

# **LAKE COUNTY, OHIO SUBDIVISION REGULATIONS**

A resolution of the County of Lake, Ohio enacted in accordance with Chapter 711, Ohio Revised Code, for the purpose of protecting the public health, safety, comfort, convenience and general welfare; regulating the subdivision of land; promoting the proper arrangement of streets and layout of lots; providing for adequate and convenient open spaces, utilities, public facilities, positive drainage, and access for service and emergency vehicles; providing for the administration of these regulations and defining the powers and duties of the administrative officers; prescribing penalties for the violation of the provisions in this resolution or any amendment thereto; and for appeal thereof.

Now therefore be it resolved by the Board of County Commissioners of the County of Lake, State of Ohio, and the County Planning Commission:

## **ARTICLE I GENERAL PROVISIONS**

### **SECTION 1. TITLE**

This Resolution shall be known and may be cited as the "Lake County Subdivision Regulations" and shall hereinafter be referred to as "These Regulations."

### **SECTION 2. ADMINISTRATION**

These Regulations shall be administered by the Lake County Planning Commission hereinafter known as Commission, who derives its authority by virtue of Section 711.10 of the Ohio Revised Code. The Commission is authorized to adopt rules and regulations governing plats and subdivisions of land, and to approve, conditionally approve or disapprove plats or subdivisions of land falling within its jurisdiction.

### **SECTION 3. JURISDICTION**

- A. It shall be unlawful for any person to subdivide or lay out into lots any land within the unincorporated area of Lake County, including lands adjacent to municipalities, unless it be by a plat complying with the Regulations herein contained and no plat shall be recorded and no lot or land shall be sold from any such plat until said plat has been approved as herein required.
- B. The design and layout of all subdivisions shall conform with the requirements of Article IV hereof. The subdivider shall submit preliminary and final plats in accordance with Article III hereof, and improvements shall be governed by Article V.
- C. Before any plat is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of the Ohio Department of Transportation (Director of ODOT) or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Planning Commission shall give notice, by registered or certified mail to the Director of ODOT. The Commission shall not approve the plat for one hundred twenty (120) days from the date the notice is received by the Director of ODOT. If the Director of ODOT notifies the Planning Commission that they intend to acquire the land needed, then the Commission shall refuse to approve the plat. If the Director of ODOT notifies the Commission that acquisition at this time is not in the public interest or upon the expiration of the

one hundred twenty (120) day period or any extension thereof agreed upon by the Director of ODOT and the property owner, the Planning Commission shall, if the plat is in conformance with all provisions of these regulations, approve the plat.

#### SECTION 4. GENERAL PROVISIONS

- A. Wherever any subdivision of land shall hereafter be laid out, the subdivider thereof or his agent shall submit a preliminary plan and shall submit a final plat to the Commission. Said plats and plans of proposed improvements, and all procedure relating thereto, shall in all respects be in full compliance with These Regulations.
- B. Until improvement plans for the subdivision are approved, and properly endorsed, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent.
- C. All lands offered to the county for use as streets, alleys, schools, parks, and other public uses shall be referred to the Commission for review, and recommendation before being accepted by the Board of County Commissioners or by any other governing authority of the county.
- D. No plat will be approved for a subdivision which contains poor drainage facilities and which would make adequate drainage of the lots and streets impossible. However, if the subdivider agrees to make improvements which will, in the opinion of the County Engineer, make the area safe for residential occupancy, and provide adequate lot and street drainage, the preliminary plan of the subdivision may be approved.
- E. In all subdivisions due regard shall be given to the preservation of historical sites, natural features and water courses.
- F. In the case of preliminary plans for parts of tracts, where it appears necessary to the Commission for the satisfactory overall development of an area, an owner shall be required to prepare at least a street plan of the entire tract based upon proper topographic surveys before approval of any portion of such plat.
- G. Whenever an area is subdivided into lots which may at a later date be resubdivided, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be located which will permit a logical arrangement of smaller lots.
- H. Subdivider shall set all permanent monuments for subplot corners prior to the subdivision going into maintenance. Setting of corner monuments shall be included in the construction estimates. Certification that corner monuments have been placed shall be submitted by a registered surveyor.
- I. All permanent monuments for the centerline shall be set prior to the recording of the plat or the final release of the construction surety and acceptance of the maintenance surety. Setting of centerline monuments shall be included in the construction estimates.
- J. All subdivisions proposing an intersection with a state or federal highway shall comply with ODOT standards and the applicant shall obtain an ODOT access management permit prior to filing of the final plat.

## SECTION 5. SCOPE

- A. The provisions of These Regulations shall be regarded as the minimum requirements for development of subdivisions.
- B. These Regulations are not intended to repeal any easement, covenant, or any other private agreement, provided that where These Regulations are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, then the requirements of These Regulations shall govern.

## **ARTICLE II DEFINITIONS**

Interpretation of Terms or Words: For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, corporation, or any other legal entity as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular unless the context clearly indicates the contrary.
3. The word "shall" is a mandatory requirement and the word "may" is a permissive requirement.
4. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied at a future point in time."
5. The word "lot" includes the words "plot", "parcel", or "piece".
6. The word "herein" means in these regulations.
7. The word "regulations" means these regulations unless specifically indicated as the regulations of another department, agency, or jurisdiction.
8. A "building" includes a "structure" and a "building" or "structure" includes any part thereof.
9. Words, if not specifically defined herein, shall have their ordinary English Meanings.

Active Recreation: Leisure time activities characterized by repeated and concentrated use of land, often requiring equipment and taking place at prescribed places, sites or fields. Examples of active recreation facilities include golf courses, tennis courts, swimming pools, softball, baseball, and soccer fields. For the purpose of these regulations, active recreation facilities do not include paths for bike riding, hiking, and walking and picnic areas.

Agriculture: includes farming; ranching; aquaculture; apiculture and related apicultural activities, production of honey, beeswax, honeycomb, and other related products; horticulture; viticulture, winemaking, and related activities; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production; and any additions or modifications to the foregoing made by the director of agriculture by rule adopted in accordance with Chapter 119 of the Ohio Revised Code.

Agriculture Exemption: Pursuant to section 519.02 of the Ohio Revised Code, farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; or any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

Agent: Someone who has the legal right to represent another party, group or government agency.

Alley: See Thoroughfare.

Auditor, County: The Auditor of Lake County.

Association: A legal entity operating under recorded land agreements, declarations, bylaws or contracts through which each unit owner in a development is a member and each dwelling unit is subject to charges for a proportionate share of the expenses of the organization's activities, including, but limited to maintaining common open space, local service drainage easements, landscaping islands and other common areas and providing services to or for the development. An association can take the form of a homeowners association, community association, condominium association, or other similar entity.

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

Block Length: The distance of the property abutting on one side of a street, and lying between the two nearest intersecting or intercepting streets, or between the nearest intersection or intercepting street and a railroad right of way, or other definite barrier.

Board of County Commissioners: The Board of County Commissioners of Lake County.

Building: A structure designed to be used such as, but not limited to, a place of occupancy, storage or shelter.

Building Envelope: An area within a conservation or conventional suburban development that is designated as a location where a dwelling unit is to be placed in compliance with the building setback and spacing requirements established by the township zoning regulations.

Building Line: See Setback Line.

Building Department, County: Lake County Building Department

Clerk, Commissioners': The Clerk of the Board of County Commissioners of Lake County, Ohio.

Commission: The Lake County Planning Commission.

Common Area: Any land area and associated facilities within a development that is held in common ownership by the residents of the development through a homeowners association, community association or other legal entity, or which is held by the individual members of a condominium association as tenants-in-common.

Common Drive: A private way that provides vehicular access to at least two (2) but not more than six (6) dwelling units.

Comprehensive Plan: Local Lake County government's textual statement of goals, objectives and policies accompanied by maps to guide public and private development planning within its jurisdiction. The Board of County Commissioners and the Lake County Planning Commission adopt these plans.

Conservation of land: Land maintained or left in a natural condition or pre-existing condition.

Conservation Development: An area of land to be planned and developed as a single entity, in which housing units are accommodated under more flexible standards, in order to conserve open space and existing natural resources.

Conservation Easement: A legal interest in land which restricts development and other uses of the property in perpetuity for the purpose of preserving the rural, open, natural or agricultural qualities of the property as authorized by O.R.C., Sections 5301.67 through 5301.70.

County: Lake County, Ohio.

Corner Lot: See Lot Types.

Covenant: A written promise or pledge.

Cul-de-sac: See Thoroughfare.

Culvert: A transverse drain that channels water under a roadway, driveway, or embankment.

Dead-end Street: See Thoroughfare.

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

- a. Gross Density - the number of dwelling units per acre of the total land to be developed.
- b. Net Density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential use.

Developer or Subdivider: Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, owner, or agent or any other legal entity commencing proceedings under these regulations to effect the subdivision and improvement of land.

Development: The subdivision of land with the intent to erect structures thereon.

Drainage District: A political subdivision of the state, created for the purpose of draining and reclaiming wet and overflowed land, as well as to preserve the public health and convenience.

Driveway: A privately maintained access area that provides ingress and/or egress for vehicles from a public right-of-way to a dwelling, building or group of buildings, structure, parking space, or loading/unloading space or area.

Driveway, Common: A privately maintained area having a paved or aggregate surface that provides ingress and/or egress for vehicles from a road to a group of dwellings, buildings, structures, parking spaces, or loading/unloading spaces or areas. A common driveway is used to access two (2) or more properties.

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

Earth-Disturbing Activity: Any grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is removed and which may result in or contribute to erosion and sediment pollution.

Easement: The right of a person, government agency, or public utility company to use public or private land owned by another entity for laying and maintaining utilities, accessing another property or for another specific reason.

Engineer: A person registered as a professional engineer in the State of Ohio pursuant to Chapter 4733 of the Ohio Revised Code.

Engineer, County: The County Engineer of Lake County, Ohio.

Engineer, Sanitary: The Sanitary Engineer of Lake County, Ohio.

Erosion: The process by which the land surface is worn away by the action of wind, water, ice, gravity or any combination of those forces.

Final Plat: The final map, drawing or chart on which the subdivider's plat of the subdivision is presented to the Planning Commission for approval and subsequent recording by the County Recorder and which complies with Chapter 711 of the Ohio Revised Code.

Flood Plain: Any normally dry land area that is susceptible to being inundated by water from any natural source. This area is usually low land adjacent to a watercourse, bodies of water, or a wetland.

Floodway: The channel of a river or other watercourse and those portions of the adjoining floodplain required to provide for the passage of the selected flood with an insignificant increase of flood levels above the natural conditions. The National Flood Insurance Program states that floodways must be large enough to pass the 100-year flood without causing an increase in elevation of more than a specified amount.

Grading: The excavating, filling, or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.

Health District, County: the Lake County General Health District.

Highways: See Thoroughfare.

Highway Director: The director of the Ohio Department of Transportation.

Household Sewerage Treatment System (HSTS): An individual sewage treatment system designed to treat and distribute household wastewater on site where it is generated subject to approval of the Lake County General Health District.

Impervious Cover: Any surface that cannot effectively absorb or infiltrate water. This may include roads, streets, parking lots, rooftops, sidewalks and other areas that block the infiltration of water.

Improvements: The construction of facilities for roads including but not limited to:

- a. Street pavement, re-surfacing, curbs, gutters, sidewalks, storm drainage, street lights, drainage facilities, flood control devices, surface clearing and grading and placement of iron pins and monuments in accordance with these regulations and the specifications of the County Engineer;
- b. The installation of sewer and water facilities in accordance with these regulations and the

County Sanitary Engineer;

- c. The installation of temporary and permanent erosion and sediment control devices and practices in accordance with these regulations and specifications of the Storm Water Pollution Prevention Plan and Erosion and Sedimentation Control Plan administered by the Lake County Soil and Water Conservation District; and
- d. The extension of public utilities such as but not limited to electric, natural gas, telephone, and cable television, etc.

Land Trust: A non-profit, tax-exempt entity whose primary purpose includes the preservation of open space, natural land, rural land, or agricultural land, and which is permitted to hold a conservation easements under O.R.C., Section 5301.69B.

Location Map: See Vicinity Map.

Lot: For purposes of these regulations, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

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

Lot Line: The boundary of a lot which separates it from adjoining lots, public land, private land, common, public, or private open space, and public or private roads.

Lot Line, Front: The boundary of a lot which abuts a public or private road. In the case of a corner lot it shall be the shortest dimension on that road or, if the dimensions of a corner lot are equal on both roads, then the lot owner shall designate the front lot line.

Lot Line, Rear: The boundary of a lot which is parallel or within forty-five (45) degrees of being parallel to the front lot line. If the rear lot line forms a point at the rear, then the rear lot line shall be a line ten (10) feet in length within the lot, drawn parallel to and the maximum distance from the front lot line.

Lot Line, Side: Any boundary of a lot that is not a front or rear lot line.

Lot, Measurements: a lot shall be measured as follows:

- a. Depth: The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rear most points of the side lot lines in the rear;
- b. Width: The distance between straight lines connecting the front and rear lot lines at each side of the lot and measured continuously at all points along said straight lines between the front lot line and the minimum building setback line inclusive, unless otherwise specified by the applicable township zoning resolution of these regulations.

Lot, Minimum Area of: The total lot area is computed exclusive of any portion of the right-of-way of any public or private street, except as modified by zoning regulations.



Lot of Record: A lot under one ownership shown as a separate unit on the last preceding tax roll of the county, and either as a separate lot on a subdivision plat recorded in the office of the County Recorder or a lot described by metes and bounds on a deed or instrument of conveyance, the description of which has been so recorded.

Lot Split: See Minor Subdivision. Effective 12/21/95.

