

ARTICLE 17: SUBDIVISION REGULATIONS

- 1700 GENERAL PROVISIONS.
- 1701 POLICY.
- 1702 PURPOSE.
- 1703 AUTHORITY.
- 1704 JURISDICTION.
- 1705 ENACTMENT.
- 1706 INTERPRETATION, CONFLICT, AND SEPARABILITY.
- 1707 SAVING PROVISION.
- 1708 AMENDMENTS.
- 1709 CONDITIONS.
- 1710 VARIANCES.
- 1711 ENFORCEMENT, VIOLATIONS, PENALTIES, AND FEES.
- 1712 MINOR SUBDIVISION RESIDENTIAL SINGLE FAMILY DETACHED UNITS.
- 1713 SUBMITTAL MATERIALS.
- 1714 APPROVAL PROCEDURES.
- 1715 MAJOR SUBDIVISION: RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL.
- 1716 PREAPPLICATION OR INTRODUCTORY MEETING.

- 1717 PRELIMINARY PLAT APPLICATION.
- 1718 CONTENTS OF THE PRELIMINARY PLAT APPLICATION.
- 1719 REVIEW BY THE PLANNING COMMISSION.
- 1720 ACTION ON PRELIMINARY PLAN BY THE PLANNING COMMISSION.
- 1721 APPLICATION FOR FINAL PLAT.
- 1722 APPROVAL OF FINAL PLAT.
- 1723 SITE PLAN PROCEDURE.
- 1724 DESIGN AND IMPROVEMENT STANDARDS PURPOSE.
- 1725 OPEN SPACE AND RECREATION.
- 1726 LANDSCAPING STANDARDS.
- 1727 STREETS.
- 1728 OFF-STREET PARKING.
- 1729 WATER SUPPLY.
- 1730 SANITARY SEWERS.
- 1731 STORM WATER MANAGEMENT.
- 1732 IMPROVEMENT GUARANTEES.
- 1733 SPECIFICATION OF DOCUMENTS TO BE SUBMITTED PURPOSE.
- 1734 REQUIRED IMPROVEMENTS.
- 1735 EASEMENTS.
- 1736 IMPROVED STANDARDS: CONSTRUCTION SPECIFICATION.

1737 RESPONSIBILITY AND LIABILITY ON CONSTRUCTION SITES.

ARTICLE 17

SUBDIVISION REGULATIONS

1700 GENERAL PROVISIONS.

These regulations shall hereafter be known, cited, and referred to as the Subdivision Regulations of the Village of Rock Creek.

1701 POLICY.

1. It is hereby declared to be the policy of the Village to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the Village pursuant to the official land use or comprehensive plans of the Village for the orderly, planned, efficient, and economical development of the Village;
2. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to the health or peril for fire, flood, or other menace, and land shall not be subdivided until available public facilities and improvements exist and proper provisions have been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements; and
3. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the comprehensive plan, official map, and the capital budget and program of the Village, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning resolutions, comprehensive plan, official map and land use plan, and capital budget and program of the Village.

1702 PURPOSE.

These regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare of the Village;
2. To guide the future growth and development of the Village, in accordance with the comprehensive plan;
3. To provide for adequate light, air, and privacy, and to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population;

4. To protect the character and the social and economic stability of all parts of the Village and to encourage the orderly and beneficial development of all parts of the Village;
5. To protect and conserve the value of land throughout the Village and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
6. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities;
7. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Village, having particular regard to the avoidance of congestion in the streets, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines;
8. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monuments of subdivided land;
9. To insure that public facilities are available and will have sufficient capacity to serve the proposed subdivision;
10. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the Village in order to preserve the integrity, stability, and beauty of the community and the value of the land;
11. To preserve the natural beauty and topography of the Village and to insure appropriate development with regard to these natural features; and
12. To provide for open spaces through the most efficient design and layout of the land.

1703 AUTHORITY.

By authority of ordinance of the Council of the Village of Rock Creek, adopted pursuant to the powers and jurisdictions vested through Chapter 711 of the Ohio Revised Code and other applicable laws, statutes, ordinances, and regulations of the State of Ohio, the Planning Commission does hereby exercise the power and authority to review, approve, and disapprove plats for subdivision land within the unincorporated areas of the Village which show lots, blocks, or sites with or without new streets.

1704 JURISDICTION.

1. These subdivision regulations shall apply to all subdivisions of land or development projects, as defined herein, located within the unincorporated areas of the Village.
2. No land shall be subdivided or developed within the Village until:
 - A. The subdivider/developer, or his agent, has submitted a preliminary and final plat or site plan of the parcel to the Planning Commission;
 - B. The Planning Commission gives preliminary and final approval of the plat or site plan itself;
 - C. The approved plat or site plan is filed with the County Recorder of deeds.
3. No building permit or zoning certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations.

1705 ENACTMENT.

In order that land may be subdivided, or developed, in accordance with these proposes and policy, these subdivision regulations are hereby adopted.

1706 INTERPRETATION, CONFLICT, AND SEPARABILITY.

1. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
2. Conflict with public and private provisions:
 - A. Public Provisions: The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule, regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control; and
 - B. Private Provisions: These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the

provisions of the easement, covenant, private agreement, or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Planning Commission in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations hereunder, then such private provisions shall be operative and supplemental to these regulations and determination made hereunder.

3. Separability: If any part or provisions of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impart the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Planning Commission hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

1707 SAVING PROVISION.

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

1708 AMENDMENTS.

For the purpose of providing the public health, safety, and general welfare, the Planning Commission may, from time to time, amend the provisions imposed by these subdivision regulations. The Planning Commission, in the manner prescribed by law, shall hold public hearings on all proposed amendments.

1709 CONDITIONS.

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State to this Village. The developer has the duty of compliance, with reasonable conditions, laid down by the Planning Commission for design, dedication, improvement, and restrictive use of the land so as to conform to the

physical and economical development of the Village and to the safety and general welfare of the future plot owners in the subdivision and the community at large.

1710 VARIANCES.

1. General: Where the Zoning Board of Appeals finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purpose of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Zoning Board of Appeals shall not approve variances unless it shall make findings based upon the evidence present to it in each specific case that:
 - A. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property located in the area;
 - B. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property; and
 - C. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.
2. Conditions: In approving variances, the Board of Zoning Appeals may require such conditions as well, in its judgment, secure substantially the objectives of the standards or requirements of these regulations; and
3. Procedures: A petition for any such variance shall be submitted, in writing, by the subdivider at the time when the preliminary plat is filed for the consideration of the Board of Zoning Appeals. The petition shall state fully the grounds for the application and all of the facts relied upon the petitioner.

