SUBDIVISION REGULATIONS FOR CLARK COUNTY, OHIO

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SUBDIVISION REGULATIONS

TITLE 1 INTRODUCTION CHAPTER 1.1 & 1.2 GENERAL CONSIDERATIONS

Section 1.11 Purpose

The rules and regulations contained herein are adopted to provide an adequate urban pattern for allocating sufficient and convenient open areas for traffic, utilities, recreation, light, air and the avoidance of congestion of population.

Section 1.12 Official Name

The official name of these rules and regulations shall be "Subdivision Regulations for Clark County, Ohio."

Section 1.13 Authority

The Clark County Planning Commission and/or the CEDA Regional Planning Commission, hereinafter known as the Commission and/or Planning Commission, is authorized to adopt rules and regulations governing plats and subdivisions of land within its jurisdiction by virtue of Chapters 711.10 and 711.101 of the Revised Code of Ohio. [CCPC 12-18-02 / CC 2-11-03]

Section 1.14 Definition

A subdivision is the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots, any one of which is less than five 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 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 does not create additional building sites, shall be exempted; or

A subdivision is 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 and maintenance of public sewer, water, storm drainage or other public facilities.

Par. 1.141 Divisions of Land Not Subject to These Regulations

- (A) Any subdivision of land in which all lots or parcels resulting therefrom contain more than five (5) acres*, and not involving any new street or easement of access.
- (B) The exchange of parcels of land between adjoining land owners, whereby the original parcel is not reduced below the requirements of zoning or these regulations and a new building site is not created as defined by the aforementioned requirements.
- * Calculations of lot area shall not include that portion of any lot occupied by a public right-of-way or proposed right-of-way by dedication or easement.

Section 1.15 Jurisdiction

These regulations shall be applicable to all divisions hereinafter made, of land located in the unincorporated area of Clark County, except that the subdivision authority granted to other governmental agencies shall not be impaired or modified unless as allowed by State Law.

Section 1.16 Interpretation

The provisions of these regulations shall be held to be minimum requirements. Variances may be granted in accordance with Section 1.19. Whenever these provisions are different from the requirements of other lawfully adopted regulations or current local health and safety standards, the more restrictive or higher standard shall prevail. The word "may" is permissive; the word "shall" is mandatory and not merely directory.

Section 1.17 Enforcement

It shall be the duty of the Planning Commission and its staff, together with other appropriate county officers, to enforce these regulations in the jurisdictional limits as set forth previously in Section 1.15. [CCPC 12-18-02 / CC 2-11-03]

Section 1.18 Penalty

Any violation of Chapter 711 of the Revised Code of Ohio of these regulations is subject to the penalties as set forth in Chapter 711.

Section 1.19 Variances

Variances may be granted in the regulations set forth herein by the Planning Commission, if it deems such action essential in view of unusual topographic conditions or other special circumstances, provided, however, that any variance being requested does not conflict with the general purpose and intent of these regulations. Variances involving street or utility improvements must be approved by the Department of Public Works and the City Commission and/or the County Engineer and the County Commission, whichever is applicable. The secure a variance, the applicant shall make a written request to the Planning Commission explaining fully the reasons therefore, and submit same with the preliminary plan or as soon as possible after preliminary submission. Action by the Planning Commission on such a request will be taken as part of general action on the preliminary plan. [CCPC 12-18-02 / CC 2-11-03]

Section 1.21 Adoption

These regulations shall become effective after the necessary public hearings, adoption by the Planning Commission and the Board of Clark County Commissioners and certification to the County Recorder in accordance with Chapter 711 of the Ohio Revised Code. All previous subdivision regulations now in effect shall be deemed to be repealed upon adoption of the rules contained herein. [CCPC 12-18-02 / CC 2-11-03]

Section 1.22 Amendment

These regulations may be amended in accordance with the same procedure as stated in Section 1.21, Adoption.

Section 1.23 Separability

The invalidation of any part of these regulations by a court of competent jurisdiction shall not affect the validity of the remainder of the regulations either in whole or in part.

Section 1.24 Zoning

A proposed subdivision located in a zoned area shall conform to the zoning rules except as specified in Title 1, Section 1.16. All of the land within the boundaries of a subdivision shall conform to the applicable zoning standards in effect prior to submitting the Record Subdivision plans to the Secretary of the Planning Commission for signature. If the property being subdivided must be rezoned to comply with zoning standards, then the Record Subdivision plans cannot be signed by the Secretary of the Planning Commission until the rezoning becomes effective. [CC 6-5-90 / CCPC 6-19-90 (eff: 8-1-90)] [CCPC 12-18-02 / CC 2-11-03]

Section 1.25 Fees

The Board of Clark County Commissioners may establish a schedule of fees, charges, and expenses, and a collection procedure for same pertaining to these regulations. When established, said schedule of fees shall be posted in the office of the Planning Commission and no application or request for which a fee is charged shall be processed until the applicable fee is paid in full. In addition, no action shall be taken nor shall any application or request be considered officially filed or submitted until the applicable fee is paid in full. [CC 10-11-88 / CCPC 10-4-88] [CCPC 12-18-02 / CC 2-11-03]

Section 1.26 Notice of Public Hearings

When a public hearing is required or necessary, a notice shall be placed in a newspaper of general circulation in the county at least ten (10) days before the date of said hearing. [CC 6-5-90 / CCPC 6-19-90 (eff: 8-1-90)]

Section 1.27 Acceptability

The Planning Commission or its staff may refuse to accept for processing any item submitted which lack major elements of a submission or which circumvents, or attempts to circumvent, the intent of these regulations and such items will be considered void. [CC 11-17-95 / CCPC 11-1-95] [CCPC 12-18-02 / CC 2-11-03]

Section 1.28 Applicability

The requirements of these regulations apply to divisions of land including any portion which remains (i.e., the remainder) whether created by a major or minor (lotsplit) subdivision. [CCPC 11-1-95 / CC 11-17-95]

TITLE 2 DEFINITIONS

For the purpose of these regulations, the following items are defined:

Alley:

A public right-of-way not less than twenty (20) feet nor more than thirty (30) feet serving as a secondary means of access to the property.

Apartment:

Three (3) or more dwelling units in one structure.

Block:

A parcel of land bounded on all sides by a street or streets.

Buildable Lot:

A Lot or proposed lot which meets basic requirements of the various agencies and regulations. This includes, but is not limited to, suitable soil and drainage characteristics permitting on-site water and sewage facilities (if utilized); has available a location for suitable driveway access location (i.e., safe sight distance); no major flooding or drainage problems; and can meet zoning and other regulatory requirements. In addition, a lot which also has physical attributes permitting immediate or future development. [CC 6-5-90 / CCPC 6-19-90 (eff: 8-1-90)]

Building setback Line:

See Setback Line.

City:

An incorporated municipality having a population of 5,000 or more. [CCPC 8-6-97 / CC 8-19-97]

City Planning Board (CPB):

The City or Municipal Planning Board of the City. This Board controls the subdivision of land within the corporate limits. [CCPC 8-6-97 / CC 8-19-97]

Clark County Planning Commission (CCPC):

The Clark County Planning Commission of Clark County, Ohio. This Commission controls the subdivision of land within the unincorporated area of Clark County <u>EXCEPT THAT AREA</u> <u>WHICH IS INCLUDED WITHIN THE MOST CURRENT "CEDA AGREEMENT " AREA</u> (aka Commission or Planning Commission). [CCPC 12-18-02 / CC 2-11-03]

Comprehensive Master Plan:

The long-range plan adopted and as amended from time to time by the Planning Commission providing for the general location of the principal streets, parks, zoning districts, schools, and other public buildings, and any other long-range aspects of physical planning. [CCPC 8-6-97 / CC 8-19-97] [CCPC 12-18-02 / CC 2-11-03]

County:

Clark County, State of Ohio.

County Commission:

The elected legislative body for the unincorporated area of Clark County.

County Engineer:

The Engineer of Clark County.

Covenant:

A written promise or pledge.

Crosswalk:

A ten (10) foot public right-of-way which cuts across a block to provide pedestrian access to adjacent areas.

Cul-de-Sac:

A short, minor street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turn-a-round.

Dead-End Street:

A street right-of-way having one (1) outlet for motor traffic and not containing a temporary vehicular turn-a-round.

Developer:

Any individual, subdivider, form, 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.

Director of Public Works:

The Director of Public Works of any City. [CC 6-5-90 / CCPC 6-19-90 (eff: 8-1-90)]

Easement:

Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Engineer:

Any person registered to practice professional engineering by the State Board of Registration as specified in Section 4733.14, Ohio Revised Code

Final Plan:

A completed and full set of plans, drawings, data, and any and all other material needed to evaluate and review a subdivision's conformance with local subdivision regulations and which follows the approved preliminary plan as well as conformance with other applicable regulations. [CC 6-5-90 / CCPC 6-19-90 (eff: 8-1-90)]

Finished Floor Elevation:

The minimum construction elevation of the finished floor of any structure. Said elevation establishes a minimum for the purpose of protecting the structure from damage by flooding and/or high water occurrences or other destructive forces to the extent that they may be known. [CC 6-5-90 / CCPC 6-19-90 (eff: 8-1-90)]

Flood:

A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

Flood Frequency:

The average frequency statistically determined, for which it is expected that a specific flood level or discharge may be equaled or exceeded.

Floodway:

The channel of the watercourse and those portions of the adjoining flood plains which are reasonable required to carry and discharge the regional flood.

Floodway Fringe:

That portion of the regional floodplain located outside of the floodway.

Improvements:

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

Inspection Fee:

Fee paid to the County for inspecting the construction of improvements which is paid by the subdivider or developer.

Key Map:

A drawing at a reduced scale, located on the final map, which shows enough of the general area around the subdivision in question so as to locate and orient said subdivision within Clark County.

Land Use Plan:

The long-range plan for the desirable use of land in Clark County as officially adopted, and as amended from time to time by the Planning Commission. The purpose of such a plan, among other changes in the zoning of land to meet changing community needs, is the appropriate subdividing and development of undeveloped land, and in the acquisition of rights-of-way or sites for such public facilities as streets, parks, schools, and/or public buildings. [CCPC 12-18-02 / CC 2-11-03]

Lot:

For the purpose of these regulations, a lot is a parcel of land of sufficient size to meet minimum zoning and subdivision requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a public street.

Lot, Area of:

The area of a lot is computed exclusive of that portion of any lot occupied by a public right-of-way or proposed right-of-way either by dedication or by easement.

Lot Area (Net):

See "Net Acreage (aka Net Lot Area)" [CCPC 11-1-95 / CC 11-17-95]

Lot, Frontage:

Lot frontage shall be the distance measured at the minimum required building setback line as determined by the appropriate Zoning Code or these regulations.

Lot, Corner:

A corner lot is defined as a lot located at the intersection of two or more streets. The point of intersection of the street lines is the "corner".

Lot, Interior:

An interior lot is a lot other than a corner lot with only one frontage on a street.

Lotsplit:

See "Minor Subdivision". [CC 6-5-90 / CCPC 6-19-90 (eff: 8-1-90)]

Minor Subdivision:

A division of a parcel of land that does not require a plat to be approved by the Planning Commission according to Section 711.131, Ohio Revised Code. A division of a parcel of land along an existing public street, not involving the opening, widening, or extension of any street or road, and involving no more than five lots after the original tract, which is defined as a tax parcel listed on the Clark County Auditor's records on January 1, 2007, has been completely subdivided. Also known as a Lotsplit. [CPC 11-1-06 / CC 11-14-06 (eff: 1-1-07)]

Multi-Family: See Apartments.

Net Acreage (aka Net Lot Area): [CCPC 11-1-95 / CC 11-17-95]

Net acreage is contiguous lot area which does not include:

- Area in the existing or proposed right-of-way either by dedication or by easement,
- · Any area unacceptable for septic system installation,
- Any area within a retention/detention basin,
- Any area contained within a permanent body of water, or
- Any area within an existing or proposed easement except those easement areas parallel and within ten (10) feet of the lot lines.

ODOT:

The State of Ohio Department of Transportation. [CC 6-5-90 / CCPC 6-19-90 (eff: 8-1-90)]

Performance Bond:

An agreement by a subdivider or developer with the County for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by these regulations. Such amount to be determined by the Board of County Commissioners of Clark County.

Person:

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual, but this definition does not include governmental units.

Plat:

The map, drawing, or chart on which the developer's plan of subdivision (preliminary) is presented to the Planning Commission for approval and, after such approval, to the County Recorder (final) for recording. [CCPC 12-18-02 / CC 2-11-03]

Permanent Parcel / Permanent Parcel Map / Permanent Parcel Number:

Refers to a tax parcel, the tax parcel mapping system and tax parcel numbering system used by the Clark County Tax Map Department and the Clark County Auditor's Office. [CCPC 11-1-98 / CC 11-17-95]

Preliminary Plan:

A completed and full set of plans, drawings, data, and any and all other material needed to evaluate and review a proposed subdivision to determine its compatibility with various regulations and compatibility with physical and other features in the area and the surrounding uses. [CC 6-5-92 / CCPC 6-19-90]

Reach:

A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the flood hazard area where flood heights are influenced by a manmade or natural obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would typically constitute a reach.

Record Plan:

A drawing or set of drawings of an approved final subdivision prepared for appropriate signatures and recording in the County Recorder's office and for distribution to applicable agencies. [CC 6-5-90 / CCPC 6-19-90 (eff: 8-1-90)]

Regional Flood (aka Intermediate Regional Flood):

The flood which in representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has a flood frequency of approximately 100 years of determined by an analysis of floods on a particular stream and other streams in the same general region.

Regional Flood Plain:

The area inundated by the regional flood (100 year frequency flood). This is the flood plain area which shall be regulated by the standard, and criteria of these regulations.

