County Recorder's office. Such street or highway must be suitably improved as required by these Regulations or guaranteed, with a performance bond, to be improved as required by these Regulations. In addition, no final plat of land within an existing zoning district shall be approved unless it conforms with requirements of the zoning district.

502 Existing Abutting Road Design Modification

When a proposed subdivision is located along one side of an existing street or roadway or the subdivision is crossed by an existing road, the subdivider shall be responsible for any improvements to the existing road due to the impacts the development might have on the ability of the existing road to provide for the increased traffic and use. The improvements may include complete reconstruction, widening or replacement of the entire existing pavement, repair to any damage to the existing pavement caused by the developer construction operations, and upgrading drainage structures to handle additional storm water runoff.

When existing or abutting roads are damaged by the subdivider or contractor of same, repairs shall be completed at the expense of the sub-divider.

Design standards and required improvements to such existing streets and roads which abut or cross the proposed subdivision are to be determined by the County Engineer.

503 Street Names

Street name signs or numbers of a type in use throughout the County shall be erected by the subdivider at all intersections. Names of new streets shall not duplicate or nearly duplicate those of existing or platted streets, irrespective of the use of the suffix "street," "avenue," "circle," "boulevard," "drive," etc., and shall be displayed at each street intersection with street signs of the type established by the county. When a new street is a direct extension of an existing street, the name shall remain the same.

Sign color shall conform to County or Township requirements. Street names shall be

subject to the approval of the Planning Commission. The subdivider is responsible for the cost of purchasing and installing all signage.

504 Street and Circulation System Design

- a. The arrangement, character, extent, and location of all streets shall conform to the thoroughfare plan of the County; such streets shall be considered in their relation to existing and planned streets, topographic conditions, public convenience and safety, and in their relation to the proposed uses of land to be served by such streets. The Planning Commission reserves the right to disapprove any street plan which does not represent good design or does not insure continuity of the existing street system.
- b. The road system shall be designed to serve the need of the neighborhood and to discourage through traffic in the interior of such subdivision. Residential driveway access shall not be permitted onto principal arterials. Major subdivisions shall be designed to discourage residential driveway access onto major arterial and collector roadways by using access roads. Minimizing driveway access points or curb cuts by using access roads shall be encouraged. There shall be no private streets, lanes, roads or ways nor any private easement used for the purpose of primary access to any subdivision, including subdivisions exempt from platting under Ohio Revised Code Section 711.131 unless constructed and maintained to County road specifications and standards. The cost of maintenance of such private streets, roadways and easements shall be borne equitably by benefiting property owners. Proper legal steps shall be taken to guarantee the continuing maintenance of such streets, roadways and easements.

505 Street Vacation

The Planning Commission shall not recommend the vacation of any street dedicated to and accepted by the public if such vacation will adversely affect the proper functioning of the existing street system or any future street plan prepared by, or approved by, the Planning Commission. The procedure to vacate a street or alley may be found in Ohio Revised Code Section 5553.01.

506 Rights-of-Way

- a. The right-of-way shall be measured from lot line to lot line and shall be sufficiently wide to contain the cartway, curbs, sidewalks, utilities and graded areas, if required.
- b. The right-of-way of a new street that is a continuation of an existing street shall in no case be continued at a width less than that of the existing street.
- c. The right-of-way for roads shall be in accordance with the major thoroughfare plan, and shall provide for future development.

Table 3: Right-of-Way Standards By Type of Road	
Street Type	R-O-W Width (feet)
Local Street/Road	50-60
Access Street	28-36
Alley	20-28
Cul-de-Sac	50
Local Industrial	60-80

507 Horizontal Alignment

When there is an angle of deflection of more than one (1) degree between two (2) centerline tangent sections of a residential street, the following conditions shall be met:

- a. The preferred maximum degree of curvature (D) is 16° 00'.
- b. The maximum allowable degree of curvature shall be 23° 00'.
- c. Sight conditions shall be such that a minimum stopping sight distance of two hundred (200) feet is provided.

A minimum tangent length of one hundred (100) feet shall be introduced between reverse curves.

Where Degree of Curvature is defined as: $D = 5,730.28/R$ Where R = Radius of the curve

Design criteria for other than residential streets shall meet the requirements of the county engineer.

508 Vertical Alignment

All changes in grade in residential streets shall be connected by vertical curves, the minimum length of which satisfies the following requirements:

- a. Twenty (20) times the algebraic difference in the rate of grade.
- b. A minimum stopping sight distance of two hundred (200) feet.
- c. The appropriate maximum gradient as specified in the "Street Design Standards" contained in Table 4 shall not be exceeded. No street grade shall be less than 0.6 percent and in no case shall a street grade on a collector or arterial street be more than five (5) percent within one hundred (100) feet of an intersection. Lesser classification of streets shall in no case have a street grade in excess of 10 percent within one hundred (100) feet of an intersection. For slopes, refer to hillside regulations.

509 Special Street Types

The following requirements shall apply to special street types:

- a. One way streets: One-way streets are permitted in new subdivisions if the planning commission determines that such streets are properly integrated with the existing and proposed street system in the area.
- b. Permanent dead-end streets shall not be permitted. Temporary dead-end streets shall be permitted only as a segment of a continuing street plan subject to extension into undeveloped acreage. Temporary dead-end streets shall extend to the boundary of such undeveloped acreage and shall be provided with an interim turnaround satisfactory to the planning commission in design. The planning commission shall reserve the right to limit the length of such a dead-end street based on principles of proper planning, and the planning commission may require a street along the boundary between a proposed subdivision and the undeveloped acreage to provide for future development.
- c. Cul-de-sac streets shall not exceed a length of one thousand (1,000) feet measured to the center of the radius of the turnaround. The terminus may be circular with a minimum radius of fifty (50) feet measured from a point on the street centerline. Other termini types, such as "T's" or vegetated islands, are acceptable and subject to review and approval by the county engineer and planning commission. Cul-de-sacs may exceed 1,000 feet with an inter-mediate turnaround depending upon the total number of lots served by the road.
- d. The dedication of new half streets shall not be permitted. If a parcel to be subdivided exists adjacent to a dedicated or platted and recorded half-width street or alley, the other half-width of such street or alley falling within the proposed subdivision shall be platted, provided that in the opinion of the planning commission such right-of-way is necessary for the proper development of the area.
- e. Where a subdivision adjoins an arterial street, a marginal access street shall be designed to control access from lots fronting on it. Points of access to the arterial street shall be spaced at a minimum of thirteen hundred twenty (1320) feet. A planting strip having a minimum width of twenty (20) feet may be provided between the pavement of the marginal access street. The minimum width of the marginal access right-of-way shall be fifty (50) feet. In addition, the planning commission may also require the provision of buffer planting strips, the platting of loop streets or cul-de-sacs connected to such parallel streets, or any combination thereof.
- f. Easements or reserve strips controlling access to streets shall be prohibited except where deemed necessary by the planning commission and where their control is definitely placed with the county.

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- g. In subdividing land along existing streets or roads and within a proposed subdivision, provisions for the dedication of land for one or more access streets to undeveloped land not fronting on an existing street or road shall be incorporated. Said access streets shall be spaced not less than eight hundred (800) feet, nor more than one thousand four hundred (1,400) feet apart.
- h. Alleys may be approved in residential subdivisions when justified by subdivision street design, to provide vehicular access to parking areas. Alleys may be approved in commercial and industrial subdivisions if no other provisions can be made for adequate service access. The minimum widths for alleys shall be twenty (20) feet and they shall be dedicated to the public. Alley intersections, sharp changes in alignment, and dead-ends shall not be permitted unless extreme conditions would warrant.

510 Street Design Standards for all Streets Except Cul-de-Sacs and Loop-Type Local Streets

The design and improvement standards contained in Table 4 are minimums for all local streets and collector streets, except cul-de-sacs and loop-type streets, in residential subdivisions.

Table 4: Street Design Standards for Local and Collector Streets						
LOCAL				COLLECTOR STREET		
Terrain Classification	Level	Rolling	Hilly	Level	Rolling	Hilly
Right-of-way (feet)	50	50	60	60	60	60
Pavement Width (feet)	24	24	24	28	28	28
Minimum Stopping Sight Distance (feet)	200	200	200	200	200	200
Maximum Grade	4%	8%	15%	4%	8%	15%
Maximum Spacing when intersected with an arterial (feet)	--	--	--	1320	1320	1320
Maximum Center Line Radius of Streets with an angle of turn of:						
(1) Between 80 and 100 (feet)	50	50	50			
(2) Less than 80 or more than 100 (feet)	200	200	200			
Minimum Center Line Radius	--	--	--	350	350	350
A utility easement ten (10) feet in width may be required along each side of the street right-of-way for these streets.						

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Note: Exceptions to the standards contained in this table are permitted under certain conditions for large lots. Hillside lots with grades of more than 15% are also subject to exceptions approved under article 9 Hillside Regulations.

Terrain Classification	Level	Rolling	Hilly
Right-of-way	25-50*	50*	50*
Pavement Width ²⁴	22	22	22
Minimum Stopping Sight Distance (feet)	250	200	200
Maximum Grade	4%	8%	8%
Maximum Cul-de-Sac length (ft)	1000	1000	1000
Maximum Cul-de-Sac radius (row)	35	50	50
Maximum Cul-de-Sac radius (pavement)	24	40	40
Maximum Center Line Radius of Streets with an angle of turn of:			
(1) Between 80 and 100	50	50	50
(2) Less than 80 or more than 100	200	200	200

*A utility easement ten (10) feet in width may be required along each side of the street right-of-way for these streets.

Terrain Classification	Level	Rolling	Hilly
Maximum Approach Speed (mph)	25	25	25
Clear Sight Distance (ft, length along each approach leg)	90	90	70
Vertical Alignment with Intersection	Crown	5% maximum	5% maximum
Minimum Angle of Intersection Streets	60 degrees*		
Minimum Curb Radius (ft)			
a. local-local	20 – all classes		
b. local-collector	30 – all classes		
c. collector-collector	35 – all classes		
d. collector, marginal access arterial	40 – all classes		
Minimum Centerline Offset of adjacent intersection (ft)			
a. local-local	150 – all classes		
b. local-collector	150 – all classes		
c. collector-collector	200 – all classes		
d. collector, marginal access arterial	1320 – all classes		

*This should be considered an absolute minimum.

511 Street Design Standards for Cul-de-Sac and Loop Type Streets

The design and improvement standards contained herein are minimum for cul-de-sac and loop type local streets in a residential subdivision. All such streets shall be designed and constructed in accordance with standards as specified in Table 5. Cul-de-sacs are required whenever a street is intended to be permanently dead-ended.

512 Intersection Design Standards

The design and improvement standards for intersections are suggested minimums for

all street intersections in subdivisions. All such intersections shall be designed and constructed in accordance with standards as specified in Table 6. Multiple intersections involving junctions of more than two (2) streets shall not be permitted. Proposed streets shall intersect one another as nearly at right angles as topography or other limiting factors will permit. No intersection of streets on angles less than sixty (60) degrees shall be approved unless justified by extreme topographical conditions. In such a case, special provisions as deemed necessary by the planning commission shall be made.