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

1. Corner Lot: a lot located at the intersection of two or more streets;
2. Interior Lot: a lot other than a corner lot with only one frontage on a street;
3. Double Frontage or Through Lot: a lot other than a corner lot with frontage on more than one street; through lots abutting two streets may be referred to as double frontage lots;
4. Reverse Frontage Lot: a lot on which frontage is at right angles to the general pattern in the area; a reversed frontage lot may also be a corner lot.

Master Plan: See Comprehensive Plan.

Major Highway Plan: The comprehensive plan adopted by the County Planning Commission indicating the general location recommended for major, collector, and local thoroughfares within the unincorporated areas of the County

Metes and Bounds: The bearings and distances that describe real property in a legal description.

Minor Subdivision: A division of a parcel of land that does not require a plat to be approved by a platting authority according to O. R. C. Section 711.131. Also known as a Lot Split.

Monument: A permanent marker, which may be an iron pin and/or a cast iron monument box with an iron pin therein used to define, among others, subdivision boundaries, lot lines, street or road intersections and centerlines.

Natural Feature: An existing component of the landscape maintained as a part of the natural environment and having ecological value by contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, the natural diversity of plant and animal species, human recreation, reduction of climatic stress, or energy costs.

Net Acreage: Acreage of a subdivision devoted exclusively to sublots.

Open Space: Land used for conservation purposes, park or recreation or maintenance of natural water drainage patterns.

OEPA: Ohio Environmental Protection Agency

O.R.C.: Ohio Revised Code.

Ordinary High Water Mark: The point of the bank or shore to which the presence and action of surface water is so contiguous as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic. The

ordinary high mark defines the bed of a water body or course.

Original Tract: Each Lake County parcel issued a permanent parcel number by the Auditor in the unincorporated areas may be split into four plus a remainder, so long as the splits and remainder meet all township zoning requirements and all county regulations that apply.

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

Park: Land used for passive or active recreation.

Passive Recreation: Leisure activity, such as but not limited to, picnicking, walking, hiking and resting.

Performance Bond or Surety Bond: An agreement by a subdivider or developer with the County for the amount of the estimated construction cost, which guarantees the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement and which complies with Chapter 711 of the Ohio Revised Code.

Personal Recreation: Activities such as hunting, camping, hiking or similar uses that do not significantly alter the natural state of the lot. These uses are of a private type and nature that is conducted by the owner(s) of such lot(s) or the individual(s) entitled to exclusive use and possession of such lot(s), without fee or consideration of any kind, excluding any commercial or membership recreational type of use whether or not for fee or profit.

Planning Commission: The County Planning Commission of Lake County.

Plat: A map or drawing of a tract or parcel of land or portion of a tract or parcel of land certified by a registered surveyor, on which the developer's subdivision plan is presented to the Planning Commission and County Commissioners for approval and which complies with these regulations, the Ohio Administrative Code Chapter 4733-37 and Chapter 711 of the Ohio Revised Code.

Preliminary Plan: A map of a proposed subdivision prepared by a registered surveyor, engineer or architect submitted to the planning commission for its review and comment in accordance with these regulations, which may include other explanatory exhibits and text. Said preliminary plan, if accepted by the planning commission, shall provide the basis for proceeding with the preparation of the final plat of the proposed subdivision.

Private Street or Road: A street or road, including a new easement of access, subject to platting in accordance with these regulations and held in private ownership, for which the state, county, or township shall not assume any maintenance responsibility. The construction of a private street or road shall conform to the rules, standards, and specifications for road improvements adopted by the Board of County Commissioners pursuant to O. R. C. 711.101.

Prosecutor, County Prosecutor: The Prosecuting Attorney of Lake County, Ohio.

Public Street or Road: A street or road, subject to platting in accordance with these regulations, and dedicated to public use, for which the state, county or township shall assume maintenance responsibility upon completion of the street or road and after acceptance for dedication. The construction of a public street or road shall conform to the rules, standards, and specifications for road improvements adopted by the Board of County Commissioners pursuant to O. R. C. 711.101.

Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other way to which

the general public or a public entity has the right of access, or to which is dedicated.

Restricted Open Space: Open space within a conservation development that is that is restricted from further development according to the provisions of the township zoning resolutions

Recorder, County: The Recorder of Lake County.

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

Riparian Area: Land located adjacent to watercourses that, if appropriately sized, aids bank stabilization, limits erosion, reduces flood size flows and/or filters and settles out runoff pollutants.

Sediment: The soils or other surface materials that can be transported or deposited from its site of origin by the action of wind, water, ice or gravity as a product of erosion.

Sedimentation: The process of depositing sediment in water bodies.

Setback Line (Building Line) A line established by the applicable zoning resolution parallel to and measured from the right-of-way line and representing the area in which no building or structure shall be located.

Setback (Riparian): A naturally vegetated area located adjacent to streams and rivers intended to stabilize banks and limit erosion.

Setback (Wetland): An area of undisturbed natural vegetation, present and future, located adjacent to the perimeter of the wetlands.

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

Sidewalk: That portion of the road right-of-way outside the roadway that is improved for the use of pedestrian traffic.

Slope: The degree of deviation of the earth's surface from the horizontal which is usually expressed in percent, degree or in a ratio of rise over run.

Stream Bank or River Bank: The ordinary high water mark of the stream or river, otherwise known as the bankfull stage of the stream or river channel. Indicators used in determining the bankfull stage may include changes in vegetation, slope or bank materials, evidence of scouring and stain lines.

Storm Sewer: A system of pipes, tiles, tubes, mains or passage and all appurtenances thereto, constructed for the purpose of removal, diversion, collection and dispersal of excess surface water runoff. Also, an underground conduit that carries storm surface water runoff.

Subdivider: See Developer.

Subdivision, Major:

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

Subdivision, Minor (Lot Split): Notwithstanding the provisions of Sections 711.001 to 711.13, inclusive, of the Ohio Revised Code, a proposed division of a parcel of land along an existing public street or road, not involving the opening, widening, or extension of any street or road, and involving not more than five (5) lots after the original tract has been completely subdivided, and submitted to the Planning Commission for approval without plat in accordance with these regulations.

Subdivision Boundary: The boundary defining the tract(s) of land that is included within the subdivision development.

Surety: A monetary obligation that assures the completion of physical improvements according to County requirements or maintenance thereof for a specified period as required by the County.

Surveyor: A professional land surveyor authorized to practice surveying by virtue of registration under the statutes of the State of Ohio.

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

1. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting another street.
2. Major Street or Highway: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route.
3. Collector Street or Secondary Thoroughfare: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which carries traffic primarily from local streets to major streets, including the principal entrance and circulation routes within residential subdivisions.
4. Cul-de-sac, Permanent: A minor street, one end of which connects with another street and the other end of which terminates in a vehicular turnaround. The construction of the street shall conform to rules, regulations, and standard specifications for road improvements in accordance with O.R.C. 711.101, these regulations and applicable zoning resolutions.
5. Cul-de-sac, Temporary: A minor street, one end of which connects with another street and the other end of which terminates in a vehicular turnaround. This type of street has the ability to be extended and the cul-de-sac removed when future development occurs. The construction of the street shall conform to rules, regulations, and standard specifications for road improvements in accordance with O.R.C. 711.101, these regulations and applicable zoning resolutions.

6. Dead-end Street: A street temporarily having one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
7. Minor Street: A street primarily for providing access to residential or other abutting property.
8. Marginal Access Street: A minor or collector street, parallel and near a major street or limited access highway, which provides access to abutting properties. (Also called Frontage Street)

Through Lot: See Lot Types.

Unusable Land: Land where the gradient is 60% or greater, or which has characteristics such as rockiness or wetness which lead to difficulties for use for building or active recreation.

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

Vicinity Map: A drawing located on the preliminary plan sheet which sets forth, by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and service.

Walkway: A right-of-way for pedestrian use located in an easement or common area.

Watercourse: Any natural, perennial or intermittent streams, rivers or brooks, with a defined bank and bed, which is contained within, flows through, or borders the Townships of Lake County.

Watershed or Drainage Area: The area in which the subdivision drains or that land in which total drainage contributes runoff to a single collection area.

Wetlands: An area of land which is inundated or saturated by surface or ground water for a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. For an area to be considered a wetland it must possess hydrophytic vegetation, hydric soils, and wetland hydrology.

## **ARTICLE III PROCEDURE FOR APPROVAL OF PLATS**

### **SECTION 1. GENERAL REQUIREMENTS**

Upon the submission of a proposed division of land and application, the application shall be classified by staff as a major or minor subdivision and shall review it in accordance with these regulations and ORC 711.10, 711.131 and 711.133.

#### **A. Filing Deadlines**

Subdivisions and/or subdivision items must be submitted to staff by the monthly deadline date set by the Commission at their January Meeting to be considered for that month's meeting. Staff shall review the subdivision and/or subdivision items for compliance to the subdivision regulations.

#### **B. Notices**

1. Within five calendar days of a submission of preliminary plan, improvement plans, final plat or variance request, staff shall determine if a submission complies with the standards of these regulations. If the submission complies with these regulations then it will be placed onto the next available Planning Commission meeting agenda to consider the submission. Incomplete applications will not be considered and return to the applicant.
2. Staff shall send a notice containing the meeting date, time and location within five calendar days of the submission to the applicant whenever a submission is placed on the agenda. The date on the notice shall be the date the subdivision or subdivision item shall be considered officially filed.
3. A seven day notice (prior to the meeting) with the meeting date, time and location shall be sent to the township fiscal officer whenever a submission is placed on the agenda. A submission can not be considered at a meeting until at least seven (7) calendar days have passed from the notice being sent to the township fiscal officer.
4. A notice shall be sent to applicant or owner prior to the meeting when all other subdivision issues are placed on the agenda by the Planning Commission, or by its staff. The notices may be sent by mail, fax or by electronic mail.

### **SECTION 2. PRE-APPLICATION CONFERENCE:**

#### **A. General Purpose**

A pre-application conference is required. The Pre-Application Conference is for the benefit of the applicant. It gives staff and/or other agencies an opportunity to review the plan and give recommendations to address some of the issues that otherwise would become stipulations or comments in the preliminary plan stage. This step does not require a formal application, fee, or filing of the plan. This step does not constitute formal acceptance of the subdivision. The official acceptance date of the subdivision shall be the date the Staff accepts the preliminary plan of the subdivision for consideration at a meeting.

## B. Process

Prior to the filing of an application for approval of the preliminary plan, the subdivider shall submit a sketch plan to staff for review by staff and other agencies.

1. The plan must have the information listed in Article III section 1(c).
2. Dates for pre-application conferences shall be set by the Commission when they set their yearly calendar. The sketch plan shall be filed with the staff five working days prior to the pre-application meeting.
3. Staff will submit the plan to the Township, Soil and Water Conservation District, County Engineer, County Sanitary Engineer or General Health District for review and comment.

## C. Sketch Contents

1. Scale of the plan, north arrow and date;
2. Boundaries of the subdivision indicated by a heavy line and the approximate acreage;
3. Location, widths, and names of existing or platted streets, railroad rights-of-way, easements, parks, permanent buildings, corporation lines, lot, tract, township, county and state, and metes and bounds property lines;
4. Zoning districts;
5. Existing and proposed changes in contours with intervals of not more than five (5) feet where slope exceeds ten (10) percent and not more than two (2) feet where slope is ten (10) percent or less. Areas that have slopes of fifteen (15%) percent or greater shall be indicated on the sketch plan. Areas that have slopes of fifteen (15%) percent or greater will be required to be designed in accordance of Article IV Section 9. Elevations are to be based on sea level datum, if available. Reference benchmark used shall be indicated;
6. Drainage channels, lakes, ponds, wetlands of any type, location of floodways, floodplains, and any other potentially hazardous areas and other water courses and basins;
7. Wooded areas, if the developer is considering open space development (PUD or Conservation);
8. Identify the location of any other environmentally sensitive areas;
9. Power transmission poles and lines, water lines, sewer lines, and any other significant items shall be shown;
10. Indicate USDA soils designations and boundaries and any other pertinent soils information for purposes relative to drainage, erosion, and sedimentation;
11. Topographic features within and adjacent to the plat for a minimum distance of 200 feet. The engineer may use existing sources for this information;
12. Type of water supply and wastewater disposal proposed shall be noted; and

13. Indicate known and/or suspected cemeteries, historical or archeological sites.

### SECTION 3. SUBMISSION AND APPROVAL OF PRELIMINARY PLAN

#### A. General Purpose

The Commission requires the submission of a preliminary plan. The Commission shall act on the preliminary plan within thirty-five (35) business days after the submission.

#### B. Prepared By

The preliminary plan shall be prepared by or under the supervision of a registered surveyor or engineer.

#### C. Form

1. The preliminary plan shall be drawn at a scale that clearly and legibly shows all the information required to be placed on the plan by these regulations. Large developments that cannot be shown on one sheet shall have a cover sheet with an overall site design without all the required information. The remaining required information of the preliminary plan (Article IV, Section II (D) (1)) shall be divided into sections and placed onto two or more subsequent sheets.
2. An 11x17 inch copy of the preliminary plan shall be also submitted.