1711 ENFORCEMENT, VIOLATIONS, PENALTIES, AND FEES.

1. General:
 - A. It shall be the duty of the Planning Commission to enforce these regulations and to bring the attention of the Village Solicitor any violations or lack of compliance herewith;

- B. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Planning Commission, in accordance with the provisions of these regulations, and filed with the County Recorder of Deeds;
 - C. The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these regulations; and
 - D. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.
- 2. Violation and penalties: Whoever willfully violates any rule or regulation adopted by the Rock Creek Village Council pursuant to Section 711.101 of the Ohio Revised Code or fails to comply with any order issued pursuant hereto, shall forfeit and pay not less than one-hundred (100) nor any more than one-thousand (1,000) dollars. Such sum may be recovered, with costs, in a civil action brought in the Court of Common Pleas by the Village Solicitor; and
 - 3. Civil Enforcement: Appropriate actions and proceedings may be taken by law, or equity, to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy, of a building, structure, or premises, and these remedies shall be in addition to the penalties described above.
 - 4. Fees: The Rock Creek Village Council shall establish a schedule of fees, charges, and expenses and a collection procedure for preliminary and final plats, and other matter pertaining to these regulations. The schedule of fees shall be posted at the Village Hall and such fees may be altered or amended by the Village Council by resolution. In addition to the payment of fees so established, the Owner/Developer shall also be responsible for costs associated with inspection, testing and other similar activities required by these regulations. Until all applicable fees, charges, and expenses have been paid in full, no final action shall be taken on any preliminary or final plan or plat.

1712 MINOR SUBDIVISION RESIDENTIAL SINGLE FAMILY DETACHED UNITS.

Pursuant to Section 711.131 of the Ohio Revised Code, if the proposed subdivision of land meets the following criteria, then it shall be classified as a minor subdivision:

1. The proposed subdivision has frontage along an existing or previously dedicated public street or other dedicated right of way, regardless of whether such street or roadway complies with the definition for a public street or roadway in Article 2 of this Comprehensive Zoning Plan. In addition, such subdivision shall not involve opening, widening, extension or improvement of any existing roadway;
2. Such frontage consists of at least fifty (50) feet;
3. Such action creates no more than five (5) lots, including the remainder, from the original parcel, as defined as any parcel that existed as a unit, as defined by the Ohio Revised Code Chapter 711, prior to July 25, 1977; and
 - A. If the subdivision is considered as a minor subdivision, only such drawings and information as described in this Section 1717 are required.

1713 SUBMITTAL MATERIALS.

The applicant for a minor subdivision shall submit the following items for the approval by the Village of Rock Creek Planning Commission, or its authorized agent:

1. Two (2) copies of a drawing based on a survey of the parcel(s) in question. Such survey shall be made by a registered surveyor in the State of Ohio, in accordance with the Minimum Standards for Boundary Surveys in the State of Ohio as found in the Ohio Administrative Code, Chapter 4733-37, as may be subsequently amended;
2. A written legal description of the property;
3. Connection permit for sanitary sewer;
4. Connection permit for water tap-in;
5. Storm water management drawing;
6. Driveway culvert or curb cut permit (if applicable); and
7. Zoning Inspector/Administrator's approval of lot area and dimension.

1714 APPROVAL PROCEDURES.

1. If the authorized representative of the Planning Commission is satisfied that the proposed subdivision is not contrary to the applicable platting, subdividing, or zoning regulations they shall, within seven (7) business days after the submission of the application packet, approve such proposed

division and have the Zoning Inspector/Administrator provide the applicant with a written notice of this action. On presentation of an instrument of conveyance of said parcel, the authorized representative stamp the same, "Approved. Rock Creek Village Planning Commission, No Plat Required" and sign and date the document;

2. An "EXEMPT" stamp will be used for parcels approved because they are exempt from subdivision regulations pursuant to Chapter 711 of the Ohio Revised Code; and
3. If the application is disapproved, the applicant shall be notified, in writing, by the Planning Commission as to the reasons for its disapproval:
 - A. If any site created by such subdivision has been determined not to be approvable by the Planning Commission, a statement so indicating shall be marked on the deed or instrument of conveyance. One (1) copy of the submittal materials shall be retained by the Planning Commission for their records; and
 - B. If the proposed minor subdivision is not approved, the applicant may appeal the decision of the Planning Commission to the Rock Creek Board of Zoning Appeals. An appeal shall be filed by the applicant within ten (10) days from the action by the Planning Commission, and shall be considered by the Board of Zoning Appeals at the next meeting.

1715 MAJOR SUBDIVISION: RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL.

If the proposed subdivision does not meet the standards for a minor subdivision, specified in Section 1712 above, the review and approval procedures in the following Sections shall apply.

1716 PREAPPLICATION OR INTRODUCTORY MEETING.

Introductory Meeting: The subdivider is required to meet the Planning Commission prior to submitting the preliminary plat or site plan. The purpose of this meeting is to discuss the purpose and effect of these regulations and the criteria and standards contained therein; and to familiarize the developer with any comprehensive plan, major thoroughfare plan, parks and public open space plan, and drainage, sewerage, and water systems for the Village. It is the responsibility of the developer to contact the Zoning Inspector/Administrator for explanations of applicable zoning ordinances. The submittal of a concept or sketch plan for the proposed development is recommended.

1717 PRELIMINARY PLAT APPLICATION.

Upon determining to proceed with a preliminary plan, the Owner/Developer shall submit five (5) copies of the preliminary plan to the Planning Commission, along with applicable fees to be paid to the Zoning Inspector/Administrator. Such application shall be submitted to the Planning Commission not less than ten (10) days prior to a regularly scheduled meeting of the Commission. If the preliminary plan contains three (3) more lots, the Chairperson of Planning Commission shall have the authority to require such preliminary plan to cover that portion of the entire contiguous ownership of the Owner/Developer which shall be developed within the next two (2) years.