513 Streets for Commercial Subdivisions

Streets serving business developments and accessory parking areas shall be planned to connect with arterial streets so as not to generate traffic on local streets. The intersection of driveways from parking areas with arterial or collector streets shall be located so as to cause the least possible interference with traffic movement on the streets, and shall be located not less than one hundred (100) feet from the intersection of an arterial or collector street with any other street, and shall be spaced not less than two hundred (200) feet from each other. The planning commission may require marginal access streets to provide maximum safety and convenience.

514 Streets for Industrial Subdivisions

Collector streets for industrial subdivisions shall be planned to serve industrial areas exclusively and shall connect with arterial streets so that no industrial traffic will be directed into any residential streets.

The intersections of service streets from parking areas, with arterial or collector streets shall not be less than one hundred (100) feet from the intersections of the arterial or collector street with any other street. Streets shall be planned to be extended to the boundaries of any adjoining land planned for industry, except if severe physical conditions prevent this or if the planning commission finds such extension is not in accord with the approved plan of the area.

515 Private Multiple Access Lot Drives

- a. A private driveway may be used to provide vehicular access to no more than four single family detached dwelling units. The planning commission may require passing lanes, turnarounds, and overhead and width clearances as necessary to accommodate fire and emergency vehicles. A homeowner's association shall be formed to provide for the long-term maintenance of any private access way. Common driveways shall have a maintenance agreement acceptable to the planning commission. Any driveway serving more than four (4) single-family dwelling units shall be considered a street and shall be designed and constructed according to these Regulations.

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- b. Access roads or vehicular ways within subdivisions containing single-family attached dwelling units or multi-family dwellings shall be considered streets and designed and constructed according to these Regulations.
- c. A driveway permit or letter indicating the access point as approved shall be obtained from the office of the county engineer, township trustees, or Ohio Department of Transportation. Proof of such permit shall be submitted with the final plat, or plat dedication shall include a statement requiring all lot owners to apply for a driveway permit prior to development.
- d. When adequate frontage is available on a non-limited access highway, two driveways to a property used for a single purpose may be permitted.
- e. Driveways shall have a maximum grade of (15) percent. Driveways and curb cuts shall be located not less than three (3) feet from the side lot line. Curb cuts for straight curbs and the flare for rolled curbs shall be three (3) feet wider than the driveway on each side. The subdivider or developer shall place the approved drainage structures under intersecting driveways when required.
- f. Driveways shall be designed so as to drain onto the roadside ditch and not onto the roadway surface unless the street is curbed.

	Residential	Commercial	Industrial
Minimum Width	10	15	20
Maximum Width	30	40	40
Turn Radius Minimum	10	15	25
Turn Radium Maximum	25	50	50
Minimum Angle of Intersection	45	45	45

The minimum width of commercial driveways is intended to apply to one-way operation. In high-pedestrian activity areas, such as in a business district or in the same block with an auditorium, school or library, the maximum basic width should be 30 feet. The width is intended to be measured along the right-of-way line. The maximum radius for major generator driveways should be much higher than the values shown. Minimum acute angle is measured from edge of pavement, and generally based on one-way operation. For two-way driveways, and in high pedestrian activity areas, the minimum angle should be 70 degrees.

516 Off Street Parking (applies where no zoning is in effect)

Number of Spaces An adequate number of off-street parking spaces shall be required in all developments to accommodate residents and visitors. Because the parking requirements included in Table 8 are for peak needs, the planning commission may designate areas that will serve as temporary parking areas. These would include grassy areas with an adequate aggregate base to be used as overflow parking during peak parking periods.

Size of Spaces Each off-street parking space shall measure nine (9) feet in width by eighteen (18) feet in length. Parking spaces for the physically handicapped shall

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measure twelve (12) feet in width. For every 25 spaces, there must be at least one (1) handicapped accessible space, labeled and signed for such use.

Parking Areas

- a. Off-street parking areas shall be located within a reasonable walking distance of the buildings they are designed to serve.
- b. Access to parking areas shall be designed so as not to obstruct free flow of traffic. There shall be adequate provision for ingress and egress from all parking spaces to ensure ease of mobility, ample clearance, and emergency vehicle and pedestrian access.

Types of Uses	Off-Street Parking Requirements
One/Two Family Dwellings	2 spaces/DU
Townhouses and Multiple Family	2 spaces/DU
Mobile Homes	2 space/unit
Office Uses	2 spaces plus 1 space for each 200 sf of usable floor area
Office Uses	1 space for each 100 sf of usable floor area
Industrial Uses	1 space for each employee in largest shift.
Churches and Temples	1 space for each 3 seats
School	2 per classroom, but not less than 1 per teacher and staff

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Restaurant	1 per 3 seats
Fast Food Establishment	1 per 30 sf of usable floor area
Retail Store	1 per 200 sf of usable floor area
Shopping Center Under 400,000 sf	4 per 1000 sf of usable floor area
Shopping Center 400,000-599,999 sf	4.5 per 1000 sf of usable floor area
Shopping Center 600,000+ sf	5 per 1000 sf of usable floor area
Medical Center	1 per 250 sf of usable floor area
Where and if these standards conflict with applicable zoning regulations, the zoning regulation's standards shall apply.	

- c. Parking areas shall be screened along lot lines bordering institutional or residential uses and along streets.
- d. The width of all aisles providing direct access to individual parking stalls shall be in accordance with the requirements specified below. Only one-way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than ninety degrees.

517 Sidewalks and Graded Areas

- a. Sidewalks may be required in all subdivisions. Where the average lot line frontage is 100 feet or less, sidewalks may be required on both sides of the street. Where the average lot line frontage is greater than 100 feet, sidewalks may only be required on one side of the street. Where the average lot line frontage is greater than 150 feet, sidewalks may not be required.
- b. In conventional developments, sidewalks shall be placed in the right-of-way, parallel to the street, unless an exception has been permitted to preserve topographical or natural features or to provide visual interest, or unless the applicant shows that an alternative pedestrian system provides safe and convenient circulation. In commercial and in high-density residential areas, sidewalks may abut the curb.
- c. Pedestrian-way easements ten (10) feet wide may be required by the planning commission through the center of blocks to provide circulation or access to schools, playgrounds, shopping or other community facilities.
- d. Sidewalks shall measure four (4) feet in width; wider widths may be necessary near pedestrian generators and employment centers. Where sidewalks abut the curb and parked cars overhang the sidewalk, widths shall be five (5) feet. The width of graded areas shall be the same as for sidewalks.
- e. Sidewalks and graded areas shall be constructed according to the specifications set forth in these Regulations.
- f. Public sidewalks may be required for industrial lots, subject to the approval of the

planning commission.

518 Street and Walkway Lighting

The Planning Commission may require the subdivider to install street lights in accordance with the standards and specifications of the County Engineer, with consultation provided by the local electric utility company, in each residential subdivision which contains a majority of lots with an individual lot width of one hundred (100) feet or less at the front property line. Such lights shall be located at each street intersection within the subdivision and at other locations deemed necessary by the County Engineer. Street lights shall be designed, with the appropriate lamps and reflectors, to minimize light pollution.

519 Monuments, Markers, and Pins

Monuments shall be set at all subdivision corners and iron pins at lot corners. The County Engineer may require other monuments or iron pins to be set in the subdivision. For lot corners, reinforcing bars 5/8" x 30" are acceptable. Other types of markers may be used if approved by the county engineer.

Subdivision corner and benchmark monuments shall conform to state of Ohio OAC 4733-37 standards

All monuments and iron pins shall be identified on the final plat and shall be in place at the time the roads and other improvements are inspected for acceptance by the Planning Commission and County Engineer.

520 Culverts and Bridges

Where natural drainage channels intersect any street right-of-way, it shall be the responsibility of the subdivider to have satisfactory bridges and/or culverts constructed. Where culverts are required, minimum requirements shall be observed as follows:

- a. All culverts shall extend for an adequate distance to accommodate the required roadway embankment slopes. The cover over the culvert and its capacity shall be determined by the developer's professional engineer and approved by the county engineer. The minimum diameter of the culvert pipe shall be twelve (12) inches. Depending on the existing drainage conditions, head walls may be required. Where driveway culverts are in the street right-of-way, they shall have a minimum length of forty (40) feet and minimum diameter of twelve (12) inches. The driveway culverts shall be laid so as to maintain the flow lines of the ditch or gutter.

521 Street Improvements

All streets and thoroughfares shall be graded to their full width, including side slopes,

and improved in conformance with the standards given or referred to in these Regulations. These standards are considered minimum and are subject to change where deemed necessary. All materials and construction procedures shall be in accordance with the current Construction and Materials Specifications of the State of Ohio Department of Transportation or the specifications on file in the County Engineers office, whichever are more stringent.

522 Street Width

Minimum street pavement widths shall conform to the standards of these Regulations. Where pavement widths greater than those specified are deemed necessary by the County Engineer and approved by the Planning Commission, the county shall bear the extra cost of providing the width beyond the requirements of these Regulations.

523 Street Subgrade

- a. The subgrade shall be free of sod, vegetative or organic matter, soft clay, and objectionable materials for a depth of at least two (2) feet below the finish surface.
- b. The subgrade shall be properly rolled, shaped, and compacted in accordance with the State of Ohio Department of Transportation Specifications. All soft areas shall be removed and replaced with suitable material to achieve the required approval. Backfills over sewers, culverts and underground utilities in the roadway shall also meet the specifications in ODOT's Construction and Material Specifications.
- c. Subbase grade tolerance shall be no more than one (1) inch in sixteen (16) feet, and shall be subject to the approval of the County Engineer.
- d. Where granular subbase is not a part of the pavement design, and rock, shale or coal is encountered, the subgrade shall be excavated to a depth of 2 feet below the surface of the subgrade for the cross section width of the roadway between points 1 foot beyond the shoulders. The additional excavation shall be filled with suitable embankment material.
- e. Where granular subbase is a part of the pavement design, and rock, shale or coal is encountered, the subgrade shall be excavated to a depth of 18 inches below the subbase for the cross section width of the roadway between points 1 foot beyond the shoulders. The additional excavation shall be filled with suitable embankment material.
- f. Approval of the subgrade must be obtained from the County Engineer prior to the application of the base course.

524 Street Base Course

The developer has the option of using any of the following base courses, based on recommendations of the County Engineer as to soil and traffic conditions: aggregate, bituminous aggregate, asphalt concrete, or equally suitable base course. Thickness shall be determined by the County Engineer, and approved by the Planning Commission, based upon the physical properties of the base course used and the physical properties of the roadbed. The County Engineer may also require the use of a geotextile layer before placing the base course.

525 Street Surface Course

Upon the expiration of the established maintenance period for the base course, the surface course shall be constructed using either asphalt concrete, bituminous mix or portland concrete cement. Specific material and thickness recommendations shall be determined by the county engineer based upon traffic conditions.

The Planning Commission may recommend to the Board of County Commissioners that the surface course requirements be waived in cases where streets within a proposed subdivision plat connect to a public road whose surface is of lesser material than that required by these Regulations and where no specific plan, within two (2) years of approval of final plat, exists for upgrading said public road surface. Prior to making such a recommendation, the Planning Commission shall notify the Board of Township Trustees who may comment within 20 days. Said comments shall accompany any recommendation to the County Commissioners. However, streets within the proposed subdivision shall meet or exceed the surface material of said public road. Waiver may not be granted where the proposed density meets or exceeds medium-low density residential as defined in these Regulations.