#### D. Preliminary Plan Content and Supplementary Information

##### 1. Plan Contents:

- a. Proposed name of the subdivision. The name shall not duplicate, have the same in spelling, or be similar in pronunciation to any other recorded subdivision in Lake County, Ohio;
- b. Location by lot, tract, township, county and state;
- c. Names and addresses of the subdivider, owner and registered surveyor, or engineer;
- d. Scale of the plan, north point and date;
- e. Boundaries of the subdivision indicated by a heavy line and the approximate acreage;
- f. Location, widths, and names of existing or platted streets, railroad rights-of-way, easements, parks, permanent buildings, corporation lines, lot, tract, township, county and state, and metes and bounds property lines;
- g. Names of adjacent subdivisions, owners of record (as of the last preceding tax roll) of adjoining parcels of unsubdivided land;
- h. Zoning districts: All sublots shall conform to the zoning resolution of the applicable township;



- i. Existing and proposed changes in contours with intervals of not more than five (5) feet where slope exceeds ten (10) percent and not more than two (2) feet where slope is ten (10) percent or less. Elevations are to be based on sea level datum, if available. Reference benchmark used shall be indicated;
- j. Topographic features within and adjacent to the property being subdivided for a minimum distance of 200 feet. The engineer may determine the best source for this information;
- k. Drainage channels, lakes, ponds, location of floodways, floodplains, and any other potentially hazardous areas and other water courses and basins;
- l. Wooded areas; if the developer is considering open space development (PUD or Conservation);
- m. Power transmission poles and lines, water lines, sewer lines, and any other significant items shall be shown;
- n. When lots are located on curves or when side lot lines are at angles other than ninety (90) degrees, the width at the building line shall be shown;
- o. Vicinity sketch;
- p. Typical right-of-way cross-section;
- q. Indicate USDA soils designations and boundaries and any other pertinent soils information for purposes relative to drainage, erosion, and sedimentation;
- r. Proposed street names, the names must follow Article IV Section 2(H);
- s. Dimensions must be provided for all sides of each subplot and the width of the subplot at the setback;
- t. School districts;
- u. Type of water supply and wastewater disposal proposed, approximate locations and dimensions of all proposed utilities and sewer lines, easements, drainage tiles, water mains, culverts, or other underground utilities within the tract or adjacent thereto;
- v. Known and/or suspected cemeteries, historical or archeological sites; and
- w. Proposed and existing fire hydrants.
- x. Where proposed public right of way crosses any proposed drainage course, existing or planned for the property development, the location, water course name, if any, the size(s) of any up or down stream bridges or culverts within 2500 feet of the proposed crossing and estimated drainage area must be provided. Based on this information, provide a written description of the planned crossing method including an estimated span or span range, structure "type" culvert or bridge and estimated height from the flow line to the anticipated roadway surface. Structures that span 3 feet and greater will be required to follow the Lake County Bridge Design Criteria standards.

- y. Existing or proposed open space in accordance with local zoning.
- z. Delineation of wetlands and streams in accordance with the 1987 USACE Guide for Wetland Delineation.
- aa. Areas that have slopes of fifteen (15%) percent or greater shall be indicated on the preliminary plan. Areas that have slopes of fifteen (15%) percent or greater will be required to be designed in accordance of Article IV section 9.

2. Required Attached Information:

- a. Statement of the proposed use of sublots, stating types of residential buildings with number of proposed dwelling units, and type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, or congestion of population.
- b. Evidence of an adequate source of water supply and/or written verification of water pressure and volume adequacy by the provider. The jurisdictional fire chief may review and comment to the Planning Commission.
- c. If any zoning changes are contemplated by the subdivider, the proposed zoning shall be indicated.
- d. A statement signed by the subdivider or owner indicating the name of any representative or agent.
- e. Evidence from the provider of adequate waste water disposal.

E. Filing

The applicant must prepare and file copies of the preliminary plan for approval by the Commission according to the requirements of these regulations. The number of copies will be set by the Planning Commission.

F. Approval

- 1. The staff shall forward copies of the preliminary plan to:
  - a. County Engineer
  - b. County Sanitary Engineer for sanitary sewer and central water system
  - c. General Health District for Household Sewage Disposal System (HSDS) and/or wells are required
  - d. Ohio Department of Transportation if the subdivision is located on state or federal highway
  - e. Lake County Soil and Water Conservation District
  - f. Township Trustees
  - g. Township Fire Department

h. Building Inspector

i. Utility companies (gas, electric, phone, and cable)

j. Any other agencies the Planning Commission may determine for study and recommendations.

After receipt of reports from reviewing agencies, the staff shall create a report of all comments and recommendations of the preliminary plan that shall be supplied to the Commission and to the applicant.

2. The Commission shall review the preliminary plan within thirty-five working days after acceptance by staff unless such time is extended by agreement with the applicant or authorized agent.
3. After receipt of the staff report the Planning Commission will approve, approve with stipulations or disapprove the preliminary plan.

If the preliminary plan is approved with stipulations, grounds for the stipulations shall be stated in the records of the Planning Commission including the reference to the regulations violated by the preliminary plan, and the subdivider shall be notified of the action and reasons therefore. The preliminary plan shall then be considered conditionally approved, subject to stipulations corrected before submittal of the final plat and preliminary improvement plans. The subdivider shall be notified of the Commission decision by letter within seven (7) working days of the meeting.

If the preliminary plan is disapproved, the grounds for disapproval of the preliminary plan shall be stated in the records of the Commission, including reference to any regulations violated by the preliminary plan. The subdivider shall be notified in writing of the Planning Commission's action and reasons therefore. The staff shall send the Planning Commission decision by letter within seven (7) working days of the meeting.

#### G. Preliminary Plan Expiration

The approval of the preliminary plan by the Planning Commission shall be effective for a maximum period of three (3) years from the date of its approval. If the final plat application is not accepted within three (3) years, the preliminary plan approval shall expire and become void unless one of the following conditions occurs:

1. An extension of the approval has been granted in writing by the Planning Commission.
2. The preliminary plan is done in phases. The three years for the remaining preliminary plan shall restart when the Planning Commission accepts the phased final plat.

#### H. Preliminary Plan Recall

The Planning Commission may recall unplatted portions of the preliminary plan for consideration, and reapproval, modification, or disapproval. Staff will advise the Planning Commission when it is appropriate to consider a recall of the preliminary plan. A recall will be done in form of a motion and a vote will be taken to hear the recall. A recall may occur if:

1. Incomplete, inaccurate or fraudulent information influenced approval;

2. The subdivider has failed to satisfactorily pursue platting or conditions of approval; or
3. Previously unknown or new health, safety, environmental, cultural or historic concerns arise.

The applicant shall be notified if their subdivision or subdivision item is placed on the Commission agenda as per Article III section 1(B)(3). A letter will also notify the applicant no later than fifteen (15) days before the recall is scheduled for consideration.

#### SECTION 4. APPROVAL OF PROPOSED IMPROVEMENT PLANS

##### A. General Information

Prior to or along with filing the final plat, the subdivider shall present copies of detailed engineering drawings of all utilities and street improvements to be constructed in the proposed subdivision, as required by the County Engineer, Sanitary Engineer and or General Health District. These plans shall also include, but are not limited to, the Storm Water Pollution Prevention Plan as required by the Board of Lake County Commissioners and administered by the Lake County Soil and Water Conservation District. The preliminary improvement plans shall be based on the preliminary plan and they shall conform to the final plat. The improvement plans may be filed submitted prior to or along with the final plat. The improvement plans shall be considered preliminary until the Board of Lake County Commissioners signs them.

##### B. Preparation

The preliminary improvement plans shall be prepared by or under the supervision of a registered engineer. The registered engineer must sign the proposed preliminary improvement plans.

##### C. Form:

1. The preliminary improvement plans shall be clearly and legibly drawn at a scale that clearly and legibly shows all the information required to be placed on the plan by these Regulations.
2. There shall be a cover sheet with all the required signature lines and their proper titles. A table of contents for the drawings and vicinity map shall also be on the cover sheet.

##### D. The Improvement Plans Contents and Attached Information

1. Preliminary Improvement Plans must contain:
  - a. The name of the subdivision.
  - b. Township, county, and state.
  - c. Date.
  - d. North arrow.
  - e. Scale.
  - f. Vicinity map.

- g. Name of the engineering firm and address, professional engineer's name, signature, number and seal and geotechnical engineer's name, signature, number, and seal (for sites with 15% slope).
  - h. General notes.
  - i. Grading plan with building footprints at their finished grades marked. The maximum depth of building footer shall also be marked.
  - j. Plan and profiles, cross-sections at 25' intervals where county standards cannot be met.
  - k. Intersection and pavement details.
  - l. Sanitary sewer and waterline details.
  - m. Storm sewer details.
  - n. Erosion and Sediment Control (ESC) details in accordance with the Lake County ESC Rules.
  - o. Area and discharge points shown for Household Sewage Disposal Systems (HSDS) for sublots or parcels where sewer is unavailable.
  - p. Areas that have slopes of fifteen (15%) percent or greater shall be indicated on the improvement plans. Areas that have slopes of fifteen (15%) percent or greater will be required to be designed in accordance of Article IV Section 9.
  - q. Other required information from reviewing agencies.
2. Required Attached Information:
- a. Proof of water supply or approval of wells.
  - b. Proof of sewer or approval of septic systems.
  - c. Bridge Structure Plans
  - d. Detailed report on geologic conditions, soil types, groundwater and on necessary information on areas of the site that have slopes of 15% or greater.

E. Filing

Copies of the improvement plans shall be filed with the Commission. The improvement plans shall be submitted prior to or along with the final plat. The number of copies will be set by the Commission.

F. Approval

- 1. The Commission shall take action on the improvement plans within thirty (30) days after the same has been officially filed with the Commission, or within such further time as the applying party may agree to, otherwise, said improvement drawings shall be considered approved without comment.
- 2. The Commission shall forward copies of the improvement plans to:

- a. County Engineer
- b. County Sanitary Engineer for sanitary sewer and/or central water system
- c. General Health District for Household Sewerage Disposal System (HSDS) and/or wells are required
- d. Ohio Department of Transportation if the subdivision is located on state or federal highway
- e. Lake County Soil and Water Conservation District
- f. Township Trustees
- g. Township Fire Department
- h. Building Inspector
- i. Utility companies (gas, electric, phone, and cable)
- j. Any other agencies the Planning Commission may determine necessary for study and recommendations.

After receipt of reports from reviewing agencies, the staff shall create a report of all comments and recommendations of the improvement plans that shall be supplied to the Commission and to the applicant.

3. After receipt of the staff report and discussion at their monthly meeting, the Commission will approve, approve with stipulations or disapprove the improvement plans.

If the improvement plans are approved with stipulations, grounds for the stipulations shall be stated in the records of the Planning Commission including the reference to the regulations violated by the improvement plans, and the applicant shall be notified of the action and reasons therefore. The preliminary plan shall then be considered conditionally approved, subject to stipulations corrected before submittal of the final plat and improvement plans. The applicant shall be notified of the Commission decision by letter within seven (7) working days of the meeting.

If the preliminary improvement plans are disapproved, the grounds for disapproval of the preliminary improvement plans shall be stated in the records of the Commission, including reference to any regulations violated by the improvement plans. The applicant shall be notified of the action and reasons therefore. The applicant shall be notified of the Planning Commission's decision by letter within seven (7) working days of the meeting.

#### SECTION 5. ACCEPTANCE OF IMPROVEMENT PLANS BY THE BOARD OF COUNTY COMMISSIONERS

After the improvement plans have been signed by Township Board of Trustees and approved by the County Engineer, the Sanitary Engineer, the Lake County Soil and Water Conservation District, private utility companies and the Commission and after plans and specifications and the construction sureties have been established, the Board of County Commissioners may accept the improvement drawings by signing the cover sheet at their meeting.

## SECTION 6. APPROVAL OF PROPOSED FINAL PLAT

### A. General

1. Prior to the final plat being filed, the preliminary plan must first be approved by the Planning Commission
2. The Commission shall take action on the final plat within thirty (30) calendar days after the application has been accepted by staff or within such further time as the applying party may agree to, otherwise, said plat shall be deemed to have been approved. The Commission staff shall review the plat for compliance with the subdivision regulations. Staff shall certify the date that the final plat is accepted. That shall be the date of the submission of the plat for approval, and the failure of the Planning Commission to take action within such time, shall be sufficient in lieu of the written endorsement or evidence of approval herein required.

### B. Preparation

The proposed final plat shall be prepared by or under the supervision of a registered surveyor. Proposed final plat shall be sealed, signed and hand dated by the surveyor.

### C. Form

1. The final plat shall be clearly and legibly drawn in black ink on Mylar or other material of equal permanence.
2. Size of the Mylar or other material shall be eighteen (18) inches by thirty (30) inches. All dimensions shall be clear and legible. The final plat shall have a left hand border of two and one-half (2-½) inches and the top, bottom, and right hand borders shall be one-half (½) inch and a space of two (2) inches shall be provided in the upper right corner for cataloging.
3. The final plat shall be drawn at a true engineer's scale, 1"=50' or 1"=100'.
4. No ditto marks shall be used on the final plat and a legend of all symbols and abbreviations used shall be included with the plat.
5. All subdivision final plats shall be referenced to Ohio State Plane Coordinates, 1983 Horizontal NAD, and 1988 NAVD for vertical control. A minimum of two (2) points shall be tied into OSPC.
6. A legible 11x17 inch reduced review copy or PDF or TIFF electronic format copy of the plat must be submitted.
7. The plat shall comply with the Minimum Standards for Boundary Surveys in the State of Ohio and the measurement specifications as contained in Chapter 4733-37 of the Ohio Administrative Code and the requirements as stated in the Lake County Auditor and the County Engineer Transfer and Conveyance Standards.

