

SUBDIVISION REGULATIONS

HOLMES COUNTY, OHIO

AUGUST, 2006

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ARTICLE I GENERAL PROVISIONS

Section 1.01 Title

These regulations shall be known and may be cited as the

SUBDIVISION REGULATIONS FOR HOLMES COUNTY, OHIO

Section 1.02 Authority

The authority for the preparation, adoption and implementation of these regulations is derived from Section 711.10.001 et. seq. of the Ohio Revised Code. This statute which enables the Holmes County Planning Commission 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 Purposes

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 Holmes County. These standards and procedures are established to:

- A. provide for the orderly expansion of community services and facilities at minimal long term cost and maximum effectiveness,
- B. provide for safe and convenient traffic circulation,
- C. secure and provide for the proper arrangement of streets or other highways in relation to existing or planned streets or highways,
- D. provide for open spaces for adequate and convenient traffic, circulation, utilities, access to fire-fighting apparatus, recreation, light and air,
- E. avoid future congestion of population detrimental to public health, safety or welfare,
- F. ensure accurate surveying of land, and
- G. coordinate land development in accordance with plans for the County, as adopted by the Holmes County Planning Commission and the Board of County Commissioners.

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 Holmes County, unless said subdivision complies with these regulations. No plat shall be recorded and no land or lot shall be sold until said plat has been approved as herein required. These regulations shall apply to all subdivisions of land; however, they shall not apply to any subdivisions of land that occurred prior to enactment of 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, as may be subsequently amended, 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.

Section 1.07 Exempt Parcels

The following types of division, sale, exchange or improvement of land are exempt from certain provisions of these regulations:

- A. The division or partition of land in which the lots created, including the remainder of the original tract, are equal to or greater than twenty (20) acres in size, and do not involve the creation or modification of any streets, roadways, or easements of access.
- B. The sale or exchange of parcel(s) between adjoining landowners which does not create additional building sites. The conveyance instrument for such exempted parcels shall clearly express this condition.
- C. The combining of existing adjacent lots, provided such combination does not create leftover or remaining lots or parcels which do not meet the requirements of these regulations.
- D. Parcels defined as large lot divisions by Section 4.04 of these regulations which shall be used only for agricultural or personal recreational purposes as defined by Article II. The conveyance instrument of such parcels shall be clearly marked "*NO APPROVAL OR PLAT REQUIRED UNDER R.C. 711.133: FOR AGRICULTURAL OR PERSONAL RECREATIONAL USE ONLY*". Nothing in this Section shall exclude parcels so exempted from complying with these regulations for any future divisions or partitions.

An exemption under this Section shall require a statement, signed by the grantor and grantee, that certifies that the parcel shall only be used for agricultural or personal recreational purposes (see APPENDIX C)

All exempt parcels as described above, must be presented to the Holmes County Planning Commission to ensure that the applicable conditions have been met.

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

"Agricultural Purposes" means a parcel or parcels that are devoted exclusively to commercial animal or poultry husbandry, aquaculture, apiculture, the production for commercial use of field crops, tobacco, fruits, vegetables, nursery stock, ornamental trees, sod, flowers or similar agricultural uses.

"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 Holmes County Commissioners.

"Business Day" means a day of the week excluding Saturday, Sunday, or a legal holiday as provided in Section 1.14 of the Ohio Revised Code.

"Calendar day" means any day of the week including Saturday, Sunday, or a legal holiday

"County" means the Holmes County, Ohio.

"Commission" or "Planning Commission" means the Holmes County Planning Commission.

"Cul-de-sac" (see "Street")

"County Engineer" or means the County Engineer of Holmes County, Ohio, or his/her designated agent.

"Director" means the Director of the Holmes County Planning Commission or his/her designated agent.

"Driveway" means a path of private access from a street to a detached single family dwelling on abutting ground, or one (1) or more multi-family, commercial or industrial buildings.

"Double frontage lot" means a lot, other than a corner lot, which has frontage on more than one street or roadway.

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

"Engineer" means a Professional Engineer registered in the State of Ohio.

"Flag lot" means a lot for which the access to the building site or primary portion of the lot is provided by a strip of land having a width at the front property line of less than thirty percent (30%) of the greatest width of the lot. For the purposes of these regulations, a triangular or "pie-shaped" lot such as is typically found at the terminus of a cul-de-sac, shall not be considered a flag lot.

"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) on the following official Flood Boundary and Floodway Maps, as may be subsequently amended:

39075C 0025	39075C 0100
39075C 0030	39075C 0005
39075C 0040	39075C 0010
39075C 0050	39075C 0015
39075C 0075	39075C 0020
39075C 0085	39075C 0050

"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 Holmes County Recorder, or a lot described by metes and bounds, the description of which has been recorded in a deed in the Office of the Holmes County Recorder.

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

"Personal recreational purposes" means a parcel or parcels that are devoted exclusively to personal recreational use of a private type and nature that is conducted by the owner(s) of such parcel(s) or the individual(s) entitled to exclusive use and possession of such parcel(s), without fee or consideration of any kind, excluding any commercial or membership recreational type of use whether or not for fee or profit.