526 Portland Cement Concrete Pavement

If the subdivider elects to construct streets totally out of portland cement concrete or if such pavement is required by the County Engineer, thicknesses of six (6) inches for local and collector streets and seven (7) inches for arterial, commercial and industrial streets shall be required, and shall meet the current Plain Portland Cement Concrete pavement specifications of the Ohio Department of Transportation.

The Planning Commission may require pavements of greater thickness, upon the recommendation of the county engineer, based upon his or her evaluation of the subgrade, traffic, and wheel load conditions.

527 Full-Depth Asphalt Pavement

If streets are to be constructed out of "full-depth" asphalt, an asphalt pavement in which asphalt-aggregate mixtures are used for all courses above the subgrade may be

necessary. The county engineer will determine pavement thicknesses. For local streets pavements may vary from four (4) to seven (7) inches depending upon subgrade conditions. For collector streets, pavements may vary from five (5) to nine (9) inches, and for arterial and industrial streets from six (6) to eleven (11) inches, depending upon the Engineer's recommendation.

528 Street Curbs and Gutters

The requirements for curbs and gutters will vary according to the character of the area and the density of development. In areas with substantial flash flooding or heavy rain run-off, curbs shall be required on all streets designed for areas where the existing or anticipated residential density of the area surrounding the proposed subdivision equals or exceeds three (3) dwelling units per net acre.

In commercial developments, or where other similar intensive urban uses exist or are anticipated, curbs shall be required.

Where curbs exist on abutting properties, their extension shall be required throughout the proposed subdivision. Curbs and gutters shall be constructed in conformance with the current Constructions and Material Specifications of the State of Ohio Department of Transportation.

529 Open Ditches and Slopes

Open ditch construction for roadside drainage shall be permitted in low density areas, and constructed according to Ohio Department of Transportation specifications. Minimum depth of ditches shall be two (2) feet below the edge of pavement, and one (1) foot minimum at top of hill and toe of bank. All ditches shall be protected against erosion. Curlex or approved equal shall be used in ditches up to 2.5%. Sod or Rip-Rap shall be used in the bottom and sides of ditches up to 5%, and tile or paved gutters shall be used in ditches over 5%.

530 Driveways

Driveways should have a maximum grade of (15) percent. Driveways and curb cuts shall be located not less than three (3) feet from the side lot line. Curb cuts for straight curbs and the flare for rolled curbs shall be three (3) feet wider than the driveway on each side. The subdivider or developer shall place the approved drainage structures under intersecting roads, drives, lanes or property entrances and at other locations where required. Driveways shall be designed so as to drain into the roadside ditch and not into the roadway surface unless curbed.

531 Street Construction Standards

Street construction design is based upon the California Bearing Ratio (C.B.R.) value of the soil subgrade. Where more than one soil type of varying CBR value occurs on the proposed street, design shall be made on the basis of the lowest CBR. While actual on-site testing is recognized as a proper method of determining CBR values, the use of soil types may be utilized in lieu of on-site testing as a satisfactory substitute. For purpose of street construction standards, Table 9 shows three (3) classifications of soil with its engineering design calculation.

Table 9: Minimum Pavement Composition (thickness expressed in inches)													
	C.B.R	Local Street (5)			Collector Street (10)			Minor Arterial			Major Arterial & Industrial (75)		
		4	5	7	4	5	7	4	5	7	4	5	7
Asphalt Surface on Aggregate Base	304	6	6	6	3	3	3						
	301				4	4	4						
	404	3	3	3	1 ½	1 ½	1 ½						
Full Depth Asphalt	301	5	4 ½	4 ½	6	4 ½	4 ½	6	5 ½	4 ½	7	6	6
	402							1 ¼	1 ¼	1 ¼	1 ½	1 ½	1 ½
	404	1 ½	1 ½	1 ½	1 ½	1 ½	1 ½	1 ¼	1 ¼	1 ¼	1 ½	1 ½	1 ½
Asphalt Surface on Concrete Base	305	6	6	6	6	6	6	6	6	6	6	6	6
	404	1 ¼	1 ¼	1 ¼	1 ¼	1 ¼	1 ¼	1 ½	1 ¼	1 ½	1 ½	1 ½	1 ½
Concrete Pavement	452	6	6	6	6	6	6	7	7	7	7	7	7

" C.B.R. = California Bearing Ratio (a measure of soil-bearing capacity) □ 301 = Bitumious aggregate base □ 304 = Aggregate base □ 305 = Portland cement concrete base (5.5 bag mix) □ 402 = Asphalt concrete □ 404 = Asphalt concrete □ 407 = Tack coat (RS-1) □ 408 = Prime coat (RC-30, MC-70, RT-2, or RS-2) □ 452 = Plain Portland cement concrete pavement (6.5 bag mix)

Note: The number in parentheses is the design traffic number and is the "n" number of 18,000 lb. equivalent loads per day. When it is possible this loading will be exceeded, the county engineer may elect to change the roadway design specification. All monuments and iron pins shall be identified on the final plat, and shall be in place at the time the roads and other improvements are inspected for acceptance by the Planning Commission and County Engineer

Article 6 UTILITY DESIGN AND CONSTRUCTION STANDARDS Standards

600 General

601 Water Supply

602 Fire Protection

603 Sanitary Sewers

604 Design Criteria for Sanitary Sewers

605 Drainage and Storm Sewers

606 Electric, Gas, and Telephone Improvements

607 Oversize and Offsite Improvements

Article 6

UTILITY DESIGN AND CONSTRUCTION STANDARDS

Standards

600 General.

A professional engineer, licensed in Ohio, shall design any plans for public water supply, stormwater and wastewater facilities.

601 Water Supply

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- a. Where a public water supply is reasonably accessible or required because of groundwater pollution problems, the subdivision shall be provided with a complete water distribution system including a connection for each lot. Appropriately spaced fire hydrants may be required by the Planning Commission. Public water distribution and public well systems shall meet the requirements of the Ohio Environmental Protection Agency, as cited in the Ohio Revised Code.
- b. Where public water supply is not available, as determined by the planning commission and the county health department, or not required, the subdivider shall supply acceptable evidence of the availability of water. The subdivider may be required to drill one (1) or more test wells in the area to be platted. Individual private wells shall be located at least fifteen (15) feet from property lines; fifty (50) feet from all septic tanks; fifty (50) feet from all tile fields and other sewage facilities; fifteen (15) feet from all sewer lines; and shall not be located within any areas of flooding. As a precaution against seepage, a watertight seal shall be provided around the well casing. If no zoning is in effect, the minimum lot area requirements of these Regulations shall apply. In all cases where it has been determined that individual water supplies from private wells are not feasible, a public water distribution system shall be required.
- c. When a public water main is accessible, the developer shall install adequate water facilities subject to the specifications of the Ohio Environmental Protection Agency and the Morgan County Health Department. Depending on the number of housing units, residential subdivisions shall be connected to an existing public or community water supply system if such service is available within the distances defined in Table 10.

Size of Development	Distance
1 Unit	200 Feet
2 Units	400 Feet
3 Units	600 Feet
4 Units	800 Feet
5-15 Units	1,000 Feet

For developments with more than 15 units and located within one (1) mile of an existing public or community water system, adequate justification shall be provided as to why they shall not provide a connection to such water supply system.

For developments with more than 15 units and located more than one mile from an existing system, the water supply system strategy shall be determined on a case-by-case basis taking into consideration density of the development, costs, groundwater availability and quality.

- d. Private wells and other water distribution systems may be accepted for maintenance and operation by the county sanitary engineer if the ownership is vested to the county and if the water distribution system has been constructed according to the specifications and approved by the Sanitary Engineer.

602 Fire Protection

- a. Fire hydrants with two and one half (2 1/2) inch outlets and one (1) large pumping connection shall be provided by the subdivider in all subdivisions with adequate public water supplies.
- b. Hydrants shall be located between property lines and curbs with all outlets facing or parallel to the street. Hydrants shall be placed at the corners of all blocks and at midblock for blocks exceeding eight hundred (800) feet in length. Hydrants shall also be required at the entrance and end of all cul-de-sacs exceeding four hundred (400) feet in length.
- c. Hydrants shall be spaced to provide necessary fire flow. The average area per hydrant shall not exceed 120,000 square feet. In addition, hydrants shall be spaced so that each residence shall be within 600 feet of a hydrant.
- d. A hydrant shall be located at all low points and at all high points with adequate means of drainage provided.
- e. The type of hydrant and control valves and the location of the hydrant shall be approved by the fire chief or person responsible for the fire protection for political subdivision in which the plat is located.
- f. The minimum size of any water line serving any hydrant shall not be less than six (6) inches in diameter and shall be on circulating water lines. The size and location of water lines shall be approved by the county engineer, the fire chief, or person responsible for the fire protection.
- g. Where no public water supply is available, the Planning Commission may require fire ponds with dry hydrants.

603 Sanitary Sewers

- a. Where an adequate public sanitary sewer system is reasonably accessible in the

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- determination of the Planning Commission, public sanitary sewers shall be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the Ohio Environmental Protection Agency and County standards. Combinations of sanitary sewers and storm sewers shall be prohibited.
- b. Where a public sanitary sewer system is not reasonably accessible, the subdivider may provide a central treatment plant for the subdivision, provided that such central treatment plant is installed in accordance with State and County Health Department requirements. Lots may be served by individual disposal systems only with approval of appropriate State and County health officials. Where the installation of individual disposal systems is considered, the absorptive ability of the soil, surface drainage, ground water level and topography shall be the criteria used for determining whether or not the installation of individual systems is permissible.
 - c. When individual, on-lot sewage systems are approved, each lot so served shall be of a size and shape to accommodate the necessary length of a leach field at a safe distance from and at a lower elevation than the proposed building(s). Such lot size and shape shall conform to the requirements of the zoning district in which they are located. If no zoning is in effect, the standards set forth in these Regulations shall be met.
 - d. At least one (1) certified soil analysis shall be located in close proximity to the proposed individual sewage disposal unit, numbered and with its location shown on the preliminary plan. All certified soil analysis shall be performed in accordance with the requirements of the planning commission and the county health department. Where the installation of individual disposal units is considered and where the average natural ground slope exceeds ten (10) percent, the installation of a step-up disposal system may be required subject to specifications by the County Health Department.
 - e. Depending on the number of housing units, residential subdivisions shall be connected to an existing public sanitary sewer system if public service is available within the distances defined in Table 11 (below).
 - f. For developments with more than 15 units and located within one mile of an existing public sanitary sewer system, adequate justification shall be provided as to why they should not provide a connection to the existing public sewer system.

Size of Development	Distance
1 Unit	200 Feet
2 Units	400 Feet
3 Units	600 Feet

4 Units	800 Feet
5-15 Units	1,000 Feet

604 Design Criteria for Sanitary Sewers

These design criteria are not intended to cover extraordinary situations. Deviations will be allowed and may be required in those instances when considered justified by the County Sanitary Engineer / Sanitarian.

- a. **Design Factors:** Sewer capacities shall be adequate to handle the anticipated maximum hourly quantity of sewage and industrial waste together with an adequate allowance for infiltration and other extraneous flow. Sewers shall be designed for the total tributary area using the criteria in Table 12.