### D. Proposed Plat Contents

1. The proposed final plat cover sheet shall contain the following information:

- a. Name of the subdivision, location by permanent parcel number, lot, tract, township, county, and state, date, and shall have a north arrow.
  - b. Releases signed by all lien holders upon the plat, witnessed and notarized, as to all proposed roads.
  - c. All signatures shall be printed legibly below them.
  - d. A statement known, as an overall easement shall be placed on the plat. The language approved by the Prosecutor is on file at the Planning Commission.
  - e. Local service drainage easement language Approved language by the Prosecutor is on file with the Planning Commission if applicable.
  - f. Riparian easement language, if applicable
  - g. Stormwater easement language, if applicable
  - h. Drainage easement language, if applicable
  - i. Mortgage release(s)
  - j. Vicinity Map
2. A statement or table showing total acreage in the subdivision and total acreage used for sublots, roads, open space, easements and other types of uses.
  3. The proposed final plat drawing shall contain the following information:
    - a. All plan boundaries with length of courses in feet and hundredths, each course shall be describe with bearing in decimal degrees, minutes to the hundredths and seconds to the hundredths (DD.MM.SS), and in feet and decimal parts thereof. The courses and bearings shall have a beginning point and shall proceed in a continuous manner around the perimeter of the subdivision to the point of beginning (POB). All exterior boundary corners shall be referenced to the existing monument, or survey or the surveyor shall set a capped 5/8" iron pin or pipe at each corner.
    - b. Bearings and distances to the nearest established street lines or other recognized permanent monuments, which shall be accurately described on the plat.
    - c. Right(s)-of-way of adjoining streets and alleys with their widths and names.
    - d. The radii, arcs, chords, and chord bearings, points of tangency and central angle for all curvilinear streets and radii for rounded corners.
    - e. All right(s)-of-way provided for public services or utilities, and limitations of such right(s)-of-way. Utility easement shall be shown.
    - f. All sublots shall have numbers and all lines, shall have accurate dimensions in feet and hundredths, with bearings in DD.MM.SS. The basis of bearings shall be stated on the plat.



The acreage or square footage of each subplot shall be shown inside of the subplot. All sublots shall conform to zoning resolution of the applicable township.

- g. Accurate location of all monuments and reference to existing monuments that were used as required in Article V. Whenever possible, the subdivision shall be tied into the existing state plane coordinates.
  - h. Accurate outlines of any areas to be dedicated or temporarily reserved for public use with the purpose indicated thereon.
  - i. Drainage easements shall be shown. The drainage shall be noted with a centerline with a bearing and length and width.
  - j. Temporary cul-de-sac shall be marked as TEMPORARY for future extension. Reversion clause that reverts property to adjacent property owners must be provided.
  - k. When necessary, Local Drainage Service (LDS) easement(s) or mini-drainage district must be provided and shall be shown on the plat.
  - l. Proposed street names shall conform to Article IV, Section 2(H).
  - m. Adjacent subdivisions and lots of record shall be shown on the plat. Names of adjacent subdivisions with volume and page shall be shown. Ownership of adjacent lots of record shall be shown with volume and page and permanent parcel number (ppn).
4. Required Attached Information:
- a. If a zoning change is involved, certification from the Township Clerk shall be required indicating that the change has been approved and is in effect.
  - b. Certification by a registered surveyor to the effect that the plat represents a survey made by him and that all monuments shown thereon actually exist and that its location is correctly shown.
  - c. An acknowledgment by the owner or owners of acceptance of the plat and dedication of streets and other public areas.
  - d. The plat shall comply with the limits of the Minimum Standards for Boundary Surveys in the State of Ohio and the measurement specifications as contained in Chapter 4733-37 of the Ohio Administrative Code and the requirements as stated in the Lake County Auditor and the County Engineer Transfer and Conveyance Standards.

E. Filing

Copies of the proposed final plat shall be filed prior to the meeting at which it is to be considered.

The number of copies will be set by the Commission.

F. Approval

1. If approved, the Commission shall send a letter with the approval. If disapproved the ground

for disapproval of the final plat shall be stated in the records of the Commission, including the reference to the regulation violated by the plat, and the subdivider shall be notified of the action and the reasons therefore. The final plat may be given conditional approval, subject to stipulations to be corrected with the reference to the regulations. A letter with the approval with stipulations will be sent. These corrections shall be made before plat is signed by the Commission's representative.

2. The Commission shall forward copies of the final plat to:
  - a. County Engineer
  - b. County Sanitary Engineer for sanitary sewer and/or central water system
  - c. General Health District for Household Sewerage Treatment System (HSTS) and/or wells are required
  - d. Ohio Department of Transportation if the subdivision is located on state or federal highway
  - e. Lake County Soil and Water Conservation District
  - f. Township Trustees
  - g. Township Fire Department
  - h. Building Inspector,
  - i. Utility companies (gas, electric, phone, and cable)
  - j. Any other agencies the Planning Commission may determine for study and recommendations.

After receipt of reports from reviewing agencies, the staff shall create a report of all comments and recommendations of the final plat that shall be supplied to the Commission and to the applicant.

3. After receipt of the staff report and discussion at their monthly meeting, the Commission will approve, approve with stipulations or disapprove the proposed final plat.

If the proposed final plat is approved with stipulations, grounds for the stipulations shall be stated in the records of the Commission including the reference to the regulations violated by the proposed final plat, and the applicant shall be notified of the action and reasons therefore. The proposed final plat shall then be considered conditionally approved, subject to stipulations being corrected before final approval of the proposed final plat. The applicant shall be notified of the Commission decision by letter within seven (7) working days of the meeting.

If the proposed final plat is disapproved, the grounds for disapproval of the proposed final plat shall be stated in the records of the Commission, including reference to any regulations violated by the proposed final plat. The applicant shall be notified of the action and reasons therefore. The applicant shall be notified by writing within seven (7) working days after the Commission meeting of the Commission's decision.

4. Any plat not recorded within two years or within any approved extension period approved by

the commission, the approval shall expire.

## SECTION 7. FINAL APPROVAL OF THE PLAT

### A. Procedure

1. Once approved by Commission, the proposed final plat may be placed onto mylar or other approved material. Approval signatures may be obtained. The mylar proposed final plat shall be circulated in its entirety.
2. Prior to the granting of approval of the proposed final plat, the Lake County Planning Commission may require that all public improvements be installed prior to the signing of the final plat. If the Planning Commission does not require that all public improvements be installed and accepted prior to signing of the final plat, the Planning Commission shall require that the applicant furnish a performance guarantee for the ultimate installation of said improvements. The length of the performance guarantee is stated in Article V, Section 7 of these Regulations.
3. The developer will be responsible for getting the final plat approved by and signed by all other government agencies and utilities except the Planning Commission, the County Prosecutor and the Board of County Commissioners.
4. The plat shall be submitted to the Commission after the developer has obtained the required signatures. If the surveyor and/or engineer have the ability to produce an electronic version of the plat, the electronic version shall be submitted to the Planning Commission.
5. All stipulations placed onto the plat by the Commission must be satisfied before the Secretary of the Commission or Commission Chair signs the plat.
6. The Staff of the Planning Commission will send the proposed plat to the Prosecutor for review and signature.
  - a. The developer shall submit along with the plat, a policy of title insurance (owner's fee policy) in the amount of \$100,000.00 in favor of the Board of Lake County Commissioners and the Township in which the property is located, insuring their interest in the public rights-of-way and easements, as well as any other interest noted on the plat. The policy shall provide coverage for all cost of any defense required there under. The Policy must show the grantor to be the exact same person or entity on the plat. The following items must be attached to the policy: (1) copies of all items shown on schedule B of the policy, and (2) if the grantor is a partnership or limited liability company, copies of the partnership or limited liability documentation indicating the proper parties authorized to execute the plat. The policy must affirmatively insure against after-filed mechanic's liens. There cannot be a survey exception or parties in possession exception. All real estate and personal property taxes of the developer must be paid current. The policy must be updated so that, at the time the plat is initially delivered to the Lake County Prosecuting Attorney for review, the policy is dated no more than thirty (30) days prior to such delivery. The plat shall include a release relating to the rights-of-way, easements and other interests noted in the plat, for all mortgages, financing statements, and other liens

shown on Schedule B of the insurance policy. The developer shall submit any other information or documentation required by the Prosecuting Attorney.

- b. Evidence that all taxes against proposed roads and streets have been paid and evidence that all encumbrances or liens of record against such proposed roads have been released as presented to the County Prosecutor.
7. The final plat shall be accompanied by certificates or signatures indicating the following:
  - a. That all improvements have either been installed and approved by the proper officials of agencies as determined by the County Commissioners or that a bond or other surety insuring their installation has been accepted by the County Commissioners.
8. Upon signature by the Prosecutor and the Commission Chair or Secretary, staff will send the proposed final plat to the Board of Commissioners for their acceptance and dedication of the roads.

#### SECTION 8. RECORDING OF THE FINAL PLAT

After the approval and acceptance of the dedication of the road or roads (ORC 5553.31) and easements by the Board of County Commissioners and after the final plat has been approved by the Commission and signed by the Chair or Secretary of the Commission, County Engineer, Sanitary Engineer and County Prosecutor as to form, it may then be filed for recording in the office of the Recorder of Lake County, as required by law (ORC 711.10). Staff will accompany the owner and final plat through the recording process.

#### SECTION 9. FINAL PLAT AMENDMENTS

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

#### SECTION 10. LOT SPLIT/MINOR SUBDIVISION: NO PLAT APPROVAL PROCESS

##### A. General

1. Land division along open, public right(s)-of-way may be performed using a legal description and deed in lieu of plat. Administratively, approval of the land division may be performed under these regulations.
2. This section provides the framework for the staff to process land divisions under ORC 711.131 and ORC 711.133.

##### B. General Requirements

1. The proposed division of land must have frontage along an existing improved public street and involves no opening, widening or extension of any street or road or public utility. The right-of-way width at the end of a right-of-way meant for future extension does not constitute frontage along an existing improved public street. None of the improvements described in Article V shall be required.
2. The proposed division of land shall conform to applicable subdivision regulations; township zoning resolution or other regulations or the owner has received the necessary

variances. Verification of said variance shall be provided to the Planning Commission prior to receiving approval.

3. Division of land in a recorded subdivision shall be performed by a re-subdivision plat unless the land is zoned an industrial or manufacturing zoning classification, then it is exempted from these rules.
4. The proposed division of land shall be approved by the Lake County General Health District in cases where there is no sanitary sewer. The owner shall obtain approval for Household Sewage Treatment Systems (HSTS) (septic tanks) from the Lake County General Health District (LCGHD) for the minor subdivision being applied for and/or the remainder. LCGHD verification that the lot split and remainder conform to the LCGHD Regulations must be submitted as part of the application. If the proposed split cannot accommodate HSTS, the split will be denied.
5. In areas where public water is not available, the owner may be required to perform a hydrologic test on the property conducted by a certified hydrologist. This report is to determine the effects the new lots would have on the water supply of neighboring properties and determine if there is an adequate water supply for the new lot(s).
  - a. In areas where a public water supply is not available, private water systems shall comply with the provisions of Ohio Administrative Code 3701-28 as administered by the Lake County General Health District. In areas considered to be "low yield" aquifers (producing less than five gallons per minute), the Planning Commission may require a hydrologic report to determine the adequacy of the aquifer in terms of quantity, recharge capabilities and impact on neighboring existing water supplies.
6. The division of land shall have a boundary survey completed on the property by a registered surveyor. They shall submit a plat of survey thereof at sufficient scale and dimension to portray accurately the proposed division to the staff. This plat of survey shall conform to the standards set in the Ohio Administrative Code, Lake County Auditor and County Engineer Transfer and Conveyance Standards and the Lake County Planning Commission standards. The surveyor shall write a legal description of the land division and the remainder.
7. For large lot division, agricultural use large lot or recreation use large lot exemption may be applied for. The owner or buyer of the property must provide an agriculture use or recreational use affidavit. The minor subdivision shall be stamped "no plat required under ORC 711.133, for agricultural use only or personal recreational use only". These land divisions shall be filed at the Lake County Planning Commission Office and at the Township the parcel is located. When parcels are exempt under this division from the approval requirements of this section and are subsequently to be used for other than agriculture or personal recreation purposes, the Lake County Planning Commission shall first determine that such a parcel complies with the rules adopted under this section.

#### C. Administrative Procedure and Approval

1. A minor subdivision or lot split application available at the Planning Commission Office shall be filed by the landowner or agent. A complete application shall contain a plat of survey drawing, deed, legal descriptions of the land division(s) and remainder, any variances required by the township, a fee set by Planning Commission Resolution, a certification of approval from the Lake County General Health District (LCGHD) for HSDS and well water and copy of the hydrologic report if required by the LCGHD.

2. The completed application shall be reviewed by Planning Commission staff. The staff will review the land division for compliance with these regulations and township zoning. Incomplete applications will not be accepted.
3. Deed approval/disapproval:
  - a. The deed(s) for lot split, property line adjustment, acreage transfer or property division shall be stamped with an approved or disapproved stamp and signed within seven (7) working days after submission to the Commission.
  - b. The deed(s) for large lot development shall be stamped with an approval or disapproval stamp and signed within seven days after submission for large lot development of 1 to 6 lots, within fourteen days after submission for a development of 7 to 14 lots and within twenty-one days after submission for a development of 15 lots or greater.
4. If the land division is approved the deed will be stamped with one of the following stamps:
  - a. "Approved No Plat Required under ORC 711.131" for lot splits
  - b. "Approved No Plat Required under ORC 711.133" for Large Lot Development
  - c. "Approved No Plat Required under ORC 711.133 for agricultural use only"
  - d. "Approved No Plat Required under ORC 711.133 for personal recreational use only"
  - e. "Approved No Plat Required for property line adjustment"
  - f. "Approved No Plat Required for acreage transfer"
  - g. "Approved No Plat Required for property division"

The deed shall then be returned to the owner or agent who shall submit the deed to the Lake County Engineer for compliance of the Transfer and Conveyance Standards, then to the Auditor for transfer and the Recorder for recording of the deed.
5. Incomplete or deficient proposals shall be disapproved and the subdivider notified of issues and reasons for disapproval within seven (7) working days after submission to the commission.