Regional Flood Protection Elevation:

The elevation of regional flood plus one (1) foot of freeboard to provide a safety factor.

Regional Planning Commission (RPC):

The CEDA Regional Planning Commission. This Commission controls the subdivision of land within the unincorporated "CEDA Area", as defined in the most recent CEDA Agreement, of Clark County, Ohio (aka Commission or Planning Commission, or CEDA RPC). Also included – any other Regional Planning Commission created under the Ohio Revised Code in Clark County, Ohio. [CCPC 12-18-02 / CC 2-11-03]

Regulations:

Subdivision Regulations for Clark County, Ohio.

Reserve:

Parcels of land within a subdivision that are intended for future designated use.

Right-of-Way:

A strip of land taken or dedicated for public use. In addition to the roadway, it normally incorporates the curbs, gutters, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or physical characteristics) such as grade separation, landscape areas, viaducts, and bridges. [CC 6-5-90 / CCPC 6-19-90 (eff: 8-1-90)

Setback Line:

A line established by the subdivision regulations and/or zoning ordinance, generally parallel with a measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground.

Soil Potential Index (SPI):

A study which rates soils according to their relative suitability for a given use, specifically a numerical rating of a soil's relative suitability or quality for sewage effluent absorption. [CCPC 11-1-95 / CC 11-17-95]

Stormwater Management Regulations:

The "Clark County Stormwater and Sediment Control Regulations" as approved and adopted by Clark County. [CC 6-5-90 / CCPC 6-19-90 (eff: 8-1-90)]

Street:

A public right-of-way, normally fifty (50) feet or more in width, which provides a public means of access to abutting property. The term street shall include avenue, drive, circle, road, lane, court, parkway, boulevard, highway, thoroughfare, or any other similar term.

Street, Arterial:

A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic usually on a continuous route.

Street, Collector:

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.

Street, Major and Secondary:

An officially designated Federal or State numbered highway or county or other road designated as a major thoroughfare on the official Thoroughfare Plan, or a county or other road designated as a secondary thoroughfare on said plan respectively.

Streets, Marginal Access:

A minor street which is generally parallel and contiguous to an expressway, freeway, parkway, or other major street, and is so designated as to intercept, collect and distribute traffic desiring to cross, enter, or leave such traffic artery, and which provides access to abutting properties and protection from through traffic.

Streets, Minor:

Public Thoroughfares which are used primarily for access to the abutting properties.

Streets, Special:

A public thoroughfare designated for a particular use, such as serving apartment areas, and not classified within the street groupings as listed above.

Structure:

Anything constructed or erected on the ground including but without limitation to buildings, factories, sheds, cabins, mobile homes, and other similar items.

Subdivider:

See Developer.

Subdivision:

A subdivision as defined in Title 1, Section 1.14.

Subdivision Technical Review Committee:

A committee comprised of the Planning Staff and the following review agencies (as applicable):

- a) County Engineer
- b) City Public Works
- c) County Health Department
- d) County Sanitary Engineer
- e) Soil and Water Conservation District
- f) and others as required

Surveyor:

A registered surveyor as defined by the "Registration Act of the State of Ohio."

Thoroughfare Plan:

The official Thoroughfare Plan as adopted and as amended from time to time by the Planning Commission, establishing the general location and official right-of-way widths of the major and secondary highways and thoroughfares in Clark County and which is on file in the office of the County Recorder and the Planning Commission. [CCPC 12-18-02 / CC 2-11-03]

Urban Area:

Is an area that: 1. Contains twenty-five (20) lots or more, all of which lie within the bounds of a circle the radius of which is seven hundred (700) feet or less or as in the case of a one-street linear development, an area containing twenty-five lots within a lineal distance of 2,500 feet, or; 2. Lies within the confines of Springfield and the surrounding area or other populated areas as projected to the year 1980.

Utility Transition Area:

Any area indicated on the Land Use Plan as needed for and adopted to future residential use at population densities requiring the provision of public water supply and public sanitary sewage disposal, but which lacks one or both of such utility services, may be designated as a Utility Transition Area by the Planning Commission when in its opinion the provision of one or both of the above mentioned utility services are assured within a reasonable length of time. [CCPC 12-18-02 / CC 2-11-03]

Variance:

A variance is 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 unusual topographical and other exceptional 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 indicates the relationship of the proposed subdivision to other nearby developments or landmarks and community facilities and services within Clark 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.

TITLE 3

CHAPTER 3.1 - PROCEDURES FOR SUBDIVISION APPROVAL

The subdivider of a major subdivision may choose between two review procedures. He or she may elect in writing to follow a two-step review procedure, submitting first a preliminary and then a final plat for review during two thirty (30) day periods. If the subdivider does not elect to follow the two-step review procedure, he or she must submit for review, during one thirty (30) day period, a final plat containing all of the information required in both plats under the two-step procedure. Plats submitted and approved under these regulations must have a continuous plat boundary. Plats which have separated parts or lots, or plats having a distance separating lots of greater than two hundred (200) feet, shall be submitted and approved as separate plats requiring separate applications and approvals. [CC 6-5-90 / CCPC 6-19-90 (eff: 8-1-90)]

Section 3.11 Pre-Preliminary Guidance

Prior to preparing a preliminary map, it is strongly recommended that the subdivider seek the counsel of the Staff at the outset by submitting a sketch plan, the contents of which are described in Paragraph 3.111 below. The Staff shall, within five (5) working days, inform the subdivider that the sketch plan as submitted does or does not meet the objectives of these and other applicable regulations. The reasons along with suggested modifications shall be given to the subdivider. In addition, it is strongly recommended that the subdivider discuss the proposed development with other related agencies, such as the Health Department, County Engineer, Soil Conservation Office, State Highway Officials (if applicable), etc. [CC 6-5-90 / CCPC 6-19-90 (eff: 8-1-90)]

Par. 3.111 Sketch Plan

The sketch may be in pencil showing the land in question in relation to the surrounding area. Existing and proposed streets, lots, and other features shall be shown in a manner that the plan can be properly evaluated. Sufficient information pertaining to topographic data shall be presented.

Section 3.12 Preliminary Plan, Data, and Review

The Preliminary Plan must be submitted to the Planning Staff containing all data required in Section 3.12 and all other requirements of these regulations at least 20 working days prior to the regularly scheduled meeting of the Planning Commission. Items or information which are submitted must be complete. The Planning Commission or its staff may refuse to accept for processing any item submitted which lack major elements of a submission or which circumvents, or attempts to circumvent, the intent of these regulations and such items will be considered void. [CCPC 11-1-95 / CC 11-17-95] [CCPC 12-18-02 / CC 2-11-03]

During the above prescribed time period, the Subdivision Technical Review Committee shall meet with the Planning Staff and the developer and/or his engineer to discuss the plans as presented. The developer shall be notified of the time and place of the meeting by the Planning Staff.

The Review Committee shall make recommendations to the Planning Commission. Any changes recommended by the Review Committee may be incorporated into a revised Preliminary Plan which is to be submitted to the Staff. The Applicant may submit two (2) copies of the revised Preliminary Plan to the Staff at least five (5) working days prior to the Planning Commission meeting date. [CCPC 12-18-02 / CC 2-11-03]

Par. 3.121 Application

An application shall be filed. Copies of the Application form may be obtained from the Staff.

Par. 3.122 EPA / Health Department Requirements

In the application for the preliminary plan, the applicant shall state the type of sewage disposal and water system proposed to be used. If public sewage and/or water system is requested or required, approval by the State EPA or the County Sanitary Engineer (as applicable) shall be obtained and submitted prior to the signing of the Record Plan by the Secretary of the Planning Commission.

If other than a treatment plant, approval by the Clark County Health Board or EPA (as applicable) shall be mandatory. Requirements for such an approval can be obtained from the Clark County Health Department and/or EPA. [CC 6-5-90 / CCPC 6-19-95 (eff: 8-1-90)]

Par. 3.123 Protective Covenants

A proposed set of covenants, an example of which is contained on Pages 25-27 and available at the Planning Office, shall be filed.

Par. 3.124 Vicinity Sketch

A vicinity sketch showing the outer boundaries of the proposed subdivision in relation to the existing streets, lots, and drainage ways and developed land in the surrounding area, shall be incorporated on the plat map.

In addition, a vicinity sketch showing the outer boundaries of the proposed subdivision, indicating the proposed streets and lot lines in relation to the surrounding area, existing streets, lots, and drainage ways shall be provided on reproducible 8 ½" x 11" paper in pencil or ink.

Par. 3.125 Line, Grade and Typical Section [CCPC 6-3-98 / CC 6-9-98]

The preliminary plan shall include:

- (A) Preliminary profile of the street, storm sewer, sanitary sewer and open channel improvements include the existing ground elevations and proposed gradient.
- (B) Watershed information for each sub-area, consisting of the drainage area, time of concentration, intensity, runoff coefficient and design flow.
- (C) Existing and proposed drainage structures, including any sub0surface tile designs.
- (D) The plan typical section, based upon the street classification (collector, minor or industrial/commercial) right-of-way requirements and curb and gutter requirements. (Par. 5.115).

Par. 3.126 Preliminary Plan

The preliminary map of the proposed subdivision shall contain the following items:

- (A) Proposed title of the subdivision.
- (B) Location by section, town, range, township, county, state, and corporation boundary if involved, and/or V.M.S. identification number.
- (C) Names and addresses of the subdivider, owner, and surveyor.
- (D) A north point and a scale of not more than one hundred (100) feet to the inch.
- (E) Any portion of land being subdivided within a major drainage area shall be shown as it pertains to the particular area.
- (F) The location of existing rights-of-way, easements, and physical features such as drainage channels, wooded areas, poles and power lines, fences, roads, railroads and buildings within the tract.
- (G) The location of existing rights-of-way and easements and the approximate location of buildings on lots or parcels, wooded areas and power lines for a distance of two hundred (200) feet from all sides of the land in question. Existing public streets shall be identified. [CCPC 11-1-95 / CC 11-17-95]
- (H) The location and widths of proposed easements and rights-of-way.
- (I) Names and addresses of owners of property adjoining the proposed subdivision.
- (J) Accurate delineation of all zoning districts and notation of zoning setbacks in effect. If any zoning changes are contemplated by the subdivider, the proposed zoning shall be outlined. [CCPC 11-17-82 / CC 2-8-83]
- (K) Existing contours with intervals of not more than five (5) feet where the slope is greater than ten (10) percent, and not more than two (2) feet where the slope is less than ten (10) percent. Elevations are to be based on sea level datum.
- (L) The location of the bench mark used to determine the contour lines.
- (M) The location of existing lot lines adjacent to the land to be subdivided, and the location with approximate dimensions of proposed lot lines.
- (N) A system of lot numbering purely for identification and may be changed at time of the recording.

- (O) The location and size of existing sanitary and storm sewers, water mains, culverts and other underground structures within the tract and adjacent thereto.
- (P) The location of the setback lines on all proposed new lots.
- (Q) The boundary of the subdivision indicated by a heavy line and the approximate acreage.
- (R) Date.
- (S) Incorporate proposed street names on the map. [CCPC 11-17-82 / CC 2-8-83]
- (T) A dashed line two hundred (200) feet from and around the perimeter of the plat boundary. [CCPC 11-1-95 / CC 11-17-95]

Par. 3.127 Additional Items [CCPC 11-1-95 / CC 11-17-95]

The following additional items must be submitted with the preliminary plan:

- (A) A copy or tracing of the current tax map showing the permanent parcel(s) (with permanent parcel numbers) with the plat boundary accurately delineated thereon and the general location of the streets and each lot of the submitted plat. Said drawing shall also indicate the surrounding permanent parcel lines and permanent parcel numbers for five hundred (500) feet in all directions from the plat boundary.
- (B) A separate sheet indicating any exceptions and/or variances to the subdivision design standards or regulations and stating the reason(s) for said exception and/or variance.
- (C) A copy of the part of a U.S.G.S. map (preferably an 8 ½" x 11" sheet) indicating the boundary of the plat and showing the water sheds and their boundaries which affect said plat. The plat shall be located as close to the center of the map as possible.

Par. 3.128 Public Hearing

The Planning Commission shall, prior to acting on a preliminary subdivision map for any subdivision, hold a public hearing thereof at such time and place and upon such notice as the Planning Commission may designate. All interested parties shall be entitled to be heard at such hearings. [CCPC 12-18-02 / CC 2-11-03]

TITLE 3 CHAPTER 3.2

SUPPLEMENTAL INFORMATION

Section 3.21

A preliminary plan shall be acted upon by the Planning Commission provided the following applicable items have been submitted to the Planning Commission twenty (20) working days prior to the meeting. A preliminary plan shall be acted upon by the Planning Commission within sixty (60) days from the date of submission or the plan will be considered approved. [CCPC 12-18-02 / CC 2-11-03]

Table 1

		NUMBER OF CO	OPIES REQUIRED 1
ITEM		Preliminary	Combined
NO.	ITEM	Plats	Plats
1	Application	4	4
2	Vicinity Sketch	1	1
3	Proposed Protective Covenants/ Sign off sheet	7	7
4	Drainage Plan (street profiles, Destination of storm water, Proposed facilities, etc.)	6	6
5	Utility Plan (sanitary sewer and Water lines) where applicable	6	6
6	Preliminary Map	14	
7	Final Map		20
8	Cost Estimates		4

Additional copies shall be make available upon request.