Table 12: Design Criteria for Sanitary Sewers	
Development Type.	Flows
1-family and 2-family dwellings	0.2 c.f.s./acre
1-2 story apartments	0.2 c.f.s./acre
3-6 story apartments	0.2 c.f.s./acre
Commercial – Small store, offices	0.2 c.f.s./acre
Commercial – Shopping centers	0.2 c.f.s./acre
High-Rise	As directed by County Sanitary Engineer / sanitarian
Industrial	As directed by County Sanitary Engineer / Sanitarian
<p>Note: These design factors shall apply to watersheds of 300 acres or less. Design factors for watersheds larger than 300 acres and smaller than 1,000 acres shall be computed on the basis of a linear decrease from the applicable design factor for an area of 300 acres to the design factor of .01 c.f.s./acre for an area of 1,000 acres unless otherwise directed by the County Sanitary Engineer / Sanitarian.</p>	

- b. **Size:** The diameter of sewers proposed shall not exceed the diameter of the existing or pro-posed outlet, whichever is applicable, and shall be no less than eight (8) inches.
- c. **Minimum Slope:** All sewers shall be designed to give mean velocities, when flowing full, of not less than 2.0 feet per second and not greater than 10.0 feet per second. All velocity and flow calculations shall be based on the Manning Formula using an “n” value of 0.013.
- d. **Alignment:** All sewers shall be laid with straight alignment between manholes, unless otherwise directed or approved by the County Sanitary Engineer / Sanitarian.

Table 13: Minimum Slopes for Sewer Size Indicated.
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Sewer Size (inches)	8	10	12	15	18	21	24
Minimum Slope. (feet per 100 feet)	0.6	0.44	0.36	0.28	0.24	0.20	0.16

- e. **Manholes:** Manholes shall be installed at the end of each line; at all changes in grade, size, or alignment; at all intersections; and at distances not greater than 400 feet for sewers 15 inches and smaller, and 500 feet for sewers 18 inches in diameter and larger. The difference in elevation between any incoming sewer and the manhole invert shall not exceed 12 inches except where required to match crowns. The use of drop manholes will require approval by the County Sanitary Engineer / Sanitarian.

- f. **Sewerage Location:** Sanitary sewers shall be located within street or alley rights-of-way unless topography dictates otherwise. When located in easements on private property there shall be access to all manholes. A manhole shall be provided at each street or alley crossing. End lines shall be extended to provide access from street or alley right-of-way when possible.

605 Drainage and Storm Sewers

All storm drainage design shall be planned and executed so as to preserve natural topographic features and vegetative cover, to minimize change to existing topography, and to preserve natural drainage systems.

- a. Where an adequate public storm sewer is available at the plat boundary, the subdivider shall construct a storm sewer system and connect with such storm sewer line. If such a storm sewer system is not accessible, natural drainage channels with easements of adequate width shall be provided as determined by the County Engineer and approved by the Planning Commission. Storm drainage from lots, including drain tile around basements, shall not be permitted to discharge into any sanitary sewer facility, but shall connect to an adequate drainage outlet.

- b. The subdivider shall construct all necessary facilities including underground pipe, inlets, catch basins, or open drainage ditches, as determined by the planning commission, to provide for the adequate disposal of subsurface and surface water and maintenance of natural drainage courses. The best available technology shall be used to minimize off-site stormwater runoff, increase on-site filtration, encourage natural filtration functions, simulate natural drainage systems, and minimize off-site discharge of pollutants to ground and surface water. Best available technology may include measures such as retention basins, recharge trenches, porous paving and piping, contour terraces, and swales. Stormwater management shall follow the

standards established in Rainwater and Land Development: Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection, Second Edition, 1996 (Department of Natural Resources, Division of Soil and Water Conservation) or any later version that is published as an update. Subdivision development shall not increase the rate of runoff and an increase in the volume of runoff shall require a reduction in the rate of runoff.

- c. When necessary, outlet ditches of closed sewers of an approved type and size shall be required as part of the construction. If same is across private property, rights-of-way or easements shall be obtained by the subdivider or developer for the construction and future maintenance. These rights-of-way or easements shall be shown on the construction plans. Whenever possible, post-development drainage patterns shall be the same as pre-development drainage patterns. The design of streets and grading shall be such that runoff from roofs, driveways and other impervious surfaces will be collected in ditches and/or gutters in short runs three hundred (300) feet to four hundred (400) feet in length. The runoff shall then be diverted from the surface, if not already underground, into storm sewers or a natural water course. Streets shall be located away from water courses unless storm sewers are to be installed. The channel downstream of the subdivision shall be improved adequately by the developer to convey the storm runoff from the subdivision and across the adjacent property owner so that damages from flooding are minimized.
- d. The subdivider shall guard against the creation or continuation of swampy areas or stagnant pools, unless they are a component of a designed wetlands open space. The planning commission may require fill, swale, and/or channel improvements in order to forestall such problems.
- e. Adequate measures for the protection of open and closed drainage channels shall be provided. Maintenance easement widths shall be determined by the County Engineer. The velocity flow on an open ditch shall not exceed four (4) feet per second in soil ditches or six (6) feet per second in turf gutters. Paved gutters will be required if velocities of flow are greater than those specified, or if it is otherwise likely that destructive erosion will result. Drainage ditches shall not be permitted to discharge into any sanitary sewer facility.
- f. No water course shall be altered in such a way as to change the amount or direction of flow; no fill, building or structures shall be situated in natural water courses unless provision is made for the flow of water in a manner satisfactory to the County Engineer.

606 Electric, Gas, and Telephone Improvements

- a. Electric and telephone service shall be provided within each subdivision. Gas

service may be required where reasonably accessible. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat. Telephone, electric, and street lighting wires, conduits, and cables shall be constructed underground except in cases where the County Engineer determines that topographic, bedrock, or underground water conditions would result in excessive costs to the subdivider.

- b. Overhead utility lines where permitted shall be located at the rear of all lots unless the County Engineer, upon the recommendation of utility company, provides reasons that justify the location of easements at another location. The width of the easement per lot shall be not less than ten (10) feet and the total easement width shall be not less than twenty (20) feet.
- c. Whenever a sanitary sewer line and electric and/or telephone line are each placed underground in the same utility easement, the total easement width shall be not less than twenty (20) feet.
- d. Whenever a major gas transmission line is on or adjacent to property proposed to be subdivided, adequate measures shall be taken to insure that all buildable sites are at a minimum safe distance from the transmission line easement, as recommended by the gas transmission company and the Public Utilities Commission of Ohio.

607 Oversize and Offsite Improvements

The County Commissioners, with advice provided by the Planning Commission, may require that utilities, pavements, and other land improvements for the proposed subdivision be designed oversized, and/or with extensions provided, to serve nearby land which is an integral part of the neighborhood service or drainage area as determined by the County Engineer and/or Sanitary Engineer / Sanitarian. The subdivider shall be required to pay only his or her percentage cost of construction of major arterial streets as determined by the County Engineer. For storm drainage systems within the County, the County shall pay the difference between the cost of pipe necessary to service the platted area and any larger sized pipe when the larger pipe is required to service the drainage area beyond the limits of the plat. The subdivider shall be required to pay for all other oversize improvements that pertain to sanitary sewers and waterlines and storm drainage requirements inherent to the plat and shall be required to pay for oversized sanitary sewer and/or water line improvements where such oversizing has been required for conformance with the sanitary sewer and water comprehensive plan

Article 7
ENVIRONMENTAL AND LANDSCAPING DESIGN AND
CONSTRUCTION STANDARDS
Standards

700 Purpose

701 Public Sites, Open Spaces and Recreation

702 Flood Areas and Storm Drainage Ditches

703 Soil Erosion Requirements

704 Landscape Plan

705 Site Protection and General Planting Requirements

706 Buffering

Article 7

ENVIRONMENTAL AND LANDSCAPING DESIGN AND CONSTRUCTION STANDARDS

Standards

700 Purpose

Landscaping should be provided as part of the site plan and subdivision design for planned unit developments and for commercial, industrial, and medium and high-density residential subdivisions. Careful thought should be given as to how best to preserve

existing plant material at the site. Landscaping may include plant materials such as trees, shrubs, ground covers, perennials, and annuals, and other materials such as rocks, water, sculpture, art, walls, fences, paving materials and street furniture.

701 Public Sites, Open Space and Recreation

- a. Where a park, playground, school, public access to water frontage, or other proposed public property, which is shown in the comprehensive plan (if one exists), is located in whole or in part in a proposed subdivision, the planning commission may request the dedication of such area within the subdivision or that provision be made for the acquisition of such area by the proper agency within a period of two (2) years or other mutually acceptable period.

- b. The Planning Commission, in conjunction with the County Commissioners or Township Trustees, may require that land area totaling three percent (3%) of the land included in the plan of the subdivision be conveyed to the county or township for park purposes.
In lieu of the conveyance for park purposes, the Planning Commission may, in conjunction with the County Commissioners or Township Trustees, require the subdivider to pay a mutually agreed upon amount of money for the maintenance of a park in the vicinity of the subdivision and likely to be used by the subdivision residents.

- c. Where a large scale subdivision or planned unit development is proposed, the planning commission may require that consideration be given to sites for schools, parks, playgrounds, and other such areas for common use and that provisions be made for such reservation or acquisition by the proper agency.

- d. The Planning Commission may reserve the right to deny approval to a subdivision if such subdivision disregards the preservation of natural features such as wooded areas, water coursed, beaches, areas of natural or historical significance and similar irreplaceable assets which add value to residential development and the community.

702 Flood Areas and Storm Drainage Ditches

All subdivisions shall comply with current county floodplain regulations on file in the Planning Commission office. Appropriate measures shall be taken to elevate buildings to required levels. A proposed subdivision may be denied if access to the subdivision is periodically blocked by flood-waters.

Flood control or storm drainage facilities shall be provided as follows:

- a. Access to flood control or storm drainage ditches and channels shall be provided by easements of not less than twenty (20) feet in width, located on one side of the flood control or drainage ditch, channel or similar facilities.
- b. Flood control or storm drainage easements containing underground facilities shall have a minimum width of twenty (20) feet.
- c. Whenever a flood control or storm drainage ditch or channel has a depth of five (5) feet or more, or a bank slope of two (2) feet horizontal to one (1) vertical or steeper, a five (5) foot high masonry wall or a five (5) foot high chain link fence may be required by the planning commission.

703 Soil Erosion Requirements

- a. In the development of a subdivision, the developer shall not cause or allow earth-disturbing activities that can pollute a public or private surface ditch, subsurface drainage, stream, river or lake. The developer shall also, to the greatest extent possible, take steps so that sediment will not be deposited onto an adjoining property. Adequate control of soil erosion and sedimentation, through the use of best management practices with both temporary and permanent measures, shall be used during all phases of clearing, grading, and construction to conserve soil resources and to maintain existing water quality. Sediment control shall follow the standards and specifications in Rainwater and Land Development: Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection, Second Edition, 1996 (Department of Natural Resources, Division of Soil and Water Conservation).
- b. When a proposed development area consists of five (5) or more acres of earth-disturbing activities, the owner of record shall obtain a National Pollution Discharge Elimination System (NPDES) permit from the Ohio EPA. A copy of the permit and the required soil erosion and sedimentation control plan shall be submitted with the subdivision application. Such a plan shall contain sufficient information, drawings and notes to describe how soil erosion and off-site sedimentation will be kept to a minimum, both during and after construction.
- c. When a proposed development area involves less than five acres, it is not necessary to submit a soil erosion and sedimentation control plan; however, the developer shall comply with the standards and specifications in Rainwater and Land Development: Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection, Second Edition, 1996 (Department of Natural Resources, Division of Soil and Water Conservation). Upon request, submittal of specific soil erosion and sedimentation prevention measures to be or being implemented may be required to determine compliance.