#### D. Types of Land Divisions

##### 1. Lot Split:

The proposed division of a parcel of land that involves no more than five (5) lots (four (4) splits and remainder), after the original tract has been completely subdivided. These lots are to be five (5) acres or less.

##### 2. Property Line Adjustment (transfer of property between adjoining owners):

- a. Where a transfer of property between adjoining owners is less than a buildable parcel according to township zoning resolutions and is five (5) acres or less. Said parcel shall be subject to requirements of minor subdivision regulations and the transfer of property

shall be approved only if the residual meets the township zoning resolution.

- b. The grantees' names on the deed shall match the ownership of the adjacent parcel being enlarged by the transfer. There shall be language in legal description that combines the transfer piece and adjacent parcel.
- c. Any parcel that meets township zoning resolution standards, as a buildable lot shall be considered a lot split. A combination of parcels shall be required to make them one parcel.
- d. Property Line Adjustments are exempt from Article III, Section 9(B)(3).

3. Acreage Transfer (transfer of property between adjoining owners):

- a. Where a transfer of property between adjoining owners is greater than five (5) acres and does not meet any other minimum township zoning standards for buildable lots, said parcel shall be subject to requirements of minor subdivision regulations and, the transfer of property shall be approved only if the residual parcel meets township zoning resolution.
- b. The grantees' names on the deed shall match the ownership of the adjacent parcel being enlarged by the transfer. There shall be language in legal description that combines the transfer piece and adjacent parcel.
- c. Any parcel that meets township zoning resolution standards as a buildable lot and is greater than five (5) acres shall be considered a large lot development or property division. A combination of parcels shall be required to make them one parcel.
- d. Acreage Transfers are exempt from Article III, Section 9(B)(3).

4. Large Lot Development (buildable lots greater than five (5) acres and/or are twenty (20) acres or less):

The creation of a parcel has met all other minimum township zoning requirements for a buildable lot, said parcel shall be subject to requirements of minor subdivision regulations and, the transfer of property shall be approved only if the residual parcel meets township zoning resolution. These lots are subject to the HSDS approval by the Lake County General Health District.

5. Property Division (buildable lots greater than twenty (20) acres):

The creation of a parcel that is greater than twenty (20) acres and has met all other minimum township zoning requirements for a buildable lot, the transfer of property shall be approved only if the residual parcel meets township zoning resolution. The remainder shall also meet township zoning resolution and these regulations.

6. Re-subdivision of sublots:

Any division of a subplot into two or more lots of record. These sublots were created by a plat using the Lake County Subdivision Regulations and ORC 711.10. Rules for administering these divisions are under ORC 711.24.

E. Re-Subdivision Plat

1. General:

- a. An approved preliminary plan is not required for a re-subdivision plat.
- b. The re-subdivision plat shall be clearly and legibly drawn in black ink on Mylar or other material of equal permanence. The review copies may be on paper.
- c. A legible 11x17 inch reduced review copy or PDF or TIFF electronic format copy of the plat must be submitted.

2. Preparation:

The re-subdivision plat shall be prepared by or under the supervision of a registered surveyor. The final plat shall be sealed, signed and hand dated by the surveyor.

3. Form:

- a. Size of the Mylar or other material shall be eighteen (18) inches by thirty (30) inches. All text shall be clear and legible. The final plat shall have a left-hand border of two and one-half (2-½) inches and the top, bottom, and right-hand borders shall be one-half (½) inch and a space of two (2) inches shall be provided in the upper right corner for cataloging.
- b. The final plat shall be drawn at a scale that clearly and legibly shows all the information required to be placed onto the re-subdivision plat. The surveyor may choose one of the following scales: 1"=10', 1"=20", 1"=30', 1"=40', 1"=50', 1"=60' or 1"=100'.
- c. The plat shall comply with the Minimum Standards for Boundary Surveys in the State of Ohio as contained in Chapter 4733-37 of the Ohio Administrative Code and the requirements as stated in the Lake County Auditor and the County Engineer Transfer and Conveyance Standards.

4. Proposed Re-Subdivision Plat Contents:

- a. The proposed final plat cover sheet shall contain the following information:
  - i. Name of the subdivision, location by permanent parcel number, lot, tract, subplot, township, county, state, and date.
  - ii. Releases signed by all lien holders upon the plat, witnessed and notarized, as to all proposed roads, if applicable.
  - iii. All signatures shall be printed legibly below them.
  - iv. All applicable easement language
  - v. A statement or table showing total acreage in the subdivision and total acreage used for sublots, open space, easements and other types of uses.
  - vi. An acknowledgment by the owner or owners of acceptance of the plat and other public areas.
- b. The proposed final plat drawing shall contain the following information:



- i. All plan boundaries with each course in degrees, minutes and seconds, and in feet and decimal parts thereof. The courses and bearings shall have a beginning point and shall proceed in a continuous manner around the perimeter of the subdivision to the point of beginning (POB). All exterior boundary corners shall be referenced to the existing monument, or survey or the surveyor shall set a capped 5/8" iron pin or pipe at each corner.
  - ii. Bearings and distances to the nearest established street lines or other recognized permanent monuments, which shall be accurately described on the plat.
  - iii. Right(s)-of-way of adjoining streets and alleys with their widths and names.
  - iv. New or existing utility easement(s) shall be shown with sufficient geometric data to properly locate or reproduce the easement location.
  - v. All sublots shall have numbers, properly dimensioned with each course in degrees, minutes and seconds, and in feet and decimal parts thereof, and shall conform to the zoning resolution of the applicable township.
  - vi. Accurate location of all monuments and reference to existing monuments that were used as required in Article V.
  - vii. New or existing easement(s) shall be shown. The easement shall be noted with a centerline with a bearing and length and width.
  - viii. Adjacent subdivisions and lots of record shall be shown on the plat. Names of adjacent subdivisions with volume and page shall be shown. Ownership of adjacent lots of record shall be shown with volume and page or document number and permanent parcel number (ppn) or subdivision plat information including subdivision name, subplot numbers and volume and page of records.
- c. Required attached information:
- i. If a zoning change is involved, certification from the Township Clerk shall be required indicating that the change has been approved and is in effect.
  - ii. If a variance from zoning is required, certification from the Township Board of Zoning Appeals is required.
  - iii. General Health District approval if sanitary sewer is not available.
  - iv. Construction drawing with topography, streams, wetlands, any other natural features, existing improvements and proposed improvements.

5. Filing:

Copies of the proposed final plat shall be filed prior to the meeting at which it is to be considered. The number of copies will be set by the Commission.

6. Review and Approval Process:

- a. The re-subdivision plat is filed with the Planning Commission staff on or before the date set by the Planning Commission. The Planning Commission staff shall review the plat for compliance with the subdivision regulations. If the plat complies with these regulations, then the staff shall place it onto the next available agenda. That shall be the date of the submission of the plat for approval.
- b. The Planning Commission shall take action on the final plat within thirty (30) calendar days after the application has been accepted by staff or within such further time as the applying party may agree to, otherwise, said plat shall be deemed to have been approved. The failure of the Planning Commission to take action within such time shall be sufficient in lieu of the written endorsement or evidence of approval herein required.
- c. The Planning Commission may forward copies of the final plat to:
  - i. County Engineer
  - ii. County Sanitary Engineer for sanitary sewer and/or central water system
  - iii. General Health District for Household Sewerage Treatment System (HSTS) and/or wells are required
  - iv. Ohio Department of Transportation if the subdivision is located on a state or federal highway
  - v. Lake County Soil and Water Conservation District
  - vi. Township Trustees
  - vii. Township Fire Department
  - viii. Building Inspector
  - ix. Utility companies (gas, electric, phone, and cable)
  - x. Any other agencies the Planning Commission may determine for study and recommendations

After receipt of reports from reviewing agencies, the staff shall create a report of all comments and recommendations of the final plat that shall be supplied to the Commission and to the applicant.

- d. After receipt of the staff report and discussion at their monthly meeting, the Commission will approve, approve with stipulations or disapprove the proposed final plat. The applicant shall be notified of the Commission decision by letter within seven (7) working days of the meeting.

If the proposed final plat is approved with stipulations, grounds for the stipulations shall be stated in the records of the Commission including the reference to the regulations violated by the proposed final plat, and the applicant shall be notified of the action and reasons. The proposed final plat shall then be considered conditionally approved, subject to stipulations being corrected before final approval of the proposed final plat.

If the proposed final plat is disapproved, the grounds for disapproval of the proposed final

plat shall be stated in the records of the Commission, including reference to any regulations violated by the proposed final plat.

- e. The approval of any plat shall be deemed expired if not recorded within two years of the approval date or within any approved extension period approved by the Commission.

## **ARTICLE IV DESIGN STANDARDS**

### **SECTION 1. STANDARDS**

#### **A. Conformance to Applicable Rules and Regulations**

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

1. All applicable county or township zoning resolutions and all other applicable laws in which the subdivision is to be located.
2. The Lake County Comprehensive Plan, public utility plan, and capital improvement programs, including plans for all streets, drainage systems, and parks shown on the comprehensive plan as adopted by the county or the townships.
3. Regulations and any rule of the health district and/or appropriate state agencies.
4. Rules of the Ohio Department of Transportation if the subdivision or any lot contained therein abuts a state highway or connected street.
5. Standards and regulations adopted by the County Engineer, and all boards, agencies and officials of the county.

#### **B. Additional Standards for Non-residential Subdivisions**

1. In addition to the principles and standards in These Regulations, the applicant shall demonstrate to the satisfaction of the Planning Commission that the streets, parcels, blocks, and lot patterns proposed are specifically adapted to the uses anticipated and take into account other uses in the vicinity.
2. Proposed industrial parcels shall be suitable in area and dimension to the types of industrial development anticipated.
3. Every effort shall be made to protect adjacent residential areas from a potential nuisance from a proposed commercial or industrial subdivision using standards set forth in the local township zoning resolution.
4. Blocks intended for commercial and industrial subdivisions shall be designed specifically for such purposes and shall include adequate provision for parking, loading and delivery services. Such blocks shall not be less than sixty (60) feet in width and not less than five hundred (500) feet in length.
5. Lots intended for other non-residential uses shall be specifically noted and designed.

### **SECTION 2. MAJOR HIGHWAY PLAN**

#### **A. General Purpose**

The arrangement, character, extent, width and location of major, collector, minor, and other streets or highways shall conform to the provisions of These Regulations and the Major Highway

Plan (Ref: ORC Sec. 711.10). Streets shall conform to the recommendations of the Commission based on existing and planned streets, topography, public safety and convenience, and proposed uses of land.

B. Authority

A Major Highway Plan has been adopted by the Planning Commission in accordance with statutory requirements. The Board of County Commissioners and the Planning Commission by virtue of the provisions of Chapter 711 of the Revised Code of the State of Ohio are authorized, subject to the holding of required public hearings, to adopt rules and regulations governing plats for the subdivision of land, and to approve, conditionally approve, or disapprove plats or subdivisions of land falling within their jurisdiction.

SECTION 3. STREETS AND HIGHWAYS

A. Street and Circulation System Design

1. The arrangement, character, extent, and location of all streets shall conform to the thoroughfare plan of the county; such streets shall be considered in their relation to existing and planned streets, topographic conditions, public convenience and safety, and in their relation to the proposed uses of land to be served by such streets. The Planning Commission reserves the right to disapprove any street plan, which does not insure continuity of the existing street system.
2. The road system shall be designed to serve the need of the neighborhood and to discourage through-traffic in the interior of such subdivision. Residential driveway access shall not be permitted onto a major street or highway. Major subdivisions shall be designed to discourage residential driveway access onto major arterial and collector roadways by using access roads. Minimizing driveway access points or curb cuts by using access roads shall be encouraged.
3. Private roads shall be constructed to county road specifications and standards. The cost of maintenance of such private streets, roadways and easements shall be borne equitably by benefiting property owners. Sufficient legal safeguards shall be taken to guarantee the continuing maintenance of such streets, roadways and easements.

B. Design and Arrangement

1. The subdivision shall show the arrangement of streets with provision for the continuation of the existing principal streets in adjoining areas (or their proper projection where adjoining land is not subdivided) insofar as they are necessary for public requirements.
2. The street and non-residential alley arrangement shall permit access to adjoining property to provide for the orderly subdivision of land.
3. The angle of intersection between minor streets and major streets shall not vary by more than ten (10) degrees from a right angle. All other streets shall intersect each other as near to a right angle as possible and no intersection of streets at angles of less than seventy (70) degrees shall be permitted. (See Diagram 1.)
4. Residential streets shall be designed to discourage through-traffic which may otherwise use collectors or major highways and whose origin and destination are not within the subdivision.