1718 CONTENTS OF THE PRELIMINARY PLAT APPLICATION.

1. The preliminary plat form shall be drawn at a scale not less than one-hundred (100) feet to the inch and shall be on one or more sheets 24 x 36 inches in size. Six (6) copies shall be submitted to the Planning Commission at least ten (10) business days prior to its regular meeting;
2. Preliminary Plat Contents:
 - A. The proposed name of the subdivision, which shall not duplicate or closely approximate the name of any other subdivision in the Village or County;
 - B. Location by section, range, township, and municipality or other surveys;
 - C. Names, addresses, and telephone numbers of the owner, subdivider, and professional engineer and/or registered surveyor who prepared the plat, and appropriate registration numbers and seals;
 - D. Sale of the plat, north point and date;
 - E. A complete survey of the subdivision, including proposed lots and right-of-ways, tied to a lot corner or road intersection by bearing and distance;
 - F. Names of adjacent subdivisions, owners of adjoining parcels of un-subdivided land, and the location of their boundary lines;
 - G. Locations, widths, and names of existing streets, railroad right-of-ways, easements, parks, permanent buildings, and corporation and village lines, location of wooded areas, and other significant topographic and natural features within and adjacent to the plat;
 - H. Zoning classification of the tract and adjoining properties and a description of proposed zoning changes, if any; and
 - I. Existing contours at an interval of not greater than two (2) feet if the slope of the ground is fifteen (15) percent or less; and not

greater than five (5) feet where the slope is more than fifteen (15) percent.

4. Filing: The preliminary plat shall be considered officially filed on the day it is received by the Zoning Inspector/Administrator and shall be so dated and a filing fee shall be charged at that time;
5. Approval of preliminary plat: The Zoning Inspector/Administrator shall forward copies of the preliminary plat to the Planning Commission. The Planning Commission shall determine whether the preliminary plat shall be approved, disapproved, approved with modifications, and the subdivider notified by letter of the action taken. The Planning Commission shall then act on the preliminary plat within thirty (30) days after filing unless such time is extended by agreement with the subdivider. Approval of the preliminary plat shall be conditional upon compliance with all ordinances and regulations of the Village; and
6. Approval period: The approval of the preliminary plat shall be effective for the maximum period of twelve (12) months and shall guarantee that the terms under which the approval was granted will not be affected by changes to these regulations.

1719 REVIEW BY THE PLANNING COMMISSION.

Within seven (7) working days, the Planning Commission shall review the preliminary plan. After review, the Planning Commission shall compile comments and inputs received from all contacted sources, along with written recommendation for action.

1720 ACTION ON PRELIMINARY PLAN BY THE PLANNING COMMISSION.

1. The Planning Commission shall review and take action on the preliminary plan not later than thirty (30) days from submission of the preliminary plan to the County Engineer, or within such further time as is agreed upon in writing by the Owner/ Developer. In reviewing the preliminary plan, the Commission shall consider the recommendations as provided pursuant to Section 1719, as well as the following factors:
 - A. The provisions of the Ohio Revised Code, these regulations and other applicable laws are complied with;
 - B. Whether the subdivision can be adequately served with public facilities and services under the specific circumstances; and
 - C. Land intended for building sites appears suitable for development and is not likely to be subject to peril from floods, erosion, continuously high water table, poor soil conditions or other hazards; however, preliminary approval shall not be construed to imply or infer any

warranty or assurance by the County that such hazards do not exist, or any liability thereof.

2. The Planning Commission may approve, disapprove, or approve with modification the submitted plan. The grounds for the action on any submitted plat, including citation or reference for rules violated by the plat, shall be stated in the written record of the Planning Commission. Any approval of a preliminary plan shall be effective for a period of two (2) years; and
3. Approval of the preliminary plan shall confer upon the Owner/Developer the right for a two (2) year period from the date approval that the general terms and conditions under which approval was granted will not be changed, and that within the two (2) year period, the whole, part or parts of the preliminary plan may be submitted for final approval.

1721 APPLICATION FOR FINAL PLAT.

1. General requirements: The subdivider, having received approval for the preliminary plat of the proposed subdivision, may submit a final plat of the subdivision and drawings and specifications of the improvements required therein. The final plat shall have incorporated all changes in the preliminary plat required by the Planning Commission. Otherwise it shall conform to the preliminary plat, and may constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop at the time. The final plat and the supplementary information shall be signed and prepared by a registered engineer and/or surveyor:
 - A. Regulations governing improvements: The final plat drawings and specifications of improvements shall be a set of construction and utility plans prepared by a registered professional engineer. The plans shall include typical sections, plans and profile views, and construction details; and
 - B. All typical sections and major engineering details, to be used on any particular street, shall be approved in advance by the County Engineer before completion of the plans. Prior to the granting of approval of the final plat, the subdivider shall have installed, the minimum required improvements, or shall have furnished a surety, escrow agreement, or certified check for the amount of the estimated construction cost of the ultimate installation and the initial maintenance of the improvements. No improvements shall be constructed or partially constructed before plans and drawings have been presented to and approved by the Planning Commission. Before the surety, escrow agreement, or check is accepted, the proper

administrative officials shall approve it. The terms of the maintenance surety shall extend twelve (12) months beyond the completion date of the project.

2. Final plat: The final plat shall be legibly drawn in waterproof ink on tracing cloth or other material of equal permanence. It shall be drawn at a scale not less than one-hundred (100) feet to the inch (the County Recorder request that the size be 21 x 26 inches for recording). If more than one (1) sheet is needed, each sheet shall be numbered and the relation of one (1) sheet to another clearly shown. Five (5) copies of the final plat shall be submitted to the Planning Commission at least ten (10) working days prior to its regular meeting;
3. Final plat contents: The final plat shall contain the following information:
 - A. Name of the subdivision, location by section, range or by other survey number, date, north point, and scale;
 - B. Name and address of the owner and the professional engineer and/or registered surveyor who prepared the plat and appropriate registration numbers and seals;
 - C. Plat boundaries, based on accurate traverse, with angular and lineal dimensions. All dimensions, both linear and angular shall be determined by an accurate control survey in the field, which must balance and close within the limit of one (1) in twenty-thousand (20,000);
 - D. Bearings and distances to nearest established street lines or other recognized permanent monuments;
 - E. Exact locations, right-of-way, names and all streets within and adjoining the plat, and building setback lines;
 - F. Radii, internal angles, points of curvature, tangent bearings, lengths of arcs, and lengths and bearings of chords of all applicable streets within the plat area;
 - G. All easements and right-of-ways provided for public services or utilities;
 - H. All lot numbers and lines with accurate dimensions in feet and hundredths. When lots are located on a curve, the lot width at the building setback lines shall be shown;
 - I. Accurate outlines or areas to be dedicated or reserved for public use, or any area to be reserved for the common use of all property owners. The use and accurate boundary locations shall be shown for each parcel of land to be dedicated;
 - J. A copy of any restrictions and covenants to subdivider intends to include in the deeds to the lots in the subdivision;