- d. Soil erosion and sedimentation control plans shall be certified by a professional engineer registered in the State of Ohio before being submitted to the planning commission for review and approval.

704 Landscape Plan

A landscape plan shall be submitted with each site plan application for planned developments, commercial, industrial, and/or high density residential subdivisions, unless an exception is granted by the planning commission pursuant to these regulations. The landscape plan shall identify existing and proposed trees, shrubs, and ground covers; natural features such as rock outcroppings; and other landscaping elements. Where existing plants are to be retained, the applicant shall include in the plans proposed methods of protecting them during construction.

705 Site Protection and General Planting Requirements

- a. **Topsoil Preservation:** Topsoil should be temporarily stored and later redistributed on all re-graded surfaces so as to provide at least (4) inches of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting.
- b. **Removal of Debris:** All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials or other debris shall be removed from the site and disposed of in accordance with the law. No tree stumps, or portions of tree trunks or limbs shall be buried anywhere in the development. If trees and limbs are reduced to chips, they may be used as mulch in landscaped areas, subject to approval by the planning commission.
- c. **Protection of Existing Plantings:** Maximum effort should be made to save fine or exceptional plant specimens. No material or temporary soil deposits shall be placed within four (4) feet of shrubs or ten (10) feet of trees designated on the landscape plan to be retained. Protective barriers or tree wells shall be installed around each plant and/or group of plants that are to remain on the site. Barriers shall not be supported by the plants they are protecting, but shall be self-supporting. They should be a minimum of four (4) feet high and constructed of a durable material that will last until construction is completed. Snow fences and silt fences are examples of acceptable barriers.
- d. **Slope Plantings:** Landscaping of all cuts and fills and/or terraces should be sufficient to prevent erosion, and all roadway slopes steeper than one (1) foot vertically to three (3) feet horizontally shall be planted with ground cover appropriate for the purpose and for soil conditions, water availability, and environment.

706 Buffering

Buffering is the provision of an area between different land uses that attempts to minimize negative environmental impacts from one to the other. Buffers shall provide a year-round visual screen in order to minimize adverse impacts. They may consist of fencing, evergreens, berms, rocks, boulders, mounds, or combinations thereof to achieve the same objectives. Every developer shall provide sufficient buffering when topographical or other barriers do not provide reasonable screening and when the planning commission determines that there is a need to shield (1) neighboring properties from any adverse external effects of a development; or (2) the development from negative impacts of adjacent uses such as streets or railroads. In high-density developments, when building design and siting do not provide privacy, the planning commission may require landscaping, fences, or walls to screen dwelling units for privacy. Buffers shall be measured from side and rear property lines, excluding driveways. Plant materials shall be sufficiently large and planted in such a fashion that a year-round screen at least eight (8) feet in height shall be produced within three (3) growing seasons. All plantings shall be installed according to accepted horticultural standards.

Table 15: Buffer Strip Width	
Parking lots, garbage collection, utility areas, and loading and unloading areas.	5 feet width minimum
All other land uses	25 feet width minimum

Article 8

REQUIREMENTS FOR CONSTRUCTION OF IMPROVEMENTS

Standards

800 Improvement and Cost Estimate Information

801 Performance Guarantee for Installation and Maintenance of Improvements

802 Temporary Improvements

803 Extension of Time

804 Failure to Complete Improvements

805 Progressive Installation

806 Deferral or Waiver of Required Improvements

807 Inspection of Improvements

808 Completion of Work and Reduction of Security

809 Acceptance of Streets, Storm Drainage, Sanitary Sewer and Water Distribution Improvements for Use and Maintenance by the Public

Article 8
REQUIREMENTS FOR CONSTRUCTION
OF IMPROVEMENTS
Standards

800 Improvement and Cost Estimate Information

Before the signing of the final plat, all applicants shall be required to complete, to the satisfaction of the County Engineer, County Health Department and other appropriate agencies, all the streets, sanitary improvements, and other public improvements,

including lot improvements on the individual lots, as listed on the preliminary plan and engineering plans and as construction certified on the final plat.

When required improvements are not completed, the subdivider shall insure their completion with a performance guarantee acceptable to the Planning Commission and board of County Commissioners.

All required improvements shall be made by the developer, at his or her expense, and cost estimates for various materials and labor shall be provided by a professional engineer licensed in the State of Ohio. The developer shall dedicate public improvements to the local government, free and clear of all liens and encumbrances on the dedicated property and public improvements.

801 Performance Guarantee for Installation and Maintenance of Improvements

To guarantee the construction and/or maintenance of required improvements prior to the approval and recording of the final plat, the subdivider shall be required to provide a performance guarantee in one or a combination of the following arrangements:

- a. **Performance Bond, Certified Check, or Irrevocable Letter of Credit:** The subdivider shall post a bond, executed by a surety company, or a certified check or irrevocable letter of credit equal to the estimated cost plus ten (10) percent of the required improvements. The bond shall be in favor of the board of county commissioners, and shall guarantee construction of the improvements according to the plans and specifications approved by the Planning Commission. The term of the bond shall not exceed two (2) years plus a one (1) year maintenance period for a total of three (3) years. The Planning Commission may grant an extension where due cause can be shown. The bond amount can be reduced to a percentage of its original amount during the one year maintenance period. Under no circumstances shall the required performance bond, cash deposit or irrevocable letter of credit be tied to or be considered a portion of the developer's financing for the development.
- b. **Deposit:** The subdivider may make a deposit with the county treasurer, with a responsible escrow agent, or with a trust company. The deposit shall be money or negotiable bonds in an amount equal to the estimated cost plus ten (10) percent of the required improvements. If a cash deposit is made, an agreement may be executed to provide payments to the contractor or the subdivider from the deposit as the work progresses and is approved by the responsible county officials.
- c. **Contract Documents or Escrow Agreements:** Where contract documents or escrow agreements for the proposed improvements are available, copies of such contracts shall be certified to the board of County Commissioners and, when approved, will

constitute sufficient guarantee for the installation of required improvements in lieu of other methods stated above.

802 Temporary Improvements

The applicant shall build and pay for all temporary improvements required by the planning commission and shall maintain those temporary improvements for the period specified by the Planning Commission.

Prior to construction of any temporary facility or improvement, the developer shall file with the Planning Commission a separate performance guarantee in an amount equal to the estimated cost of the temporary facilities, which shall ensure that the temporary facilities will be properly constructed, maintained and removed.

803 Extension of Time

If the construction or installation of any improvements or facility, for which guarantee has been made by the developer in the form of a performance bond, cash deposit, or irrevocable letter of credit, is not completed within two (2) years from the date of final approval of the recorded plat, the developer may request the board of County Commissioners to grant an extension of six (6) months, provided the developer can show reasonable cause for inability to complete said improvements within the required two (2) years.

The request shall be accompanied by revised cost estimate of construction to be completed.

804 Failure to Complete Improvements

In case the subdivider fails to complete the required public improvements work within such time period as required by the conditions or guarantees as outlined above, the board of County Commissioners may proceed to have such work completed and reimburse itself for the cost thereof by appropriating the cash deposit, certified check, surety bond, or by drawing upon the letter of credit, or shall take the necessary steps to require performance by the bonding company.

805 Progressive Installation

After the preliminary plan of a proposed subdivision has been approved by the Planning Commission, the subdivider may improve a part of the entire area and submit a final plat for that improved portion to the Planning Commission for approval.

806 Deferral or Waiver of Required Improvements

The Planning Commission may defer or waive, at the time of final plat approval and subject to appropriate conditions, the provision of any or all public improvements as, in

its judgment, are not requisite in the interest of the public health, safety, or welfare, or which are inappropriate because of the inadequate or nonexistence of connecting facilities. Any determination to defer or waive the provision of certain public improvements must be expressly made on the record.

Whenever it is deemed necessary by the Planning Commission to defer the construction of any improvement, the subdivider shall pay his share of the costs of the future improvements to the County prior to the signing of the final subdivision plat by the Planning Commission. The developer may provide a separate performance bond, cash deposit or irrevocable letter of credit for the completion of the deferred improvements upon demand of the County.

807 Inspection of Improvements

The Planning Commission shall coordinate with the county engineer, county health department, or other appropriate agency to provide for inspection of required improvements during construction and ensure their satisfactory completion. The applicant shall pay to the planning commission an inspection fee, and shall notify proper administrative officials at least twenty-four (24) hours before each phase of the improvements is ready for inspection. The planning commission may waive the requirement for inspection fees to be paid by the developer. Work requiring periodic inspections and an inspection schedule shall be finalized by the developer and inspectors before any work begins. If, in the opinion of the inspector, installations are improper or inadequate, the inspector shall issue a stop order. The developer may appeal the inspector's findings to the County Engineer and/or Sanitary Engineer within forty-eight (48) hours. Failure to comply with the inspector, County and/or Sanitary Engineer's directive, will be deemed a violation of these Regulations subject to having the approved final plat invalidated by the board of County Commissioners.

808 Completion of Work and Reduction of Security

As required improvements are completed, the board of County Commissioners may, with concurrence of the County Engineer and Planning Commission, reduce the amount of the performance bond, cash deposit, or irrevocable letter of credit, in the following increments: 25%, 50%, and 75%. Twenty two percent (22%) of the remaining amount of the guarantee shall be released when all construction, installation, and improvements by the subdivider's contract have been completed and approved by the respective government authorities. The remaining three percent (3%) will be held for a one year maintenance period. Performance bonds, cash deposit, or irrevocable letter of credit for roads, storm drainage, water and sanitary sewer improvements shall not be released independently.

809 Acceptance of Streets, Storm Drainage, Sanitary Sewer and Water Distribution Improvements for Use and Maintenance by the Public

Morgan County Subdivision Regulations

Date: 11/4/2010

Revision #:

- a. The subdivider shall have properly constructed and maintained all required improvements at the time the Developer requests their acceptance by the board of County Commissioners. Upon completion of all improvements, the developer shall request that the county engineer perform an inspection for conditional acceptance. After the inspection, the County Engineer will do one of the following:
 - a. Issue a letter to the board of County Commissioners, with a copy to the developer, recommending conditional acceptance and the amount of a maintenance bond.
 - b. Issue a letter to the developer, with a copy to the board of County Commissioners listing items of work necessary to accomplish satisfactory completion of the improvements.

Upon completion of the improvements and conditional acceptance by the Board of County Commissioners, the developer shall furnish a maintenance guarantee in the amount of 3% of the total performance guarantee or \$1000.00, whichever amount is the larger. The subdivider shall be responsible for routine maintenance of all improvements and shall repair all failures due to faulty construction as soon as they become apparent. Said subdivider shall also make repairs due to erosion or abuse by utility companies installing utilities and shall repair all failure, for all other reasons, during the one (1) year period. He shall restore the improvements at the end of the maintenance period.

The improvements will be eligible for final acceptance one year after the conditional acceptance. The maintenance bond shall remain in effect until final acceptance by the board of County Commissioners. Before the board of County Commissioners will release the maintenance bond or maintenance fund, the developer shall submit a sworn statement that all bills and financial obligations incurred for maintenance or restoration of the subdivision improvements have been fully paid.

