

**SUBDIVISION STANDARDS  
AND  
REGULATIONS**

**FOR  
GUERNSEY COUNTY, OHIO**

**2006**

**SUBDIVISION REGULATIONS**

**GUERNSEY COUNTY, OHIO**

**ESTABLISHED BY:**

**BOARD OF COUNTY COMMISSIONERS  
GUERNSEY COUNTY, OHIO**

**FOR THE PURPOSE OF:**

**REGULATING THE DEVELOPMENT OF SUBDIVIDED AREAS; PROMOTING THE PROPER ARRANGEMENT OF STREETS AND LAYOUT OF LOTS; PROVIDING FOR ADEQUATE AND CONVENIENT PROVISION OF OPEN SPACES, UTILITIES, PROVISION OF WATER, DRAINAGE, SEWER, AND OTHER SANITARY FACILITIES. THESE REGULATIONS ARE ESTABLISHED UNDER THE AUTHORITY OF SECTION 711 OF THE OHIO REVISED CODE.**

**ADOPTED BY RESOLUTION DATED JANUARY 31, 2000.**

**BY: \_\_\_\_\_  
LYNNE M. JONES, PRESIDENT**

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ROBERT L. HENDERSHOT, VICE PRESIDENT**

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THOMAS J. LAUGHMAN, MEMBER**

# **SUBDIVISION REGULATIONS**

## **GUERNSEY COUNTY, OHIO**

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# ARTICLE I

## GENERAL PROVISIONS

### Section 1.01 Titles

These regulations shall be known and may be cited as the  
**SUBDIVISION REGULATIONS FOR GUERNSEY COUNTY, OHIO**

### Section 1.02 Authority

The authority for the preparation, adoption and implementation of these regulations by the Planning Commission and the Guernsey County Planning Commission is derived from Section 711.10 of the Ohio Revised Code, which enables the County to adopt uniform rules and regulations governing plats and subdivisions of land, and to establish standards and specifications for the construction of streets and improvements to lands being platted within its jurisdiction.

### Section 1.03 Purpose

The purpose of these regulations shall be to promote and protect the public health, safety and general welfare by providing uniform standards and procedures for subdivision of lands within the unincorporated area of Guernsey County. These standards and procedures are established to provide for the orderly expansion of community services and facilities at minimal long term cost and maximum effectiveness, to provide for safe and convenient traffic circulation, to ensure accurate surveying of land, and to coordinate land development in accordance with the future plans of the Guernsey County Planning Commission.

### Section 1.04 Scope and Jurisdiction

It shall be unlawful for any person, organization or entity to subdivide any land within the unincorporated area of Guernsey County, unless said subdivision complies with the regulations herein contained. No plat shall be recorded and no land or lot shall be sold until said plat has been approved as herein required. All land contracts and/or long term leases affecting a present or future *subdivision* of land, as defined in Article II, shall be subject to these regulations.

### Section 1.05 Relation to Other Restrictions

These regulations shall be minimum requirements. Whenever these provisions are at variance with any and all laws of the State of Ohio, or other lawfully adopted rules or regulations, the provisions of the most restrictive of such rules or laws shall govern.

**Section 1.06 Severability**

Each Article, Section, or other divisible part of these regulations is hereby declared severable, and if such Article, Section or part is declared invalid by a court of competent jurisdiction in a valid judgment or decree, such invalidity shall not affect any of the remaining portions thereof.

## ARTICLE II DEFINITIONS

### Section 2.01 Interpretation

For the purpose of this Code, certain terms and words are to be defined as found in this Article. Words and terms not specifically defined carry their customarily understood meanings. The word “shall” is mandatory; the word “may” is permissive.

### Section 2.02 Definitions

“Average Daily Traffic” or “ADT” means the average number of vehicles per day that pass over a given point in the street or highway.

“Alley” means a permanent public right-of-way providing secondary access to the rear or side of abutting property.

“Block” means the property abutting one side of a street, and lying between two (2) consecutive intersecting streets.

“Board” means the Board of Guernsey County Commissioners.

“County” means the Guernsey County, Ohio.

“Commission” or “Planning Commission” means the Guernsey County Planning Commission.

“Cul-de-sac” (see “Street”)

“County Engineer” or “Engineer” means the County Engineer of Guernsey County, Ohio or his/her designated agent.

“Driveway” means a private road giving access from a street to a detached single family dwelling on abutting ground or to one (1) or more multifamily, commercial or industrial buildings.

“Easement” means a right or privilege of use of land, as distinct from fee simple ownership.

- The definition of ‘existing easement’ is an easement in existence prior to adoption of the Guernsey County Subdivision Regulations in April 2006, as amended.

“Floodway” means the portion of land subject to flooding that comprises the channel of a watercourse, and the adjacent lands, that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

“Floodway Fringe” means that portion of land subject to flooding that is outside the floodway.

“Improvements” mean any addition to the natural state of land which increases its value or utility, including buildings, street pavements, sidewalks, crosswalks, water mains, sanitary sewers, storm sewers, landscaping, street lighting, street trees, public utilities, paved parking areas and other appropriate items.

- A. “Site Improvements” mean the improvements made to the land outside the exterior limits of a structure or structures.
- B. “Public Improvements” mean all improvements which have been dedicated to public use by plat, easement or deed of transfer.

“Land subject to flooding” means those lands adjacent to a watercourse subject to a one percent (1%) or greater chance of flooding in any given year. For the purposes of these regulations, such lands shall be as identified by the Federal Emergency Management Agency (FEMA) as within the floodway or floodway fringe on the following Flood Boundary and Floodway Maps, as may be subsequently amended:

39059 C0025C	39059 C0018C
39059 C0050C	39059 C0125C
39059 C0075C	39059 C0139C
39059 C0082C	39059 C0143C
39059 C0083C	39059 C0150C
39059 C0084C	39059 C0164C
39059 C0091C	39059 C0168C
39059 C0092C	39059 C0175C
39059 C0094C	39059 C0176C
39059 C0100C	39059 C0200C
39059 C0103C	39059 C0202C
39059 C0111C	39059 C0206C
39059 C0113C	39059 C0207C

“Lot” means a parcel or area of land intended for transfer of ownership and/or building development.

“Lot of record” means a lot which is part of a subdivision recorded in the Office of the Guernsey County Recorder, or a lot described by metes and bounds, the description of which has been recorded in the Office of the Guernsey County Recorder.

“Person” means any individual, corporation, company, business partnership, association or legal entity.

“Plan” means a drawing showing the proportion and relation of parts of improvements to each other and their surroundings.