[CCPC 11-5-97 / CC 11-13-97]

Par. 3.211 Action Prior to Approval

- (A) The subdivider shall submit the required number of copies of the preliminary plat, together with other necessary items as set forth in Section 3.12 to the Planning Staff no later than twenty (20) working days preceding the regularly scheduled meeting of the Planning Commission. Percolation tests, or test holes, when necessary, shall be submitted to the County Board of Health and the Planning Staff at the time of or prior to submission of the preliminary plat. [CCPC 12-8-02 / CC 2-11-03]
- (B) Notice of Public Hearing. No less than seven (7) working days prior to the Planning Commission meeting, a notice of public hearing will be published in the newspapers. A notice to the surrounding property owners will also be sent at this time. The hearing will be scheduled to occur at the same time and place as the Planning Commission meeting. [CCPC 12-18-02 / CC 2-11-03]

 County Engineer and/or Director of Public V County Board of Health, where involved, for sewage disposal. County Sanitary Engineer, where involved, water supply and sewage disposal. Local school district, where involved, for report of Planning Commission of any village involved. Clark Soil and Water Conservation District for recommendations. (D) Preparation of Specific Information: Within several will be considered acceptable by the official by the Planning Staff in the prescribed time. (E) Mailing of Report: The Staff will prepare a report members of the Planning Commission on the Foundation of Superior of the Planning Commission on the Foundation of the Planning Commission on the Plann	
sewage disposal. County Sanitary Engineer, where involved, water supply and sewage disposal. Local school district, where involved, for report of the Planning Commission of any village involved. Clark Soil and Water Conservation District for recommendations. (D) Preparation of Specific Information: Within sewer each official listed above, is requested to preparative report containing specific information couplat will be considered acceptable by the official by the Planning Staff in the prescribed time. (E) Mailing of Report: The Staff will prepare a report members of the Planning Commission on the Flanning Commission on the Flanning Commission on the Flanning Commission.	Vorks for review of improvement plans.
water supply and sewage disposal. □ Local school district, where involved, for report of the planning Commission of any village involved. □ Clark Soil and Water Conservation District for recommendations. (D) Preparation of Specific Information: Within several each official listed above, is requested to preparative report containing specific information couplat will be considered acceptable by the official by the Planning Staff in the prescribed time. (E) Mailing of Report: The Staff will prepare a report members of the Planning Commission on the Flanning Commission on the Flan	r report on private water supply and
 Planning Commission of any village involve Clark Soil and Water Conservation District for recommendations. (D) Preparation of Specific Information: Within several each official listed above, is requested to preparation report containing specific information complat will be considered acceptable by the official by the Planning Staff in the prescribed time. (E) Mailing of Report: The Staff will prepare a report members of the Planning Commission on the Flanning Commission on the Flanning Commission. 	for report on proposed public or community
 Clark Soil and Water Conservation District for recommendations. (D) Preparation of Specific Information: Within several each official listed above, is requested to preparative of the report containing specific information couplat will be considered acceptable by the official by the Planning Staff in the prescribed time. (E) Mailing of Report: The Staff will prepare a report members of the Planning Commission on the Flanning Commission on the Flanning Commission. 	port on school site requirements.
recommendations. (D) Preparation of Specific Information: Within several each official listed above, is requested to prepare written report containing specific information couplat will be considered acceptable by the official by the Planning Staff in the prescribed time. (E) Mailing of Report: The Staff will prepare a report members of the Planning Commission on the Flanning Commission on the Flanning Commission.	d.
each official listed above, is requested to preparation report containing specific information couplat will be considered acceptable by the official by the Planning Staff in the prescribed time. (E) Mailing of Report: The Staff will prepare a report members of the Planning Commission on the F	or soil interpretation, drainage and erosion
members of the Planning Commission on the F	re and present to the Planning Staff a concerning his conclusions on the plat. The
scheduled hearing date, the Staff report norma until it is in proper order for Planning Commissi	riday preceding the scheduled hearing. If d with by the Wednesday preceding the lly will recommend that the plat be tabled
(F) <u>Policy</u> : In case a plat is submitted without favo above, the policy of the Planning Commission s	
To deny the plat or table it until such favora	ble reports are received, or
To give the plat "approval in principle" wher be resolved. Such approval shall not be give his willingness to solve such problems in the	ven unless the subdivider clearly expresses
 By major changes in the proposed layor traffic, or drainage, and sewage disposa 	
By setting aside adequate site appropria contemplated, and at locations to be de	·
By installing the types of drainage, sanit Planning Commission deems necessary	• • • • • • • • • • • • • • • • • • • •
Such "approval in principle" will give the sul the specified problems have been resolved shall not be construed as approval of the ge proposed improvements.	, the plat will be considered favorably. It

Par. 3.212 Additional Prints

After the preliminary map is approved, the owner or developer shall submit eighteen (18) corrected prints of same to the Planning Office.

Par. 3.213 Time Limit

A preliminary map shall be submitted for examination or re-approval if the time limit between approval of the preliminary map and the final map of the entire tract exceeds five (5) years.

TITLE 3 CHAPTER 3.3 & 3.4

Section 3.31 Final Plan and Data

The number of copies of each item to be submitted is listed in Section 3.51. In order for a Final Plan to be considered by the Planning Commission at its next regularly scheduled meeting, it must be submitted to the Planning Staff containing all data required in Section 3.31 and all other requirements of these regulations at least fifteen (15) working days prior to the regularly scheduled meeting. In addition, it is recommended that engineering plans and data be submitted to the office of the Clark County Engineer ten (10) working days prior to the submission of the Final Plans to avoid possible delays caused by the filing of plans which do not meet the requirements of the County Engineer. Items or information which are submitted must be complete. The Planning Commission or its staff may refuse to accept for processing any item submitted which lack major elements of a submission or which circumvents, or attempts to circumvent, the intent of these regulations and such items will be considered void. [CCPC 11-17-95] [CCPC 12-18-02 / CC 2-11-03]

Whenever a proposed subdivision is located within the three-mile of a city, as provided under Section 711.09 of the Ohio Revised Code, a separate submission must also be made to the appropriate City Planning Board Staff. [CCPC 11-17-82 / CC 2-8-83]

Par. 3.311 Application

An application shall be filed. Copies of the application form may be obtained from the Staff. [Note: Application form no longer included – See CCPC Staff]

Par 3.312 Final Detailed Plans [CCPC 6-3-98 / CC 6-9-98]

The subdivider shall provide detailed plans, prepared by a professional engineer, registered in the State of Ohio. The plans shall incorporate the (1) general drainage concepts, (2) street alignment, and (3) lot layout collectively to utilize existing drainage patterns in conjunction with the planned collection system, in order to develop an effective method of transporting storm runoff to an acceptable outlet. The plans shall consist of the drainage calculations, plan and profile, cross sections, grading plan and details. The plans shall be developed in accordance with the Clark County Engineer's technical specifications and shall bear the signature and seal of the design engineer. The plan components shall include:

- (A) Title sheet
- (B) Plan and profile
- (C) Typical sections, cross sections
- (D) General summary
- (E) Intersection, cul-de-sac and miscellaneous details

Par. 3.313 Estimate

All phases of the construction process shall be broken down into individual items. Quantities of materials will be listed per County Engineer's specifications, such as: tons, cubic yards, size, type, etc. Listed below are those items (as applicable) to be included in the cost estimate.

 Excavation
 Water Lines
 Permanent Monuments
 Curb & Gutter
 Sod

 Culverts
 Sidewalks
 Base Material
 Sanitary Sewer

 Storm Sewer
 Street Signs
 Wearing Surface Material
 Seeding & Strawing

A proposed time schedule for completion of above improvements shall be presented to the County at the time of assurance contract is signed by the County Commission. [CCPC 11-17-82 / CC 2-8-83]

Par. 3.314 Final Plan

The final recorded map of the proposed subdivision shall conform to the approved preliminary plan and be drawn to a scale of 50, 60, 80, or 100 feet per inch. This map shall be presented in either original ink or copy of an ink drawing on plastic drafting film, provided the signatures are original. The overall final plan shall be 18 inches x 24 inches, and shall contain all of the following items which are applicable:

- (A) The name of the subdivision and the location by section, town, range, township, county and state and/or V.M.S. identification number.
- (B) * Legal Description.
- (C) A bar scale, a north point, and the acreage.
- (D) * An acknowledgment by the owner or owners of the adoption of the plat, and dedication of streets, and other public areas.
- (E) * A certification of Notary Public.
- (F) * Certification by a surveyor, registered in the State of Ohio, that the plan represents a survey made by him and all monuments shown on the map actually exist.
- (G) * A statement of approval by the County Health Commissioner.
- (H) * A statement of approval by the Planning Commission and statement of acceptance by the County Commission. If the City is payee of a certified check or party to a bond agreement, a statement of acknowledgment shall be provided from the City Manager. [CCPC 8-6-97 / CC 8-19-97] [CCPC 12-18-02 / CC 2-11-03]
- (I) * A certification statement for the County Auditor shall be provided.
- (J) * A certification statement for the County Recorder shall be provided.
- (K) A list of protective covenants and restrictions. [CCPC 6-5-90 / CC 6-19-90]
- (L) The boundary lines of the area being subdivided with accurate dimensions and bearings. "The minimum standards for boundary surveys in the State of Ohio" which went into effect May 1, 1980 shall be met. [CCPC 11-17-82 / CC 2-8-83]
- (M) A known reference point plus any municipal, township, county or section lines transgressing the plat or immediate adjacent thereto shall be accurately tied to the lines of the subdivision by distances and bearings.
- (N) All dedicated areas for public sue plus any area reserved for future acquisition or dedication. These areas shall be identified and dimensioned.
- (O) The acreage of the dedicated and/or reserved areas within the plat for school, park, playground, or open space purposes.
- (P) Length of all chords & arcs, tangents and radii along with internal angles, points of curvature and tangent bearings and length of all curves.

^{*} An example of the above required information and statements is provided in Chapter 3.3 starting on Page 21.

Par. 3.314 Final Plan (continued)

- (Q) Easements for public use, services, utilities and drainage with dimensions.
- (R) All linear dimensions and angular measurements.
- (S) All lot lines with the necessary distances and bearings and the system of identifying each lot.
- (T) Building setback lines with dimensions.
- (U) The location of all proposed or existing monuments and bench marks within the plat or immediately adjacent thereto.
- (V) The location and identification of all adjacent rights-of-way, lots, alleys, and easements.
- (W) That portion of land being subdivided within a major drainage area shall be shown as it pertains to the particular area.
- (X) Key Map (See Definitions).
- (Y) Delineation of existing zoning districts and all zoning setbacks shall be noted on the plat map. [CCPC 11-17-82 / CC 2-8-83]
- (Z) The "finished floor" elevation for all structures shall be noted for each lot in the subdivision. This shall be noted on the same page as the covenants under the heading of "finished floor elevation by lot" and there under listing each lot number and the elevation for same. [CC 6-19-90 / CCPC 6-19-90 (eff: 8-1-90)]
- (AA) The location of access point(s) approved by the County Engineer or ODOT shall be noted on the final map unless unlimited access has been approved along the entire frontage. [CC 6-5-90 / CCPC 6-19-90 (eff: 8-1-90)]
- (AB) The street address for each lot shall be noted. This will be done by placing the address number inside a rectangle on each lot. [CC 6-5-90 / CCPC 6-19-90 (eff: 8-1-90)]
- (AC) The acreage for each lot shall be noted. The acreage figure shall be shown to a minimum of hundredths of an acre (0.00 ac.) [CC 6-5-90 / CCPC 6-19-90 (eff: 8-1-90)]

Par. 3.315 Additional Items [CCPC 11-1-95 / CC 11-17-95]

The following additional items must be submitted with the final plan:

- (A) A copy or tracing of the current tax map showing the permanent parcel(s) (with permanent parcel numbers) with the plat boundary accurately delineated thereon and the general location of the streets and each lot of the submitted plat. Said drawing shall also indicate the surrounding permanent parcel lines and permanent parcel numbers for five hundred (500) feet in all directions from the plat boundary.
- (B) A separate sheet indicating any exceptions and/or variances to the subdivision design standards or regulations and stating the reason(s) for said exception and/or variance.
- (C) A copy of the part of a U.S.G.S. map (preferably an 8 ½" x 11" sheet) indicating the boundary of the plat and showing the water sheds and their boundaries which affect said plat. The plat shall be located as close to the center of the map as possible.
- (D) A separate 8 ½" x 11" sheet of paper shall be submitted listing those lots affected (reduced in area) by the "net acreage" requirement. Said listing shall give the number of each lot so affected and the <u>net acreage</u> of each affected lot(s).

TITLE 3 CHAPTER 3.3

REQUIRED STATEMENTS AND SIGNATURES TO BE AFFIXED ON THE FINAL MAP

It is required that the final map contain the applicable forms and working as listed below. These statements and signatures (as well as covenants and restrictions may be required to be affixed on separate sheets.)

Section 3.32 Description		
Situated in the State of Ohio, County o, Town, Range, M.R.S Being a subdivision of acres a shown as A, B, C, D, E, F, G, H, I, and by deed from dated records of Clark County, Ohio. Also be dated and re, Page	s., (or V.M.S.) and being further and being all the land contained A, and being part of the land co and recorded in Voleing all of the land conveyed to	described as follows: within the boundaries onveyed to deed by deed from
Section 3.33 Owners Dedication and A	Acknowledgment	
We, the undersigned, being all the owr voluntarily consent to the execution of comprising a total of acres, to and width as shown on the plat map ar repair, replacement, or removal of water service, and for the express privilege of fire use of said utilities and for providing and are to be maintained as such forev	said plat, and dedicate the street the public use forever. Easement are for the construction, open er, gas, sewer, electric, telephor of removing any and all trees or g ingress and egress to the pro-	ets as shown hereon, ents shall be of such size ration, maintenance, ne, or other utility lines or other obstructions to the
 Vehicular access is hereby restricted along lots,, and preceding paragraph. 		
** This plat is subject to the covenant attached hereto and labeled "sheet		separate document
Witness	John Doe	
Witness	John Doe	
⁽¹⁾ Section 4.16		
* This type of restriction shall be used when	lots back onto major vehicular traffic a	rteries or when subject to

[CCPC 11-5-97 / CC 11-13-97]

This item is applicable only if the restrictions are listed on a second sheet.

access provisions of Par. 4.138.