One year after conditional acceptance, the developer shall, after restoring all improvements to an acceptable condition, and after all monies are paid, request that the County Engineer perform an inspection for final acceptance. After the inspection, the county engineer will do one of the following:

- a. Issue a letter to the Board of County Commissioners, with a copy to the developer, recommending final acceptance of the improvements and release of maintenance bond(s).
- b. Issue a letter to the developer, with a copy to the Board of County Commissioners, listing items of work necessary to accomplish before the recommendation for final acceptance can be made.

Article 9
HILLSIDE REGULATIONS
Standards

900 General

901 Determination of Average Slope

902 Minimum Lot Requirements for Single Family Homes

903 Grading Plan and Controls

904 Cuts and Fills

905 Compaction of Fill

906 Retaining Walls

907 Minimum Hillside Requirements

908 Street Alignment

909 Driveways

Article 9

HILLSIDE REGULATIONS

Standards

900 General

These Regulations apply to all hillside areas. A hillside is defined as sloping ground with an average slope of more than fifteen (15) per cent. The subdivider shall submit detailed information concerning geologic conditions, soil types, and underground water level in order that a determination can be made by the Planning Commission as to the safety of development of the particular site. New development shall maintain existing levels of slope stability and not increase the potential for slope failure.

Development in hillside areas shall follow the technical standards and specifications in Rainwater and Land Development: Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection, Second Edition, 1996 (Department of Natural Resources, Division of Soil and Water Conservation).

901 Determination of Average Slope

The average slope for any hillside development shall be determined by the planning commission during the time of preliminary subdivision design. Determination will be on an area-by-area basis with each lot sized according to the average slope falling within each area.

902 Minimum Lot Requirements for Single Family Homes

The minimum lot requirements in the graph designated as *Table 16* shall be used to determine the minimum lot area for a single family home. The average per cent of slope is determined by the planning commission. The lot area in thousands of square feet shall then be determined by charting the average natural ground slope and the minimum lot area. Rounding shall be made to the nearest five (5) foot frontage interval.

903 Grading Plan and Controls

The grading plan shall show contour lines at ten (10) foot intervals where the average slopes exceed fifteen (15) per cent and at five (5) foot intervals where slopes are less than fifteen (15) per cent. Elevations are to be based on the sea level datum (USGS), if available. Lot layout and the approximate dimensions shall be shown for each lot and each building site. Engineering data shall show the existing topography and the approximate finished grades, location and size of each building site, lot layout and lot dimensions, and finished grade of streets prior to consideration of the final plat.

904 Cuts and Fills

Cut and fill slopes shall be designed, constructed, and maintained in a manner that will maximize stability and minimize erosion. Consideration shall be given to length and steepness of slope, soil type, upslope drainage area, and groundwater conditions when determining appropriate drainage management and slope stabilization measures.

Rock or similar irreducible material with a maximum dimension greater than eight (8) inches, organic materials, and construction and demolition debris shall be prohibited from fills, unless such fills are intended and approved by the County Engineer as mass rock fills or disposal fills.

Fills shall be compacted in eight-inch lifts to a density that is appropriate for the intended use. That density shall be determined by laboratory analysis of the fill material

prior to its placement.

The horizontal distance from the top and from the toe of an existing or proposed unrestrained cut or fill slope to the nearest existing or proposed structure, property line, or paved surface shall be at least one-half (1/2) the vertical height of the cut or fill, unless local geology or character of materials indicates that a different distance is appropriate.

No land shall be graded, cut or filled so as to create a slope exceeding a vertical rise of one (1) foot for each two and one half (2 1/2) feet of horizontal distance between abutting lots, unless a retaining wall of sufficient height and thickness is provided to retain the graded bank. Major cuts, excavation, grading, and filling, that materially changes the site and its relationship with surrounding areas or materially affects such areas, shall not be permitted if such excavation, grading, and filling will result in a slope exceeding a vertical rise of one (1) foot for each two and one half (2 1/2) feet of horizontal distance between abutting lots or between adjoining tracts of land, except where adequate provision is made to prevent slides and erosion by cribbing and retaining walls.

905 Compaction of Fill

All fill underlying a proposed roadway shall be compacted to a density of ninety (90) per cent or greater. Inspection of fill shall be conducted by the County Engineer. Where required by the County Engineer and approved by the Planning Commission, the subdivider shall have fill material tested by a responsible testing company at the subdivider's expense.

906 Retaining Walls

Retaining walls may be required whenever topographic conditions warrant or where necessary to retain fill or cut slopes within the right-of-way. Such improvements shall require the approval of the County Engineer.

907 Minimum Hillside Requirements

The following regulations shall govern the front yard, side yard, street right-of-way and pavement requirements in hillside subdivisions:

Table 17: Minimum Hillside Requirements					
Group	Slope	Front Yard Setback (feet)	Side Yard in % of Lot Width	Right of Way	Pavement
1	15-20%	25	10%	50	24
2	26-30%	23	10%	45	22

3	31%-over	20	10%	40	20
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908 Street Alignment

The following regulations shall govern street alignment:

- a. Vertical profile grades shall be connected by vertical curves up to fifteen (15) percent, but only for short, straight stretches.
- b. Waiver of visibility requirements may be given subject to the approval of the planning commission upon recommendation of the County Engineer.
- c. Waiver of vertical curve requirements may be given subject to the approval of the planning commission upon recommendation of the County Engineer.

909 Driveways

The maximum grade on that portion of a driveway within a public right-of-way shall not exceed fifteen (15) percent. Each drive shall provide sufficient space and distance to turn around prior to entering the street. When the average slope on a lot will exceed fifteen (15) percent, the driveway location shall be shown on the preliminary plan (or final plat if no preliminary plan was submitted). Driveways shall be designed and constructed so as to drain into the roadway ditch and not onto the roadway surface.

The area of the driveway adjacent to the roadway shall drain away from the roadway.

Article 10

REQUIRED STATEMENTS AND SIGNATURES TO BE AFFIXED ON THE PLAT

1000 Required Statements

Some or all of the following statements, or similar appropriate statements, may be required to be affixed on the subdivision plat. The planning commission may require modifications to the statements. All signatures, except the signatures of the county auditor, county recorder, and the planning commission shall be obtained prior to approval of the subdivision plat by the planning commission.

A. Deed Reference

Situated in _____ Township, Section _____, Range _____
Morgan, Ohio, containing ___ acres and being (part or) the same tract as conveyed to
_____ and described in the deed recorded in Deed (Official Records)
Book ___ Page ___, Morgan, Ohio.

B. Owner's Consent and Dedication

We, the undersigned, being all the owners and lien holders of the lands herein platted, do hereby voluntarily consent to the execution of the said plat and do dedicate the streets, parks or public grounds as shown hereon to the public use forever. Any "Public Utility Easements" as shown on this plat are for the placement of sidewalks and for the maintenance and repair of streets. This easement and all other easements shown on this plat, unless designated for a specific purpose, are for the construction, operation, maintenance, repair, replacement or removal of water, sewer, gas, electric, telephone, cable television, or other utility lines or services, stormwater disposal and for the express privilege of cutting, trimming or removing any and all trees or other obstructions within said easement, or immediately adjacent thereto, to the free use of said easements or adjacent streets and for providing ingress and egress to the property for said purposes and are to be maintained as such forever. No buildings or other structures may be built within said easements, nor may the easement area be physically altered so as to (1) reduce clearances or either overhead or underground facilities; (2) impair the land support of said facilities; (3) impair ability to maintain the facilities; or (4) create a hazard. The above public utility easements are for the benefit of all public utility service providers. (Include a letter of intent from all applicable public utility service providers.) (Signature of owner, all lien holders and two witnesses for each signature required)

C. Owners Certificate of Notary Public

State of Ohio, S.S. Be it remembered that on this ___ day of _____, 20___ before me the undersigned, a Notary Public in and for said State, personally came _____ (and _____), who acknowledged the signing and execution of the foregoing plat to be their voluntary act and deed. In testimony whereof, I have set my hand and Notary Seal on the day and date above written.

(Signature) _____
(Print name here) _____

NOTARY PUBLIC

State of Ohio

My commission expires _____

D. Certificate of Surveyor

I hereby certify that this map is a true and complete survey made by me (under my supervision, on date) and that all monuments and lot corner pins are set as shown.

(Signature) _____

(Print name and registration number here) _____

Registered Surveyor

E. Planning Commission Approval

This plat was approved by the Morgan County Planning Commission on this _____ day of _____, 20 ____.

Executive Director (Designee)

F. County Engineer Approval

I hereby approve this plat on this ____ day of _____, 20 ____.

County Engineer

G. Sewage Disposal Approval (If applicable)

I hereby approve this plat on this ____ day of _____, 20 ____.

County Sanitarian

H. County Health Department

I hereby approve this plat on this ____ day of _____, 20 ____.

County Health Commissioner

I. County Auditor's Transfer

Transferred on this ____ day of _____, 20 ____.

By _____

County Auditor

J. County Recorder

File No. _____

Morgan County Subdivision Regulations

Date: 11/4/2010

Revision #:

Received on this ___ day of _____, 20 ___ at _____ .M.

Recorded on this ___ day of _____, 20 ___ at _____ .M.

Recorded in plat book No. _____, Page _____.

Fee _____.

By _____

Deputy County Recorder

K. Certificate of Ownership

We, _____ and _____ do hereby certify that we are the owners of the property described in the above caption and that all legally due taxes have been paid, and that as such owners, we have caused the said above described property to be surveyed and subdivided as shown.

_____ Seal

_____ Seal

County

State of Ohio, } SS

L. Drainage Statement

The County Commissioners, County Engineer and Township Trustees assume no legal obligation to maintain or repair any open drainage ditches or channels designated as "drainage easements" on this plat. The easement area of each lot and all improvements within it shall be maintained continuously by the lot owner. Within the easements, no structure, planting, fencing, culvert, or other material shall be placed or permitted to remain which may obstruct, retard, or divert the flow through the watercourse.

M. Acceptance of Dedications

Be it resolved by the Board of County Commissioners, that the dedications shown on this Plat are hereby approved and accepted this _____ day of _____ 20 ___

Commissioner

Commissioner

Commissioner

Clerk

Article 11 DEFINITIONS

A. Interpretation of Terms or Words

For the purpose of these Regulations, certain terms or words used herein shall be interpreted as follows:

- a. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- b. The present tense includes the future tense, the singular number includes the plural,

- and the plural number includes the singular.
- c. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
 - d. The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied.”
 - e. The word “lot” includes the words “plot or parcel.”
 - f. The word “County” where used shall mean the County adopting these Regulations and its legal entities.

B. Glossary

Alley: See Thoroughfare.

Block: That property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream, or between any of the foregoing and any other barrier to the continuity of development.

Block Frontage: Property abutting on one side of a street, and lying between the two nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, or other definite barrier.

Board: The board of county commissioners.

Building: A structure designed to be used as a place of occupancy, storage or shelter.

Building Site: A parcel under separate deed or description containing less than 5 acres and having road frontage.

Comprehensive Development Plan: A plan or any portion, thereof, adopted by the Planning Commission and the County Commissioners showing the general location and extent of present and proposed physical facilities, including housing, industrial, and commercial uses, major streets, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

Condominium: Condominium means and includes the land, together with all buildings, improvements, and structures thereon, all easements, rights and appurtenances belonging thereto, and all articles of personal property which have been submitted to the provisions of Chapter 5311 of the Ohio Revised Code and which is subject to said Chapter 5311.