- A. “Construction plan” means a plan which gives information required to construct improvements including plan views, sections, profiles, details, quantities, reference specifications and standard drawings.
- B. “Grading plan” means a plan which shows the proposed grades for the development in a manner that reflects the scope of earthwork required and the finished site grades.
- C. “Preliminary plan” means a tentative subdivision plan showing approximate street and lot layout on a topographic map as a basis for consideration prior to preparation of a plat. When

uses in the general sense, the term “preliminary plan” includes all plans and supplementary material submitted to the Planning Commission, as required in Section 5.04

“Plat” means a plan of a tract or parcel of land made by a surveyor registered in the State of Ohio showing public dedications, property lines, lot lines and such other information as is required herein.

“Right-of-way” means a strip of land lying between property lines, wherein is located a street, thoroughfare, alley or easement dedicated or otherwise acquired for use by the public.

“Street” means the full width of the right-of-way between two (2) property lines, both paved and unpaved, intended to provide principal means of access to an abutting property. Streets shall be classified as follows:

- A. “Arterial Street” means a street or roadway carrying large volume of traffic-over 5,000 vehicles per day-usually on a continuous route and used primarily as a traffic artery for intercommunication between major population or activity centers. Service to the adjacent land is subordinate to the provision of travel service on arterial streets.
- B. “Collector Street” means a thoroughfare which carries vehicular traffic from local streets to arterial streets, and may include entrance streets to major residential developments.
- C. “Cul-d-sac” means a short local street having but one end open for motor traffic and the other end terminated by a vehicular turn-around or back-around.
- D. “Local Street” means a street on which the majority of the traffic originates or terminates in the abutting properties. These streets are designed to accommodate up to 300 vehicles per day at low speeds.
- E. “Industrial Street” means a street on which more than twenty-five percent (25%) of the traffic is comprised of trucks, or where more than fifty percent (50%) of the abutting property is either occupied by industrial uses or planned so as to permit such future industrial uses.
- F. “Private Street” means a strip of privately-owned land providing access to abutting properties.
- G. “Public Street” means a strip of land providing public access to abutting property, as dedicated and accepted onto the system by Guernsey County, upon a plat which has been duly approved, filed and recorded in the Guernsey County Recorder’s Office.

“Subdivision” means:

- A. the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites or lots, for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land does not involve any new streets or easements for 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
- B. the improvement of one (1) or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or leaseholders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.



“Thoroughfare Plan” means a plan, now or hereafter adopted by the Planning Commission, which sets forth the location, alignment and/or classification of existing and proposed streets.

## **ARTICLE III ADMINISTRATION AND ENFORCEMENT**

### **Section 3.01 Enforcement Authority**

Pursuant to Chapters 711 of the Ohio Revised Code, the Guernsey County Planning Commission is hereby designated as the platting authority of and for the unincorporated area of Guernsey County. It shall be the duty of the Planning Commission, together with the County Engineer and other appropriate County agencies and/or designated staff, to enforce these regulations.

### **Section 3.02 Violations and Penalties**

The County Auditor and/or County Recorder shall not transfer property or record deeds, leases or contracts that seek to convey property, contrary to the provisions of these regulations. In cases of doubt, the County Auditor or County Recorder may require the person(s) presenting the deed, lease or other document to give evidence that such action is in compliance with these regulations, or is exempt from the provisions of Chapter 711 of the Ohio Revised Code.

The designated officer of the Planning Commission or other appropriate agency may serve a written notice or order, by first class mail or in person, upon the person responsible whenever any work being done or transaction being made is in violation of these regulations. Such notice shall direct the discontinuance of illegal action and the remedy of the condition that is in violation. The offender shall, within the period of time stated in such notice, permanently cease all violations. In case such notice is not complied with or violation has not ceased within fourteen (14) days from the date of the notice, the designated officer shall notify other offices of the County, and shall request same be withhold their approval of action on such property where such violations exist, until these regulations are complied with. The designated officer shall also request the County Prosecutor to institute appropriate action or proceedings at law or equity to restrain, correct, remove or prosecute such violation, in accordance with the provisions of Section 711.102 of the Ohio Revised Code, as may be amended.

### **Section 3.03 Appeal**

Any person, who believes he/she has been aggrieved by these regulations or the action of the Guernsey County Planning Commission, has all rights of appeal as set forth in Chapter 711 and/or other applicable sections of the Ohio Revised Code.

**Section 3.04 Fees**

The Board of County Commissioners shall establish a schedule of fees, charges, and expenses and a collection procedure for preliminary and final plats, and other matters pertaining to these regulations. The schedule of fees shall be posted in the Commissioner's Office, and may be altered or amended by the County Commissioners. In addition to the payment of fees so established, the Owner/Developer shall also be responsible for costs associated with inspections, 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.

## ARTICLE IV MINOR SUBDIVISIONS

### Section 4.01 Minor Subdivisions (“Lot Splits”)

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*:

- A. the proposed subdivision has a **minimum of 50 feet along an existing public street** and does not involve opening, widening, extension or improvement of any roadway, and
- B. **creates no more than five (5) building sites, including the remainder, regardless of acreage** with the residual parcel also having the required frontage
- C. **HOMESTEAD PROVISION:** In order to provide a satisfactory method for an individual to provide home sites on his land for members of his immediate family, this section is enacted to eliminate major problems which result from street construction to areas which have little or no frontage on a public road.

All provisions of these regulations shall be followed except as set forth herein:

1. Street improvement shall be as desired by the applicant.
2. All streets within the Homestead shall be terminated in dead-ends which do not have access to adjacent lands and shall be determined as private roads and maintained by the property owner.
  - a. Private roads shall remain private roads until such time as they meet all subdivision requirements, and improvement standards in existence at the time of public acceptance.
  - b. Access roads shall require a minimum 40 foot easement.
3. Homestead sites shall not have more parcels than the number of living children an applicant has, but in no case shall there be more than 5 parcels.
4. The following statement shall be added to instruments of conveyance: **“Homestead sites shall not transfer out of the immediate family without Planning Commission approval”**.

Note: Immediate family includes mother, father, son, daughter, grandparents, grandchildren, brother, sister.

- D. **No new easements for access** are to be granted to splits at any time, even after a parcel has been transferred and/or recorded, unless a variance is granted by the Planning Commission.
  1. Existing access easements (recorded prior to the adoption of these regulations April 2006) can be used only if the proposed subdivision has required frontage.