"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. Construction plans shall also include drainage and grading plans showing the proposed finish grades for development of the site.
- B. "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 used 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 used by the public.

"Secretary" means the Secretary of the Holmes County Planning Commission, or his/her designated agent. The powers and duties of the Secretary may be performed by the Director.

"STANDARD PLANS AND SPECIFICATIONS" means the document as established and adopted by the Holmes County Engineer that sets forth the engineering and construction standards for streets, drainage systems and other public infrastructure.

"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. For the purposes of these regulations, the terms "street" and "road" or "roadway" shall have the same meaning. Streets shall be classified as follows:

- A. "Arterial Street" means a street or roadway carrying large volume of traffic - typically over 3,000 vehicles per day - usually on a continuous route used primarily as a traffic artery for intercommunication between major population or activity centers. For arterial streets 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 focal streets to arterial streets, and may include entrance streets to major residential developments.
- C. "Cul-de-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-fivepercent (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. Holmes County or its political subdivisions shall not be responsible for maintenance of private streets.
- G. "Public Street" means a strip of land providing public access to abutting property, as dedicated to Holmes County upon a plat which has been duly approved, filed and recorded in the Holmes County Recorder's Office.

"Subdivision" means either of the following:

- A. the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax list and duplicate of real and public utility property, into two (2) or more parcels, sites or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the following are exempt:
 - (1) A division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access
 - (2) The sale or exchange of parcels between adjoining lot owners, where such that sale or exchange does not create additional building sites and where the lots resulting are not reduced below minimum sizes required by law, *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 public or private street or streets, except private streets serving industrial structures; or involving the division or allocation of land as open spaces for common use by owners, occupants or leaseholds or as easements for the extension and maintenance of public or private sewer, water, storm drainage or other similar facilities.

"Surveyor" means a Professional Surveyor duly licensed in the State of Ohio

"Thoroughfare Plan" means a plan, now or hereafter adopted by the Holmes County 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 Holmes County Planning Commission is hereby designated as the platting authority of and for the unincorporated area of Holmes County. It shall be the duty of the Planning Commission, together with 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 pursuant to Section 1.07 of these regulations and Chapter 711 of the Ohio Revised Code.

The designated officer of the Holmes County Planning Commission shall 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 designated officer is also hereby authorized to notify other offices of the County, and shall request same to withhold their approval of action on such property where such violations exist, until these regulations are complied with. 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 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(s) of the Holmes County Planning Commission, has all the rights of appeal as set forth in Chapter 711 and/or other applicable sections of the Ohio Revised Code and Article VI of this Resolution.

Section 3.04 Fees

The Board of County Commissioners shall establish a schedule of fees, charges, and expenses and a collection procedure for preliminary plans and final plats, and other matters

pertaining to these regulations. The schedule of fees shall be posted at the Holmes County Planning Commission. Such fees may be altered or amended by the County Commissioners by Resolution. 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 AND LARGE LOT DIVISIONS

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 frontage of at least fifty (50) feet along an existing or previously dedicated public street or other dedicated right of way. In addition, such subdivision shall not involve opening, widening, extension or improvement of any existing roadway, and
- B. the proposed subdivision shall consist of lots five (5) acres or less in size, and
- C. such action creates no more than five (5) lots (including theremainder), from the original parcel, as defined as any parcel that existed as a unit, as defined by the Ohio Revised Code Chapter 711, on the effective date of these regulations.

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 for approval by the Holmes County Planning Commission, or its authorized agent:

- A. 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.
- B. A written legal description of the property which complies with the *STANDARDS FOR APPROVAL OF REAL ESTATE TRANSFERS*, as adopted April 24, 1998, effective June 1, 1998, as may be subsequently amended (see APPENDIX A), and is approved by the Holmes County Tax Map Office.
- C. Certification by the Holmes County Board of Health that the site meets current requirements for on-site home sewage treatment and disposal, and water supply. Such certification shall not be construed as approval for an on-site sewage treatment system at any specific location on any lot.
- D. Evidence of compliance with Holmes County access management regulations, as administered by the Holmes County Engineer.

Section 4.03 Approval of Minor Subdivisions

After determination that the proposal meets the criteria for a minor subdivision and that such subdivision meets the requirements of these regulations, the Director of the Holmes County Planning Commission shall, within seven (7) calendar days, approve or otherwise take action on said minor subdivision. If such subdivision is approved, the Director shall so indicate by marking upon the deed or instrument of conveyance "APPROVED, HOLMES COUNTY PLANNING COMMISSION, NO SUBDIVISION PLAT REQUIRED UNDER R.C. 711.131".

Section 4.04 Large Lot Divisions

Pursuant to Section 711.133 of Ohio Revised Code, if the proposed division of land meets the following criteria, then it shall be considered a large lot division for the purposes of these regulations.