Section 3.34 Notary Public State of Ohio Clark County Be it remembered that on this _____ day of ______, 20___, personally came the said John and Jane Doe, to me known, and acknowledged the signing and execution of the foregoing statement to be their voluntary act and deed. Notary Public in and for Clark County, Ohio Section 3.35 County Auditor I hereby certify that the land described by this plat was transferred on ______. Clark County Auditor Section 3.36 County Recorder I hereby certify that this plat was filed for recording on _____ and that it was recorded on _____ in Vol. ____ Page ____, plat records of Clark County, Ohio. Fee \$_____ Clark County Recorder Section 3.37 Certification by Surveyor I hereby certify that this plat represents a true and complete survey made by me or under my supervision in ______ 20____, and that all markers are correctly shown as to material and location. Registered Surveyor, # Section 3.38 Acceptance by County Commissioners Dedication of the land shown on this plat for roads, streets, or other public purposes is hereby accepted as of _____, 20__.

Board of County Commissioners Clark County, Ohio

Section 3.39 Approval by the Planning Commission [CCPC 10-6-99 / C	CC 10-12-99 (eff: 11-1-99)]
I hereby certify that this plat was approved by the Clark County Planum, 20 This approval becomes void unless this plat is five calendar years of this approval. [CCPC 12-18-02 / CC 2-11-03]	•
Certified	
Secretary, Clark County Planning Commiss	ion
<u>OR</u>	
I hereby certify that this plat was approved by the CEDA Regional Pl, 20 This approval becomes void unless this plat is fi (2) calendar years of this approval. [CCPC 12-18-02 / CC 2-11-03]	
(2) Calefidal years of this approval. [CCFC 12-18-02/ CC 2-11-03]	
Certified	
Secretary, Clark County Planning Commiss	ion
	[CCPC 12-18-02 / CC 2-11-03]
Section 3.40 Board of Health *	
I hereby certify that this plat meets the requirements of the Clark Cou	unty Board of Health.
Lia alth Oanna'a a' an an Olanh Oanna	
Health Commissioner, Clark County General Health District	
<u> </u>	[CCPC 11-17-82 / CC 2-8-83]

^{*} This signature is not required if public sewer and water facilities are made available.

TITLE 3 CHAPTER 3.5

SUPPLEMENTAL INFORMATION

Section 3.51 Final Plan and Data

A final map shall be acted upon by the Planning Commission provided the following applicable items have been submitted fifteen (15) working days prior to the regularly scheduled meeting. If the plat is not acted upon within 30 days from the date of submission, the provisions of Section 711.10 Ohio Revised Code may apply. [CCPC 12-18-02 / CC 2-11-03]

TABLE #2

ITEN NO.	И ITEM	NUMBER OF COPIES REQUIRED ¹
1.	Application	4
2.	Protective Covenants and Sign	n-Off Sheet 7
3.	Cost Estimate (improvements)	4
4.	Construction Drawings ²	6
5.	Final Map	20

¹ Additional copies shall be made available upon request.

[CCPC 11-5-97 / CC 11-13-97]

Par. 3.511 Action Prior to Recording

An agreement between the County Commission and the developer, pertaining to the approval of the required improvements shall be reached prior to the signing of the record plan by the County Commissioners and being recorded. [CC 6-5-90 / CCPC 6-19-90 (eff: 8-1-90)]

Par. 3.512 Recording

The Secretary of the Planning Commission shall notify the subdivider by mail of the final action of the Planning Commission within five (5) working days of said action. The subdivider shall record the plat in the office of the County Recorder of Clark County, Ohio, within two (2) calendar years after the date of approval unless the Planning Commission agrees to an extension. If the plat is not recorded within said time limit, the plan shall be considered void. Only the plat and related documents as approved by the Planning Commission shall be recorded. Any changes made after approval of the plat by the Planning Commission which are not part of said approval will require re-approval by said commission. [CCPC 10-6-99 / CC 10-12-99 (eff: 11-1-99)] [CCPC 12-18-02 / CC 2-11-03]

² Pertains to streets, sewers, water lines, etc.

Section 3.52 Requirements Prior to Certification

The developer shall furnish the Planning Staff with a reproducible mylar of the plat, two (2) copies of the final record plat map, and two (2) copies of the covenants and sign-off sheet prior to the signing of the Planning certification statement. No changes shall be made to any of the plans or related documents to the plat after the certification statement has been signed. [CCPC 8-6-97 / CC 8-19-97] [CCPC 12-18-02 / CC 2-11-03]

SUGGESTED RESTRICTIONS

The following covenants are suggested only as a guide to assist the subdivider to draw up the proper controlling and protective measures for the benefit of both the developer and lot owner.

Section 3.53 Regular Covenants

Par. 3.531

All lots in this tract shall be known and described as residential lots. No structures shall be erected, altered, placed or permitted to remain on any residential building plt other than one detached single-family dwelling not to exceed two and one-half (2½) stories in height and a private garage.

Par. 3.532

No lot shall be hereafter subdivided into parcels for additional residential purposes.

Par. 3.533

All one (1) or one and a half ($1\frac{1}{2}$) story buildings erected for dwelling purposes shall be so constructed as to provide a total of not less than twenty (20)* feet of side yard space. Said side yard space may be divided unevenly, provided no portion of any building is erected closer than eight (8)* feet to any lot line. In the case of two (2) or two and one half ($2\frac{1}{2}$) story residences, the total side yard space shall not be less than twenty-five (25)* feet with a ten (10)* foot minimum requirement on one side. The building lot side setback on the street side of a corner lot shall not be less than shown on the map.

Par. 3.534

The ground floor area of the main structure, exclusive of one (1) story open porches and garages, shall not be less than <u>seven hundred and fifty $(750)^*$ </u> square feet in the case of a one story structure, and not less than <u>six hundred $(600)^*$ </u> square feet in the case of a one and one-half $(1\frac{1}{2})$, two (2), or two and one-half $(2\frac{1}{2})$ story structure.

^{*} Insertions are typical of minimum accepted practice.

Par. 3.535

No trailer, basement, tent, shack, garage, barn, or other outbuildings shall be used as a residence, temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

Par. 3.536

No noxious or offensive trade shall be transacted nor shall any old non-functioning automobile be parked more than 60 days, except when within a building, on any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

Par. 3.537

No lighted or permanent type sign shall be erected on any lot in this subdivision.

Par. 3.538

These covenants and restrictions are for the benefit of all lot owners and are to run with the land and shall be binding on all parties and all persons claiming under them until _____ which time said covenants shall be automatically extended for successive periods of ten (10) years unless by vote of the majority of the then owners of the lots, it is agreed to change said covenants in whole or in part.

Par. 3.539

Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

Par. 3.540

These covenants shall be enforceable by injunction and otherwise by the grantor, its successors, or assigns.

Par. 3.541

Recreational vehicles including campers and boats shall be stored in an enclosed building or rear yard. [CCPC 11-17-82 / CC 2-8-83]

Par. 3.542

Inoperable vehicles shall be stored in an enclosed building. [CCPC 11-17-82 / CC 2-8-83]

Section 3.55 Restrictions for Special Required Conditions (As Applicable)

When conditions dictate, special covenants or restrictions may be required to be a part of the record plan such as, but not limited to, the following: [CC 6-5-90 / CCPC 6-19-90 (eff: 8-1-90)]

Par. 3.551

Until such time as a sanitary sewer shall have been constructed to serve this subdivision, a sewage disposal system constructed in accordance with the requirements of the County Board of Health shall be installed to serve each dwelling. The effluent from septic tanks shall not be permitted to discharge into a stream, storm sewer, open ditch or drain.

Par. 3.552

Until such time as public water supply is available to serve this subdivision, potable water shall be supplied from individual wells drilled for each dwelling erected in the area in accordance with the requirements of the County Board of Health.

Par. 3.553

A driveway turnaround shall be provided for each lot in this subdivision to discourage the backing of vehicles onto the public street or road.

basissing of vortices of the and public career of road.
(or)
A driveway turnaround shall be provided for lots(s) #,, [etc.] in this subdivision to discourage the backing of vehicles onto the public street or road. [CC 6-5-90 / CCPC 6-19-90 (eff: 8-1-90)]
<u>Par. 3.554</u>
This subdivision contains provisions for limited access to the public right-of-way along lots
, (etc.) to restrict (and/or prohibit) vehicular access to (Road, Street, etc.) as shown on this record plat. [CCPC 11-5-97 / CC 11-13-97]

TITLE 3 PROCEDURES CHAPTER 3.6

MINOR SUBDIVISION

Statement of Intent

A minor subdivision (aka lotsplit) is the dividing of a parcel into smaller lots which are less than five (5) acres. In order for a suitable site to be created whether for immediate or future building purposes, a minor subdivision must be able to meet minimal basic requirements related to health, safety, and welfare not only for the proposed division but also taking into consideration its impact on the surrounding area. Lotsplit requirements not only apply to the lot to be created, but also to the remainder. It should be noted that additional requirements must be met when a lot is developed. [CC 6-5-90 / CCPC 6-19-90 (eff: 8-1-90)]

Section 3.61 Basic Requirements

A proposed division of a parcel of land defined as the original tract, which is a tax parcel listed on the Clark County Auditor's records on January 1, 2007, may be submitted to the Planning Commission Staff for approval without a plat if the proposed division of a parcel of land and the remainder meets all of the following conditions: [CPC 11-1-06; CEDA 11-2-06; CC 11-14-06 (eff: 1-1-07)]

- 1. The proposed division is located along (fronts upon) an existing public road other than a controlled or limited access road and involves no opening, widening or extension of any street or road.
- 2. No more than five (5) lots are involved after the original parcel has been completely subdivided.
- 3. The proposed subdivision is not contrary to applicable platting or subdivision regulations.
- 4. The proposed subdivision is not contrary to applicable zoning regulations as determined by:
 - a. County Zoning Inspector for areas under County Zoning.
 - b. Township Zoning Inspector for areas under Township Zoning.
 - c. WPAFB Zoning Inspector for areas under Wright-Patterson Air Force Base Airport Zoning. [CC 6-5-90 / CCPC 6-19-90 (eff: 8-1-90)]
- 5. The physical characteristics of the property are suitable for a building lot (site):
 - a. Lot must be cable of handling a sewage and/or water system as determined by (as applicable):
 - i. Clark County Health Department, or
 - ii. Ohio Environmental Protection Agency, or
 - iii. Connection to a public sanitary sewer system.

- b. Lot is buildable under other regulation such as, but not limited to, Flood Plain Regulations, Storm Water Regulations, and Miami Conservancy District Regulations. [CC 6-5-90 / CCPC 6-19-90 (eff: 8-1-90)]
- 6. Lot must have safe and adequate roadway access as determined by:
 - a. Clark County Engineer for county and township roads, or
 - b. Ohio Department of Transportation for state and federal highways. [CC 6-5-90 / CCPC 6-19-90]

If approval is given under these provisions, the Planning Commission shall within seven (7) working days after submission of required items and information approve such proposed division and, upon presentation of a conveyance for said parcel, shall stamp "Approved by the Clark County Planning Commission: No Plat Required" or "Approved by the CEDA Regional Planning Commission: No Plat Required", and the authorized representative of the Planning Commission shall sign the conveyance. This approval shall be void after ninety (90) days. [CCPC 12-18-02 / CC2-11-03]

Section 3.62 Application for Approval of a Minor Subdivision

As required, an application for approval of a minor subdivision shall be submitted in accordance with the stipulations of the Planning Commission, together with copies of the minor subdivision plan and any other supplementary information.

[CC 6-9-90 / CCPC 6-19-90 (eff: 8-1-90)] [CCPC 12-18-02 / CC 2-11-03]

Section 3.63 Minor Subdivision Plan

Prior to receiving consideration for a minor subdivision, the subdivider shall prepare and submit a minor subdivision plan consisting of the following:

- 1. A survey drawn by a registered professional surveyor, and
- 2. A written legal description of each lot based on the required survey. [CC 6-5-90 / CCPC 6-19-90 (eff: 8-1-90)]

Par. 3.631 Contents of Minor Subdivision Plan

- 1. A drawing based on a survey
 - a. Bearings and distances for all lot lines;
 - b. Location of lot by section, town, and range or V.M.S.;
 - c. Date, north arrow, and scale;
 - d. Acreage of lot to a minimum of at least a hundredths of an acre.
- 2. Delineation of the entire width of all abutting street rights-of-way and notation of proposed rights-of-way per the official Thoroughfare Plan.

3. Delineation of the 100 Year Flood Boundary if the lot or any part of the lot is located within a special flood hazard area inundated by the 100 Year Flood.

[CC 6-5-90 / CCPC 6-19-90 (eff: 8-1-90)]

Par. 3.632 Supplementary Items needed for Submission

- 1. Approval for sewer and/or water:
 - Evidence of approval by the appropriate authority if on-site sewage and/or on-site water are utilized.
 - b. Evidence from the appropriate agency that a tap-in to an existing public sewer and/ or water system is approved. The deed will be stamped "Public Sewer Required" and/or "Public Water Required" for lots connecting to such public utilities.
- 2. Evidence the lot has a suitable location for an approved access point (driveway access) to an existing road.
- 3. Evidence the lot complies with the drainage requirements of the County Engineer.
- 4. Evidence the lot meets the appropriate zoning requirements.
- 5. Any other evidence required to determine that the minor subdivision is not contrary to other applicable regulations and meets the basic requirements for a buildable lot.