2. A variance request may be submitted to the Planning Commission. However, the applicant must show proof of unusable frontage for access or that the lack of frontage was not the direct result of poor or improper planning on behalf of the current owner. And all feasible access options in accordance with these Regulations have been exhausted and no other end can be met. Upon approval of the variance the following criteria must be met:
  - a.) All parcels seeking to use the easement must file for a variance for each lot split
  - b.) The easement must be a minimum of 40' in width with an adequate turnaround and have a bearings and distances description of the centerline of said easement
  - c.) All property owners along the easement will enter in a maintenance agreement for the general repair and preservation of the roadway surface. This plan must be approved by the County Engineer and recorded as an exhibit with each deed to any parcel this agreement pertains to
  - d.) The roadway must be adequate for any and all emergency response vehicles and/or equipment to reach all building sites without injury to the said vehicles
  - e.) The following statement shall be applied to the plat and legal description of the proposed lot split: "The undersigned grantee(s) hereby acknowledge(s) that (he, she, they) understand that the premises described herein is located upon a non-dedicated private street. Further, the grantee(s) understand that NO government body is responsible for care and maintenance of said private street"

*If the subdivision is considered as a minor subdivision, only such drawings and information as described in this Article below are required.*

#### **Section 4.02 Submittal Materials**

The applicant for a minor subdivision shall submit the following items to the Guernsey County Planning Commission, or its authorized agent:

- A. One (1) copy of a survey of the parcel(s) in question **showing the exclusive access for each**. 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.
- B. A written legal description of the property to be approved by the Guernsey County Map Dept.
- C. A statement by the Guernsey County Board of Health that the site is suitable or not suitable for home sewage disposal.
- D.
  - a) Subdivision surveys submitted to the Map Department for approval after these Regulations were adopted must comply regardless of the completion date of the survey.
  - b) Subdivision surveys that have been approved by the Map Department prior to the adoption of these Regulations are exempt.

#### **Section 4.03 Approval**

After determination that such action meets the criteria for a minor subdivision and that such subdivision meets the requirements of these regulations, the designated agent of the Guernsey County Planning Commission shall, within seven (7) working days, approve said minor subdivision. If such subdivision is approved, such agent shall so indicate by marking upon the deed or instrument of conveyance “*APPROVED, GUERNSEY COUNTY PLANNING COMMISSION*”. If such subdivision site has not been determined to be suitable by the Guernsey County Board of Health, a statement so indicating shall be marked on the deed or instrument of conveyance.

If the proposed minor subdivision is not approved, the applicant may appeal the decision of the designated agent to the Guernsey County Planning Commission.

An appeal shall be filed by the applicant within ten (10) days from the action by the designated agent, and shall be considered by the Planning Commission at the next meeting.

## **ARTICLE V MAJOR SUBDIVISION APPROVAL**

### **Section 5.01 Applicability**

If the proposed subdivision does not meet the standards for a minor subdivision, as specified in Section 4.01 above, the review and approval procedures as specified in this Article shall apply.

### **Section 5.02 Pre-Application Meeting**

Prior to preparation of a preliminary plan, an Owner/Developer is encouraged to meet with the County Engineer to familiarize himself/herself with the provisions of these regulations. The submittal of a concept or sketch plan for the proposed development is recommended.

### **Section 5.03 Application for Preliminary Plan**

Upon determining to proceed with a preliminary plan, the Owner/Developer shall submit a copy of the preliminary plan to the County Engineer, along with applicable fees. Such application shall be submitted to the Map Dept. fifteen (15) days prior to the regularly scheduled meeting of the Planning Commission at which the preliminary plan is to be considered. The preliminary plan shall cover the entire contiguous ownership of the Owner/Developer, unless he/she specifically states in writing that he/she does not intend to develop adjacent portions of the ownership within the next two (2) years.

### **Section 5.04 Contents of Preliminary Plan**

The preliminary plan shall, at a minimum, include the following information:

- A. Proposed name of the subdivision and its location;
- B. Names, addresses and telephone numbers of owners and/or developers;
- C. Name, address and registration number of the Professional Engineer or Professional Surveyor preparing the plan;
- D. Date, north arrow and plan scale;
- E. Boundary lines of the proposed development and the total tract owned or controlled by Owner/Developer, along with the acreage of both;
- F. Existing physical features and contour lines at not more than twenty foot (20') intervals based on USGS topographic information, recent aerial photography and/or ground surveys;

- G. Portions of the site identified by the Federal Emergency Management Agency (FEMA) as within the Official Flood Hazard Area for the 100-Year Flood, as specified on Flood Hazard Boundary Maps for Guernsey County, as may be amended;
- H. Portions of the site identified as subject to previous mining activity and subject to potential mine subsidence;
- I. Portions of the site subject to federal wetlands requirements;
- J. Existing sewers, water mains, transmission lines, culverts and other underground structures within the tract, adjacent to the tract or that will be used in developing the tract, indicating pipe sizes, grades and locations;
- K. Method(s) for sewage disposal;
- L. Proposed methods for addressing storm runoff, if any;
- M. Proposed lot or parcel dimensions, street rights-of-way widths, water, sanitary sewer and storm sewer layout and pipe sized, along with grades and elevation of proposed streets, storm sewers and sanitary sewers;
- N. Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the conditions proposed for such covenant, and for the dedications.

#### **Section 5.05 Review by County Engineer**

The County Engineer shall review the preliminary plan and submit said application to other County departments. In addition, the Engineer may seek the input of special consultants hired for the express purpose of providing input on particular issues. After review, the county Engineer shall submit the preliminary plan to the Planning Commission, along with a compilation of comments and inputs received from other sources, and written recommendations for action.

#### **Section 5.06 Action on Preliminary Plan by Planning Commission**

The Planning Commission shall review and take action on the preliminary plat 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 Board shall consider the recommendations as provided pursuant to Section 5.05 above, as well as the following factors:

- A. The provisions of the Ohio Revised Code, these regulations and other applicable laws are complied with, and
- 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 menace; 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.

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 five (5) years.



Approval of the preliminary plan shall confer upon the Owner/Developer the right for a five (5) year period from the date of approval that the general terms and conditions under which approval was granted will not be changed, and that within the five (5) year period, the whole, part or parts of the preliminary plan may be submitted for final approval.