- A. the proposed division has frontage of at least fifty (50) feet along an existing or previously dedicated public street or other dedicated right of way. In addition, such division shall not involved opening, widening, extension or improvement of any existing roadway, and
- B. the proposed division shall consist of lots more than five (5) acres. Large lot divisions shall not be considered as subdivisions and shall be subject only to the rules as cited in Section 4.05 through 4.09 below.

Section 4.05 Submittal Items

The items to be submitted for approval of a large lot division shall include items A, B and D of section 4.02 in these regulations. Pursuant to Section 711.131 of the Ohio Revised Code, when the Director has reason to believe that the premises are to be used for residential purposes and may have difficulty meeting septic or well standards he shall have the authority to require the applicant of the proposed large lot division to provide certification of compliance with applicable rules for home sewage disposal, including surface and/or subsurface drainage.

Section 4.06 Approval of Large Lot Divisions

After determination that the proposed subdivision meets the criteria cited in Section 4.04 above, the Director shall approve or otherwise take action on the proposed large lot divisions. Such action shall occur within the following time frames:

- A. if the proposed large lot division consists of one (1) through six (6) parcels, the action shall be taken within seven (7) calendar days.
- B. if the proposed large lot division consists of seven (7) through fourteen (14) parcels, the action shall be taken within fourteen (14) calendar days.

- C. if the proposed large lot division consists of fifteen (15) or more parcels, the action shall be taken within twenty-one (21) calendar days.

Flag lots created as large lot divisions are discouraged, except to accommodate unique topographic or other environmental conditions. Flag lots shall not be "stacked" (i.e. one behind another flag lot.)

If, after review, such large lot division is approved, the Director shall so indicate by marking upon the deed or instrument of conveyance "APPROVED, HOLMES COUNTY PLANNING COMMISSION, NO SUBDIVISION PLAT REQUIRED UNDER R.C. 711.133".

Section 4.07 Exempt Parcels

An "EXEMPT" stamp will be used for parcels approved because they are exempt from subdivision regulations pursuant to Section 1.07 of these regulations and Chapter 711 of the Ohio Revised Code.

Section 4.08 Other Compliance Required

If any site created by any subdivision, division or parcel has been determined not to be approvable by the Holmes County Board of Health, an additional 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.

Section 4.09 Appeals

If the proposed minor subdivision, large lot division or exempt parcel is not approved, the applicant may appeal the decision of the Director to the Holmes 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, a large lot division as specified in Section 4.05, or an exempt parcel as specified in Section 1.07, 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 staff of the Holmes County Planning Commission to familiarize himself/herself with the provisions of these regulations as well the requirements of the Holmes County Board of Health and other review agencies as referenced below. 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 five (5) copies of the preliminary plan to the Planning Commission, along with applicable fees. 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) or more lots, the Director of the Holmes County 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.

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 topography, based on USGS topographic information, recent aerial photography and/or ground surveys. Such information may be provided by contour lines or slope arrows, as appropriate;

- 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 Holmes County, as may be amended.
- H. Portions of the site identified on maps made available by the Holmes County Planning Commission as subject to previous mining activity and subject to potential mine subsidence, and/or reclaimed strip mine land.
- I. Portions of the site subject to federal wetlands requirements, based on soils maps made available by the Holmes County Soil and Water Conservation District or other government agency having jurisdiction thereof.
- 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 treatment and disposal, and water supply.
- 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 sizes, 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 Planning Commission

Within seven (7) working days, the staff of the Planning Commission shall review the preliminary plan and submit said application to the County Engineer, the Holmes County Board of Health, and other County departments and entities as deemed appropriate by the Director. The Holmes County Planning Commission reserves the right to require additional information regarding the proposed development. After review, the staff of the Planning Commission shall compile comments and inputs received from all contacted sources, along with written recommendations for action.

Section 5.06 Action on Preliminary Plan by Planning Commission

In reviewing the preliminary plan, the Commission 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 conditions the submitted plan. The decision of the Commission on any submitted preliminary plan, including citation or reference for rules violated by the plat, shall be stated in writing, under the Secretary of the Commission, and shall be issued within thirty-five (35) business days from submission of the preliminary plan, or within such further time as agreed in writing by the Owner/Developer. In cases of disapproval, the reasons for disapproval shall be clearly stated.

The decision of the Planning Commission on a preliminary plan is preliminary to and separate from the subsequent decision of the Commission to approve, conditionally approve or refuse to approve a final plat.

Approval of the preliminary plan shall confer upon the Owner/Developer the right for a two (2) 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 two (2) year period, the whole, part or parts of the preliminary plan may be submitted for final approval.

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 Planning Commission. Such final plat shall incorporate all conditions required by the 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, final plats for all portions of the tract covered by the preliminary plan shall be developed within a two (2) 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 Owner/Developer shall prepare construction plans, specifications and cost estimates of any required site improvements. Such construction plans shall be prepared by a Professional Engineer. A minimum of four (4) copies of plans for projects proposing public improvements shall be submitted to the County Engineer. The estimates shall be grouped according to the following:

- A. Street and parking area improvements, including curb, pavement, and storm drainage;
- B. Other public site improvements, including seeding and sodding.
- C. Plans for water mains and/or sanitary sewers, if applicable shall be submitted to the Holmes County Office of Environmental Management

Section 5.09 Review by County Engineer

The County Engineer shall review the plans for public improvements 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 plans from the County Engineer.