Section 3.64 Right-of-Way Conveyance [CC 6-5-90 / CCPC 6-19-90 (eff: 8-1-90)]

When the existing street right-of-way width is inadequate as determined by the Thoroughfare Plan or Par. 4.131 (E) [sixty (60) foot minimum] a conveyance in the form of a separate deed of easement to the County for highway, street, maintenance, and/or utility purposes shall be required to satisfy said right-of-way deficiency. This shall be accomplished in the following manner:

- 1. A deed (lease, land contract, etc.) transferring a parcel, lot or tract under the provisions of this Chapter shall include a statement reserving unto the Grantor an easement for the required right-of-way.
- 2. A deed of easement conveying the above mentioned Grantor's right-of-way reservation to the County shall be prepared and shall be signed by the Grantor(s) and presented to the Planning Staff before the lotsplit approval stamp is affixed to the deed in number 1 above.

Section 3.65 Optional Types of Lotsplits [CCPC 5-2-01 / CC 5-29-01 (eff: 5-29-01)]

There are two optional types of lotsplits available which must utilize a Common Access Driveway. They must meet all the requirements noted in these regulations except as altered under this Section.

- 1. Cluster Lotsplit Cluster lotsplits are allowed where permitted by zoning. Cluster lotsplits shall consist of a grouping of 2, 3, or 4 lots and meet the following:
 - a. Lotsplits must be grouped together (see Fig. 2) and contiguous.

- b. Minimum frontage on a public road for each clustered lot shall be ten (10) feet. (see Fig. 2)
- c. All lots in the cluster shall have only one (1) access point and they must share said common access driveway point (i.e. common drive). The maximum number of cluster lotsplits sharing one common access driveway is four (4). Any part of a cluster lot touching on the right-of-way of a public street other than area needed for and designated for common access driveway purposes shall be designated as limited access (no access).
 - 1) The deeds for each cluster lot must contain language binding all owners sharing the common drive to a legal responsibility for maintaining said driveway and the drive culvert and the drive approach apron in perpetuity.
 - 2) The access point, driveway approach, culvert and apron shall shown on a separate drawing and meet the specifications and approach requirements of the County Engineer or ODOT, as applicable
 - 3) The deeds, legal descriptions, and survey maps shall contain a common access driveway easement within all the "stems" of the clustered lots.
- d. Common access driveways shall be private, placed within a common access driveway easement, owned and maintained by the abutting properties, and whose design shall be reviewed and approved to ensure safe and adequate access. Common access driveways will be evaluated by the Planning Commission staff on an individual basis. The Planning Commission staff shall take into consideration such issues as topography, number of homes served and the public road serving the common access driveway. The following criteria is intended to minimize the amount of roadway conflicts caused by excessive and unmanaged driveways and shall guide the decision of the Planning Commission Staff in approving common access driveways.
 - 1) Common access driveways shall only be permitted to access a public road where adequate sight distance is available, according to the standards of the County Engineer's Office or ODOT, as applicable. The location must be on an existing public road at a location where minimal Intersection Sight Distance standards can be met for the posted legal speed limit (journalized), or in unposted areas, areas based upon the average speed (85th percentile) determined by the County Engineer Minimum Passing & ISD Fig. 201-3 ODOT L&D Manual.
 - 2) The minimum improved width of the common access driveway shall be 10' with an additional 2' on each side for berms surfaced with crushed gravel or paved.
 - 3) Common Access Driveways in excess of 500 feet may be required to provide a 10' X 30' turnout at a location determine by the Planning Commission Staff.
 - 4) Common access driveways shall be installed and improved prior to stamping deeds.

- 5) Individual driveways intersecting the common access drive shall be the responsibility of the individual property owners.
- 6) Suggested common access driveway design:
 - (a) The drive should have a minimum of 13' 6" vertical clearance to allow for adequate access for safety equipment. The maintenance agreement should include language, which would ensure the continued existence of this clearance.
 - (b) The drive should have a lateral clearance equal to the width of the improved area. The maintenance agreement should include language, which would ensure the continued existence of this clearance.
 - (c) Minimum centerline turning radius of not less than 50'.
 - (d) To prevent erosion, chip and seal is recommended in areas where common access driveway grade is in excess of six percent maximum profile grade.
 - (e) The owners should maintain reflective and visible address marking at the intersection of the public road and the common access driveway as well as at each individual drive location.
 - (f) Where a bridge or culvert is required to provide access, it should be constructed and maintained to withstand the load of safety apparatus. It should also be able to allow the anticipated water flow. It is highly recommended that an appropriate design profession should be consulted.
 - (g) A homeowner's association and common access driveway maintenance agreement should be established for all lots sharing a common access driveway, recorded and with comparable language placed on the deeds for all lots with access to the common access driveway.
- Bonus Cluster Lotsplit Bonus cluster lotsplits shall be allowed only in an agricultural district (e.g. A-1 or A) and as permitted by zoning. Bonus cluster lotsplits must meet the requirements of 1. Above as well as the following:
 - Bonus Cluster Lotsplits cannot be awarded until all four (4) original lotsplits (or cluster lotsplits) have been utilized.
 - b. The number of Bonus Cluster Lotsplits cannot exceed four (4) per calendar year.
 - c. Other:
 - A current tax map showing the tax parcel number and acreage must be submitted; the Bonus Cluster Lotsplits shall be drawn to approximate scale on said tax map showing their location.

TITLE 4 DESIGN STANDARDS AND REQUIREMENTS

Henceforth, the design standards and requirements contained herein shall be observed in all division of land and shall conform to the improvement requirements of the County.

CHAPTER 4.1 CONFORMITY

All proposed residential subdivisions shall conform to a neighborhood type urban pattern. The specific area plan together with the Comprehensive Master Plan of Clark County shall be adhered to if as and when adopted.

Section 4.11 Drainage

Unless a proposed subdivision is designed with an enclosed storm drainage system, all subdivisions shall be designed to follow the natural drainage pattern of the site. No alteration or interference with drainage ways or watersheds shall be permitted except as outlined in the Ohio Revised Code. The subdivider shall provide the necessary means to assure proper drainage as approved by the County Commission or their duly authorized agent.

Detention and/or retention structures may be required where the increased rate of storm water run-off from the plat will cause potential harm to downstream property and drainage structures. Ownership and permanent maintenance of detention or retention basins, outfall structures and sewers must be incorporated into the platting process and approved by staff prior to final Planning Commission approval. Methods used to place such drainage facilities on maintenance shall be in accordance with Section 5.13 drainage. An individual maintenance assessment will be established for the lot or parcel owners that are tributary to the system. [CCPC 7-3-07 / CEDA 7-5-07 / CC 7-10-07]

Par. 4.111 Drainage Easements or Rights-of-Way

An easement shall be provided on both sides of a storm drainage course, for the purpose of widening, deepening, or general maintenance. The minimum width of an easement carrying storm water shall be twenty (20) feet. In case of large drainage ways or ditches, the County Board of Commissioners or their duly authorized agent or Planning Commission may require a drainage right-of-way if an easement is deemed inadequate and/or too much of the lot would be utilized for drainage purposes. [CCPC 12-18-02 / CC 2-11-03]

Section 4.12 Major Drainage Areas

Subdivisions located in major drainage areas shall be improved so as to render the area substantially safe for desired use.

Section 4.13 Streets

Par. 4.131 Pattern

The pattern of streets shall conform to the Thoroughfare Plan for Clark County, and with the provisions of these regulations. Within the boundaries of the plat, the following provisions, pertaining to streets, shall be adhered to:

- (A) The necessary right-of-way for widening or extension of all thoroughfares as delineated by the Thoroughfare Plan involved, shall be dedicated: Provided the width to be dedicated need not exceed fifty (50) feet measured from the centerline of the right-of-way.
- (B) When a subdivision involves land fronting on an existing county or township road not designated on the Thoroughfare Plan as of equal or greater importance than a secondary street, a reasonable provision shall be made for the necessary right-of-way for traffic, utilities and drainage.
- (C) When, in the opinion of the Planning Commission, the principle land use of an area is for multi-family residences, the street serving such an area shall conform to the standards as designated in Table 6. [CCPC 12-18-02 / CC 2-11-03]
- (D) When, in the opinion of the Planning Commission, the proposed urban pattern is such that one or more streets act as traffic collectors, these right-of-ways in question shall be designated as collector streets and shall conform to the standards as designated in Table 6. [CCPC 12-18-02 / CC 2-11-03]
- (E) All existing County and Township streets shall have a minimum right-of-way of sixty (60) feet except:
 - 1. Minor streets within subdivisions
 - 2. Streets on the Thoroughfare Plan

Par. 4.132 Continuity

The street pattern shall make provisions for the continuance of streets into adjacent vacant properties, and for the connecting to the proper existing right-of-way in adjacent developed areas. Using existing stub street widths as frontage shall, therefore, be prohibited.

Par. 4.133 Cul-de-sac

The maximum length of a cul-de-sac shall be five hundred (500) feet measured from the middle of the turn-around or more particularly the point of radius to the near edge of the intersecting right-of-way. Within the turn-around, the minimum right-of-way radius shall be fifty (50) feet.

Par. 4.134 Half or Partial Streets or Allevs

Dedication of half-streets shall be discouraged. Where a half-street or half-alley exists adjacent to the tract to be subdivided, the other half-street shall be platted if deemed necessary by the Planning Commission. The improvements on half-streets shall be as set forth in Title 5, Paragraph 5.114. [CCPC 12-18-02 / CC 2-11-03]

Par. 4.135 Intersections

Streets shall intersect one another at ninety (90) degrees or as near to ninety (90) degrees as possible. The curb radius requirements are as set forth in Title 5, Subparagraph 5.152 (B). The property lines shall be rounded with a radius of fifteen (15) feet or greater if the Planning Commission deems it necessary. [CCPC 12-18-02 / CC 2-11-03]

(A) Jogs: Street intersection jogs of less than one hundred and twenty-five (125) feet measured from street centerline to street centerline shall be discouraged.

(B) Approaches: The approach to an intersection shall be perpendicular or as close to right angles as possible to the intersecting street for a distance of at least 50 feet measured from the closer right-of-way line of the intersecting street for minor streets and 100 feet measured from the closer right-of-way line of the intersecting street for all other streets. Whenever a street intersects another street on a curve, the County Engineer shall determine if it is an acceptable intersection.

Par. 4.136 Names

The names of new streets shall not duplicate existing street names, except where a street is extended, or when the new right-of-way is in alignment with an existing one. All new street shall be named in accordance with the following table:

TABLE #3

General Direction	
North and South	Street
East and West	Avenue
Diagonal	Road
Curving	Drive
Cul-de-Sac Street – North and South	Lane
Cul-de-Sac Street – East and West	Court
Circular Street or any part thereof	Circle

Par. 4.137 Width

The width of a street shall be as specified in Title 5, Section 5.15.

Par. 4.138

Access to any lot can be restricted when recommended by the County Engineer. Typical considerations would be sight distance, obstacles, etc. Said restricted access must then be identified on the plat, in the covenants and in the *Owner's Acknowledgment Statement*. [CCPC 11-5-97 / CC 11-13-97]

Section 4.14 Lots

Par. 4.141 Arrangement and dimensions – Zoned Areas:

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 an approved street, shall be properly related to topography and the character of the surrounding development, and shall be in compliance with any zoning resolution, Ohio EPA regulations and County Board of Health regulations for the district in which they are located and for the use for which they are intended. Where soils conditions are of such a nature that proper operation of wells and septic tanks may be impaired, the Planning Commission, upon recommendation from the County health department may increase the size of any or all lots in the subdivision, or may deny approval of the subdivision. Dimensions of corner lots shall be large enough to allow the erection of buildings, observing the minimum front-yard setback from both streets.

[CCPC 10-6-99 / CC 10-12-99 (eff: 11-1 99)]

Par. 4.142 Arrangement and dimensions – Unzoned areas:

Where a county or township zoning resolution is not in effect, the minimum lot size, width and frontage shall be as specified in Table 4 and paragraph 4.141. [CCPC 10-6-99 / CC 10-12-99 (eff: 11-1-99)]

MINIMUM LOT SIZES (1) (2) TABLE 4

[CCPC 11-1-95 / CC 11-7-95] & [CCPC 10-6-99 / CC 10-12-99 (eff: 11-1-99)]

	A	В С		D	
Type of Development	Sewer & Water Available	Sewer & Water Not Available	Public Water Available	Public Sewer Not Available	
SINGLE FAMILY – Frontage: ⁽⁴⁾ Area:	60' 7,500 sq. ft.	150' 1 acre ⁽³⁾	150' ¾ acre ⁽³⁾	90' ½ acre	
TWO FAMILY – Frontage: ⁽⁴⁾ Area:	80' 10,000 sq. ft.	150' 1½ acre ⁽³⁾	150' 1 acre ⁽³⁾	125' ¾ acre	
MULTI-FAMILY – Frontage: ⁽⁴⁾ Area:	80' 10,000 sq. ft. per unit	NOT PERMITTED	NOT PERMITTED	125' 10,000 sq. ft. per unit	
BUSINESS – Frontage: ⁽⁴⁾ Area:	100' 20,000 sq. ft.	150' 1 acre ⁽³⁾	150' 1 acre ⁽³⁾	120' 24,000 sq. ft.	
MANUFACTURING – Frontage: ⁽⁴⁾ Area:	120' 24,000 sq. ft.	150' 1 acre ⁽³⁾	150' 1 acre ⁽³⁾	125' 30,000 sq. ft.	

⁽¹⁾ A greater lot width and area may be required by the appropriate Zoning Code or by the Board of Health in cases of adverse soil conditions as determined by percolation tests or test holes.

- · Area in the existing or proposed right-of-way either by dedication or by easement,
- Any area unacceptable for septic system installation,
- Any area within a retention/detention basin,
- Any area contained within a permanent body of water,
- Any area within an existing or proposed easement except those easement areas parallel and within ten (10) feet of the lot lines.

Calculations of lot areas shall not include that portion of any lot occupied by a public right-of-way or proposed right-of-way either by dedication or by easement.