### **Preliminary Plan Recall**

The designated representative of the planning commission may recall unplatted portions of the preliminary plan for consideration, and reapproval, modification, or disapproval by the planning commission. A recall may occur if:

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

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

### **Section 5.07 Application for Final Plat**

Upon approval of the preliminary plan, an application for a final plat for land being subdivided shall be submitted by the Owner/Developer to the County Map Dept. It shall incorporate all modifications required by the Planning Commission during approval of the preliminary plan, and otherwise conform to the preliminary plan as approved. The Owner/Developer may apply for a final plat covering that portion of an approved preliminary plan which he/she proposes to develop and record at the time, provided that such portion conforms to all provisions of these regulations. Nonetheless, *all* portions of the tract covered by the preliminary plan shall be developed within a five (5) year period, unless an extension of time is granted by the Planning Commission.

### **Section 5.08 Plans and Specifications for Site Improvements**

At least thirty (30) days prior to submittal of the application for approval of the final plat, the applicant shall prepare construction and grading plans, specifications and cost estimates of any required site improvements, and submit a minimum of eight (8) copies to the County Engineer. The County Engineer shall provide copies of the plans and estimates to other County departments, as applicable. The estimates shall be grouped according to the following:

- A. Street and parking area improvements, including curb, pavement, and storm drainage;
- B. Water mains and/or sanitary sewers, if applicable;
- C. Other site improvements, including seeding and sodding.

### **Section 5.09 Review by county Engineer**

The County Engineer shall review the plans submitted pursuant to Section 5.08 above, and subject to his review, they shall be approved or returned with comments.

### **Section 5.10 Construction of Improvements or Performance Guarantees**

The Owner/Developer may install, construct, have inspected and approved by the County Engineer all required site improvements prior to submitting the application for approval of a final plat or he/she may furnish satisfactory performance guarantees, pursuant to Article VIII, for the construction of such improvements.

No lot, parcel or tract shall be transferred from the proposed development nor shall any construction work be commenced on such development until the owner has obtained the necessary approvals of the construction and grading plans from the County Engineer.

### **Section 5.11 Application for Approval of Final Plat**

Application for the final plat shall be submitted in writing to the County Engineer, together with the tracing and eight (8) prints of the final plat and such other maps and data as required. Such application shall be submitted to the Map Dept. fifteen (15) days prior to the next regular meeting of the Planning Commission. The application shall include all fees as applicable for the final plat, as established by the Board of County Commissioners under separate Resolution. The application shall be submitted within five (5) years after approval of the preliminary plan; otherwise, approval of the preliminary plan shall become null and void unless an extension is granted by the Planning Commission. The County Engineer shall submit copies of the application to the Guernsey County Health Department for review and comment, along with notification of the date when the plat will be considered by the Planning Commission.

### **Section 5.12 Contents of Final Plat**

The final plat shall be prepared by a registered Professional Surveyor in accordance with the Minimum Standards for Boundary Surveys in the State of Ohio as found in the Ohio Administrative Code, Chapter 4733-37. It shall be drawn to a scale of one inch equals not more than 100 feet, using ink on mylar, or medium of equal quality, and shall be presented on sheets of 18" x 24" or such other size as may be agreed to by the Guernsey County Recorder. All information shall be legible and capable of duplication by equipment immediately available to the Guernsey County Recorder. The information shown shall include, but not be limited to the following:

- A. Name of the subdivision and the Township, range and section number, if appropriate;
- B. North arrow and scale;
- C. Sheet and total number of each sheet;
- D. The bearings and distances of the boundary lines of the subdivision based on actual field survey performed to accepted surveying standards;
- E. The bearings and distances of all lot lines and/or areas dedicated to public uses, including street right-of-way and centerlines.
- F. Lot numbers. Lot numbers shall be continuous within contiguous subdivision(s) having the same name;
- G. Street names and right-of-way widths;
- H. The location of all permanent survey markers and/or monuments;
- I. Building setback lines with their distance from the right-of-way lines;
- J. Dimensions of utility and other easements;
- K. All required certifications and approvals, including construction guarantees and acceptance of streets and other public areas;
- L. Protective covenants and/or deed restrictions, if any.

**Section 5.13 Review by County Engineer**

If the final plat as submitted to the County Engineer pursuant to Section 5.11 above conforms to the provisions of the Ohio Revised Code and these regulations, and is consistent with the preliminary plan with such changes as required by the Planning Commission, the final plat shall be submitted to the Planning Commission. The final plat shall be considered as officially submitted on the date the County Engineer transmits such final plat to the Commission, and shall be so certified.

In no event shall the County Engineer hold the final plat for a period of time exceeding thirty (30) days, or such further time as may be agreed to by the Owner/Developer.

**Section 5.14 Action by Planning Commission**

Within five (5) days after submission of the final plat for approval, pursuant to Section 5.13 above, the Planning Commission shall schedule a meeting to consider the plat, and send written notice by certified mail, return receipt requested, to the Clerk of the Board of Township Trustees of the township within which the proposed plat is located. The notice shall inform the Trustees of the date, time and location of the meeting at which the Planning Commission will consider or act on the final plat. Such meeting shall take place within thirty (30) days from submittal of the plat, and no meeting shall be held until at least seven (7) days have passed from the date the notice was sent by the Planning Commission.

The Planning Commission shall take action on the final plat within thirty (30) days from the date that the final plat is submitted, or within such further time as the Owner/Developer may agree to in writing. The approval of or refusal to approve the final plat shall be indicated in writing on the original tracing by the signature of the Chairman. Reasons for refusal to approve the final plat shall be cited in writing to the Owner/Developer and on the records of the Board, including citations or references to the requirements or provisions of the applicable regulations that are inconsistent with the final plat.

If the Board fails to act upon the final plat within the time allotted, the plat shall be considered as approved, and the certificate of the Planning Commission as to the date of the filing of the plat for approval, and the failure to take action thereon within such time, shall be issued on demand and shall be sufficient in lieu of the written endorsement or other evidence of approval.

**Section 5.15 Appeal of Plat Denial**

Within sixty (60) days after refusal to approve the final plat, the Owner/Developer may file a petition in the Court of Common Pleas, in which he/she shall be named plaintiff. Pursuant to Section 711.09 of the Ohio Revised Code, the petition shall contain a copy of the plat sought to be recorded, a statement of facts justifying the propriety and reasonableness of the proposed subdivision, and a prayer for an order directed to the Recorder of Guernsey County to record such plat. Such petition may

include a statement of facts to support the claim that the rules and regulations are unreasonable and/or unlawful.

### **Section 5.16 Recording of Plat**

The final plat shall be filed and recorded by the Owner/Developer in the Office of the Guernsey County Recorder within one-hundred-twenty (120) days following signing of the final plat by the County Commissioners. If the Owner/Developer fails to file the plat within such period, the approval by the Planning Commission shall be null and void. If any change is made in the final plat after approval of the Commission, the approval shall be null and void. After recording the final plat, transfer of ownership may take place.