Corner Lot: See Lot Types.

Covenant: A written promise or pledge.

Cul-de-sac: See Thoroughfare.

Culvert: A transverse drain that channels under a bridge, street, or driveway.

Dead-end Street: See Thoroughfare.

Density: A unit of measurement; the number of dwelling units per acre of land.

Gross Density: the number of dwelling units per acre of the total land to be developed.

Net Density: the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Density, Low Residential: Land to be utilized for residential purposes, including public housing, and industrialized units, which does not exceed two (2) dwelling units per gross acres.

Density, Medium-Low Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed four (4) dwelling units per gross acre. For the purpose of street design requirements, the medium-low density residential classification shall be considered as medium density.

Density, Medium Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed eight (8) dwelling units per gross acre.

Density, Medium-High Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed sixteen (16) dwelling units per gross acre. For the purposes of street design requirements, the medium-high density residential classification shall be considered as high density.

Density, High Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed thirty-two (32) dwelling units per gross acre.

Develop: To make a development; also to do any grading or filling of land, whether undeveloped or already subdivided, so as to change the drainage or the flow of water, or to do any work upon the land that is capable of serving as a subdivision or development of building sites in the future.

Developer: Any individual, subdivider, firm association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

Driveway: A vehicular travelway used to provide access from a street to dwelling units or commercial or industrial activities. Driveways are designed for low travel speeds and are often used as, or are integral with, parking areas for vehicles.

Dwelling Unit: Space within a building comprising living, dining, sleeping and storage rooms as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one (1) family and its household employees.

Easement: A grant by the property owner of the use of a strip of land by the public, a corporation, or other persons, for specified purposes.

Engineer: Any person registered to practice professional engineering by the state board of registration as specified in Section 4733.14, Ohio Revised Code.

Environmental Protection Agency: Ohio Environmental Protection Agency (E.P.A.)

Erosion: The wearing away of the earth's soil surface by water, wind, gravity, or any other natural process.

FEMA: The Federal Emergency Management Agency.

Final Plat: A revised version of the preliminary plan showing exact locations of lot lines, rights-of-way, easements, and dedicated areas. The final plat is recorded in the office of the County Recorder.

Flood: An overflowing of water, from watercourses, onto land which is normally dry.

Flood, 100-Year: The temporary inundation of normally dry land areas by a flood that is likely to occur once every 100 years (i.e., that has a one percent (1%) chance of occurring each year, although the flood may occur in any year.)

Flood Plain: Any land area susceptible to be inundated by water from the base flood. The term refers to that area designated as subject to flooding from the base flood (100-

year flood) on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development.

Grade: The amount of rise or descent of a sloping land surface, usually measured as a percent where the numbered percent represents the amount of vertical rise or fall, in feet, for every 100 feet horizontally. For example, a one foot vertical rise over one hundred horizontal feet represents a one percent slope.

Health Department: County Health District.

Highway Director: The Director of the Department of Transportation.

Improvements: Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control for drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

Land Contract: A legal agreement between a landowner and another person or persons interested in purchasing real property owned by the landowner, wherein the landowner agrees to receive regular payments, at specified intervals for a specified period of time, from the purchaser and at the end of the specified time period agrees to transfer ownership of the property to the purchaser.

Letter of Credit: A written statement from a bank or loan company, written against the good standing of a developer, guaranteeing necessary funds, the amount to equal a professional engineer's cost estimate for subdivision improvements, to complete such improvements should the developer fail to complete them within the time frame and conditions as specified in the subdivision approval agreements. (See also, Performance Bond or Surety Bond)

Location Map: See Vicinity Map.

Lot: For purposes of these regulations, a lot is a parcel of land that is:

- a. A single lot of record;
- b. A portion of a lot of record;
- c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

Lot Area: The area of a lot computed exclusive of any portion of the right(s) of way of any public or private street.

Lot Depth: The mean horizontal distance between the front and rear lines of a lot.

Lot Frontage: The front of a lot shall be constructed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this section.

Lot Measurements: A lot shall be measured as follows:

- a. **Depth of a lot:** The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- b. **Width of a lot:** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line, provided, however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width.

Lot of Record: A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types: Terminology used in these regulations with reference to corner lots, interior lots and through lots is as follows:

- a. **Corner Lot:** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
- b. **Interior Lot:** A lot other than a corner lot with only one frontage on a street.
- c. **Through Lot:** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- d. **Reversed Frontage Lot:** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.
- e. **Flag Lot:** A lot whose only frontage on a public street is through a narrow strip of land which is generally wide enough to accommodate a driveway, but too narrow to accommodate any structures. The narrow strip of land is referred to as the panhandle.

Lot Width: The horizontal distance between side lot lines measured along the required building set-back line. When the street line is curved, the measurement shall be made on the arc, on or parallel to the curve of the street line.

Major Thoroughfare Plan: The Comprehensive Plan adopted by the County Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the unincorporated area of the county.

Major Subdivision: Requires a plat to be approved by the Planning Commission. Refer to 307 part a.

Maintenance Bond: An agreement by a subdivider or developer with the county guaranteeing the maintenance of physical improvements for a period of one (1) year from the release of the performance bond.

Minor Subdivision: A division of a parcel of land that does not require a plat to be approved by a planning authority according to Section 711.131, Ohio Revised Code. Also known as Lot Split.

Monuments: Iron bases or iron pipes which will be set at all lot or parcel corners within the subdivision.

Open Space: An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, and any other recreational facilities that the planning commission deems permissive. Streets, structures for habitation, and the like shall not be included.

Out Lot: Property shown on a subdivision plat outside of the boundaries of the land which is to be developed and which is to be excluded from the development of the subdivision.

Owner: Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these

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Pad: A building site prepared by artificial means, including, but not limited to, grading, excavation, or filling, or any combination thereof.

Parcel: Any piece of land described by a current deed.

Parking Space, Off-Street: For the purpose of these Regulations, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Performance Bond or Surety Bond: An agreement by a developer with the county for the amount of the estimated construction cost (as approved by County Commissioners and County Engineer) guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement. (See also, Letter of Credit)

Performance Guarantee: Any security that may be accepted by a municipality as a guarantee that the improvements required as part of an application for development that are satisfactorily completed.

Person: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

Planned Unit Development: An area of land, in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot size and setbacks, than those restrictions that would normally apply under these Regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

Plat: The map, drawing, or chart on which the developer's subdivision is presented to the Planning Commission for approval, to the County Recorder (final) for recording.

Preliminary Plan: The initial proposal, including both narrative and site design information, intended to provide the Planning Commission with an understanding of the manner in which the site in question is to be developed.

Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public entity have a right, or which are dedicated, whether improved or not. (See Right-of-Way)

Replat: A subdivision or plat, the site of which has heretofore been platted or subdivided with lots or parcels of land. It may include all or any part of a previous subdivision or plat.

Reserve Strip: An area of land adjacent to a public right-of-way which is retained in ownership by the subdivider for the purpose of denying access to the adjacent land.

Right-of-Way: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography of treatment) such as grade separation, landscaped areas, viaducts, and bridges. (See Public Way)

Setback Line: A line established by the subdivision regulations generally parallel with

and measured from the lot line, defining the limits of a yard in which no building or structure, other than an accessory building, may be located above ground.

Sewers, Central or Group: An approved sewage disposal system which provides a collection net-work and disposal system and central sewage treatment facility for a single development, community or region.

Sewers, On-Site: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process, or an equally satisfactory process, for the elimination of sewage, and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Sidewalk: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic. See Walkway.

Sketch Plan: An informal drawing which shows how a developer proposes to subdivide a property and which gives sufficient site information for the planning commission representatives to offer suggestions for site development.

Slippage Potential: The potential which land has to move, under the force of gravity, should it be disturbed during construction activity.

Stopping Sight Distance: The distance down a roadway for which a motorist is able to have unobstructed sight. Stopping sight distance is reduced by vertical and horizontal road curvature, fixed objects on the side of the road, and overhanging vegetation.

Subdivider: Any individual, developer, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to affect a subdivision of land hereunder for himself or for another.

Subdivision:

- a. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots, any one of which is less than five (5) acres, for the purpose, whether immediate or future of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
- b. The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drain-age, or other public facilities. (See Minor Subdivision)

Surveyor: Any person registered to practice surveying by the State Board of Registration as specified in Section 4733.02, of the Ohio Revised Code.

Tract: The term is used interchangeably with the term lot, particularly in the context of subdivisions, where one "tract" is subdivided into several "lots."

Technical Review Committee: A committee of representatives of the county engineer's office, the city/county health department, the planning commission, and the county planner who shall meet with developers or property owners proposing a major

subdivision, a commercial or industrial subdivision, or a minor subdivision on which a technical review member requires additional information. The technical review committee shall offer advice and assistance to the planning commission.

Terrain Classification: Terrain within the entire area of the preliminary plat is classified as level, rolling, hilly, or hillside for street design purposes. The classifications are as follows:

- a. **Level:** Land which has a cross slope range of four (4) percent or less;
- b. **Rolling:** Land which has a cross slope range of more than four (4) percent but not more than eight (8) percent;
- c. **Hilly:** Land which has a cross slope range of more than eight (8) percent but not more than fifteen (15) percent;
- d. **Hillside:** Land which has a cross slope range of more than fifteen (15) percent.

Thoroughfare, Street, or Road: The full width between property lines bounding every dedicated travelway, with a part thereof to be used for vehicular traffic and designated as follows:

- a. **Alley:** A minor street used primarily for vehicular service access to the back or side of proper-ties abutting on another street. Design speed is 10 miles per hour.
- b. **Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route. Design speed is generally 55 miles per hour.
- c. **Collector Street:** A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions. Design speed is generally 35 miles per hour.
- d. **Cul-de-Sac:** A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround. Design speed is generally 25 miles per hour.
- e. **Dead-end Street:** A street temporarily having only one (1) outlet for vehicular traffic and in-tended to be extended or continued in the future.
- f. **Local Street:** A street primarily for providing access to residential, commercial, or other abut-ting property. Design speed is generally 25 miles per hour.
- g. **Loop Street:** A type of local street each end of which terminated at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than three thousand (3000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
- h. **Marginal Access Street:** A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street.)

Through Lot: See Lot Types.

Variance: A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Vicinity Map: A drawing located on the plat which sets forth by dimensions or other

means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the county in order to better locate and orient the area in question.

Watershed: The drainage basin in which the subdivision drains or that land whose drainage is affected by the subdivision.

Wetland: An area of land, as defined by the federal definition at the time of preliminary plan submission, inundated by water for a portion of each year resulting in the land possessing unique soil and vegetative types.

Yard: A required open space other than a court unoccupied and unobstructed by any structure from three (3) feet above the general ground level of the graded lot upward, provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstructions of visibility.

- a. **Yard, Front:** A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
- b. **Yard, Rear:** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
- c. **Yard, Side:** A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Zoning Inspector: The zoning inspector of the County or Township, appointed by the board of County Commissioners or the Board of Township Trustees.