Section 5.11 Application for Approval of Final Plat

Application for the final plat approval shall be submitted in writing to the Planning Commission, 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 not less than ten (10) 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 two (2) 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 Planning Commission shall submit copies of the application to the Holmes County Board of Health 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 and the requirements of the *STANDARDS FOR APPROVAL OF REAL ESTATE TRANSFERS*, as adopted April 24, 1998, effective June 1, 1998. (see APPENDIX A). The information shown shall include, but not be limited to the following:

- A. Name of the subdivision and the political township, name, range, section, military quarter and lot number, and/or village name in those cases where the subdivision occurs within an unincorporated village, as appropriate;.
- B. North arrow and scale;

- C. Sheet and total number for each sheet;
- D. The bearings and distances of the boundary lines of the subdivision based on actual field survey performed to accepted surveying standards, stated in English units;
- E. The bearings and distances of all lot lines and/or areas dedicated to public uses, including street rights-of-way and centerlines. Curved lot lines shall be identified by direction of the curve (right or left), length of arc, the radius (in feet and decimal parts thereof), the long chord bearing and distance, and points of curvature;
- F. Lot numbers. Lot numbers shall be continuous within contiguous subdivision(s) having the same name, as approved by the Holmes County Tax Map Office;
- 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. A sketch map as submitted for the preliminary plat, the location of all existing structures, the names of all adjacent property owners, and the names and lot numbers of any abutting subdivisions.
- L. All required certifications and approvals, including construction guarantees and acceptance of streets and other public areas;
- M. Protective covenants and/or deed restrictions, if any;

Section 5.13 Review by Planning Commission

If the application for final plat approval as submitted to the Planning Commission 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, such application for final plat approval shall be reviewed by the staff of the Planning Commission.

The final plat shall be considered as officially submitted for final review on the date that the application for final plat approval, along with a recommendation, is transmitted by the staff to the Planning Commission for action, and shall be so certified.

Section 5.14 Action by Planning Commission

Within five (5) days after submission of the plat for final review, 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) calendar days from submittal of the plat, and no meeting shall be held until at least seven (7) calendar days have passed from the date the notice was sent by the Planning Commission.

The Planning Commission shall approve, conditionally approve, or refuse to approve the final plat within thirty calendar (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 Secretary or other authorized agent for the Planning Commission. Reasons for refusal to approve the final plat shall be cited in writing to the Owner/Developer and on the records of the Commission, including citations or references to the requirements or provisions of the applicable regulations that are inconsistent with the final plat.

If the Commission 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 submission of the plat for approval, pursuant to Section 5.13 above, 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 Conditional Approval

The Commission may grant conditional approval to a final plat by requiring the Owner/Developer to alter the plat or any part of it, within a specified period after the end of the thirty (30) calendar days, as a condition for final approval. Once all conditions have been met within the specified period, the Commission shall cause its final approval to be endorsed on the plat. No plat shall be recorded until it is so endorsed with the Commission's final or unconditional approval.

Section 5.16 Appeal of Plat Denial

Within sixty (60) calendar 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 request for an order directed to the Holmes County Recorder 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. A Board of Township Trustees is not entitled to appeal a decision of the Commission under this Section.

Section 5.17 Recording of Plat

The final plat shall be filed and recorded by the Owner/Developer in the Office of the Holmes 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 previously granted by the Planning Commission shall become voidable at the option of the Planning Commission. 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.

ARTICLE VI VARIANCES AND APPEALS

Section 6.01 Variances

Pursuant to ORC 711.10, where the Planning Commission finds that extraordinary and unnecessary hardship may result from strict compliance with these regulations due to unusual topographical and/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.

Section 6.02 Criteria for Variances

Such variances shall only be granted in cases of exceptional conditions, involving physical conditions of the land, whereby strict application of such provisions or requirements would result in practical difficulty and unnecessary hardship that would deprive the owner of the reasonable use of the land and buildings involved. In granting such variance, the Commission shall find that such conditions do not apply generally to other land in the vicinity, that such hardship has not been self-inflicted by the applicant, and that the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation at issue.

Section 6.03 Additional Variance Standards

- A. 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.
- B. 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.
- C. Any variance granted by the Planning Commission shall be noted in writing on the final subdivision plat.

Section 6.04 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 AMENDMENTS

Section 7.01 Amendments

Whenever the public necessity, convenience or general welfare require, these regulations may be amended, supplemented or changed, subject to the requirements of Chapter 711 of the Ohio Revised Code. Before any such amendment is adopted the Commission shall hold a public hearing. Notice of such hearing shall be sent to all townships in the County by regular or electronic mail at least thirty (30) business days before the hearing. No such amendment shall take effect unless adopted by the Board of Holmes County Commissioners, after a public hearing. After adoption by the Board of Holmes County Commissioners, a copy of the amendment shall be certified by the Planning Commission to the County Recorder.