- K. Certification by a registered surveyor to the effect that the plat represents a survey made by him and that the monuments shown thereon exist as located and that all dimensional details are correct;
 - L. Notarized certification by the owner(s) of the adoption of the plat and the dedication of streets and other public areas;
 - M. The location of and a description of all monuments and pins as specified in the Engineer's road specifications;
 - N. A bar scale shall be shown on all pages of the subdivision; and
 - O. Gross acreage, lot acreage, road acreage, net acreage, and road mileage shall be shown.
4. Supplementary information: The following information shall be supplied in addition to the requirements in Article 1715, inclusive:
- A. If a zoning change is involved, certification from the Board of Zoning Appeals shall be required indicating that the change has been approved and is in effect; and
 - B. Certification shall be required showing that all required improvements have been either installed and approved by the proper officials or agencies, or that a bond or other surety has been furnished assuring installation and initial maintenance of the required improvements.
6. Filing: The final plat shall be filed with the Village Zoning Inspector/Administrator not later than twelve (12) months after the date of approval of the preliminary plat; unless an extension is requested by the developer and granted in writing by the Village Zoning Inspector/Administrator.

1722 APPROVAL OF FINAL PLAT.

1. The Village Planning Commission shall approve or disapprove the final plat within thirty (30) days after it has been filed. Failure of the Planning Commission to act upon the final plat within such time shall be deemed as approval of the plat. If disapproved, the grounds for disapproval shall be stated in the records of the Planning Commission, and a copy of the record forwarded to the subdivider. If disapproved, the subdivider may make the necessary corrections and resubmit the plat to the Planning Commission for its final approval. If the Planning Commission refuses a plat, the person submitting the plat may file a petition within ten (10) days after such refusal in the County of Common Pleas of the County in which the land described in said plat is situated to reconsider the action of the Planning Commission; and

2. Transmittal of copies: The original tracing shall be returned to the subdivider for filing with the County Recorder after all necessary certifications are received.

1723 RELEASE OF RECORD PLAT FOR RECORDING.

1. If the developer has installed any or all improvements, certification will be required at the time of release of the record plat for recording guaranteeing that all required improvements have been installed. A maintenance bond shall be required;
2. If no improvements have been installed, the submission of a performance bond or other surety shall be furnished assuring installation and initial maintenance of the required improvements;
3. Each submission must be accompanied by the applicant's site development planning information for the proposed development. No work may begin, nor shall the record plat be recorded prior to the County Engineer approval of the storm runoff and soil erosion control plan for the site; and
4. Where applicable, a homeowners' association shall be established for the purpose of permanently maintaining all private open space, private streets, recreational and drainage facilities within the established subdivision as appropriate. Such homeowners' association agreements, guaranteeing the continual maintenance of said facilities.

1724 SITE PLAN PROCEDURE.

1. Requirements are for Residential multi-family, Commercial, Recreational, Industrial, and other developments that are not single family residential developments with individual fee simple lot ownership; and
2. All new or expanding developments meeting the definition of subdivision but not single family detached residential units sold/leased as individual lots (fee simple purchase, lease purchase, land contract, or similar instrument) must submit to the Planning Commission a preliminary site plan and final site plan following the procedures outlined in the preliminary and final plat process for subdivisions. If no lots are to be divided, but buildings with multiple owners/tenants and shared common areas or access drives are to be developed; the footprint of the buildings, utility easements, access drives, parking right-of-ways, roads and other parts of the physical development of the land delineated in the site plan shall be recorded in the County Recorders' office in the record of plats.

DESIGN AND IMPROVEMENT STANDARDS PURPOSE.

The purpose of good subdivision and site design is to create a functional and attractive development to minimize adverse impacts, and to ensure a project will be an asset to a community. To promote this purpose, the subdivision and/or site plan shall conform to the following standards which are designed to result in a well-planned community without adding unnecessarily to development costs.

1. Site analysis: An analysis shall be made of characteristics of the development site such as site context, geology and soil, topography; climate; ecology; existing vegetation, structures, and road networks; visual features; and past and present use of the site;
2. Subdivision and site design:
 - A. Design of the development shall take into consideration all existing local and regional plans for the surrounding community.
 - B. Development of the site shall be based on the site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid area of environmental sensitivity, and to minimize negative impacts and alteration of natural features.
 - C. The following specific areas shall be preserved as undeveloped open space, to the extent consistent with the reasonable utilization of land, and in accordance with applicable state or local regulations:
 - 1) Unique and/or fragile areas, including wetlands as defined in Section 404, Federal Water Pollution Control Act Amendments of 1972, and delineated on wetlands maps prepared by the United States Fish and Wildlife Service, field verified by on-site inspection;
 - 2) Significant trees or stands of trees, defined as the largest known individual trees of each species in the state, large trees approaching the diameter of the known largest tree, or species or clumps of trees that are rare to the area or of particular horticultural or landscape value;
 - 3) Lands in the flood plain, as defined by federal or local relations;
 - 4) Steep slopes in excess of twenty (20) percent as measured over a ten (10) foot interval unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken;
 - 5) Habitats of endangered wildlife, as identified on federal or state lists; and
 - 6) Historically significant structures and sites, as listed on federal or state lists of historic places.

- D. The development shall be laid out to avoid adversely affecting ground water and aquifer recharge; to reduce cut and fill; to provide adequate access to lots and sites; and to mitigate adverse affects of shadow, noise, odor, traffic, drainage, and utilities on neighboring properties.
3. Residential Development Design:
- A. Residential lots shall front on residential access or sub-collector streets, not on collector streets;
 - B. Every lot shall have sufficient access to it for emergency vehicles as well as for those needing access to the property in its intended use;
 - C. The placement of units in residential developments shall take into consideration topography, privacy, building height, orientation, drainage, and aesthetics;
 - D. Buildings shall be spaced so that adequate privacy is provided for units;
 - E. The lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding developments;
 - F. All side lot lines shall be at right angles to street lines and radial to curved street lines, except where the Zoning Board of Appeals determines a variance to this rule;
 - G. Through lots are not allowed;
 - H. No lot shall have an average depth which is more than three (3) times its average width, nor shall it have a depth of less than one-hundred twenty (120) feet except that whenever a lot fronts upon an exterior curved portion of a street, the centerline radius of which is one-hundred (100) feet or less than the required minimum lot depth may be reduced to not less than one-hundred (100) feet; and
 - I. All lots must front on a publicly dedicated road and shall not include any of the road within their legal description acreage.
4. Commercial and industrial developments shall be designed according to the same principles governing the design of residential developments; namely, buildings shall be located according to topography, with environmentally sensitive areas avoided to the maximum extent practicable; factors such as drainage, noise, odor, and surrounding land uses considered in siting buildings; sufficient access shall be provided; and adverse impacts buffered;
5. Circulation System Design:
- A. The road system shall be designed to permit the safe, efficient, and orderly movement of traffic; to meet, but not exceed the needs of