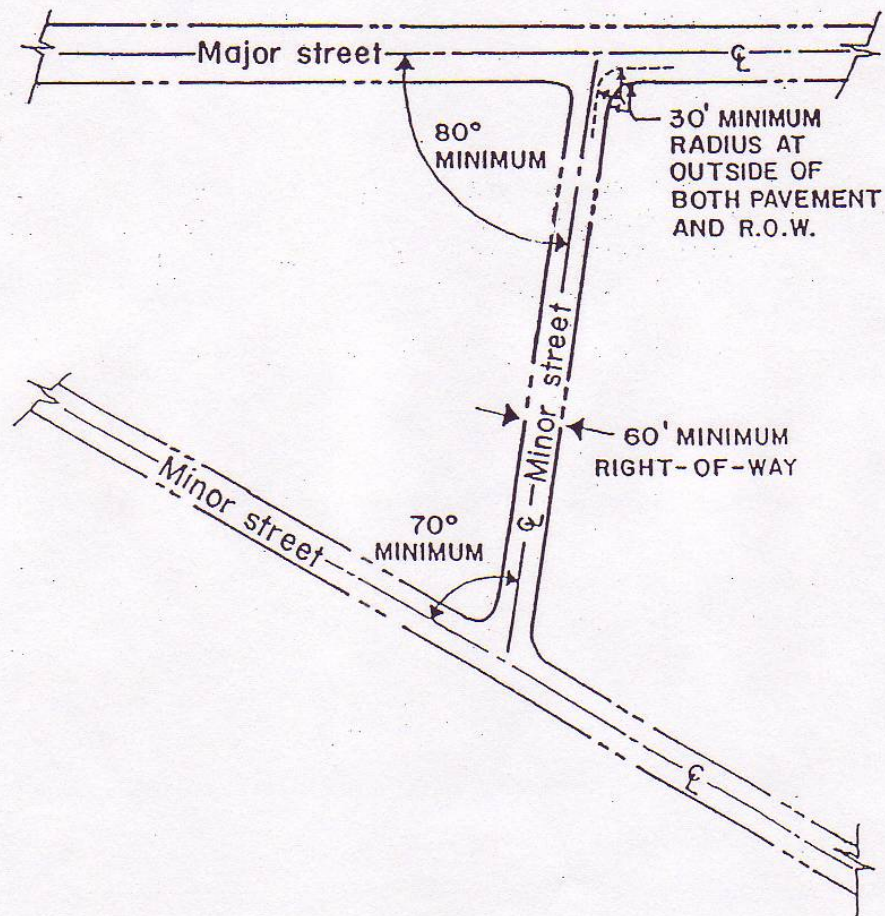
5. Where a subdivision abuts or contains an existing or proposed major highway or limited access highway where the centerline has been established, the Planning Commission may require marginal access streets, reverse frontage lots with a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
6. Where a subdivision borders or contains a railroad right-of-way or limited access highway, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall be determined also with due regard for the requirements of approach grade and future grade separations. Effective 12/21/95.
7. Every subdivision must have at least one intersection with a public road, but may be required to have more where conditions warrant.
8. Dead-end or stub-end streets are prohibited. However, where it is necessary to provide circulation to undeveloped property adjacent to the boundaries of the proposed subdivision, a temporary cul-de-sac with an outside pavement diameter of not less than one hundred (100) feet shall be provided within the subdivision and adjacent to its limit for what would otherwise be a stub-end street. Provision will be made by a reversion clause in the deed, specifying that land on which a temporary cul-de-sac is located shall revert to the property owner upon completion of a through street to the adjacent subdivision. The portion of the temporary cul-de-sac in excess of the public right-of-way will be curbed and guttered as set forth in Article V. Streets with temporary cul-de-sacs will post signs that state: "temporary no outlet". This sign shall be posted prior to the construction or maintenance surety or bond being accepted.

Where there is a temporary cul-de-sac next to land currently being used for agricultural purposes, the cul-de-sac pavement diameter will be placed twenty (20) feet off the property line. There shall be a dedicated right-of-way with all utilities to the property line.

9. A cul-de-sac designed to be permanent shall not be longer than one thousand (1000) feet for fronting sublots of widths averaging up to one hundred fifty (150) feet nor longer than two thousand (2000) feet for fronting sublots of widths averaging one hundred fifty (150) feet or over and shall be provided at the closed end with a turn-a-round having an outside pavement diameter of at least one hundred (100) feet and a right-of-way line of at least one hundred ten (110) feet; cul-de-sacs shall make provision for fire truck and snow plow truck turning, and school bus turning if necessary, and may be larger, up to one hundred twenty (120) feet outside pavement diameter, as conditions warrant, upon recommendation of the township trustees. In such case this right-of-way line diameter shall be one hundred thirty (130) feet. Effective 12/21/95.
10. The radii on both pavement edge and right-of-way is to be thirty (30) feet minimum at all points of roadway intersection. (See Diagram 1).
11. The minimum centerline offset distance between roads entering a common right-of-way from opposite sides will be one hundred fifty (150) feet. (See Diagram 2).

# Angles of Street Intersections

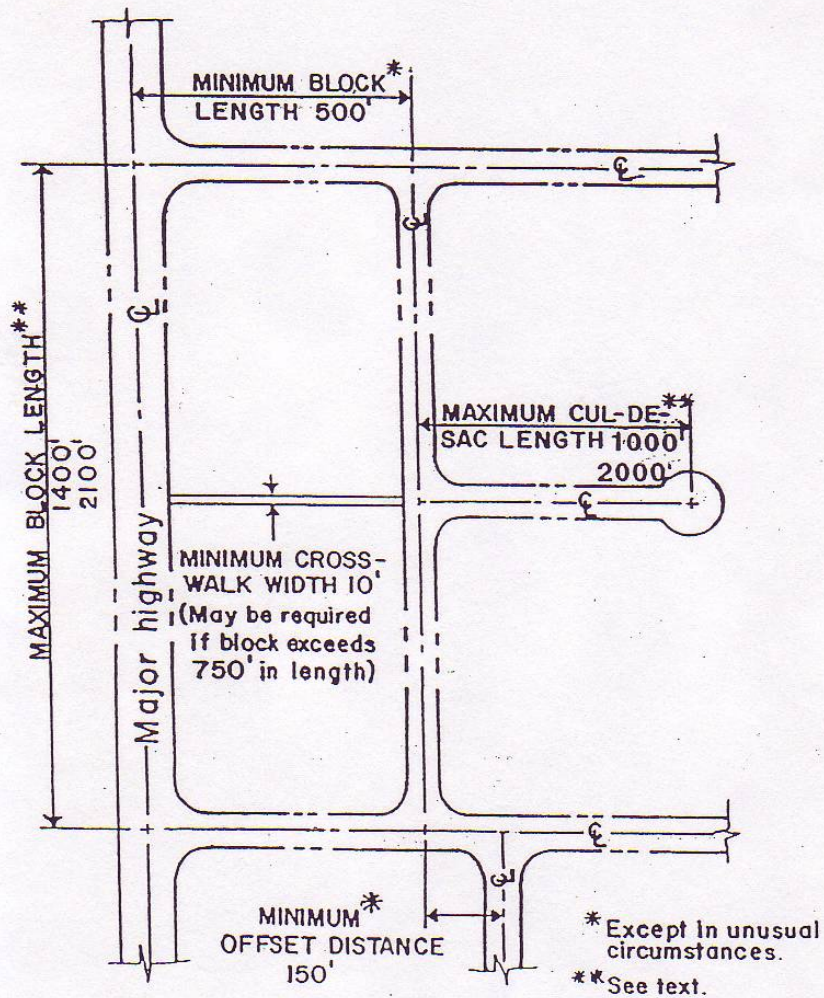
DIAGRAM  
1





# Typical Block Design

DIAGRAM  
2





### C. Alignment

1. All vertical changes of grade for a major highway shall be connected by vertical curves of a minimum length as specified in the ODOT Location and Design Manual, Volume 1.
2. Minimum Horizontal – Minimum and Maximum Degree of Curvature radii of centerline curvature: (See Diagram 3).

Major Highways	12 degrees 475 ft.
Collectors	19 degrees 300 ft.
Minor Streets	28 degrees 200 ft.
Street shorter than 500 ft.	58 degrees 100 ft.

A minimum of a fifty (50) foot tangent shall be introduced between reverse curves on minor streets. A minimum one hundred (100) foot tangent shall be introduced between curves on collectors.

3. Visibility Requirements. (See Diagram 4).
  - a. Minimum vertical visibility (Stopping Sight Distance) (measures 3 ½ feet from eye level to tail light 2 feet above ground level).

500 ft. on Major Highways  
300 ft. on Collectors  
250 ft. on Minor Street

- b. Minimum horizontal visibility shall be: (See Diagram 5).

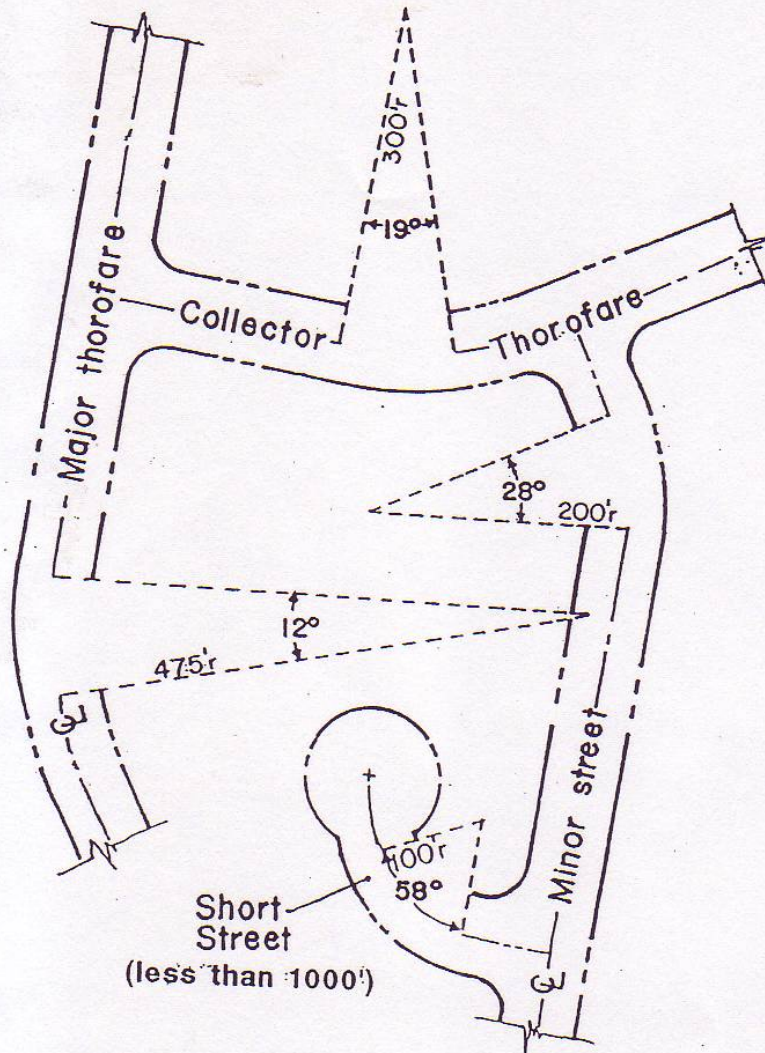
All visibility requirements shall be calculated in accordance with the most current edition of the Ohio Department of Transportation's Location and Design Manual Volume 1.

# Horizontal Road Alignment

-MINIMUM RADII AND MAXIMUM DEGREE OF THE CURVATURE-

DIAGRAM

3

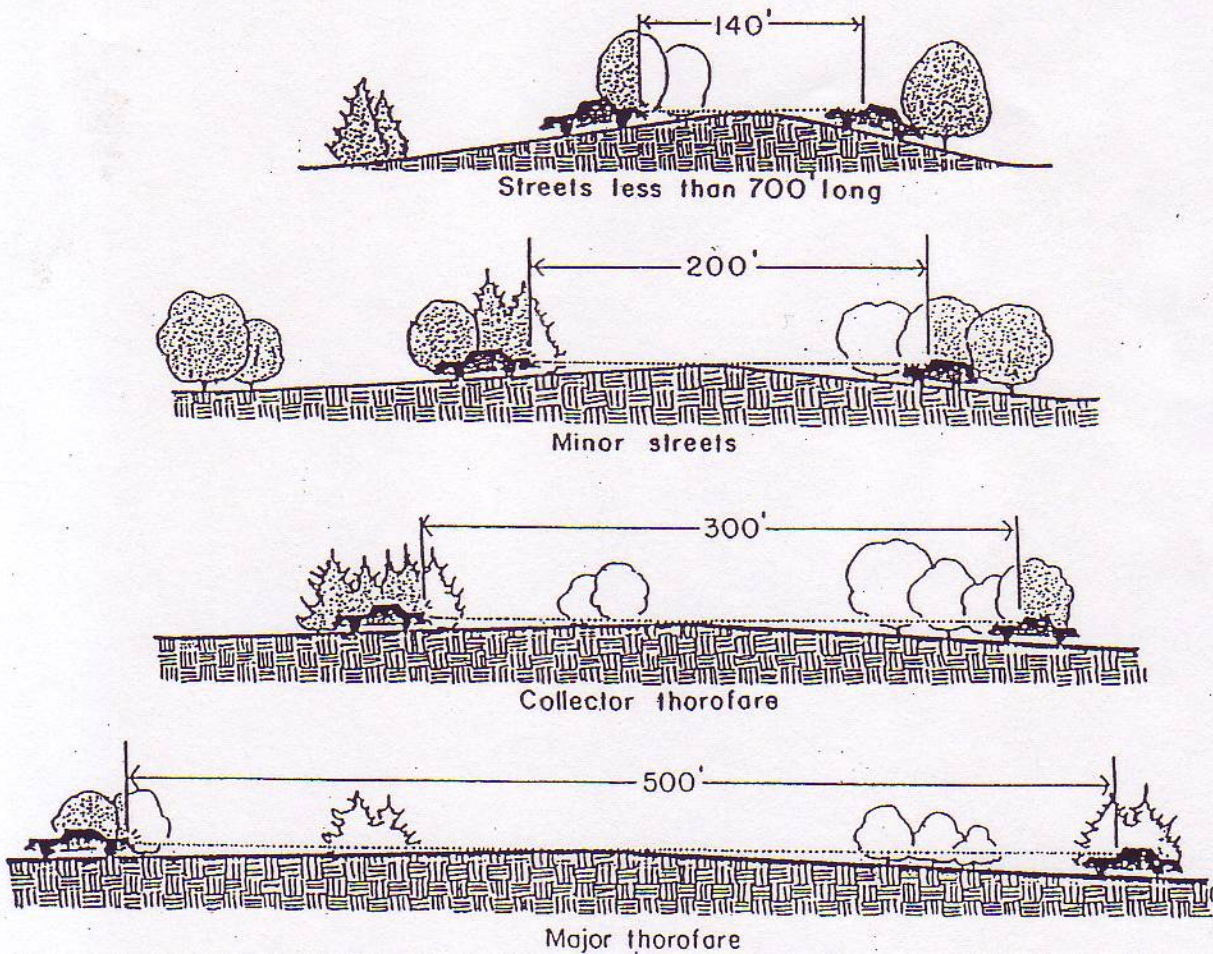




# Minimum Vertical Visibility

DIAGRAM  
4

NOTE: Stopping sight distance measure 3 1/2 feet from eye level to tail light 2 feet above ground level.