ARTICLE VIII OBLIGATIONS OF OWNER/DEVELOPER AND COUNTY

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, including drainage structures, bridges, curbing and other improvements as may be required, 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

Section 8.02 Obligations 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. The Holmes County Office of Environmental Management shall be responsible for the inspection of construction of all central water and/or sewer lines, as applicable. 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 his agent, shall give three (3) working days notice for any inspection to be conducted. The Owner/Developer shall also ensure 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 improvements 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 Holmes County Planning Commission.

- 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 time 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, yards, streets, sewers, pipe lines, etc., during the one year guarantee period shall be assumed by such 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.
- 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, including private streets, undertaken in any subdivision shall conform to the standards of this Article and the STANDARD PLANS AND SPECIFICATIONS, as may be adopted and subsequently amended by Holmes County.

B. **Conformity with Zoning**

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

C. **Land Use / Master Planning**

The design of a proposed subdivision of land shall be in general conformity with an 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 US Army Corps of Engineers, USDA Natural Resources Conservation Service, 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 major or minor subdivision development is unsuitable due to flooding, poor drainage, topography, and/or other condition 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 any identified flood plain area which will substantially affect the storage capacity of the flood plain
3. It is recognized that the flood plain is composed of two (2) distinct parts; 1) the flood way, and 2) the floodway fringe. These two parts are defined in Article II. 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 in the floodway fringe if the sites or structures are elevated to such height that the lowest floor of the structure is least one (1) foot above the 100-year base flood elevation.
4. The determination of areas of the flood plain considered as within the floodway and the 100-year base flood elevation shall be made by the Owner/Developer in those cases where building is proposed. Such determination shall be based on data 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 and the Planning Commission. Required fill areas must extend fifteen (15) feet beyond the limits of the structure(s).
5. When the Planning Commission determines that only part of a proposed subdivision 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.
6. The Planning Commission may attach other reasonable conditions as are 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 floodproofing 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. Such plan shall comply with permitting requirements of the Ohio Environmental Protection Agency (OEPA). The OEPA requires projects to seek permitting if one (1) acre or more is disturbed.

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 Holmes Soil and Water Conservation District (SWCD).

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 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. 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. 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 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.

D. Culverts

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

Section 9.06 Access

The Planning Commission may approve a subdivision which does not front along a public roadway, but is served by an access easement intersecting with a public roadway, provided the following conditions are met:

- A. The access easement shall be at least fifty feet (50') in width and shall abut a public roadway. No such easement shall be established on top of any existing access easement.
- B. The subdivision shall be platted as a major subdivision.
- C. The access easement shall be transferred and duly recorded with the Holmes County Recorder's Office- The deed for any lot so established shall make reference to the access easement.
- D. The intersection of the access easement with the public roadway shall be approved by the County Engineer.
- E. Not more than two (2) lots shall be created on a single access easement. If more than two (2) lots, but not more than five (5) lots are created, the access easement shall be designated as a private street subject to the standards in APPENDIX E. A maintenance agreement shall be recorded for all lots sharing such private street (see APPENDIX B). The wording of such agreement shall be referenced on the deeds of all lots created by such action. All private streets shall meet the requirements of Section 9.07 H below.

Section 9.07 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.

B. Classification, Street Widths and Street Grades

Streets shall be classified as *arterial, major collector, minor collector* or *local*, as shown on APPENDIX D. 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^f) 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. The maximum length of a cul-de-sac shall be 1,000 feet, measured from the centerline of the intersecting street to the middle of the turnaround.
7. Half width streets shall be prohibited.
8. 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

D. Dedication

The necessary rights-of-way for widening or extension of all roadways 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 and Roadway Numbers

All new public streets and roadways shall be designated by a number consistent with those currently used. Such street and/or roadway numbers shall be assigned by the County Engineer.

G. Driveways

1. Driveways shall not be located within 100 feet from the center line of any street that intersects the fronting roadway on the same side of the street.
2. Driveway approaches shall be designed and located to provide exiting vehicles with an unobstructed view of oncoming traffic for a distance of not less than 400', or such other distance as determined by the County Engineer after review of the site, consistent with the access management requirements for Holmes County .

H. Private Streets

Private streets shall be allowed under specific conditions as specified in these regulations. All private streets shall be designated by a roadway number, assigned by the Holmes County GIS Department. Such numbers shall be assigned, with the approval of Planning Commission prior to approval of the final plat.

For subdivisions containing more than five (5) lots, private streets shall be constructed at a minimum standard for *local streets* as specified in the STANDARD PLANS AND SPECIFICATIONS. Such private streets shall be subject to the same performance assurances as specified in Section 8.02 E of these regulations. Private streets serving subdivisions of five (5) lots or less shall be subject to the standards specified in APPENDIX E. The Owner/Developer shall be responsible for the creation and maintenance of signs for private streets, as deemed necessary by the Planning Commission.