- the present and future population served; to have a simple and logical pattern; to respect natural features and topography; and to present and attractive streetscape;
 - B. In residential subdivision, the road system shall be designed to serve the needs of the neighborhood and to discourage use by through traffic;
 - C. The pedestrian system shall be located as required for safety. Walks shall be placed parallel to the street, with exceptions permitted to preserve natural features or to provide visual interest; and
 - D. Bikeways shall be required only if specifically indicated in the master plan.
6. Landscape Design:
- A. Reasonable landscaping should be provided at site entrances, in public areas, and adjacent to buildings. The type and amount of landscaping required shall be allowed to vary with the type of development; and
 - B. Plants or other landscaping materials that best serve the intended function shall be selected. Landscaping materials shall be appropriate for the local environment, soil conditions, and availability of water. The impact of the proposed landscaping plan at season changes shall also be considered.

1726 OPEN SPACE AND RECREATION.

1. Purpose: Planned unit developments, planned unit residential developments, and residential cluster developments shall be required to provide open space. Developed open space shall be designed to provide active recreational facilities to serve the residents. Underdeveloped open space shall be designed to preserve important site amenities and environmentally sensitive areas;
2. Minimum requirements:
 - A. Amount of open space required: Fifteen (15) percent of the tract proposed for development shall be set aside for developed and undeveloped open space, adjusted as appropriate, for conditions such as population density, existing municipal facilities, topography, socioeconomic characteristics of the prospective population, and other appropriate site and development specific factors;
 - B. Size of open space parcels: The area of each parcel of open space designed for active recreational purposes shall be of such minimum dimensions as to be functionally usable; and
 - C. Location of open space parcels: Open space parcels shall be convenient to the dwelling units they are intended to serve. However,

- because of the noise generation, they shall be sited with sensitivity to surrounding development.
3. Improvement of open space parcels:
 - A. Developed open space: The Planning Commission may require the installation of recreational facilities, taking into consideration:
 - 1) The character of the open space land;
 - 2) The estimated age and recreation needs of the persons likely to reside in the development;
 - 3) Proximity, nature, and excess capacity of existing municipal recreation facilities; and
 - 4) The cost of the recreational facilities.
 - B. Undeveloped open space: As a general principle, undeveloped open space should be left in its natural state. A developer may make certain improvements, such as the cutting of trails for walking or jogging, or the provision of picnic areas, etc. In addition, the Planning Commission may require the developer to make other improvements, such as removing dead or diseased trees, thinning trees or other vegetation to encourage more desirable growth, and also grading and seeding where needed.
 4. Exceptions to the standards: Exceptions to the above standards may be granted by the Zoning Board of Appeals when it can be determined that:
 - A. The objectives underlying these standards can be met without strict adherence to them; and
 - B. Because of peculiarities in the tract of land or the facilities proposed, it would be unreasonable to require strict adherence to these standards.
 5. Deed restrictions: Any lands dedicated for open space purposes shall contain appropriate covenants and deed restrictions approved by the Village Solicitor ensuring that:
 - A. The open space area will not be further subdivided in the future;
 - B. The use of the open space will continue in perpetuity for the purpose specified;
 - C. Appropriate provisions will be made for the maintenance of the open space; and
 - D. Common undeveloped open space shall not be turned into a commercial enterprise admitting the general public at a fee.
 6. Open space ownership: The type of ownership of land dedicated for open space purposes shall be selected by the owner, developer, or subdivider subject to the approval of the Planning Commission. The type of ownership may include, but is not limited to:

- A. The Village, subject to acceptance by the Village Council;
 - B. Other public jurisdictions or agencies, subject to their acceptance;
 - C. Quasi-public organizations, subject to their acceptance;
 - D. Homeowner, condominium, cooperative associations, or organizations;
or
 - E. Shared, undivided interest by all property owners in the subdivision.
7. Homeowners association: If the open space is owned and maintained by a homeowner or condominium association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for the preliminary approval. The provisions shall include, but are not limited to, the following:
- A. The homeowners association must be established before the homes are sold;
 - B. Membership must be mandatory for each homebuyer and any successive buyer;
 - C. The open space restrictions must be permanent, not just for a period of years;
 - D. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;
 - E. Homeowners must pay their pro-rata share of the cost, and the assessment levied by the association can become a lien on the property if allowed in the master deed establishing the homeowners association; and
 - F. The association must be able to adjust the assessment to meet changed needs.
8. Maintenance of open space areas: The person or entity identified in as having the right of ownership or control over the open space shall be responsible for its continuing upkeep and proper maintenance.

1727 LANDSCAPING STANDARDS.

- 1. Purpose:
 - A. Landscaping shall be provided as part of site plan and subdivision design. It shall be conceived in a total pattern throughout the site, integrating the various elements of site design, preserving and enhancing the particular identity of the site, and creating a pleasing site character.
 - B. Landscaping may include plant materials such as trees, shrubs, ground covers, perennial, and annuals, and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, and street furniture.

2. Landscaping plan: A landscape plan prepared by a certified landscape architect engineer, architect, or planner shall be submitted with each site plan application, unless an exception is granted. The plan shall identify existing and proposed trees, shrubs, and ground covers; natural features such as rock outcroppings; and other landscaping elements. The plan shall show where they are or will be located and planting and/or construction details. Where existing plantings are to be retained, the applicant shall include in the plans proposed methods of protecting them during construction.
3. Site protection and general planting requirements:
 - A. Topsoil preservation: Topsoil moved during the course of construction shall be redistributed on all regarded surfaces so as to provide at least four (4) inches of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting;
 - B. Removal of debris: All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials, or other debris shall be removed for the site and disposed of in accordance with the state law. No tree stumps, or portions of tree trunks or limbs, shall be buried anywhere in the development. All dead or dying trees, either standing or fallen, shall be removed for the site. If trees and limbs are reduced to chips, they may be used as mulch in landscaped areas subject to approval by the Village Council or Village Administrator; and
 - C. Protection of existing plantings: Maximum effort should be made to save fine specimens. No material or temporary soil deposits shall be placed within four (4) feet of shrubs or ten (10) feet of trees designated on the landscape plan to be retained.