⁽³⁾ Net Acreage – net acreage is contiguous lot area which does not include:

⁽⁴⁾ The minimum frontage may be reduced by one-third (1/3) if the lot has side lot lines radial to the center of a cul-de-sac.

Par. 4.143 Corner Lots

In areas where sewer and water are available, the minimum width as measured across the least width of the lot at the building line shall be 85 feet.

Par. 4.144 Double Frontage

Double frontage lots other than corner lots shall be discouraged except when the Planning Commission requires that lots shall back onto a major traffic artery. The minimum depth for a double frontage lot shall be 150 feet and a 10 foot easement shall be required along said rear property line across which there shall be no right of vehicular access. This no access easement shall be incorporated in the Dedication and Acknowledgment section of the final plan. [CCPC 12-18-02 / CC 2-11-03]

Par. 4.145 Lot Lines

Side lot lines shall be approximately at right angles to the street, or radial to curved streets. Curved side or rear lot lines shall not be permitted.

Par. 4.146 Shape

All lots, when possible, shall be approximately rectangular in shape. Triangular shaped lots shall be discouraged.

Par. 4.147 Setbacks

Minimum building setback requirements shall be as required in the appropriate zoning code. In unzoned areas, minimum setback requirements shall be as specified below. All required minimum building setback lines for front yards shall be measured from the nearer edge of the existing or proposed (if applicable) right-of-way.

(A) Residential Lots

- (1) The minimum front setback line shall be thirty (30) feet.
- (2) Corner lots the minimum building setback on the side of a corner lot shall be twenty five (25) feet.

(B) Business or Industrial Lots

- (1) The minimum front setback line on a business or industrial lot shall be twenty-five (25) feet.
- (2) Corner lots the minimum building setback on the side of a corner lot shall be twenty five (25) feet.
- (C) Exceptions Transition from Existing to New:

When the minimum required setback line is greater than that established by existing buildings on contiguous lots, on the same street, corner lots excepted, there may be a gradual transition at the rate of two and a half (2½) feet or more per lot from the existing to the new; however, on residential lots, the minimum setback shall not be less than fifteen (15) feet.

Section 4.15 Blocks

Par. 4.151 Determining Factors

The length, width and shape of a block shall be determined with due regard for the following:

- (A) Provisions for an adequate number of building sites which contain the necessary area for the particular need and use intended as specified by these regulations and any involved zoning regulations.
- (B) The need for convenient access, circulation control and safety of street traffic.
- (C) The limitations of topography.

Par. 4.152 Length

Blocks shall not exceed sixteen hundred (1,600) feet in length. A cross walk, the right-of-way of which shall not be less than ten (10) feet, shall be required, if in the opinion of the Planning Commission this facility is necessary. [CCPC 12-18-02 / CC 2-11-03]

Section 4.16 Utility Easements

Public utility easements shall be of such location and width as determined by the utility companies. Public utility easements shall include those easements required at the time of platting by the County for drainage and/or utility lines and shall be of such location and width as requested by the proper authority. The final plat shall not be signed for recording until approval of all easements has been verified by the utility companies and/or the County. Any change from the map as approved by the utility companies and/or County that alters any easement shall be subject to re-approval before signing the final plat.

Section 4.17 Alleys

Par. 4.171 Alleys Prohibited in Dwelling House Areas

Alleys shall not be permitted in dwelling house districts unless there are unusual circumstances which make alleys necessary.

Par. 4.172 Alleys Required in Certain Districts

Alleys may be required in areas deemed necessary by the Planning Commission after review and comments from the appropriate departments. [CCPC 12-18-02 / CC 2-11-03]

Par. 4.173 Width of Alleys

The minimum width for an alley shall be twenty (20) feet.

Par. 4.174 Intersection and Alignment

Alley intersections and sharp changes in alignment shall be avoided, but where necessary, the corners of intersecting alleys shall be cut off by a line connecting two points which are located along the alley lines 10 feet back from the intersection.

Par. 4.175 Dead-End Alleys

Dead end alleys shall not be permitted unless considered necessary by the Planning Commission. [CCPC 12-18-02 / CC 2-11-03]

Section 4.18 Public Sites and Open Areas

Areas which are suitably located and are adequate in size for parks, playgrounds, or schools, as determined by the approved Comprehensive Plan, or by the proper governmental agency if an appropriate plan has not been adopted, shall be made available to the aforementioned agency involved. The area in question shall be reserved for acquisition. The agency involved shall declare its intentions pertaining to the acquisition of the reserved area within six (6) months of the date of the preliminary approval of the plat or the reservation shall be voided and the site released back to the subdivider. The reserved area shall be acquired within one (1) year of the date of the preliminary approval or any length of time agreeable to both parties, or said reservation shall be voided and the site released back to the subdivider.

Section 4.19 Trees

Where necessary, all existing trees shall be removed from the street right-of-way. Trees, when planted, shall be located outside the street right-of-way or any easement that may be adjacent to the street and planted in such a manner as not to impair visibility at any corner. It is recommended that all subdividers or developers salvage as many acceptable existing trees as possible and in areas where needed, trees be planted on each lot.

Section 4.20 Suitability of Land

The fact that every parcel of land and every development is unique, it is difficult to apply a set of standards to address every conceivable situation. Therefore, if the Planning Commission finds that land proposed to be subdivided is inappropriate for subdivision development due to, but not limited to, flooding, unsuitable drainage, unsuitable soil conditions, unsuitable topography, inadequate water supply, or hazardous traffic conditions which may endanger health, life or property, etc.; and if from investigations conducted by the 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 may not approve the land for subdivision unless adequate methods are advanced by the subdivider for solving the problems that will be created by the development of the land. In addition, the Planning Commission may improve conditions or eliminate problems resulting in a more desirable development including, but not limited to, more restrictive building setbacks, drainage improvements, construction of additional items (both on-site and off-site) to correct problem areas, change location of streets and/or intersections, combining lots to create better building sites, requiring traffic and /or speed limit studies, etc. [CC 6-5-90 / CCPC 6-19-90 (eff: 8-1-90)] [CCPC 12-18-02 / CC 2-11-03]

TITLE 4 CHAPTER 4.2

UTILITY TRANSITION AREAS

Section 4.21 Purpose

The purpose of this title is to provide a way to develop land needed for and adopted to residential use at a population density requiring both public water supply and sanitary sewer system, but which area does not contain one or both of these utilities at the time of development. It is necessary that Utility Transition Areas be confined to undeveloped areas adjacent to existing urban areas containing the needed utility services so that in due time these services will be available. The provisions are made allowing a re-subdivision of the original plat at a later date when utility lines are available so as to induce development in an economical manner and orderly arrangement rather than an unsound scattered type of development.

Section 4.22 Provisions for Transition Areas

Lots may be platted in such a manner so that in the future each lot may be split into two (2) or more parts, each of which contains the necessary area and width requirements as set forth in Tables 4 & 5, Column A as it pertains to single-family developments. Such lots shall be designated on the plat as having two (2) or more parts by the use of a thin broken line. Each of the parts shall be identified by the letter A, B, etc. Each lot shall be sold as a unit and recorded on one deed. Such lots shall be restricted in use to one single-family residence. It shall also be noted in the restrictions that, at the time water and sanitary sewer lines are made available to any lot, said lot may be split into two (2) or more parts if there is not an existing dwelling so located on the lot that its required yards occupy portions of two (2) or more subsections. The above noted restrictions of sale and use of land shall be specified in the deed and plat. A sample set of subdivision restrictions is listed on Page 27.

At such time as public and sanitary sewer facilities are available to the aforementioned type of lots, the foregoing restrictions shall be terminated if desired by the Planning Commission by authorizing the splitting of such lot under the provisions of Title 3, Chapter 3.6. [CCPC 12-18-02 / CC 2-11-03]

TABLE 5

	Α	В			
	UTILITY TRANSITION AREA				
Type of Development	Sewer & Water Made Available either Public or Temporary Community	Temporary Well and Septic Tanks			
Single-Family	60' frontage 7,500 square feet of area	120' frontage 15,000 square feet of area			
Two-Family	80' frontage 10,000 square feet of area per unit	160' frontage 20,000 square feet of area			
Multi-Family	80' frontage 10,000 square feet of area per unit	160' frontage 10,000 square feet per unit			
Business	150' frontage 30,000 square feet of area	150 frontage 30,000 square feet of area			
Industrial	150' frontage 1 acre of area	150' frontage 1 acre of area			

(A) Utility Transition Area:

- (1) If the subdivider chooses to provide water and sewer services in the manner set forth in Par. 5.143, Part B-2, minimum lot size and width shall be as noted in Column A, Table 5.
- (2) If the subdivider chooses to provide temporary water supply and sewage disposal on each individual lot, such lots may be platted in such a manner so that in the future each lot may be split into two (2) or more parts, each of which contains the necessary area and width as specified in Column A, Table 5. The original lot shall have a minimum frontage and lot area specified in Column B, Table 5. The procedure for platting lots in the aforementioned manner in set forth in Title 4.

TITLE 4 CHAPTER 4.3 & 4.4

FLOOD HAZARD AREAS

Section 4.31 Finding of Fact

Par. 4.311 Flood Losses Resulting from Periodic Inundation

The flood hazard areas of Clark County, Ohio, are subject to periodic inundation which results in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and the impairment of the tax base all of which adversely affect the public health, safety and general welfare.

Par. 4.312 General Causes of these Flood Losses

These flood losses are caused by: (1) the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and (2) the occupancy of flood hazard areas by uses vulnerable to floods, or hazardous to other lands, which are inadequately elevated or otherwise protected from flood damages.

Par. 4.313 Methods Used to Analyze Flood Hazards

This regulation is based upon a two-step process for reasonably analyzing the flood hazard affecting specific lands. A regulatory Flood Plan Area is determined to be subject to flooding, based upon evidence of past flood events. The following information has been used to delineate these areas:

- (A) Miami Conservancy District Maps of Historic Flooding
- (B) Flood Insurance Administration Flood Hazard Boundary Maps
- (C) Intermediate Regional flood Boundaries when available as in "Mad River Buck Creek Flood Plain Information Report" U.S. Army Corps of engineers, 1975
- (D) Flood Prone Soils noted in U.S.D.A. 1949 Soil survey of Clark County, as supplemented, 1969.

The above mentioned documents are on file in the offices of the Clark County Planning Commission for consultation and examination.

When sufficient information becomes available to designate separate Floodway and Floodway Fringe Areas, this Regulatory Flood Plain Area may be separated into the two districts. In areas where this designation has not yet been made, the second step involves a determination of the flood hazard at the site of any proposed subdivision.

Section 4.32 Statement of Purpose

It is the purpose of this regulation to promote the public health, safety and general welfare and to minimize those losses described in Paragraph 4.311 by provisions designed to:

Restrict or prohibit subdivision of lands for uses which are dangerous to health, safety or property in times of flood or which, with reasonably anticipated improvements, will cause excessive increases in flood heights or velocities.

Require that each subdivision lot in an area vulnerable to floods be provided with a safe building site with adequate access and that public facilities which serve such uses be installed with protection against flood damage at the time of initial construction.

Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard by prohibiting the subdivision of unprotected flood hazard lands, requiring that flood hazard areas be delineated on the final plat, and areas not suitable for development be subject to deed restrictions.

Section 4.33 General Provisions

Par. 4.331 Lands to which Regulation Shall Apply

This regulation shall apply to all lands within the jurisdiction of the Planning Commission delineated as flood hazard areas on the maps as listed in Section 4.31 [CCPC 12-18-02 / CC 2-11-03]

Par. 4.332 Compliance

No land shall hereafter be subdivided or used without full compliance with the terms of this regulation and other applicable regulations including zoning, official maps, health codes, and other regulations which apply to uses within the jurisdiction of this regulation.

Par. 4.333 Abrogation and Greater Restrictions

It is not intended by this regulation to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation imposes greater restrictions, the provision of this regulation shall prevail.

Par. 4.334 Interpretation

In their interpretation and application, the provisions of this regulation shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

Par. 4.335 Warning and Disclaimer of Liability

The degree of food protection required by this regulation is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This does not imply that areas outside flood plain areas or land uses permitted within such districts will be free from flood or flood damages. This shall not create liability of the part of the Planning Commission or the Clark County Commission or the City Planning board or the City Commission or any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made there under. In no case shall responsibility or liability arise from the design or operation of subdivision drainage facilities dedicated to the County if the County has not accepted in writing the dedication and agreed to maintain and operate the facilities. [CCPC 12-18-02 / CC 2-11-03]

Section 4.34 Land Suitability

In determining the appropriateness of land subdivision at the site, in relation to the flood designations, the Planning Commission shall consider the objectives of this regulation and:

- (A) The danger to life and property due to the increased flood heights or velocities caused by subdivision fill, roads and intended uses.
- (B) The danger that intended uses may be swept on to other lands or downstream to the injury of others.
- (C) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions under flood conditions.
- (D) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- (E) The importance of the services provided by the proposed facility to the community.
- (F) The requirements of the subdivision for a waterfront location
- (G) The availability of alternative locations not subject to flooding for the proposed subdivision and land uses.
- (H) The compatibility of the proposed uses with existing development and development anticipated in the foreseeable future.
- (I) The relationship of the proposed subdivision to the comprehensive plan and flood plain management program for the area.
- (J) The safety of access to the property in times of flood for emergency vehicles.
- (K) The expected heights, velocity, duration, rate of rise and sediment transport of the Ifood waters expected at this site.

Section 4.35 Building Site Improvements

(A) No subdivision or part thereof shall be approved if proposed subdivision development in a floodway will, individually or collectively, significantly increase flood flows, heights, or damages.