Article 12

APPENDICES

Appendix A – Schedule of Subdivision and Parcel Transfer Fees

Appendix B – Application for Minor Subdivision Approval with a
Right-of-Way Pursuant to Ohio Revised Code 711.131

Appendix C – Application for Major Subdivision Approval

Appendix D - Application for Subdivision Variance

Appendix E - Preliminary Plan Checklist

Appendix F - Final Plat Checklist

Appendix G - Subdivision Environmental Review Checklist

**Article 12
APPENDICES
Appendix A**

Schedule of Subdivision and Parcel Transfer Fees

MINOR SUBDIVISION LOT SPLITS (per split)	\$ 50
MAJOR SUBDIVISION PLATTING	
Sketch Plan/Site Review	\$ 200

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Preliminary Plan

one/two/three family residential	\$ 500
other subdivision types (commercial or industrial)	\$ 1,000

Final Plat

one/two/three family residential	\$ 500 + \$ 50 per lot
other subdivision types (commercial or industrial)	\$ 1,000 + \$100 per lot

OTHER SUBDIVISION FEES

Preliminary Plan Amendment	\$ 250
Final Plat Amendment	\$ 250
Subdivision Variance per Request	\$ 100
Inspection Rates per Visit	\$ 60
County Subdivision Regulations Purchase	\$ 10

Appendix B
Application for Minor Subdivision Approval
 With Public Access **With a Right of Way**
Pursuant to Ohio Revised Code 711.131

Completed and executed copies of this application supplemented with applicable required information must be filed with the County Planning Commission. Such applications will be assigned a file number and sent to the office of County Engineer and Health Department for review and comments. Separate applications shall be submitted for each lot subdivided. One copy of the application, together with the actions taken by the Planning Commission will be returned to the applicant or his/her agent.

NAME OF APPLICANT OR AGENT:

ADDRESS _____
CITY _____ STATE _____ ZIP CODE _____
TELEPHONE _____

NAME _____ OF
GRANTEE _____
ADDRESS _____
CITY _____ STATE _____ ZIP CODE _____
TELEPHONE _____

NAME _____ OF
GRANTOR _____
ADDRESS _____
CITY _____ STATE _____ ZIP CODE _____
TELEPHONE _____

Township in which transfer is to take place _____
Section _____ Size of Parcel _____

Map office received and approved the legal description / / _____

(For use of the County Engineer Only)

Date Received _____ Date Reviewed _____

County Engineer
Comments

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Revision #:

County Health Sanitarian

Comments

Appendix C
Application for Major Subdivision Approval
NAME OF DEVELOPMENT

Sketch plan _____ Preliminary plan _____

Final plat _____

General Information:

Owner

Address

Phone: Home _____ Business _____

Applicant

Address

Phone: Home _____ Business _____

Engineer or Surveyor

Address

Phone: Home _____ Business _____

Development Data:

Location

Existing Zoning

Proposed Use

Number of Lots

Total Acreage

Minimum Lot Size

Linear Feet of New Street

Water Supply: _____ Public System _____ On lot System

Sewerage System: _____ Public System _____ On lot System _____

Appendix D Application for Subdivision Variance

Date Application Prepared _____ Fee _____

Application Number _____

A variance is a modification of the strict terms of the relevant regulations where such modifications will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hard-ship.

APPLICANT NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____ CODE _____

TELEPHONE _____

Location of property under consideration (Address and/or description):

Nature of variance required: (Describe generally the nature of the variance)

Justification of variance: On a separate sheet, please attach a statement explaining why the variance from requirements of the subdivision regulation is required. Include such items as:

- a. Exceptional topographical or other conditions peculiar to this particular parcel or land.
- b. Why the strict interpretation of the regulations would deprive the applicant of rights enjoyed by other property owners.
- c. That the peculiar conditions do not result from previous actions of the applicant.
- d. That the required variance is the minimum variance that will allow a reasonable division of the land.
- e. A sketch of the area showing the location and characteristics of the requested variance.

I certify that all information contained in this application and its supplements is true and correct.

DATE _____

SIGNATURE _____

(For Official Use Only)

Date Application Received _____

Planning Commission Action _____ Approved _____ Disapproved _____

Description of Action _____

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Fee	Received:	YES	AMOUNT
NO			
Comments: _____			

Appendix E Preliminary Plan Checklist

Subdivision Name:

Owner:

Reviewer:

Date:

The following items (do, do not) conform with the requirements of the Morgan County Subdivision Regulations. Items not conforming are explained on the reverse side of this checklist.

Does	Does Not	Items
1. _____	_____	Application form complete
2. _____	_____	Variance application form complete (if necessary)
3. _____	_____	One original preliminary plan/appropriate # of copies complete
4. _____	_____	One set of preliminary subdivision improvement plans complete
5. _____	_____	Sheet size and map scale
6. _____	_____	Proposed name (no duplication) and location
7. _____	_____	Name, address, & phone # of owner, subdivider, professional engineer, and professional surveyor with appropriate numbers and seals
8. _____	_____	Scale of plat, north point, legend, and vicinity map of scale not less than 1"=2000'
9. _____	_____	Names of adjacent subdivisions, owners of adjoining parcels, and locations of common boundary lines within 20 feet of the subdivision boundaries
10. _____	_____	Topographic contours (2 feet for <5% slopes, 5 feet for >5%-<15% slopes, and 10 feet for >15% slopes)
11. _____	_____	Locations, widths, and names of existing streets, railroad R/W's, easements, parks, buildings, corporation and township lines, wooded areas, water courses, drainage patterns, water bodies, and topographic features within and around the subdivision for 200 feet from its borders
12. _____	_____	Locations of floodways, floodplains, underground mines that may subject to subsidence and other potentially hazardous areas
13. _____	_____	Locations of environmentally sensitive areas
14. _____	_____	Soil types from USDA soils map
15. _____	_____	Layout, numbers, dimensions of lots, and setback lines
16. _____	_____	Parcels reserved for public use or for use by residents of subdivision

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17. _____ Points of ingress/egress to the subdivision and locations of proposed future access way locations for adjacent lands
18. _____ Type of water supply and wastewater disposal systems, locations and dimensions of proposed utilities, utility easements, sewer lines, water mains, culverts, drainage tiles, or other underground utilities within or adjacent to the tract
19. _____ Locations of cemeteries, historical, or archaeological sites
20. _____ Copy of proposed covenants and restrictions and an anticipated schedule of construction.

The following information does not apply to all subdivisions and may be requested during the preliminary plan phase.

21. _____ Statements of proposed use of lots with type and number of dwelling units and/or type of business or industry
22. _____ Conceptual plan for commercial or industrial development showing proposed parking, loading areas, alleys, pedestrian walkways, streets, points of vehicular ingress/egress to the development, and landscape features
23. _____ Drawing of present and proposed grades and facilities for stormwater drain-age in cases where natural drainage is altered
24. _____ Feasibility study on water and sewer facilities
25. _____ Screening, buffering, and/or noise abatement measures
26. _____ Cross sections and centerline profiles for each proposed street and preliminary engineering designs for any bridges or culverts proposed in the project
27. _____ Other information deemed necessary or prudent to create buildable sites or to promote the public health, safety, and welfare

Appendix F Final Plat Checklist

Subdivision Name:

Owner:

Reviewer:

Date:

The following items (do, do not) conform with the requirements of the Morgan County Sub-division Regulations. Items not conforming are explained on the reverse side of this checklist.

Does	Does Not	Items
1. _____	_____	Application form complete
2. _____	_____	Variance application form complete (if necessary)
3. _____	_____	One original final plat/appropriate # of copies complete
4. _____	_____	One original set of subdivision improvement plans and required # of copies complete with name, address and phone number of the professional engineer with appropriate number and seal
5. _____	_____	Sheet size and map scale
6. _____	_____	Proposed name (no duplication) and location
7. _____	_____	Name, address, & phone # of owner, subdivider, and professional surveyor with appropriate numbers and seals
8. _____	_____	Date of survey, scale of plat, north point, and acreage
9. _____	_____	Plat boundaries based on a field boundary survey, as defined in Ohio Administrative Code (OAC) 4733-37, all lot numbers and lines shown with accurate dimensions in feet and hundredths
10. _____	_____	Building front, rear, and side setback lines with dimensions
11. _____	_____	Outline of areas to be dedicated or reserved for public use or common use by subdivision residents and outlines of previous lots or blocks and their numbers, indicated by a contrasting line style, in the case of a replat
12. _____	_____	Bearings and distances to the nearest established street lines and accurate location and description of all monuments
13. _____	_____	Names, locations, dimensions, rights-of-way of all existing and proposed streets and railroads within and adjoining the plat. Radii, internal angles, points of curvature, tangent bearings, length of arcs, and lengths and bearing of chords of all streets
14. _____	_____	Purposes, locations, and dimensions of all easements
15. _____	_____	Locations of all water bodies and flood hazard boundaries.
16. _____	_____	Base flood elevations have determined by a professional engineer

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- when necessary
17. _____ The owners of record, acreage, deed book and page references for all abutting metes and bounds tracts and the names of all abutting subdivisions, with lot lines, lot numbers and plat book and page references
18. _____ A copy of any restrictive covenants, and other notes, items, restrictions, or provisions required by the subdivision regulations or the county
19. _____ If a zoning change is involved, certification from the appropriate township or county zoning inspector
20. _____ A letter from the permitting agency indicating that a driveway permit has been issued or will be issued by the office of the county engineer, township trustees, or Ohio Department of Transportation on existing roads
21. _____ Final plat was submitted within 12 months of preliminary plan approval

Appendix G Subdivision Environmental Review Checklist

Subdivision Name:

Owner:

Date:

The following questions should be answered as part of the sketch plan and preliminary plan process. By giving serious consideration to the issues posed by the questions, environmental problems posed by subdivision creation can be minimized.

1. Does the subdivision conflict with any existing plans?
2. Does the subdivision affect the use of a recreation area, an area of important visual value, or preempt a site with potential recreation or open space value?
3. Will any unique natural or manmade features in the subdivision area be disturbed?
4. Do the engineering plans follow state-recommended guidelines for erosion control?
5. Do the engineering plans follow state-recommended guidelines for stormwater management?
6. Do the engineering plans adequately protect against geologic hazards, particularly land slippage and unstable soils?
7. Does the subdivision change existing topography or involve construction on any flood-plain, natural drainage course, or watercourse? Are cuts and fills adequately engineered?
8. Is the subdivision one of a series of cumulative actions, which, although individually small, may as a whole have significant environmental impact?
9. Does the subdivision area serve as a habitat, food source, nesting place, crossing, wintering area, source of water, etc. for any wildlife species?
10. Are there any rare or endangered plant species in the subdivision area?
11. Could the subdivision change existing features of any stream frontage or greenbelt areas?
12. Will the subdivision remove substantial amounts of vegetation, including ground cover?
13. Will the subdivision affect the hydrology of the region?
14. Will the subdivision serve to encourage development of presently undeveloped areas or intensify development of already developed areas? Have adequate measures been taken to plan for this development?
15. Is there appreciable opposition to the subdivision or is it likely to be controversial?
16. Will the subdivision create new or aggravate existing health or safety hazards?
17. Will the subdivision generate significant amounts of dust or odor?
18. What will be the effects on traffic volumes and flow in the vicinity of the subdivision?
19. Will the subdivision contribute to the loss of agricultural land?

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20. Have adequate measures been taken to minimize pollution of the air, water, and soil? Measures shall consider the subdivision's future impacts of noise pollution; light pollution; air pollution from dust; water pollution from chemical applications, soil erosion, and human effluent, and soil pollution from chemical applications and human effluent.