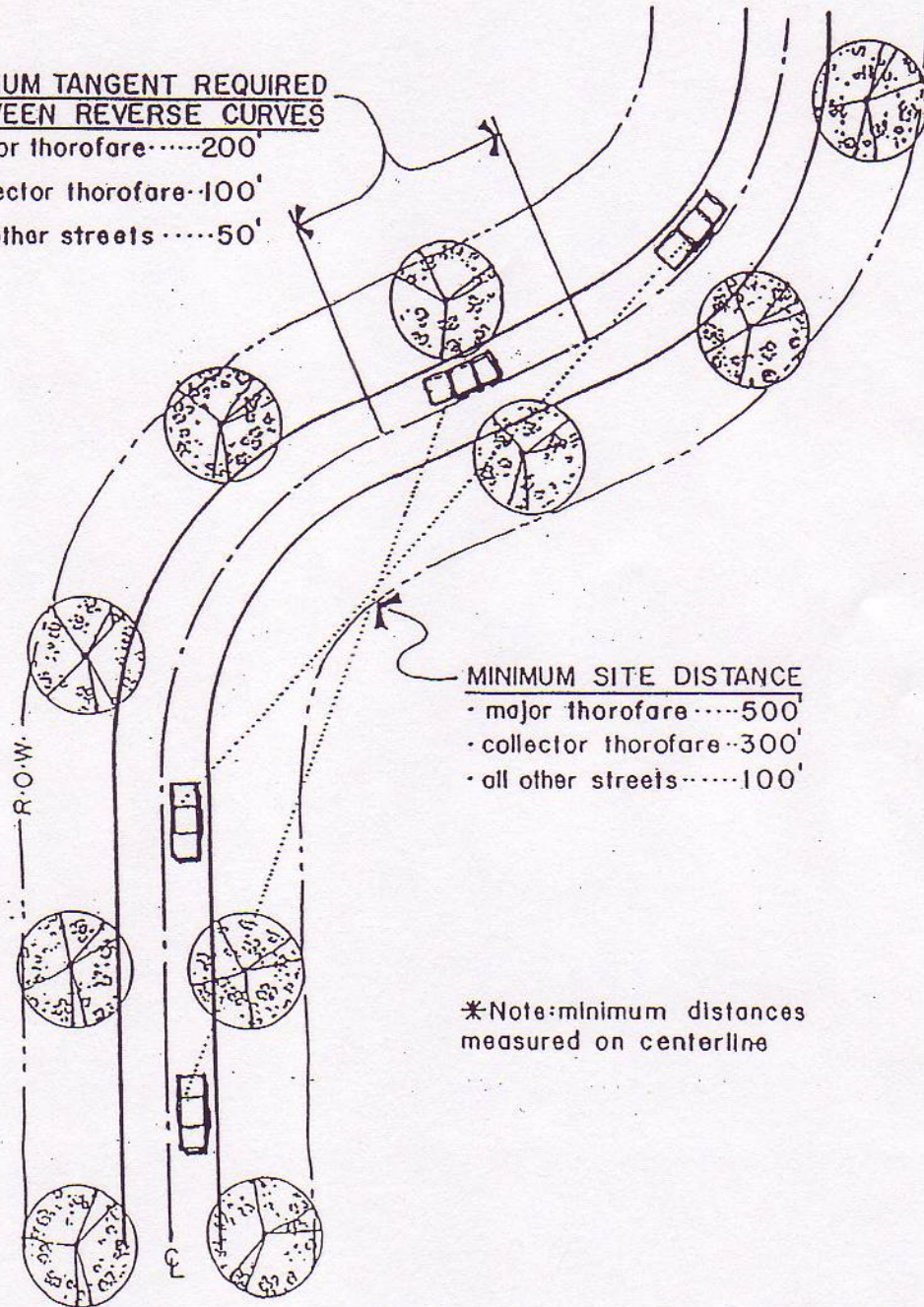




# Minimum Horizontal Visibility <sup>DIAGRAM</sup> 5

## MINIMUM TANGENT REQUIRED BETWEEN REVERSE CURVES

- major thorofare.....200'
- collector thorofare.....100'
- all other streets.....50'



## MINIMUM SITE DISTANCE

- major thorofare.....500'
- collector thorofare.....300'
- all other streets.....100'

\*Note: minimum distances  
measured on centerline

D. Streets and Alley Design (See Table 1 - Minimum Standards for Thoroughfare Design)

1. The width design of all streets and highways including pavement and right-of-way widths shall meet the requirement of Table 1 - "Minimum Standards for Thoroughfare Design" and any other applicable requirements of These Regulations.
2. Half or Parcel Streets: Half or parcel streets as determined by width shall be prohibited except where there exists a dedicated or platted half or parcel street or alley adjacent to the tract being subdivided. The other half or part shall be platted, as deemed necessary by the Planning Commission.
3. Alleys: Alleys shall be prohibited in all residential districts unless required in unusual circumstances for public access or service. They may be required in commercial and industrial developments with a minimum pavement width of twenty-two (22) feet. Alleys are required in the rear of all commercial and industrial lots if no other provision is made for adequate service access or for parking. Right-of-way, drainage and construction requirements shall be as determined by the County Engineer.

*Table 1. Minimum Standards Thoroughfare Design*

Type	Major Highways	Collector	Minor Streets	Marginal Access Roads	Cul-de-sac
Right-of-Way Width	80-100'	60'	60'	60'	60'
Effective Pavement Width (Excluding Curb)					
Rural	12' per lane	12' per lane	10' per lane	12' per lane	10' per lane
Urban	12' per lane	12' per lane	11' per lane	12' per lane	11' per lane
Minimum Radius of Horizontal Curves (Road Centerline Dimension)	475'	300'	200'	200'	100'
Minimum Tangents Between Reverse Curves (Road Centerline Dimension)	200'	100'	50'	50'	50'
Maximum Gradient	6%	8%	10%	10%	10%
Minimum Curb Tangents at Street Intersections	30'	30'	30'	30'	30

E. Traffic Circle or Roundabout

A traffic circle pavement diameter shall not be less than one hundred (100) feet in diameter, 110 feet in diameter at the right-of-way line, except upon recommendation of the township trustees, the minimum pavement diameter may be raised to one hundred twenty (120) feet, 130 feet in diameter at the right-of-way line, for the turning around of school buses, fire trucks or if other conditions warrant it.

F. Street Grades

No street grade shall be less than three-tenths (3/10) of one (1) percent and shall not exceed the

following with the allowance for reasonable vertical curves:

Major or Arterial Highway	6%
Collector	8%
Minor Street or Alley	10%
Cul-de-sac	10%

G. Blocks (See Diagram 2)

1. The lengths, widths and shapes of blocks shall be determined with due regard to:
  - a. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
  - b. Zoning requirements as to lot sizes and dimensions.
  - c. Needs for convenient access, circulation, control, and safety of street traffic.
  - d. Limitations and opportunities of topography.
2. No block shall be longer than one thousand four hundred (1400) feet for fronting sublots of widths averaging up to one hundred fifty (150) feet nor longer than twenty one hundred (2100) feet for fronting sublots of widths averaging one hundred fifty (150) feet or over. No block on a major street or collector shall be less than five hundred (500) feet, except in unusual circumstances, as determined by the Planning Commission. No block on a minor street shall be less than three hundred fifty (350) feet. Where a subdivision adjoins a major highway, the greater dimension of the block shall front along such major highway to minimize the number of points of ingress or egress.
3. Where blocks are over seven hundred fifty (750) feet in length, a dedicated pedestrian way not less than ten (10) feet in width may be required (See Diagram 2). If necessary, the pedestrian way may be used to provide proper access to schools, playgrounds, shopping centers, dedicated open space and other facilities. A pavement of not less than four (4) feet wide shall be required, except as otherwise recommended by the County Engineer.

H. Street Names

Names of new streets shall not duplicate the names of existing streets of record in Lake County. New streets that are extensions of or in alignment with existing streets shall bear the name of the existing streets. All names shall be approved by the board of township trustees in whose jurisdiction the street is to be located and the County Planning Commission and shall be named in the following manner:

<b>Direction</b>	<b>Type</b>	<b>Ending</b>
North to South	Collector	Avenue
East to West	Collector	Parkway
Diagonal	Collector	Boulevard
North to South	Cul-de-Sac	Court
East to West	Cul-de-Sac	Place
Diagonal	Cul-de-Sac	Way
Short (less than 500 feet)	Short Cul-de-Sac or Circle	Circle
North to South	Minor Street	Street
North to South	Minor Street	Lane
East to West	Minor Street	Drive
East to West	Minor Street	Road
Diagonal	Minor Street	Trail
Diagonal	Minor Street	Path

I. Street Vacation

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

J. Rights-of-Way

1. The right-of-way shall be not less than sixty (60) feet in width and shall be measured from lot line to lot line and shall be sufficiently wide to contain the pavement, curbs, sidewalks, utilities, and graded areas.
2. The right-of-way for roads shall be in accordance with the major thoroughfare plan, and shall provide for future development.
3. A statement containing an overall easement for the rights-of-way shall be placed on the plat. The language that has been approved by the Prosecutor is on file at the Planning Commission.

K. Streets for Commercial Subdivisions

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

L. Streets for Industrial Subdivisions

Collector streets for industrial subdivisions shall be planned to serve industrial areas exclusively and shall connect with arterial streets so that no industrial traffic will be directed into any residential street. The intersections of service streets from parking areas with arterial or collector streets shall not be less than one hundred (100) feet from the intersections of the arterial or collector street with any other street. Streets shall be planned to be extended to the boundaries of

any adjoining land planned for industry, except if severe physical conditions prevent this or if the Planning Commission finds such extension is not in accord with the approved plan of the area.

#### SECTION 4. EASEMENTS:

##### A. Utility Easements

1. Utility Easements of at least fifteen (15) feet in width shall be provided along each side of the right-of-way running parallel to the centerline of the right-of-way. This easement is for poles, wires, conduits, and gas mains. These easements may be located along the rear or side of sublots or parallel to other road structure easements where engineering design or special conditions necessitate such an installation. These easements shall be 20 feet in width. A two (2) foot easement shall be required on one side of an alley to accommodate pole lines. For lots facing on curvilinear streets, the rear easement shall consist of straight lines with a minimum number of points of deflection.
2. Easements may also be required along or across lots where engineering design or special conditions may necessitate the installation of water and sewer lines outside public rights-of-way. These utility easements may be located along the frontage or along or centered on the rear or side lot line as necessary for utility lines. Easements shall give access to every lot, park or public grounds. Such easements shall be a total of not less than twenty (20) feet wide.
3. Recommendations on the proposed layout of utility easements shall be sought from all of the utility companies serving the area.
4. Utilities shall be placed underground, according to the standards of the appropriate utility company.
5. Easements shall be provided for local drainage purposes. Language for this easement is on file at the Planning Commission.
6. The location of mailboxes and similar structures in the right-of-way of a public or private street shall be constructed so as to not create a hazard to the public and shall be constructed pursuant to standards of the Ohio Department of Transportation.

##### B. Common Access Driveway (CAD)

1. Purpose: The purpose for common access drives is to insure proper maintenance of the private drive. It is also to provide a suitable driving area and turn-around for emergency vehicles. Proper placement of intersections of the private drives will provide proper egress/ingress. These regulations will also help protect natural features and the rural character of the community.
2. Definition: Common Access Driveways are privately owned and maintained common driveways to access a limited number of residential lots as defined in Article II, Article III and Article IV. They are subject to the subdivision process described in Article III.

CAD are approved at the Planning Commission's discretion. They may be requested on tracts of land that meet the following conditions, including, without limitation:

- a. Unique tract shape or small tract size;



- b. Previously subdivided adjacent land with no opportunity for road connection;
- c. Severely constrained topography;
- d. Unsuitable soils;
- e. Preservation of mature or unique vegetation;
- f. Limited lot geometry that makes it unfeasible to build a public or private street and/or;
- g. More than one access point is not feasible because of other regulations.

The Common Access Driveway will not be approved to avoid the construction of a network of interconnecting public and/or private streets.

CAD may be approved where the Planning Commission at its discretion has determined that all of the following conditions exist on or around the site which will be better served through the use of a CAD:

- a. That there is no need to provide for a continuing street system;
  - b. That the use of a CAD subdivision will be served adequately by essential public facilities and services; and
  - c. That the use of a CAD subdivision will better serve to secure and provide for adequate and convenient open spaces for traffic, utilities, access, recreation, light and air, and for the avoidance of population congestion.
3. Maintenance: A Common Access Driveway will not be maintained by the Planning Commission, the County, or the township, but by the lot owners who share access by the Common Access Driveway. The County, the Planning Commission and the township do not undertake any liability for the inspection or maintenance of the CAD.