- (B) No subdivision or part thereof shall be approved for floodway or floodway fringe areas which will substantially affect the storage capacity of the flood plain.
- (C) Building sites, residences, motels, resorts and similar uses for human occupation shall not be permitted in floodway areas. Sites for these uses may be permitted outside the floodway if the sites are elevated to a height at least one (1) foot above the elevation of the regional flood or provisions otherwise made for elevating or adapting structures to achieve the same result. Required fill areas must extend fifteen feet beyond the limits of intended structures and, if the subdivision is not to be sewered, must include areas for waste disposal.
- (D) Building sites for structures other than residences outside of floodway areas shall ordinarily be filled as provided in Sec. 4.35 (C). However, the Planning Commission may allow subdivisions of areas for commercial and industrial use at a lower elevation if the subdivider agrees to protect the uses through structural flood- proofing as specified (Section 4.40). [CCPC 12-18-02 / CC 2-11-03]
- (E) When the planning agency determines that only part of a proposed plat can be safely developed, it shall limit development to that part and shall require that the method of development is consistent with its determination.
- (F) When the subdivider does not intend to develop the plat himself, and the planning agency determines that limitations are required to insure safe development, it may require the subdivider to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on the face of the final recorded plat.

Section 4.36 Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings and onsite waste disposal sites. Plans shall be subject to the approval of the County Engineer. The agency may require a primarily underground system to accommodate frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess run-off onto adjacent properties.

Section 4.37 Roads

The finished elevation of proposed streets shall be no more than one (1) foot below the regional flood. The County Engineer may require, where necessary, profiles and elevations of street to determine compliance with this requirement. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

Section 4.38 Sewer Facilities

The County Board of health may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high ground water, flooding or unsuitable soil characteristics. The Planning Commission may require that the subdivider note on the fact of the plat and in any deed of conveyance that soil absorption fields are prohibited in designated areas.

The County Board of health may prescribe adequate methods for waste disposal. If a sanitary sewer system is located on or near the proposed subdivision, the Planning Commission shall require the subdivider to provide sewage facilities to connect to this system where practical, and shall prescribe the procedures to be followed by the subdivider in connecting to the system.

Section 4.39 Water Facilities

All water system located in flood prone areas, whether public or private, shall be flood-proofed to above the regional flood protection elevation. If there is an existing public water supply system on or near the subdivision, the Planning Commission may require the subdivider to connect to this system.

Section 4.40 Conditions Attached to Plat Approval

The Planning Commission may attach conditions including but not limited to the following to the approval of plats for areas subject to development hazards: [CCPC 12-18-02 / CC 2-11-03]

- (1) Construction and modifications of sewage, water supply and drainage facilities to meet the standards of this regulation and to promote the health, safety and general welfare.
- (2) Requirements for construction or channel modification, dikes, levees, and other protective measures.
- (3) Installation of Flood-warning systems.
- (4) Imposition of operational controls, sureties, and deed restriction enforceable by the Planning Commission to restrict the types and design of uses. Such restrictions may include flood-proofing of intended uses, subject to the individual approval of the Board of Building Standards at the time such uses are constructed through:
 - a. Anchorage to resist flotation and lateral movement.
 - b. Installation of watertight doors, bulkheads, and shutters, or similar methods of construction.
 - c. Reinforcement of walls to resist water pressure.
 - d. Use of paints, membranes, or mortars to reduce seepage of water through walls.
 - e. Addition of mass or weight to structures to resist flotation.
 - f. Installation of pumps to lower water levels in structures.
 - g. Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.
 - h. Pumping facilities or comparable practices for sub-surface drainage systems for buildings to relieve external foundation wall and basement flood pressures.
 - i. Construction to resist rupture or collapse caused by water pressure of floating debris.
 - j. Installation of valves or controls on sanitary or storm drains which will permit the drains to be closed to prevent back-up of sewage and storm waters into the buildings or structures. Gravity drainage of basements may be eliminated by mechanical devices.
 - k. Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by regional flood.

- I. Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety, and welfare in a manner which will assure that the facilities are situated at elevations above the height associated with the flood protection elevation or are adequately flood-proofed to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into flood waters.
- (5) The Planning Commission may require the subdivider to submit three valley cross sections including the channel of the stream at points specified by the Technical Review Committee, topographic information, and other pertinent information.

The Technical Review Committee shall transmit one copy of this information described to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities; the seriousness of flood damage to the use, the adequacy of the plans for protection and other technical matters. The Technical Review Committee with the expert assistance shall:

- a. Estimate the discharge of the regional flood.
- b. Determine the specific flooding threat at the site of the proposed subdivision and determine whether the subdivision is located in a floodway or flood fringe area by:

Calculation of water surface elevations and flood protection elevations based upon a hydraulic analysis of the capacity of the system channel and overbank areas to convey the regional flood. Flood protection elevations shall be one (1) foot above the water surfaces elevations of the regional flood.

Computation of the floodway required to convey this flood without increasing flood heights to an extent which would cause substantial upstream or downstream damage to existing or reasonably anticipated future development.

Computation of increases in flood heights caused by any encroachment shall be based upon the reasonable assumption that there will be an equal degree of encroachment on both sides of the stream within that reach. Generally, any increase in flood stages attributed to encroachments on the flood plain of any river or stream shall not exceed 0.5 foot in any one reach or for the cumulative effect of several reaches.

TITLE 4 COMMERCIAL – INDUSTRIAL PLATS

CHAPTER 4.5 DESIGN STANDARDS AND REQUIREMENTS

All commercial – industrial plats shall adhere to design standards and requirements specified in Title 4, Chapter 4.1 of the Clark County Subdivision Regulations.

Section 4.51 Commercial - Industrial Plats

Par. 4.511 Special Provisions

A commercial – industrial plat must adhere to the following requirements:

- (A) Commercial industrial plats must be zoned for business or industry before this Section is applicable.
- (B) All commercial industrial developments requiring new streets shall be platted. However, individual lot lines within the plat may be established by resubdividing after the plat has been approved and recorded. There will be no limit on the number of subdivisions within the plat.
- (C) Improvements shall be constructed according to the provisions of Title 5, Chapter 5.1 and 5.2 of the Subdivision Regulations of Clark County except as specified below:
 - 1. All commercial industrial plats must have approved sewer and water facilities.
 - 2. Sidewalks shall not be required unless deemed necessary by the proper authorities.

TITLE 5

IMPROVEMENTS - STANDARDS AND SPECIFICATIONS

CHAPTER 5.1 & 5.2 IMPROVEMENTS

The improvements in all subdivisions located in unincorporated areas shall conform to County specifications except:

- 1. Plats that are to be annexed to Springfield in which case City specifications will prevail.
- 2. Plats within the CEDA Agreement Area which may be required to comply with City specifications. [CCPC 12-18-02 / CC 2-11-03]
- 3. Underground extensions of Springfield utility lines in which case the City specifications will prevail as it pertains to said utility lines.

Section 5.11 Streets

Par. 5.111 New Streets *

All new streets shall be paved to a minimum width as specified in Title 5, Par. 5.151, provided that in case of a street shown as a major thoroughfare on the Major Thoroughfare Plan, such requirement shall be modified as follows:

- (A) The subdivider shall not be required to pave any such thoroughfare to a width greater than twenty (20) feet from the centerline, or its equivalent in the case of a divided pavement.
- (B) The subdivider may enter into a contract with the County government to pay into County Treasury an amount equal to the cost of pavement as specified in sub-paragraph (A) above, which amount shall then be used by the County in construction of the entire pavement.
- (C) If the Planning Commission has approved a street and lot arrangement in which all lots back onto a major thoroughfare or the lots front on a parallel service street, the subdivider shall not be required to provide street improvements on the major thoroughfare unless considered necessary for adequate access to the plat. [CCPC 12-18-02 / CC 2-11-03]

Par. 5.112 Existing Street

When land is being subdivided within the County and along an existing street, the County Engineer may require the pavement to be widened. However, the maximum required width of pavement for which the developer is responsible need not exceed twenty (20) feet measured from the centerline to the edge of pavement or face of curb whichever is applicable.

^{*} In Utility Transition Areas where lots are platted in pairs, as specified in Title 4, Sec. 4.22 A-2, the required improvements with the exception of sanitary sewer and water lines, shall be as required of lots which are comparable in size to half of a Utility Transition lot unless sidewalks are waived by the legislative authority.

Par. 5.113 Dead-End Streets

Where the streets are extended to the boundary of the plat to provide accessibility to the future development in adjacent land, the developer must provide a temporary "T" turn-a-round.

Par. 5.114 Half-Streets

Where permitted, the initial improvement shall be such that the pavement will be installed to a point two (2) feet beyond the crown. Curb, gutter, and sidewalks, when required, shall be required on only one side of the right-of-way.

Par. 5.115 Curb & Gutter

Unless waived by the board of County Commissioners, curb and gutter will be required in any subdivision where any one or all of the following conditions are present:

- (A) Existing streets abutting or adjacent to the proposed subdivision have curbing or curb and gutter;
- (B) The proposed development is in an area where existing streets are predominately curbed;
- (C) When sidewalks are required in the proposed subdivision;
- (D) The proposed density of the development exceeds three (3) dwelling units per platted acre including all rights-of-way;
- (E) The County Engineer determines that curb and gutter is required for drainage purposes.

All curb and gutter shall conform to County Engineer standards. [CCPC 11-5-97 / CC 11-13-97]

Par. 5.116 Side Ditches

When it is determined that curb and gutter is not required under provisions of par. 5.115, then drainage shall be accomplished by a system of side ditches located along the roadway. Side ditches shall be constructed in accordance with standards prepared by the County Engineer and shall include appropriate erosion control measures based on calculated velocities.

In lieu of side ditches, the developer may construct a shallow swale along each side of the roadway. The swale shall be underlain with non-perforated pipe, with inlets provided at the upstream side of each driveway or as otherwise required by the County Engineer's Technical Specifications. Larger diameter under drains will be required when necessary to accommodate design flows approved by the County Engineer. [CCPC 11-5-97 / CC 11-13-97]

Section 5.12 Walks

Par. 5.121 Requirements

Sidewalks shall be required in all single-family areas where the lot frontage averages less than one hundred (100) feet per lot. In subdivisions to be occupied by multi-family dwellings, walks shall be required on both sides of the streets unless the Board of County Commissioners determines that such a requirement is unnecessary due to low-density development. The type of improvements in the surrounding area, as well as the size of the proposed subdivision, will be taken into consideration as it pertains to walk requirements. Where curb and gutter is required, but walks are not, the right-of-way shall be graded to allow construction of walks at a later date.

Par. 5.122 General

The County Board of Commissioners may require walks to be constructed where they are essential to better circulation or as access to schools, playgrounds, shopping centers, transportation and other facilities. The lot size and topography of the surrounding area may be taken into consideration as it pertains to the walk requirement. [CCPC 8-6-97 / CC 8-19-97]

Section 5.13 Drainage *

Par. 5.131 General

The subdivider shall construct or install the necessary ditches, storm sewer, and detention/ retention structures in order to drain the plat and to dispose of the storm water to the satisfaction of the Board of County Commissioners or their duly authorized agent. [CCPC 11-17-82 / CC 2-8-83]

Par. 5.132 Existing Public System

When a public storm sewer is accessible as determined by the County Board of Commissioners or their duly authorized agent, the developer shall connect with the public system.

Par. 5.133 Permanent Maintenance

When the developer of a subdivision is required to provide detention/retention basins, outfall structures, sewers or other drainage improvements outside the road right-of-ways, the constructed improvements shall be placed on permanent maintenance in accordance ORC 6131.63, public watercourses established by agreement.

- (A) The landowner and/or developer agrees to pay for and construct the improvements.
- (B) The plans for the improvement will be developed by a professional engineer in conjunction with the development plans.
- (C) Owner and/or developer must sign an agreement with the Board of County Commissioners to place the completed improvements on maintenance, waive hearing, establish the initial maintenance fund and dedicate the necessary easement(s) to Clark County.
- (D) County Commission, by resolution, will establish maintenance district and assessment schedule for each benefitting lot or parcel.

Section 5.14 Water and Sanitary Sewers

Par. 5.141 If the Utilities are Available

If the subdivision can be served by the economical extension of public water and/or sanitary sewer lines as determine by the County Board of Commissioners, the subdivider shall be required to do so. The provider of said utilities must give approval relative to connection to same.

Engineering drawings and pertinent data must be submitted to the provider for review and approval at the time of Final Plat submission. [CCPC 11-5-97 / CC 11-13-97]

Par. 5.142 If Either Sanitary Sewer or Water is not Available

If public water and/or sewer is not available and the proposed subdivision is not located in a potential urban area as described in Par. 5.143 below, the subdivider, developer, or owner shall provide an individual well and septic tank for each dwelling.

* In Utility Transition Areas where lots are platted in pairs, as specified in Title 4, Sec. 4.22 A-2, the required improvements with the exception of sanitary sewer and water lines, shall be as required of lots which are comparable in size to half of a Utility Transition lot unless sidewalks are waived by the legislative authority.