1728 STREETS.

1. General: The arrangement of streets shall generally conform to the Thoroughfare Plan for Rock Creek Village. For streets not indicated on the Thoroughfare Plan, the arrangement shall provide for appropriate extensions of existing streets;
2. Classification, street widths, and street grades: Streets shall be classified as *arterial*, *major collector*, *minor collector*, *minor collector* or *local*. The arrangement and classification of all streets in newly developed areas shall conform to the Thoroughfare Plan. The Planning Commission shall make the final determination as to the classification of any new street, based on the proposed development of the site, and its potential

traffic volume, expressed in ADT (Average Daily Traffic), the character of the surrounding area, and the Thoroughfare Plan;

3. Alignment:
 - A. The street pattern shall make provision for the continuance of streets into adjoining areas and for the connection to existing rights-of-way in adjacent areas;
 - B. If a subdivision adjoins or contains an existing or proposed arterial or major collector street, the Planning Commission may require marginal access streets or revenue frontage with a planning strip of a minimum width of twenty (20) feet on the rear of those lots abutting the street, and no vehicular access across the strip;
 - C. Local streets shall be laid out so as to discourage use by through traffic;
 - D. Streets shall intersect one another at ninety (90) degrees, or as near to ninety (90) degrees. The intersecting street must remain within these degree parameters for a distance of not less than one-hundred (100) feet from the intersection;
 - E. Street jogs shall be discouraged. Where such jogs are unavoidable, in no case shall the centerlines be offset by less than one-hundred (100) feet;
 - F. The maximum length of a cul-de-sac shall be one-thousand (1,000) feet, measured from the centerline of the intersecting street to the middle of the turnaround;
 - G. Half width streets shall be prohibited; and
 - H. Reserve strips or easements designed in such a manner so as to deny access from owners of adjacent property to the street shall be prohibited.
4. Dedication: The necessary rights-of-way for widening or extension of all thoroughfares, as delineated in the Thoroughfare Plan, shall be dedicated to public use. When a subdivision fronts on an existing County or township road, dedication shall be made to the proper authority;
5. Blocks: Blocks shall not exceed fifteen-hundred (1,500) feet in length except where specific topographic conditions require a greater length;
6. Street Names: The names of new streets shall not duplicate names of existing dedicated streets except that new streets which are extensions of the same existing street;
7. Driveways: Driveways shall not be located within one-hundred (100) feet from the centerline of any street that intersects the fronting roadway on the same side of the street; and

8. Private Streets: Private streets shall be allowed under specific conditions. The name and/or number of private streets shall be assigned prior to approval of the final plat. Private Streets shall be constructed as a minimum pavement standard of double chip and seal for subdivisions containing greater than five (5) lots. The Owner/Developer shall be responsible for the creation and maintenance of signs for a private street.

1729 OFF-STREET PARKING.

1. Number of spaces:
 - A. An adequate number of off-street parking spaces shall be required in all developments to accommodate residents and visitors;
 - B. For residential developments, off-street parking shall be provided as set forth in the Off-Street Parking Requirements For Residential Land Uses table at the end of this Article;
 - C. For nonresidential developments, the parking standards shown in Guidelines For Off-Street Parking Requirements For Nonresidential Land Uses shall be used as a guideline;
 - D. A one-car garage and driveway combination shall count as 1.75 off-street parking spaces, provided that the driveway measures a minimum of twenty-five (25) feet in length between the face of the garage door and the sidewalk, or thirty (30) feet to the curblin. A two-car garage and driveway, in combination, shall count as 3.5 off-street parking spaces provide that the minimum width of the driveway is twenty (20) feet and its minimum length is as specified above for a one-car garage.

1730 WATER SUPPLY.

The Village shall require and the subdivider or developer shall construct a system of water mains and appurtenances and shall connect them to an existing public water supply and provide a connection for each lot.

1. Water Lines:
2. Fire Hydrants:
 - A. The hydrants shall be located at common property lines and behind curbs with the pumper connection facing and the hose connection parallel to the street. Hydrants shall be placed at each street intersection and at mid-block for blocks under one thousand (1000) feet in length, but over five-hundred (500), and as otherwise recommended by the National Fire Protection Association but in no case shall hydrants be spaced more than four-hundred (400) feet apart in residential subdivisions. Hydrants shall also be required at

the entrance and end of all cul-de-sacs. Additional fire hydrants may be required in accordance with the National Board of Fire Underwriters "Standards Schedule for Grading Cities and Towns of the United States with Reference to Their Fire Defenses and Physical Conditions" or may be required by the fire department to accommodate specific fire protection needs.

- B. Fire hydrants shall conform to the materials and installation standards of the Morgan Township Fire Marshall and be provided by the subdivider; and
- C. For commercial and industrial subdivisions, the size and location of water lines shall be approved by the Sanitary Engineer and the Morgan Township Fire Marshall. The minimum size of water lines serving industrial and commercial subdivisions shall be eight (12) inches in diameter and circulating. Fire hydrants in commercial and industrial subdivisions shall be spaced every three-hundred (300) feet along apparatus travel routes, and within four-hundred (400) feet of all building access points used for fire suppression.

1731 SANITARY SEWERS.

All proposed subdivisions must be served by a central sewage treatment and disposal system. Such system(s) shall comply with the following standards:

- 1. The design of the overall system(s) shall be in conformance with the requirements of the County Standard Specifications, the Ohio Environmental Protection Agency (OEPA), the Ohio Department of Health and Ten State Standards;
- 2. Sanitary sewer and/or water lines should be located in the street right-of-way, except under extraordinary conditions; and
- 3. Only under circumstances of extreme hardship shall sewage lift stations and/or sewage grinder pumps be permitted in subdivisions established after the effective date of this Resolution. The Owner/Developer shall be responsible for all costs associated with any lift station.