Section 9.08 Lots

A. Frontage

All lots shall have the required frontage of fifty feet (50') on an approved improved public or private street or access easement pursuant to Section 9.06 above.

B. Area Requirements

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. In all areas, building setbacks shall be not less than fifteen feet (15') from side and rear lot lines, and not less than thirty feet (30') from the front lot line. The depth and width of lots reserved for commercial and/or industrial purposes shall be adequate to provide for off-street parking and loading facilities.

C. Shape

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 or non-rectangular shape is necessary due to topography and/or natural conditions.

D. Flag Lots

Flag lots are discouraged. Such lots may be created to accommodate unique topographic or other environmental conditions or to subdivide the original land and buildings from an existing tract. Flag lots shall not be "stacked" (i.e., one behind another flag lot)

E. Double Frontage Lots

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.

F. Easements

When necessary, easements shall be provided along side and rear lot lines for utility lines. Easements shall be provided on both sides of any open drainage course, for the purposes of widening, deepening or general maintenance. Such easements shall comply with the requirements of Section 9.10 below. In no case shall a fence or any other obstruction be constructed on any easement.

Section 9.09 Public Water and Sanitary Sewer Systems

In those cases where the Holmes County Department of Environmental Management and/or the Holmes County Board of Health determines that a proposed subdivision must be served by a central sewage treatment and disposal and/or water supply and distribution system, such system(s) shall comply with the following standards:

- A. The design of the overall system(s) shall be in conformance with the requirements of the STANDARD PLANS AND SPECIFICATIONS, the Ohio Environmental Protection Agency (OEPA), the Ohio Department of Health and Ten State Standards.
- B. Sanitary sewer and/or water 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. Sanitary sewers should be designed to maintain a minimum velocity of two (2) feet per second.

- D. 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 until such time that eighty percent (80%) of the lots in the subdivision are developed.

Section 9.10 Easements

- A. Utility Easements
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.
- B. Watercourse Easements
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 water course for the purpose of widening, deepening, relocating or other maintenance. The width of such easement shall be determined by the Planning Commission, upon recommendation by the County Engineer and/or the Holmes Soil and Water Conservation District (SWCD).

Section 9.11 Public Sites and Open Space

- A. Required Dedication or Reservation
Where a proposed park or school site, as shown on a land use plan adopted by Holmes County, is located in whole or in part within a proposed subdivision containing ten (10) or more lots in which the median lot size is less than one (1) acre, 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
In such subdivisions as referenced above, the Owner/Developer shall be required to reserve a minimum of ten percent (10%) 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 ten percent (10%) of the total true value of the land within the proposed subdivision, as shown on the current Holmes 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 Holmes County.

Section 9.12 Sidewalks

- A. Sidewalks shall be required for all new subdivisions in unincorporated villages, and in other areas where the lot width is less than one-hundred (100'). In subdivisions exceeding thirty (30) lots, sidewalks shall be required regardless of lot size.
- B. If so required, all sidewalks shall be four feet (4') wide, constructed of concrete, brick or similar hard paved surface, underlain with not less than four inches (4") of gravel, limestone or similar compacted material. Sidewalks shall be so constructed to prevent the ponding of surface runoff on the surface.

Section 9.13 Curb, Gutter and Storm Sewer

Curbs, gutters and storm sewers shall be required for all new subdivisions in which sidewalks are required pursuant to Section 9.12 above. When required, curb, gutters and storm sewer systems shall be designed by Professional Engineer and be subject to review and approval by Holmes County.

Section 9.14 Monuments

The standards for monument location and materials shall be as specified in Ohio Revised Code (ORC) 71 LOS and Ohio Administrative Code 4737-37-03, as may be subsequently amended.

ARTICLE X SITE IMPROVEMENTS

Section 10.01 General

The Office of Holmes County Engineer has developed STANDARD 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, or other County entity, 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 thereon. 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 additional 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 1/2) 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 rights-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 planned unit developments shall be subject to the requirements of Section 9.07 H. of these regulations.

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.

Section 12.06 Review Criteria

In reviewing the application for a planned unit development pursuant to Sections 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
Standards for the Approval of Real Estate Transfers

APPENDIX B
Sample Text for Access Easement Maintenance Agreement

Sample Text for Access Easement Maintenance Agreement

The owners of lot(s) _____ of the _____ Subdivision shall be responsible for the maintenance of the private street identified as _____. All costs associated with such private street shall be shared proportionally among all owners according to a schedule as may be arranged among those parties entitled to use said drive.

NOTE: The above sample is a minimum requirement. Additional language may be added depending on the specific proposal. All language is subject to approval by the Holmes County Planning Commission. All parties entitled to use or grant approval of the maintenance agreement shall be signatories on the plat.