Par. 5.143 Potential Urban Area

- (A) A proposed subdivision shall be considered to be in a potentially urban area if one or both of the following conditions exist:
 - (1) If the proposed subdivision is located in an area which contains 25 lots or more, either proposed or existing and proposed, all of which lie within the bounds of a circle, the center of which is located near the center of the proposed subdivision and has a radius of 700 feet or less or as in the case of a one-street linear development where the 25 lots will face upon a street within a lineal distance of 2,500 feet. Measurement of a one-street linear development will begin in the center of the proposed development and extend for a distance of one thousand two hundred fifty (1,250) feet each side of center.
 - (2) Proposed or existing lots that utilize sewer and water shall not be counted as being part of the Potential Urban Area. Any such lot having at least 250 feet of continuous frontage on a public road and 1½ acres or more of land area shall not be counted as part of a Potential Urban Area regardless of the utilization of utilities.
- (B) Requirements: Where a subdivision is proposed in a potential urban area as defined in Par. 1 above, the developer shall provide or assure sanitary sewer and water facilities by one of the following methods:
 - (1) In an area as specified by sub-paragraph A-1 above.
 - (a) By the installing the necessary lines and connecting them with public sewer and water systems, or

- (b) By installing such lines along with a district community water supply and sewer system. The water supply and sewage disposal system must meet the requirements of the County Sanitary Engineer, and the State Board of Health. The Director of Public Works shall approve plans pertaining to water supply and sewage disposal with the three (3) mile area if said facilities are connected to the City system.
- (2) In an area as specified by sub-paragraph A-2 above.
 - (a) By the extension of existing water and sanitary lines, or
 - (b) By installing necessary lines and creating a temporary water supply and sewer district. The facilities of a temporary water supply and sewer district must meet the requirements of the County Sanitary Engineer and the State Board of Health. The Director of Public Works shall approve plans pertaining to water supply and sewage disposal if said facilities are connected to the City system. [CCPC 8-6-97 / CC 8-19-97]
 - (c) First: By requiring the home builders to install temporary wells and septic tanks.
 - (d) Second: By platting and selling lots in the manner set forth in Chapter 4.2, and complying with the other requirements of the Utility Transition Area, or by platting lots of the size of manner as indicated in Table 4, Column B.
- (3) In the County, percolation tests or test holes are required on all new subdivisions platted or unplatted located within a Potential Urban Area and not served by public or community sewer. Said tests shall be performed by either a qualified sanitarian, registered surveyor or civil or sanitary engineer, and shall be done in accordance with requirements and specifications of the County Health Department. Approval by the Health Department is required before the subdivision is approved by the Planning Commission; however, a conditional approval, subject to approval by the Health Department may be granted if the Health Department approval has not been received by meeting time. Before further subdividing of lands within a Potential Urban Area is permitted, the developer shall submit a scale drawing showing his intentions concerning the remainder of lands under his control. The Staff shall review the drawing and submit it to the Planning Commission to determine if the land in questions should be platted. [CCPC 12-18-02 / CC 2-11-03]

Exceptions to the above required percolation tests or test holes would be a situation where an existing house and septic tank have been used successfully on a large tract of land and is now being requested to be split off and used as a separate lot. Another exception is the creation of a nonbuildable lot that is to be used in conjunction with an existing lot of record to provide additional area.

Par. 5.144 Exceptions

(A) In areas as specified in Title 5, sub-paragraph 143 A-1, if the developer can justify one or both of the following items, the Planning Commission may waive sewer and/or water requirements as stated in Title 5, sub-paragraph 143 B in which case, however, the size of all lots shall be as specified in Title 4, Par. 142, Table 2, Column B. [CCPC 12-18-02 / CC 2-11-03]

- (1) That the topography is such that the extension of water and sanitary sewer lines in the area is economically not feasible or the cost of providing community facilities is such as to prohibit the subdivision of the area.
- (2) That the plat is not in the path of urban growth, and is distinctly located from any developed areas.
- (3) That the plat is located in the near proximity to utility facilities and that said facilities are not available because of government action.
- (B) If the County Board of Health determines that a health hazard would result if further division of land containing septic tanks and wells is allowed, regardless of lot or subdivision size, provisions for water and sanitary sewer lines shall be made.

Par. 5.145 Fence

When a development is planned adjacent to a large drainage ditch or waterway, a fence shall be required along the drainage right-of-way. The County Board of Commissioners or their duly authorized agent may waive said fence requirements if it finds that no substantial hazard would result therefrom.

Par. 5.146 Permanent Monuments

Permanent monuments shall be located as required by the County Engineer and/or the Planning Commission. The number of monuments required shall not be less than specified in the Ohio Revised Code No. 711.03 – 10 lots or less requires four monuments, over 10 lots requires a number determined necessary to properly control the survey and that the line of sight between such marks can be observed from one marker to the other. [CCPC 12-18-03 / CC 2-11-03]

CHAPTER 5.1 STANDARDS

Section 5.15 Streets

Par. 5.151 Classification

All streets in a subdivision shall be classified and governed in accordance with the following table, except for Primary and Secondary Thoroughfares in which case the reader is referred to the appropriate Thoroughfare Plan available in the Planning Offices.

٦	ГΑ	В	L	E	6	(6)	

	Α	В	С	D	Е	F
Type of Street	R-O-W Width In Feet	Pavement Width In Feet	Maximum Grade %	Maximum Degree of Curvature	Minimum Radius of Curvature	Minimum Vertical Visibility
		(1) (7)		(3)	(4)	
Collector	60	40 30	5	12	475	275
Minor	50	30 24	8	23	250	200
Special	Multi-Far	nily and Business	and Industrial – t	o be determined	by the County E	ngineer

Particularly rugged terrain may allow certain areas of the County to be considered under what is commonly known as "hillside" regulations. [CCPC 11-18-82 / CC 2-8-83]

⁽¹⁾ Determined by measuring back to back of curb. [CCPC 11-17-82 / CC 2-8-83]

⁽²⁾ Minimum street grade is 0.5%.

⁽³⁾ Minimum tangent between curves of a reversed curve is 50 feet.

⁽⁴⁾ The dimension is street centerline measurement.

⁽⁵⁾ Measured from 4.5 feet above street surface at an object 4 inches above street surface.

⁽⁶⁾ All subdivisions (platted and unplatted) shall be required to dedicate necessary right-of-way when streets involved in said subdivision are part of the Thoroughfare Plan or such dedication is required per Par. 4.131 (E).

⁽⁷⁾ If curb and gutter are waived, the minimum pavement width shall be as indicated. Measurement of pavement width shall be from pavement edge of pavement. [CCPC 11-17-82] CC 2-8-83]

Par. 5.152 Intersections

- (A) GRADES: Street grades shall not exceed 3.0% within a distance of 100 feet from an intersection.
- (B) CURB RADIUS: All street pavement shall intersect each other as near to right angles as possible. At right angle intersections, the curb radius shall be fifteen (15) feet at intersections involving two (2), fifty (50) foot rights-of-way. At all other street intersections, the curb radius shall be twenty-five (25) feet unless specified otherwise by the County Engineer. At intersections where the angle if other than 90 degrees, the County Engineer shall determine the acceptable curb radius.

Par. 5.153 Dead Ends

A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended in the future. Said street shall contain an additional 20' easement on both sides of the street right-of-way to provide for a temporary "T" turn-a-round until said street is extended or continued.

Section 5.16 Drainage

Total drainage systems shall be subject to approval by the County Engineer and/or the City Engineer as applicable.

SPECIFICATIONS

Section 5.17 Street Grades

No street in major drainage areas shall be approved unless the proposed elevation is considered substantially safe from flooding as determined by the Board of County Commissioners.

Par. 5.171 Approval

In the County no street grading shall be permitted until the preliminary plan has been approved by the Planning Commission and the County Board of Commissioners or their duly authorized agent has approved the final construction drawings. The entire width of the right-of-way shall be brought to the approved grade and sloped at an angle agreeable to the approving authority back from the property line to meet existing or planned elevations. [CCPC 12-18-02 / CC 2-11-03]

Section 5.18 Specifications

The design and construction of curb and gutter, streets, walks, drainage facilities, sanitary facilities, and water lines shall be in accordance with the rules, regulations, and specifications of Clark County. Driveway pipes shall have rip-rap or concrete end walls in subdivisions where curb and gutter have been waived. [CCPC 8-6-97 / CC 8-19-97]

In all cases, if a proposed subdivision is intended to be an annexation plat or utility lines are to be extended from the incorporated areas, City specifications shall prevail. [CCPC 8-6-97 / CC 8-19-97]

Section 5.19 Fence

When required as specified in title 5, Par. 5.145, fences shall be of the chain link type or other acceptable all-metal material design and three and one half (3½) feet or more in height.

Section 5.20 Permanent Monuments

Permanent monuments shall be made of stone or concrete, thirty-six (36) inches in length and six (6) inches in diameter, or six (6) inches square with a reinforcing bar or pipe cast in the center.

CHAPTER 6.1 IMPROVEMENTS ASSURANCE

[CCPC 12-14-82 / CC 2-3-83]

Section 6.11 Condition

In proposed subdivisions, no lot shall be sold nor permanent buildings erected thereon until the plat has been recorded in the Office of the Clark County Recorder. Before the Clark County Commission certifies and signs the final plat, the subdivider shall guarantee the installation of all improvements as specified in these regulations. The method for assuring said installation shall meet with the approval of the County Commission and shall include the following types of assurances which shall be agreed to in written contractual form by all parties involved.

Par. 6.111 Types of Assurance

- (A) Escrow Account
- (B) Prior construction
- (C) Letter of Credit
- (D) Any other type of assurance that has been reviewed by and is acceptable to the County Commission

[CPC 11-7-2012 / CC 01-15-2013]

Par. 6.112 Assurance Amount

All assurances for improvement shall be in an amount equal to one hundred percent (100%) of the estimated cost of improvements.

As such improvements are completed to the satisfaction of its various County Inspectors, the County Commission may, by resolution and upon written application, reduce the amount of the Assurance to an amount which is not less than the estimated cost to complete those specified improvements.

Par. 6.113 Warranty/Maintenance Surety

In addition to the assurance, the County <u>may</u> require the subdivider to submit a warranty/ maintenance surety which shall be in force for no more than one (1) year following the final acceptance of any required improvements and shall guarantee satisfactory performance of the said improvements.

Section 6.12 General Considerations

Par. 6.121 Provisions

Provisions shall be made whereby the subdivider, his or her heirs, personal representatives, assigns, successors, or agents shall complete improvements and comply with all applicable terms, conditions, provisions, and requirements of these regulations.

Par. 6.122 Completion Time Limit

The period within which required improvements shall be completed shall not exceed two (2) years from the date of certification of the final plat by the County Commission. The developer shall present a time schedule for completion of required improvements at the time the assurance contract is signed by the County Commission. [CC 12-14-83 / CCPC2-2-83]

In the event of undue hardship and for due cause shown, the County Commission may extend said two (2) year time period providing that adequate assurance, to the satisfaction of the County Commission, is filed and deposited as provided in Section 6.11 and Paragraph 6.111. [CC 12-14-83 / CCPC 2-2-83]

Par. 6.123 Inspection

Inspection of each phase of work shall be made by the County Agent designated by the County Board of Commissioners. The County Engineer will act as the agent for inspection of storm sewers, road culverts, drainage ditches, streets, and permanent gutters, cath basins, sidewalks, traffic signs, and permanent survey monuments. The County Sanitary Engineer will act as the agent for sanitary sewers, waterlines, lift stations, and water and wastewater treatment facilities. The subdivider shall inform the inspector of the appropriate County Agent that work is ready for inspection twenty-four (24) hours in advance of the time he expects it to be obscured by further work. An inspection fee of 2% of the estimated cost of the improvements shall be paid to the appropriate County Agent at the time of the approval of the assurance contract. [CC 12-14-83 / CCPC 2-2-83]

Par. 6.124 General

In any municipal utilities are, or will be, extended to the plat, a separate bond or certified check shall be held and the inspection made by said municipality as it pertains to said utility lines in addition to other improvement assurances and inspection requirements contained in these regulations. [CCPC 8-6-97 / CC 8-19-97]

Par. 6.125 Annexation plats

Any plat which will likely be annexed or be required to be annexed into a municipality, shall not be acted upon or approved under these regulations. Action on said plats shall occur under the provisions of the municipality after annexation has been completed. [CCPC 11-5-97 / CC 11-13-97]

Par. 6.126 Maintenance

The subdivider shall maintain all improvements in the subdivision or proposed subdivision until the County Commission grants final acceptance of the improvements. [CC 12-14-83 / CCPC 2-2-83]

The County Commission may require the subdivider to continue an assurance as provided in Paragraph 6.111 which shall be in force for no more than (1) year following the final acceptance of any specified improvements. This assurance shall guarantee the repair or replacement of such improvement that directly results from the failure of the subdivider to properly construct and install such improvements. [CC 12-14-83 / CCPC 2-2-83]

Figure 1

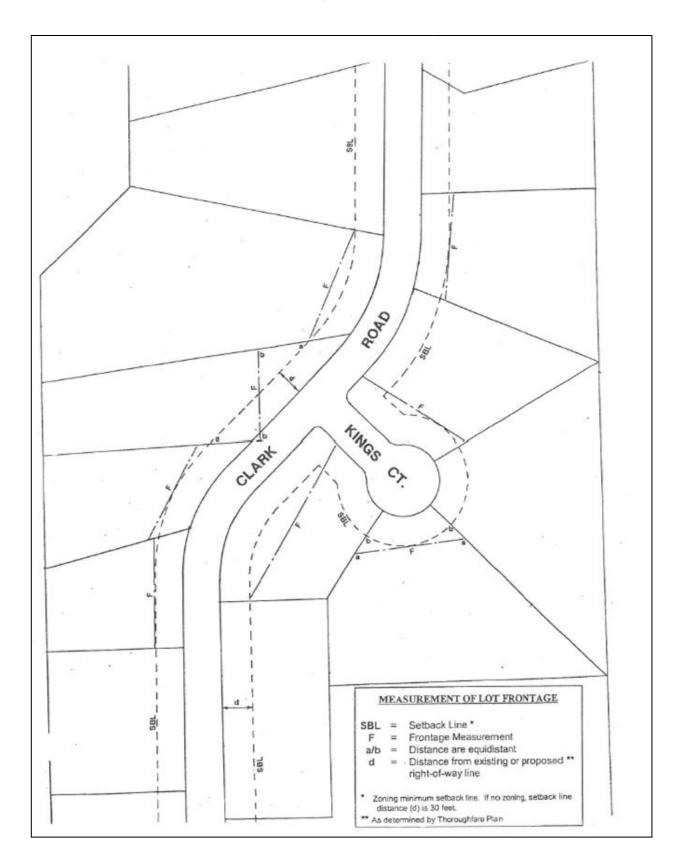


Figure 2