1732 STORM WATER MANAGEMENT.

- 1. A storm water detention plan including at a minimum: USDA soil types, all necessary curve numbers, drainage areas, critical storm determination and the preliminary storage requirements; and
 - A. Outlets: No subdivision plans or plat shall be approved by the Planning Commission unless an adequate outlet for storm water, as shown on the plan or plat, is approved by the County Engineer. Generally it will be necessary to pipe storm water to an adequate watercourse, stream

or existing storm system which has the capacity to accommodate the flow, or to utilize acceptable on-site water retention methods adequate to minimize excessive off-site storm water flows;

- B. Prevention of natural drainage courses: No natural drainage course shall be altered and no fill, buildings or structures shall be located unless provision is made for flow of surface water. An easement shall be provided on both sides of the existing drainage course adequate for the purpose of future widening, deepening, enclosing or otherwise improving said drainage course. If such drainage course crosses private property, easements must be obtained by the Owner/Developer for construction and future maintenance. These easements must be shown on the Construction Plan, including the volume and page number of the recorded easement;
- C. Submittal of drainage data: Information and data pertaining to water volumes and velocities for all watersheds entering and on the property, along with calculations to show that proposed drainage improvements will adequately address such flows, shall be submitted to the County Engineer, along with required Construction and Grading Plans. Storm drainage systems shall be designed so that the peak rate of storm water runoff from the site after development, does not exceed the peak rate of runoff before development; however, the County Engineer may grant administrative exceptions to this requirement when specific conditions warrant such action. The methods and techniques proposed to address surface runoff shall be designed to accommodate the five (5) year frequency storm; and
- D. Culverts: All culverts utilized in subdivisions shall have the appropriate headwalls and other structures and improvements to protect the facility.

1733 IMPROVEMENT GUARANTEES.

- 1. Purpose: Improvement guarantees shall be provided to ensure the proper installation and maintenance of required street, utility, and other improvements. The nature and duration of the guarantee and shall be structured to achieve this goal without adding unnecessary costs to the developer;
- 2. Application:
 - A. Before recording of final subdivision plats, or as a condition of final site plan approval, the Planning Commission may require and shall accept in accordance with the standards adopted by ordinance the following guarantees:

- 1) The furnishing of a performance guarantee in an amount not to exceed one-hundred (100) percent of the cost of installation for improvements;
 - 2) Provision for a maintenance guarantee for a period not to exceed one (1) year after final acceptance of the improvement, in an amount not to exceed fifteen (15) percent of the cost of the improvement. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed, or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the Planning Commission for such utilities or improvements;
- B. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the Planning Commission by Ordinance;
 - C. Upon substantial completion of all required improvements, the developer may notify the Planning Commission in writing, by certified mail, of the completion or substantial completion of improvements, and shall send a copy to the County Engineer and/or Planning Commission. The County Engineer shall inspect all improvements, of which such notice has been given and shall file a detailed report, in writing, with the Planning Commission indicating either approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection. The cost of the improvements as approved or rejected shall be set forth;
 - D. The governing body shall either approve, partially approve, or reject the improvements on the basis of the report of the County Engineer, and shall notify the developer in writing, by certified mail, of the contents of the report and the action not later than thirty (30) days after receipt of the notice from the developer of the completion of the improvements. Failure of the governing body to send or provide such notification to the developer within thirty (30) days shall be deemed to constitute approval of the improvements, and the obligor and surety, if any, shall be released from all liability pursuant to such performance guarantee for such improvements; and
 - E. Where partial approval is granted, the developer shall be released from all liability except for that portion of improvements not yet approved.

3. Performance and maintenance mechanisms: Performance and maintenance guarantees shall be provided by a variety of means including, but not limited to:
 - A. Security bond: The applicant may obtain a security bond from a surety bonding company authorized to do business in the State of Ohio;
 - B. Letter of credit: The applicant may provide an irrevocable letter of credit from a bank or other reputable institution;
 - C. Escrow account: The applicant shall deposit cash in escrow with a bank. Interest earned in this account is payable to the developer;
 - D. Property: The applicant may provide as a guarantee land or other property; and
 - E. Subdivision Improvement Guarantee: An applicant may provide as a guarantee a subdivision improvement agreement between the applicant, lender, and local government.

1734 SPECIFICATION OF DOCUMENTS TO BE SUBMITTED PURPOSE.

1. Purpose: The documents to be submitted are intended to provide the approving authority with sufficient information and data to assure compliance with all municipal codes and specification and ensure that the proposed development meets the design and improvements standards contained in this Ordinance. The specification of documents to be submitted is based on the type of development and particular stage of development application; and
2. Requirements: The documents to be submitted are shown on the following pages. In specific cases and for documented reasons, the approving authority may waive the submission of a particular document. The reasons for the waiver shall be indicated in the minutes of the approving authority.

1735 REQUIRED IMPROVEMENTS.

1. The Owner/Developer who desires to develop any major subdivision subject to this Resolution shall provide and pay the entire cost of improvements applicable to the proposed development, as follows:
 - A. Streets and parking areas, including drainage structures, bridges, curbing and other improvements as may be required by the County Engineer, pursuant to the provisions of this Ordinance;
 - B. Sanitary sewers (including manholes, services and appurtenances) and water distribution system (including mains, services, valves, fire hydrants and all appurtenances) as applicable;
 - C. Monuments, stakes and property pins;

- D. Street signs designating the name of each street at each intersection within the development;
- E. Utilities, including electric, telephone and cable television services; however, these costs may be shared with the respective utility companies according to such arrangements as may be made between said utilities and the Owner/Developer; and
- F. All other improvements shown on the plans as approved by the County Engineer.

1736 EASEMENTS.

- 1. Utility: Easements shall be required for poles, wire, cable, conduits storm and sanitary sewers, water lines, gas lines and/or other utility lines. Generally, such easements shall be a minimum of fifteen feet (15') in width and be located along front, rear and/or side lot lines. Easements of greater width may be required in particular cases, upon determination of the Planning Commission;
- 2. Watercourse: When any stream or surface drainage course is located within a proposed subdivision, the Owner/Developer shall provide an easement along each side of such stream or watercourse for the purpose of widening, deepening, relocating or other maintenance. The width of such easement shall be determined by the Planning Commission;
- 3. Access: The Planning Commission may approve a subdivision which does not front along a public roadway, but is served by an access easement interesting with a public roadway, provided the following conditions are met:
 - A. The access easement shall be at least fifty (50) feet in width and shall abut a public roadway. No such easement shall be established on top of any existing easement;
 - B. The subdivision may be approved as a minor subdivision unless determined by the Planning Commission to require review and approval as a major subdivision;
 - C. Not more than one (1) lot shall be created on a single access easement. If more than one (1) lot is created, the access management shall be designated as a private road, and a maintenance agreement shall be submitted and recorded for all lots sharing such private road. The wording of such agreement shall be referenced on the deeds of all lots created by such action. The access easement shall be transferred and duly recorded with the Ashtabula County Recorder's Office. The deed for any lot so established shall make reference to the access easement; and

- D. The intersection of the access easement with the public roadway shall be approved by the County Engineer.