APPENDIX C

Certification for Exemption of Parcels To Be Used Only For Agricultural or Personal Recreational Purposes

**CERTIFICATION FOR EXEMPTION OF PARCELS TO BE USED ONLY
FOR AGRICULTURAL OR PERSONAL RECREATIONEL PURPOSES
PURSUANT TO OHIO REVISED CODE SECTION 711.133**

The undersigned Grantor(s) and Grantee(s) make the following statements for the express purpose of declaring as exempt from approval requirements of Section 1.07 D. of the Holmes County Subdivision Regulations, the following described property and to stamp the conveyance *"NO APPROVAL OR PLAT REQUIRED UNDER R.C. 711.133: FOR AGRICULTURAL OR PERSONAL RECREATIONAL USE ONLY"*.

1. The Grantor(s) and Grantee(s) certify that the property proposed for exemption is described as follows:

2. The Grantor(s) hereby certify that the property described above is currently used for agricultural or personal recreational purposes. The Grantee(s) hereby certify that the property described above shall be used only for agricultural or personal recreational purposes as defined in Article II of these subdivision regulations.

3. The Grantee(s) acknowledge and understand that if the property is subsequently changed from agricultural or personal recreational purposes, no such change in use shall be made by the Grantee(s) or their successors and assigns unless and until the Director of the Holmes County Planning Commission or his/her designated agent first determines that the property complies with the then current provisions of these regulations.

The undersigned Grantor(s) and Grantee(s) have signed this Certification on the date(s). as set forth below:

GRANTOR(S)

GRANTEE(S)

NAME

DATE

NAME

DATE

NAME

DATE

NAME

DATE

APPENDIX D
Street / Roadway Classification System

STREET AND ROADWAY CLASSIFICATION SYSTEM

<u>STREET CLASS</u>	<u>ADT RANGE</u>	<u>MINIMUM R.O.W. (FT.)</u>	<u>PAVEMENT WIDTH (FT.)</u>	<u>MINIMUM LANE WIDTH</u>	<u>MINIMUM GRADE</u>
Arterial	3,000+	90	50	12	.5%
Collector	500-3,000	60	40	11	.5%
Local	under 500	50	30	11	.5%
Cul-de-Sac	under 500	50	30	11	.5%
Industrial	NA	80	41	12	.5%

APPENDIX E
Standards for Private Streets and Type 1 and 2 Easements

Standards for Private Streets and Type 1 and 2 Easements

Type 1 Easement (1-2 lots abutting shared right-of-way)

- 50' wide right-of-way, not longer than 1,000'
- No minimum width requirement for travel surface of a Type 1 easement
- No surface requirement
- No cul-de-sac required
- Structures up to four (4) total are addressed off public road
- No private street name or number assigned
- No performance bond required

Type 2 Easement / Private Street (3-5 lots abutting shared right-of-way)

- 50' wide right-of-way, not longer than 1,000' for a cul-de-sac
- Minimum width requirement shall be 20' with an additional 2' of clear unobstructed berm and adequate drainage on each side.
- Shared easement shall have 25' of improved area where it meets the public road and shall taper for a distance of 15' along the centerline of the shared easement to meet the shared easement Width.
- Individual drives intersecting the Type 2 easement shall have a minimum width of 12' at the intersection for residential lots and 25' radius for commercial lots, with the shared easement, tapering to a normal driveway with after 12'.
- A homeowner's association and/or shared drive maintenance agreement shall be established in perpetuity for all lots sharing a Type 2 easement, recorded with reference language placed on the deeds for all lots with access to the easement A reference note and/or agreement shall be placed on the subdivision plat. Sample language for such agreement(s) is shown in **APPENDIX B**.
- Type 2 easements shall have a minimum of 13'6" vertical clearance to allow adequate access for safety equipment
- Type 2 easements shall have a cul-de-sac with a centerline turning radius of not less than 50' and 60' right-of-way.
- Type 2 easements in excess of 500' in length may be required to provide a pull-off at a location and dimension to be determined by the Planning Commission.
- All road signs shall be installed by the Owner/Developer and inspected by the Planning Commission.
- The Owner/Developer shall install and homeowners shall maintain clearly visible reflective address markings at the intersection of the Type 2 easement and the public road.
- Where a bridge or culvert is required to provide access, it shall be constructed and maintained to accommodate a ten-year rated storm event, and shall conform to local floodplain regulations and AASHTO HS-20 load standards. Any drainage structures, including bridges, along with calculations, shall be designed and certified by a Professional Engineer.
- Design and construction requirements for Type 2 easements shall be as follows:
 - (1) Item 203 - Sub-grade Compaction
 - (2) Item Spec - 6" Aggregate base, using No. 1 and No. 2 Aggregate as per 304, and
 - (3) Item 304 - 4" Aggregate base as finish

- Once a Type 2 easement has been installed per design approved by the Planning Commission, an as built drawing will be prepared by the design professional who prepared the original plan, certifying completion in substantial compliance with said plan. If both a Professional Engineer and a Professional Surveyor were required for initial design, both must certify the as built drawing(s), and any other requirements or contingencies established by the Planning Commission, before signing the subdivision plat.
- Performance bond or irrevocable letter of credit required
- Any structures to be constructed on the established lots shall be addressed from the Type 2 easement, not the public road.
- Type 2 easements shall have a private street name or number assigned by the Holmes County Geographic Information System (GIS) Director and will be displayed on the final plat.