### **Section 5.17 Altering or Vacating a Recorded Plat**

ORC 711.18-“Applications for vacating or altering a plat , addition, or plat thereof, shall be by petition in writing, filed with the Court of Common Pleas. The application shall give thirty days notice thereof, by publication in a newspaper published in and of general circulation in the county. Such notice shall set forth briefly the part of the plat or addition to be vacated.”

Procedure as follows:

1. Two-thirds of the owners of the land at issue must apply to the Common Pleas Court for alteration. (ORC 711.17)
2. Thirty days notice of the alteration must be provided. (ORC 711.18)
3. After the thirty day notice, the Court would order that the plat be altered. (ORC 711.19)
4. The alteration would then be recorded with the County Recorder. (ORC 711.20)

## **ARTICLE VI VARIANCES AND APPEALS**

### **Section 6.01 Variances**

The following regulations shall govern the granting of variances:

- A. Where the Planning Commission finds that extraordinary and unnecessary hardship may result from strict compliance with these regulations, due to unusual topographical or other exceptional conditions, it may modify these regulations so as to relieve such hardship, provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these regulations or the desirable development of the neighborhood and community.
- B. One or more variance(s) may be requested by the applicant at the time of submission of the preliminary plan or final plat. Such variances will be addressed in the normal processing of the proposed plan or plat.
- C. In granting variances or modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.
- D. Any variance granted by the Planning Commission shall be noted in writing on the final plat of the subdivision.

### **Section 6.02 Appeals**

Any person who believes he/she has been aggrieved by these regulations or actions of the Planning Commission has all the rights of appeal as set forth in Chapter 711 or other applicable sections of the Ohio Revised Code.

**ARTICLE VII**  
***RESERVED FOR FUTURE USE***

## **ARTICLE VIII OBLIGATIONS OF DEVELOPER**

### **Section 8.01 Required Improvements**

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, graded full width and paved, including drainage structures, bridges, curbing and other improvements as may be required by the County Engineer, pursuant to the provisions of this Resolution.
- 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.
- F. All other improvements shown on the plans as approved by the County Engineer.

### **Section 8.02 Obligation of Owner/Developer**

The Owner/Developer of the major subdivision being developed shall be subject to the following obligations:

- A. All construction work and materials used in connection with improvements shall conform to the requirements of, and be installed under the general supervision of the county Engineer. The Owner/Developer shall be responsible for the payment of all fees incurred by the County pertaining to inspection of the improvements.
- B. The Owner/Developer, or this agent, shall give three (3) working days notice to the County Engineer for any inspection to be conducted. The Owner/Developer shall also insure that no work shall be covered or obscured prior to inspection.
- C. The Owner/Developer shall hold the county free and harmless from any and all claims for damage of any nature arising or growing out of the construction of improvements or resulting from improvement and shall defend, at his own cost and expense, any suit or action brought against the County by reason thereof;

- D. All improvements and utilities will be satisfactorily installed within one year from the date of approval of the Construction Plans or within such time schedule as presented and approved by the Planning Committee.
- E. As an alternative to the construction and approval of the required public improvements prior to recording the final plat, an acceptable performance assurance equal to one-hundred percent (100%) of the estimated cost of all required improvements shall be deposited with the County. Such performance assurance shall consist of one of the following:
1. A performance or construction bond equal to the estimated construction cost as approved by the County Engineer for the public improvements. Such bond shall be without lime limit;
  2. A certified check equal to one hundred percent (100%) of the estimated construction cost as approved by the County Engineer for the public improvement; or
  3. Subject to the approval of the chief fiscal officer of the County, a certification to the county by the institution, person or corporation financing the construction of the public improvements. Such certification shall consist of a subdivision bond, irrevocable letter of credit, or escrow account in favor of the county, stipulating that the funds in the amount of the estimated construction cost are available and set aside from all other funds;
    - a) That these funds will not be released to the owner, developer, or their agent, unless said release is signed by the County;
    - b) That such release by the County only certifies that as best as the county can determine, the construction was completed to the county's satisfaction and does not relieve the Owner/Developer of the County's maintenance guarantee requirement;
    - c) That ten percent (10%) of all monies released will be placed in an escrow account for use by the County should there be cause for the County to have to finish any work through the default, neglect or negligence of the owner, developer, or their agents;
    - d) That only the county shall have the right to release the funds in the escrow account; and
    - e) That acceptance of the public improvements by the county and the posting of the one year maintenance guarantee shall constitute release of the funds in the escrow account lacking any formal release by the County.
- F. All permits and approvals shall be obtained and all fees and deposits paid prior to beginning any construction of improvements;
- G. During construction and prior to acceptance of any public improvement, the Owner/Developer shall remove or cause to be removed such dirt and debris and foreign matter from all public rights-of-way, improvements and/or easements as were deposited, left or resulted from the construction of improvements of any nature within the development. Such removal shall take place within twenty-four (24) hours after being notified by the county that such work is required, and shall be completed to the satisfaction of the County Engineer.
- H. All public improvements shall be guaranteed by the Owner/Developer for a period of one year from the date such improvement is accepted, in writing, by the County Engineer. Such guarantee shall consist of a maintenance bond, certified check or other acceptable instrument, for five percent (5%) of the total cost of the improvements. Such guarantee shall include any and all defects and deficiencies in workmanship and materials. The cost of all labor, materials, equipment and other incidentals required to maintain, repair and replace any or all of such improvements and to maintain them in good and proper condition, excluding ordinary wear and tear, but including filling trenches and restoring lawns, sidewalks, yard, streets, sewers, pipe



lines, etc., during the one year guarantee period shall be assumed by the Owner. In the event the Owner fails to make such maintenance, repairs or replacements within a reasonable time after notice in writing by the county, or in the event of an emergency which may endanger life or property, the County may make or cause to be made, such repairs or replacements from the above guarantee.

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- I. The Owner/Developer shall execute a development agreement with the county, specifying the terms and conditions required under this Section of this Resolution. Such development agreement shall be approved by the County Engineer and County Prosecutor.
- J. No person or owner shall violate any of the regulations established in this Section and upon violation the County shall have the right to:
  - 1. Stop all work on the development site forthwith:
  - 2. Hold the bonding company responsible for the completion of the public improvement according to the approved construction drawings and the agreement.

## **ARTICLE IX**

### **MINIMUM DESIGN STANDARDS AND REQUIREMENTS**

#### **Section 9.01 Conformity with Requirements**

The design standards and requirements of this Article shall apply to all subdivisions of land as defined in Article II.