1737 IMPROVED STANDARDS: CONSTRUCTION SPECIFICATION.

The Owner/Developer shall be responsible for the costs of all inspections and tests required by the County Engineer to establish that the materials and methods utilized in construction of the improvements meet the specifications.

1. Lots: The following regulations shall govern the design and layout:
 - A. The lot arrangement and design shall be such that all lots will provide satisfactory building sites for their intended use;
 - B. All lots shall conform to or exceed the requirements of the zoning district in which they are located;
 - C. Each lot shall front on a dedicated street or a private street developed to State standards;
 - D. Flag lots shall not be permitted unless specifically approved by the Planning Commission;
 - E. All side lot lines shall be at right angles to street lines and radial to curved street lines except where the Planning Commission determines that a variation to this rule would provide a better layout;
 - F. Lots with double frontage shall be avoided except where the Planning Commission determines that it is essential to provide separation of residential development from arterial streets; and
 - G. The maximum depth of a lot shall not be greater than three (3) times the width of the lot except as otherwise required by the Planning Commission.
2. Blocks: The arrangement of blocks shall be such as to conform to the street planning criteria set forth in this Section and they shall be arranged to take into consideration the natural features of the site, to accommodate lots, and to provide for the required community facilities and/or improvements. No block shall be longer than thirteen-hundred (1,300) feet;
3. Curbs: The following regulations shall govern the design and layout:
 - A. The standard curb section used shall be twenty (20) feet in length. All concrete or asphalt used for curbs shall be prepared in accordance with applicable state or other regulatory standard specification for road construction;
 - B. Curbs and/or combination curbs and gutters shall be constructed prior to the construction of the pavement; and

- C. Where drainage inlets are constructed, but curbs are not required, curbing must be provided at least ten (10) feet on each side of the inlet, set back one (1) foot from the extensions of the pavement edge.
- 4. Street Grading: No street grading shall be performed nor improvements installed until the final construction plans have been approved by the County Engineer and inspection fees have been paid. No street grading shall be commenced without three (3) working days notice to the County Engineer;
- 5. Street Signs: The Owner/Developer shall purchase and install street name, traffic directional and parking signs at intersections and other locations as approved by the County Engineer. The material, graphics and content are subject to approval by the County Engineer;
- 6. Sidewalks:
 - A. Shall be required on both sides of streets in all subdivisions. The Planning Commission may approve the location of sidewalks in public access easements outside the right-of-way in the interest of protecting natural topography or other features.
 - B. Sidewalks shall be constructed in accordance with the requirements in the State of Ohio Construction Standards and with the American Disabilities Act (ADA).
 - C. With the approval of the Planning Commission, the material may be of a type other than shown on the Standard Drawings if the sidewalks are not in the public roadway right-of-way.
 - D. Where sidewalks are constructed, curb ramps will be provided at intersections according to ODOT standard drawings.
- 7. Walkways: May be required in an easement for pedestrian travel through or across any portion of a block at the discretion of the Planning Commission;
- 8. Bikeways: New subdivisions shall be required to provide at least one bikeway or walkway connection to adjacent subdivisions, unless specifically waived by the Planning Commission; and
- 9. Utilities: In all subdivisions, both main and service connections of electric, gas, water, telephone, television cable lines and other utilities serving residential units shall be buried underground in accordance with the specifications and standards as established by the appropriate utility company. All conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services.

1738 RESPONSIBILITY AND LIABILITY DURING CONSTRUCTION.

No streets or public improvements shall be the responsibility of any public entity prior to formal acceptance. Until such time as such improvements have been approved and accepted, the Owner/Developer shall assume full responsibility and liability for all areas dedicated to the public, and the improvements thereon. The Owner/Developer shall agree to indemnify and hold harmless the County until such time as the improvements are accepted.

Off-Street Parking Requirements For Residential Land Uses

<u>Housing Unit Type and Size</u>	<u>Off-Street Parking Requirements</u>
-----------------------------------	--

Single-Family Detached

2 Bedroom	1.5
3 Bedroom	2.0
4 Bedroom	2.5
5 Bedroom	3.0

Garden Apartment

1 Bedroom	1.8
2 Bedroom	2.0
3 Bedroom	2.1

Townhouse

1 Bedroom	1.8
2 Bedroom	2.3
3 Bedroom	2.4

Note: When determination of the number of parking spaces required by this exhibit results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.

Guidelines For Off-Street Parking Requirements For Nonresidential Land Uses

Nonresidential Land Use	Required Off-Street Parking Spaces Per Indicated Area
Assembly Operations	1 per 800 square foot GFA
Bar	1 per 2 seats
Bowling Alley	4 per alley
Car Wash	2 per washing lane
Church/Synagogue	1 per 4 seats
Industrial	1 per 500 square foot GFA
Lending Institutions	1 per 300 square foot GFA
Library	1 per 300 square foot GFA
Manufacturing	1 per 500 square foot GFA
Medical Center	1 per 250 square foot GFA
Night Club	1 per 3 seats
Offices	
Under 49,999 square foot GFA	5 per 1000 square foot GFA
50,000 to 99,999 square foot GFA	4 per 1000 square foot GFA
100,000+ square foot GFA	4 per 1000 square foot GFA
Receiving	1 per 5000 square foot GFA
Research	1 per 1000 square foot GFA
Restaurant	1 per 3 seats
Fast food establishments	1 per 30 square foot GFA
Retail Store	1 per 200 square foot GFA
Service Station	4 per bay & work area
Shipping	1 per 5000 square foot GFA
Shopping Center	
Under 399,999 square foot GLA	4 per 1000 square foot GLA
400,000 to 599,999 square foot GLA	5 per 1000 square foot GLA
600,000+ square foot GLA	5 per 1000 square foot GLA
Storage Areas	1 per 500 square foot GLA
Theater	1 per 3 seats
Warehouse	1 per 5000 square foot GFA

Note: GFA = Gross Floor Area GLA = Gross Leasable Area