Private Street (over five (5) lots with shared access)

- Shall be constructed and bonded to the equivalent standard for a local public road
- 50' wide right-of-way, no longer than 1,000' for a cul-de-sac
- A homeowner's association and/or shared driveway maintenance agreement shall be established in perpetuity for all lots using the private street, recorded with reference language placed on the deeds for all lots with access to the private street. A reference note and/or agreement shall be placed on the subdivision plat.
- The Owner/Developer shall install and homeowners shall maintain clearly visible reflective address markings at the intersection of the private street and the public road.
- All dead end private streets shall terminate in a cul-de-sac
- Private street name or number to be assigned by Holmes County GIS Director
- Performance bond or irrevocable letter of credit required
- All private street signs shall be installed by the Owner/Developer and inspected by the Planning Commission.

Completing a Subdivision in Holmes County Information Packet -

	<u>List of Fees</u>
Major subdivision	\$50 / lot
Minor subdivision	\$50 / lot
Variance	\$100
Fee in Lieu of Dedication	10% of true value of land
Driveway Permit	\$35
Septic / Well Site Evaluation	\$225 per home site
Septic / Well Review for Major Subdivision	\$ 100 / lot
Septic / Well Review for Minor Subdivision	\$25 / lot
Sediment and Erosion Control Permit	\$ 10
Storm Water Pollution Prevention Plan (SWP3)	\$200
Ohio Environmental Protection Agency (OEPA)	
Public Road Inspections	Based on project size
Bonding / Letter of Credit	Based on project size
Public Sewer Review	Based on project size
Floodplain Permit	\$25-\$ 1,000 depending upon acreage

Steps to Complete a Minor Subdivision

- 1) Health department application. Contact: Jon Croup at 330-674-5035
- 2) Document to tax map office. Contact: Debbie Bell at 330-674-6631
- 3) Document to engineer. Contact: Steve Sommers at 330-674-5076
- 4) Document to planning commission. Contact: Arnold Oliver at 330-674-8625
- 5) Document to auditor's office. Telephone: 330-674-1896
- 6) Document to recorder's office. Telephone: 330-674-5916

Note: Please allow time for the document to be left with health, planning and tax map. The auditor and recorder will process documents as they come in.

Steps to Complete a Straight Transfer

Same as above, except a health department application is not necessary. Planning commission will review straight transfers. Typically, they are exempt subdivision regulation.

Steps to Complete a Major Subdivision

- 1) Consult with planning commission. Contact Arnold Oliver 330-674-8625
- 2) Surveyor submits proposal to tax map and planning commission.
- 3) Developer prepares subdivision applications with: health, soil & water, and county engineer. No applications reviewed by planning commission without first applying with local review agencies. If disturbing more than 1 acre of land, developer is required to prepare a (SWP3). If subdivision is greater than 5 lots the SWP3 must be completed and approved by the OEPA. It can not be placed on the planning commission agenda until SWP3 is approved. Contact Dan Bogoveski at OEPA for SWP3 permitting questions 330-963-1145.
- 4) Proposal is reviewed at planning commission meeting located in the Old Jail on 2 Court Street in Millersburg, Ohio. Planning commission meetings are held the second Wednesday of the month at 7:30PM.
- 5) If approved, the surveyor will prepare final drawing on mylar film and return original document to the developer. Developer will typically hand deliver document for health, soil and water, engineer and planning commission signatures. Other arrangements may be requested; however hand delivery is the quickest.
- 6) Developer retrieves signed document from tax map and takes it to the auditor and recorder's office at 75 East Jackson Street. Transaction is complete.

HOLMES COUNTY TAX MAP OFFICE

75 E. Clinton St., Suite 102 Millersburg, OH 44654 - (330) 674-6631

IN

For Agent To Fill Out

Submitted By:

Phone Number:

Address:

Return To:

Original Document

Draft Document

OUT

Approved

Not Approved

Prior deed reference on document? YES NO

Type

Total Acres

ID Number

GRANTOR

GRANTEE

No.	TWP	Acreage	Location	Pg. #	Parcel No.	Subdivision
					Corrected:	
					Corrected:	
					Corrected:	
					Corrected:	

Notes

O.R. Vol. _____ Pg. _____ Date _____ Plat Vol. _____ Pg. _____

FEE SCHEDULE

Holmes County Subdivision Inspection Permit Fee Schedule for Public Roads.

*Construction cost estimates shall be prepared by a Registered Professional Engineer and must be approved by the Holmes County Engineer. These fees must be paid prior to start of construction.

*Construction Cost Estimate	Permit Rate
100,000 or less	7.6%
200,000	6.7%
300,000	6.1%
400,000	5.5%
500,000	5.1%
600,000	4.8%
700,000	4.7%
800,000	4.6%
900,000	4.4%
1,000,000	4.2%
2,000,000	3.8%
4,000,000	3.2%
5,000,000	3.0%
Above 5,000,000	2.9%