A. **Conformity with County Standards**

All public improvements undertaken in any subdivision shall conform to the standards of this Article and the Standard Plans and Specifications, as adopted by Guernsey County.

B. **Conformity with Zoning**

No final plat of land within the area in which an existing zoning resolution is in effect shall be approved unless it conforms to such resolution.

C. **Land Use / Master Planning**

The design of a proposed subdivision of land shall be in general conformity with adopted land use and/or comprehensive plan prepared by the County for the area.

#### **Section 9.02 General Subdivision Design**

Generally, the development of the subdivision shall be based on an analysis of environmental characteristics of the site. To the maximum extent possible, development shall be located so as to preserve the natural features of the site, avoid areas of environmental sensitivity, and minimize negative impacts on and alteration of natural features. The following specific areas shall be preserved as undeveloped open space, to the extent consistent with reasonable utilization of the land, in accordance with other applicable state or local regulations:

- A. Wetlands, as defined in Section 404, Federal Water Pollution Control Act Amendments of 1972, subject to field verification by the U.S. Army Corps of Engineers, or other agency authorized to make such determination;

- B. Lands subject to flooding, as specified in Section 9.03 below;
- C. Slopes in excess of fifteen percent (15%) unless appropriate engineering methods are employed to address erosion, stability and resident safety, pursuant to Article XI of this Resolution.

**Section 9.03 Land Not Suited for Development**

If the Planning Commission finds that land proposed for subdivision development is unsuitable due to flooding, poor drainage, topography, inadequate public facilities, and/or other conditions that may be detrimental to the general health, safety or welfare of the public, and if it is determined that the land should not be developed for the purpose proposed, the Commission shall not approve such subdivision unless adequate methods are proposed by the Owner/Developer for alleviating the problems that would be created by development of the land.

A. Land Subject to Flooding

The Planning Commission shall not allow subdivision of land or lands subject to flooding, as defined in Article II of this Resolution, unless the following requirements are met:

1. No subdivision or part thereof shall be approved if the proposed subdivision development will, individually or collectively, significantly increase flood flows, heights or damages.
2. No subdivision, or part thereof, shall be approved for floodway fringe areas which will substantially affect the storage capacity of the flood plain.
3. Building sites used or intended to be used for human occupation shall not be permitted in floodway areas. Sites for these uses may be permitted outside the floodway if the sites or structures are elevated to such height that the lowest floor of the structure is at least one (1) foot above the 100-year base flood elevation, as established by the Federal Emergency Management Agency (FEMA), the Ohio Department of Natural Resources (ODNR), or other authorized agency, in a flood study or report approved by the County Engineer. Required fill areas must extend fifteen (15) feet beyond the limits of the structure(s).
4. When the Planning Commission determines that only part of a proposed plat can be developed in compliance with these requirements, it shall limit development to only that portion, and shall require that the method of development is consistent with its determination.
5. The Planning Commission may attach other reasonable conditions as is appropriate to the approval of plats within areas subject to flooding. Such conditions may include, but are not limited to, requirement for the construction of dikes, levees or other similar measures, or flood proofing of structures.

**Section 9.04 Erosion and Sedimentation Control**

Measures shall be taken by the Owner/Developer to minimize erosion and impacts during subdivision construction activity. The Planning Commission may require detailed erosion and

sedimentation plans to be submitted if it determines that the size and/or scale of the proposed subdivision warrants such action. Generally, such a plan shall be required for major subdivisions comprising more than twenty (20) lots or more than fifteen (15) acres. Such plans shall indicate the techniques to be used to control erosion both during construction and permanently, and include a schedule for installing same.

Erosion control plans shall be based on the control of erosion on-site, with the objective of eliminating or minimizing erosion and sedimentation impacts off-site. Techniques, devices and/or measures used shall be reviewed and approved by the Soil and Water Conservation District.

All erosion and sedimentation control devices shall be in place at the start of construction activity.

### **Section 9.05 Surface Runoff and Storm Drainage**

#### **A. Outlets**

No subdivision plan or plat shall be approved by the Planning Commission unless an adequate outlet for stormwater 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 stormwater flows.

#### **B. Preservation 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 the flow of surface water. An easement shall be provided on both sides of the existing surface 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 plans, including the volume and page number of the recorded easement.

C. 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 the County Engineer, along with required Construction and Grading Plans. Storm drainage systems shall generally be designed so that the peak rate of stormwater 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.

#### **D. Culverts**

All culverts utilized in subdivisions shall have the appropriate headwalls and other structures and improvements to protect the facility.

## Section 9.06 Streets

### A. General

The arrangement of streets shall generally conform to the Thoroughfare Plan for the County. For streets not indicated on the Thoroughfare Plan, the arrangement shall provide for appropriate extensions of existing streets. Streets serving residential neighborhoods should be arranged so as to discourage through traffic and provide for maximum privacy.

### B. Classification, Street Widths and Street Grades

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.

### C. Alignment

1. 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.
2. If a subdivision adjoins or contains an existing or proposed arterial or major collector street the Planning Commission may require marginal access streets or reverse frontage with a planting 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.
3. Local streets shall be laid out so as to discourage use by through traffic.
4. Streets shall intersect one another at ninety (90) degrees, or as near to ninety (90) degrees as possible, but in no case less than eighty-five (85) degrees. The intersecting street must remain within these degree parameters for a distance of not less than one-hundred feet (100') from the intersection.
5. Street jogs shall be discouraged. Where such jogs are unavoidable, in no case shall the centerlines be offset by less than 125 feet.
6. Half width streets shall be prohibited.
7. A digital road centerline file with x,y,z coordinate definition, in ESRI shapefile format, as "best" determined by utilizing satellite global positioning technology, in the same format as existing Guernsey County LBRS, shall be completed.

### D. 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.

E. Blocks

Blocks shall not exceed 1,500 feet in length except where specific topographic conditions require a greater length.

F. Street Names

The names of new streets shall not duplicate names of existing dedicated streets except that new streets which are extensions of existing streets shall bear the names of such existing streets. All new roadways shall be named according to the following manner:

<b>DIRECTION</b>	<b>CUL-DE-SACS</b>	<b>ALL OTHER STREETS</b>
<i>North/South</i>	<i>Place</i>	<i>Street</i>
<i>East/West</i>	<i>Court</i>	<i>Avenue</i>
<i>Diagonal</i>	<i>Way</i>	<i>Road</i>
<i>Curving (over 1,000 ft.)</i>	<i>Way</i>	<i>Drive</i>
<i>Curving (under 1,000 ft.)</i>	<i>Way</i>	<i>Circle</i>

G. Driveways

All driveways shall be at least three (3) feet from the side lot line.

**Section 9.07 Lots**

- A. All lots shall have the required frontage on an improved public street or an approved private street.
- B. Lots in subdivisions shall meet the dimension and area requirements of the zoning district in which such subdivision is located, if such area is zoned.
  - 1. All residential lots shall be approximately rectangular in shape, and should not have a depth in excess of four (4) times their width, except where extra depth is necessary due to topography and/or natural conditions.
  - 2. Double frontage and reverse frontage lots should be avoided, except where required to provide separation from arterial streets, or to overcome specific conditions of topography and/or orientation. In such cases, an easement shall be provided along the rear lot line across which there shall be no vehicular access.

3. Whenever possible, side lot lines should be a right angles or radial to street lines.
4. When necessary, easements shall be provided along side and rear lot lines for utility lines.
5. Easements shall be provided on both sides of any open drainage course, for the purposes of widening, deepening or general maintenance. Such easements shall be a minimum of twelve feet (12') on one side and twenty feet (20') on the other side. In no case shall a fence or any other obstruction be constructed on this easement.

### **Section 9.08 Sanitary Sewers**

- A. Sanitary sewers should be designed to maintain a minimum velocity of two (2) feet per second. The design of the overall sewer system 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.
- B. Sanitary sewer lines should be located in the street right-of-way, except under special conditions, when this requirement may be waived by the Planning Commission.
- C. Only under circumstances of extreme hardship shall sewage lift stations, sewage grinder pumps or individual household sewage disposal systems 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 until such time that eighty percent (80%) of the lots in the subdivision are developed.

### **Section 9.09 Public Sites and Open Spaces**

- A. Required Dedication or Reservation

Where a proposed park or school site, as shown on a land use plan adopted by Guernsey County, is located in whole or in part within a proposed subdivision, the Planning Commission may require the following:

1. The dedication to the public of part or all of the proposed site and/or
2. Reservation of the site for a period of up to three (3) years to enable acquisition by the appropriate agency or entity.

- B. Minimum Dedication Requirements

The Owner/Developer shall be required to reserve a minimum of five percent (5%) of the total area of the land included in the proposed plat as permanent open space. The open space shall either be dedicated to a public agency which has expressed a desire to accept and maintain the open space, or shall be transferred to a private association or entity with acceptable provisions for the perpetual maintenance of the open space, as shall be stated on the final plat.

Land proposed for open space in order to meet this requirement shall be suitable for recreational purposes. The Planning Commission shall have the authority to determine whether or not the proposed open space and maintenance provisions are acceptable.

C. Fee in Lieu of Dedication

Where the Planning Commission determines that the open space as proposed by the Owner/Developer within the subdivision is not desirable, the Owner/Developer shall be required to pay an amount equal to five percent (5%) of the total true value of the land within the proposed subdivision, as shown on the current Guernsey County tax records, to the County. This payment in lieu of dedication shall be placed in a separate fund to be used by the County only for the purposes of open space acquisition or improvement of public open space and recreational facilities for the benefit of the residents of Guernsey County.

**Section 9.10 Monuments**

The standards for monument location and materials shall be as specified in Ohio Revised Code (ORC) 711.03 and Ohio Administrative Code 4737-37-03, as may be subsequently amended.



## **ARTICLE X SITE IMPROVEMENTS**

### **Section 10.01 General**

The Office of Guernsey County Engineer has developed Construction Plans and Specifications for site improvements as required by these subdivision regulations. Those standards, as may be amended, are hereby incorporated by reference.

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.

### **Section 10.02 Streets**

#### **A. 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.

#### **B. 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.

### **Section 10.03 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 hereon. The Owner/ Developer shall agree to indemnify and hold harmless the County until such time as the improvements are accepted.

## **ARTICLE XI HILLSIDE REGULATIONS**

### **Section 11.01 General**

These regulations shall apply to all hillside areas, herein defined as areas where the average slope exceeds fifteen percent (15%). The final determination as to whether a particular subdivision is subject to these requirements shall be made by the Planning Commission. In making such determination, the Commission shall seek input from the County Engineer and/or the Soil and Water Conservation District. If a subdivision is determined to be subject to hillside regulations, the Planning Commission and/or County Engineer is hereby granted the authority to require material to be added to that specified in Section 5.04 and/or 5.12 of this Resolution, in order to determine compliance.

### **Section 11.02 Cut and Fill**

No land shall be graded, cut or filled so as to create a slope exceeding a vertical rise of one (1) foot for each two and one half (2 ½) feet of horizontal distance between abutting lots or adjoining tracts of land, unless a retaining wall of sufficient height and thickness is provided to prevent slides and erosion.

### **Section 11.03 Streets**

Final grades on all streets shall not exceed twelve percent (12%). All fill used on streets shall be compacted in accordance with Ohio Department of Transportation Specifications.

### **Section 11.04 Retaining Walls**

Retaining walls may be required whenever topographic conditions warrant or where necessary to retain fill or cut slopes within street right-of-way.

## **ARTICLE XII**

### **PLANNED UNIT DEVELOPMENT**

#### **Section 12.01 Purpose**

A planned unit development approach may be permitted in specific cases to allow for a more flexible pattern of land use than would otherwise be accomplished by strict adherence to these subdivision regulations. Toward that end, the Planning Commission shall have the authority to modify these subdivision regulations for specific planned unit developments, in accordance with the standards of this Article.

#### **Section 12.02 Procedures**

The planned unit development shall be submitted and processed in accordance with the procedures in Article V of these regulations.

#### **Section 12.03 General Requirements**

The total area of a tract to be developed as a planned unit development shall not be less than twenty (20) acres. Not less than forty percent (40%) of the site shall be reserved as permanent open space and/or recreational facilities. All such open space shall be held in corporate ownership by the Owner/Developer or owners of the property within the development, and shall be protected and maintained by the provision of private covenants or other arrangements as may be approved by the Planning Commission.

#### **Section 12.04 Private Streets**

Private streets within a recreational planned unit development may be constructed to standards less than the requirements for public streets, with the approval of the Planning Commission. In such cases, there shall be provided on the final plat statements that such private street shall be maintained by the association of owners of property within the development at no cost to the county or township in

which the development is located, and if, in the future, the private street is dedicated to the public, such street shall be improved to the public standards in effect at the time of public acceptance.

### **Section 12.05 Replatting**

In any planned unit development having private streets, the final plat shall contain a statement that no further subdivision of lands within the subdivision shall be permitted without replatting the area involved through normal platting procedures, in accordance with Article V of these regulations.

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### **Section 12.06 Review Criteria**

In reviewing the application for a planned unit development pursuant to Section 5.06 and 5.14 of these regulations, the Planning Commission shall find that the following criteria are met, based on evidence provided by the applicant:

- A. The existing public roadway network can accommodate any proposed traffic.
- B. The soil and drainage conditions can support the proposed development as proposed.
- C. That adequate methods have been proposed to alleviate any adverse impacts associated with modification of the development standards resulting from use of the planned unit development approach.
- D. That the planned unit development approach to development offers specific advantages in this case that could not be achieved by conventional development.

**ARTICLE XIII**

***RESERVED FOR FUTURE USE***

**APPENDIX A  
REQUIRED STATEMENTS FOR SUBDIVISION PLATS  
(MAJOR SUBDIVISIONS)**

## **REQUIRED STATEMENTS FOR MAJOR SUBDIVISION PLATS**

*The example on the following page is intended to illustrate minimum requirements and an acceptable format for final subdivision plates. Adjustments may have to be made to conform to specific conditions pertaining to location and/or ownership of land being subdivided.*





**DEDICATION AND ACKNOWLEDGEMENT:**

I the undersigned, (Owner), the owner of the real estate shown, hereby certify that I have caused the same to be surveyed and platted into lots and roadways as shown, and that said lots are numbered ( ) to ( ), inclusive, and that the roadway(s) through said subdivision, as depicted, is hereby dedicated to the public for use as such.

This subdivision and plat are subject to the Covenants, Conditions and Restrictions for (Subdivision Name) as filed and of record in the office of Recorder of Guernsey County, Ohio, and appearing in Official Records Volume \_\_\_\_, Page \_\_\_\_\_. And such Easements, Covenants, Conditions and Restrictions shall run with the land and shall be applicable to all subsequent conveyances, regardless of whether or not the same are specifically mentioned therein.

We further certify that there are no unpaid taxes or special assessments against the land contained in this plat.

Witnesses: \_\_\_\_\_  
\_\_\_\_\_ Owner

**STATE OF OHIO, COUNTY OF GUERNSEY, SS:**

BE IT REMEMBERED, That on this \_\_\_\_ day of \_\_\_\_\_, (year), before me, a notary public in and for said county, personally appeared (Owner) who executed the foregoing instrument and acknowledged that he did sign the same and that it was his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year last aforesaid.

\_\_\_\_\_ My commission expires: \_\_\_\_\_  
Notary Public

**ACCEPTANCE: COMMISSIONERS OF GUERNSEY COUNTY, OHIO**

Accepted and approved under the Ohio Revised Code 711.08 in that at least minimum specifications for subdivision thoroughfares and drainage must be met before application under Ohio Revised Code Section 711.091 is made.

Dated: \_\_\_\_\_ Commissioner  
Dated: \_\_\_\_\_ Commissioner  
Dated: \_\_\_\_\_ Commissioner

**APPROVAL: GUERNSEY COUNTY DISTRICT BOARD OF HEALTH**

Approved this \_\_\_\_ day of \_\_\_\_\_, (year) \_\_\_\_\_  
Health Commissioner

**APPROVAL: GUERNSEY COUNTY ENGINEER**

Approved this \_\_\_\_ day of \_\_\_\_\_, (year) \_\_\_\_\_  
County Engineer

**APPROVAL: GUERNSEY COUNTY PLANNING COMMISSION**

Approved this \_\_\_\_ day of \_\_\_\_\_, (year) \_\_\_\_\_  
Chairperson

Transferred this \_\_\_\_ day of \_\_\_\_\_, (year) \_\_\_\_\_  
Auditor

Recorded this \_\_\_\_ day of \_\_\_\_\_, (year) \_\_\_\_\_  
Recorder

Filed for record this \_\_\_\_ day of \_\_\_\_\_, (year) Cabinet \_\_\_\_\_ Slide \_\_\_\_\_

**CERTIFICATE OF SURVEYOR:**

I hereby certify that at the direction of (Owner), owner of the real estate shown I surveyed and platted ( ) acres of the same into lots and ( ) acres into roadways for a total of ( ) acres as shown. Said lots have been numbered ( ) to ( ) inclusive, and the foregoing real estate has been named (Subdivision Name), and the dimensions are given in feet and decimal parts thereof. Monuments are placed as shown for the regulation of future surveys.

\_\_\_\_\_  
Surveyor Date

**APPENDIX B**  
**ITE TRIP GENERATION RATES**

**NOTE:** *The following trip generation rates were prepared by the Institute of Traffic Engineers. These factors can be used to predict the volume of traffic from major subdivisions. These projected traffic volumes can then be used as a basis to classify the streets within the major subdivision.*

### ITE TRIP GENERATION RATES FOR SELECTED LAND USE CATEGORIES

<i>Land Use Type</i>	<i>Average Weekday Trip Generation Rates</i>	
<hr/>		
<i>Residential</i>	<i>Trips Per Indicated Measure: Dwelling Unit</i>	
<hr/>		
Single-family detached	10.06	
Condominium/townhouse**	5.86	
Low-rise apartment	6.60	
High-rise apartment	4.20	
Mobile home park	4.81	
Retirement community	3.30	
Recreational Home (owner)	3.16	
<i>Industrial</i>	<i>Trips Per Indicated Measure: Employee      1,000 gross ft.<sup>2</sup> of building area</i>	
<hr/>		
Light industrial	3.02	6.97
Heavy industrial	2.05	1.50
Industrial park	3.41	6.97
Manufacturing	2.09	3.85
Warehousing	3.89	4.88
Mini-Warehouse	56.28	2.61
<i>Institutional</i>	<i>Trips Per Indicated Measure: Employee      Student</i>	
<hr/>		
Elementary school	13.10	1.03
High school	16.79	1.39
Junior/community college	10.06	1.55
Library	49.50	45.50 (per 1,000 gross ft. <sup>2</sup> )

*Source: Trip Generation, 1987 edition, Washington, D.C.: Institute of Transportation Engineers. Data reprinted with permission of Institute of Transportation Engineers, 525 School Street SW, Suite 410, Washington, D.C. 20024. Note: The 1987 edition of Trip Generation provides a graphic presentation of the fitted curve and the data points of the trip information. It also provides a fitted curve equation and R<sup>2</sup> values.*

The ITE trip generation data should be used as a general guideline. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.