CAD Maintenance Agreement: Prior to the plat being signed by the Director, an approved and recorded Maintenance Agreement shall be submitted to the Planning Commission. The plat shall contain a cross-reference to the record number of the Maintenance Agreement. The minimum requirements for a Maintenance Agreement are set forth in Appendix A. (Appendix A is attached hereto and made part of these regulations by this reference.)

4. CAD Restrictions: The CAD shall connect directly onto a public road or private road built to public standards. The CAD utility easement acreage and other required improvements shall be incorporated into one or more of the lots that it serves. Acreage not included in the CAD subdivision plat and CAD Maintenance Agreement shall not be accessed by the CAD. The CAD shall be labeled on the plat as "Common Access Driveway (CAD) – Ingress/Egress and Utility Easement".

Number of Lots: The CAD may serve and provide access for two (2) to six (6) lots. All lots must meet current applicable zoning requirements as free-standing lots.

5. Fire-Fighting Plans: After receiving preliminary CAD plans from the subdivider, the Planning Commission shall provide preliminary CAD subdivision plans to the local fire chief with a request for his review and recommendation.

6. Design and Construction Certification. The subdivider shall contract with an Ohio Registered professional engineer to design the Common Access Driveway. The engineer shall certify that sound engineering practices were used in the design and construction of the CAD and that it complies with all CAD standards and requirements. The Lake County Engineer or Lake County Planning will not be responsible for designing or inspecting the CAD.
7. Common Access Driveways shall be constructed to the satisfaction of the certifying engineer. The certification shall be signed and stamped with the contracted Ohio Registered engineer's professional seal. The certification letter shall include, at minimum, the following language:

"As the contracted engineer for the Common Access Driveway Subdivision, I hereby certify that sound engineering practice was used in the design and construction of the CAD, that I have inspected the CAD during the construction process, and that the CAD is in conformance with the CAD plans (unless site conditions during construction warrant additional improvements) and meets or exceeds the requirements of the Lake County Subdivision Regulations."

[signature, date, seal]

The CAD, as constructed, shall be approved by the Planning Commission prior to the Chair or Secretary signing the final plat or the minor subdivision is approved.

CAD Standards and Requirements: Common Access Driveway design shall be consistent with sound engineering practices and principles necessary to provide for the public health, safety, and welfare, which shall include but not be limited to safe and adequate storm water management, access, maneuvering and use by fire and safety vehicles, and the standards set forth in These Regulations. Additional or more restrictive standards may be required for the promotion and protection of the public health, safety, and welfare, by the certifying engineer, zoning official, Director of the Regional Planning Commission, or County Engineer. Unless a greater standard is required, the minimum standards for CAD subdivisions are as follows:

- a) Any lot that is served by a CAD and is contiguous to a public road shall be prohibited from directly accessing the public road and the CAD subdivision plat shall contain a notation incorporating this restriction;
- b) The CAD easement shall be at least sixty (60) feet wide to permit driveway construction, roadside drainage and utility service infrastructure;
- c) The minimum cross section of the Common Access Driveway shall be built in a manner sufficient to support the largest fire/emergency vehicle in the district(s) that may serve that location as well as the anticipated construction vehicles for the building sites. Provisions shall be made for the drainage of the sub-grade along the length of the Common Access Driveway;
- d) Adequate drainage along the sides of the Common Access Driveway shall be provided either by enclosed storm sewers or by grassy ditches with a maximum side slope of 3:1. Minimum ditch gradient shall be .5%. Above-ground utility structures shall not be placed within the drainage areas nor installed in a manner that interferes with surface or subsurface drainage;

- e) The 100-year flood routing and storm water management practices for the CAD shall be reviewed by and are subject to the approval of the County Drainage Engineer and the flood plain administrator.
- f) The Common Access Driveway shall be at least 12 feet wide. Passing lanes of six (6) feet in width and thirty-five (35) feet in length shall be provided every three hundred and fifty (350) feet or less. Distance from the centerline of the connecting public or private road and the first passing area shall not exceed three hundred and fifty (350) feet;
- g) A "T", "hammerhead" or cul-de-sac turn-around in conformance with the Ohio Fire Code shall be provided at the CAD terminus or other approved location;
- h) The maximum gradient within any specific Common Access Driveway shall be 10%.
- i) All trees and shrubs including protruding branches within 16 feet horizontally and 20 feet vertically from the centerline of the CAD shall be removed and maintained as cleared area unless there is a more restrictive standard in the Township;
- j) A pole-sign shall be installed at the subdivider's expense, located at the CAD intersection with the connecting public or private road. Such sign may be integrated into a common mailbox structure. The pole-sign shall be made of rot-resistant wood or comparable weather-resistant material. The pole-sign shall be placed outside the public right-of-way and shall include the words "Private Drive" in contrasting letters. The "Private Drive" sign shall be no larger than two square feet (1 foot by 2 feet) on each side. All CAD addresses shall be displayed collectively on the pole-sign at the CAD entrance and shall be made of reflective material. The "Private Drive" sign and addresses shall be legible from the connecting public or private road and continuously maintained at this location. A rendering of the sign including proposed materials shall be submitted at the time of Preliminary Plan application;
- k) Each lot shall individually display its address at the driveway entrance to the CAD when the address is assigned. The address/sign shall be made of reflective material and be legible from each lot's driveway entrance;
- l) There shall be no future extension of the CAD or off the CAD to additional lands unless approved by the Planning Commission;
- m) All design and construction activities within a county or township road right-of-way shall be approved by the County Engineer, or within a state route right-of-way approved by ODOT; The County Engineer will not inspect any private driveways in a subdivision.
- n) The CAD easement shall be specifically set forth on the subdivision plat;
- o) The proposed CAD maintenance agreement shall be submitted at the time of the Final Plat Application.
- p) The owners of the CAD will be required to follow all rules and regulations of any

other local, state, county, federal agencies with jurisdiction.

## SECTION 5. SIDEWALKS

### A. Residential Sidewalks

The Planning Commission, upon consultation with the County Engineer and the Township with jurisdiction, may require sidewalks in a subdivision. Where the average lot line frontage is one hundred (100) feet or less, sidewalks may be required on both sides of the street. Where the average lot line frontage is greater than one hundred (100) feet, sidewalks may be required on one side of the street. Where the average lot line frontage is greater than one hundred fifty (150) feet, sidewalks may not be required.

### B. Location

Sidewalks shall be placed in the right-of-way, parallel to the street, unless an exception has been permitted by the Planning Commission to preserve topographical or natural features or to provide visual interest, or unless the applicant shows that an alternative pedestrian system provides safe and convenient circulation. Any sidewalk outside the right-of-way shall be in a proper easement. In commercial and in high-density residential areas, sidewalks may abut the curb.

### C. Pedestrian-way Easements

Pedestrian-way easements ten (10) feet wide may be required by the Planning Commission through the center of blocks to provide circulation or access to schools, playgrounds, shopping or other community facilities.

### D. Commercial/Industrial

Public sidewalks may be required for commercial/industrial lots. Placement is subject to the approval of the Planning Commission, with consultation of the County Engineer and the township with jurisdiction.

### E. Maintenance

Maintenance, construction and repair of sidewalks will conform to the standards in the Ohio Revised Code.

## SECTION 6. STREET AND PEDESTRIAN WAY LIGHTING

### A. General Requirements

If the subdivider wants to install street lights, the street lights shall be installed in accordance with standards and specifications of the local electric utility company. Such lights shall be located at each street intersection within the subdivision and at other locations deemed necessary by the local electric utility. Streetlights shall be designed, with appropriate lamps and reflectors, to minimize light pollution. Street light locations shall be shown on the improvement plans.

### B. Township Light District

All subdivisions with street lighting must be placed into a lighting district by the respective townships.

## SECTION 7. LAND USE

A subdivision shall not be platted without study and consideration of the suitability of the soils. The preliminary plan shall be based on soil information from the site.

A. Sublots

1. The subplot arrangement and design shall be such that all sublots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.
2. All side lines of sublots shall be at approximate right angles to street lines and radial to curved street lines except where a variation to this rule will provide a better street and subplot layout. Sublots with double frontage will be avoided.
3. No subplot shall have less area or width than is required by the township zoning regulations applying to the area in which it is located
4. In case of unusual soil conditions or other physical factors which may impair the health and safety of the neighborhood in which a subdivision may be located and upon recommendation of the Lake County General Health District or County Engineer, the Planning Commission may require larger subplot widths and subplot areas as deemed necessary.
5. No corner subplot shall have a width at the building line of less than seventy-five (75) feet. Either of the two (2) sides of a corner subplot fronting on a street may be designated the front of a subplot, provided the rear yard shall always be opposite the frontage so designated.
6. All corner sublots, be they at the intersection of the rights-of-way of two (2) streets or of an alley and a street, shall have a curve with a minimum radius of thirty (30) feet joining the two (2) sidelines of said rights-of-way.
7. When access to a subplot is required through another subplot, the subdivider shall comply with the rules set forth in Article IV Section 4 B of These Regulations.
8. Retaining walls shall follow Building Department Guidelines. Retaining walls are not to be used for providing a building envelope or used to support structures.

B. Open Spaces and Public Sites

All proposed residential plats submitted for approval under the provisions of these regulations may allocate areas for parks or recreation, schools and other public sites.

Optional means of providing open space:

1. Resident Associations with Common Deed: restricted open space may be held in fee simple, improved and maintained by an organization created by means of a homeowner or condominium association. Such an organization shall include provisions for compulsory membership for all residents based upon the ownership or long-term lease of housing units. Voting rights shall be distributed on an equitable basis. The Organization shall have a structure to permit effective participation of the residents. Fees for the preservation, improvement and maintenance of the common open space shall be stated with adequate provision for collection.
2. Trust Agreement: The developer may deed title to all common open space and recreational

facilities to a fiduciary which, for a fee, acts as trustee for the benefit of all owners and occupants of the subdivision. The trustee shall give easements across the open space and right to use the facilities to all owners and occupants of the subdivision. Each owner shall receive a fee simple deed from the trustee, subject to the trustee's right to charge and lien each property for its proportionate share of upkeep costs for the common facilities.

3. Public Donations: Common open space may be donated, in fee simple or by a perpetual conservation or preservation restriction subject to acceptance by a governmental unit or agency.
4. Common Easements: Common open space may be provided by means of common easement. Deed restrictions as finally approved and recorded shall be filed with the Planning Commission. Costs of preservation, improvement and maintenance shall be the responsibility of the owners of the property; however, an association of residents may be created to assess charges on an equitable basis.
5. Dedication: Dedication to public use subject to acceptance by a governmental unit or agency.

## SECTION 8. WATER MANAGEMENT

### A. Easement Along Streams

Whenever any watercourse or surface drainage course is located within the area being subdivided, the subdivider shall provide a permanent easement dedicated to the proper authority for the purpose of maintaining the watercourse or surface drainage course for drainage or public use.

### B. Riparian Setback

1. It is hereby determined that the system of rivers, streams, wetlands and other natural watercourses within the area that is covered by These Regulations in Lake County, Ohio contribute to the health, safety and general welfare of the residents of Lake County. The following regulations have been enacted to protect these services by providing reasonable controls governing uses in the riparian setback areas. In addition, the specific purposes and intent of these regulations are to limit development within the riparian setback area that would impair the ability of the riparian area to:
  - a. Reduce flood impacts by absorbing peak flows, slowing the velocity of flood waters and regulating base flow.
  - b. Stabilize the stream banks to reduce erosion and the downstream transport of eroded sediments.
  - c. Reduce pollutants in streams and rivers during periods of high flows by filtering, settling and transforming pollutants already present in the watercourses.
  - d. Reduce pollutants in streams and rivers by filtering, settling and transforming pollutants before they enter watercourses.
  - e. Preserve high quality stream habitats with a tree canopy.
  - f. Reduce the presence of aquatic nuisance species to maintain a diverse aquatic community.

- g. Provide habitat to a wide array of wildlife by maintaining diverse and connected riparian vegetation.
  - h. Economically benefit the Townships of Lake County by minimizing encroachment on stream channels and the need for costly maintenance solutions such as hard armoring or retaining walls to protect structures and reduce property damage and by contributing to scenic beauty and the environment of the community, and thereby preserving the rural character of the townships and quality of life of their residents.
2. A riparian setback shall be required on land adjacent to watercourses in Lake County where These Regulations have jurisdiction. The riparian setback shall be the minimum distance from the ordinary high water mark in which a structure can be built. The amount of land that shall be in the setback will be determined by the size of the watershed that the stream drains. (See Table 2)

*Table 2. Riparian Setback Standards*

<b>Square mileage of the watershed</b>	<b>Setback Distance</b>
0- 2.5 square miles	25 feet each side of the stream
2.5-5 square miles	40 feet each side of the stream
5-10 square miles	50 feet each side of the stream
10-20 square miles	75 feet each side of the stream
20-50 square miles	100 feet each side of the stream
50 and above square miles	120 feet each side of the stream

3. The following conditions shall apply to the riparian setback area:
- a. No construction shall take place in the riparian setback area.
- Crossing the riparian area by public right(s)-of-way unpaved trails, public utilities, or storm sewers may be allowed upon approval of an acceptable crossing plan by the County Engineer, County Sanitary Engineer, Stormwater Management Department and Lake County Soil and Water Conservation District. The crossing shall be returned to its near original condition.
- b. No mass clearing shall take place in the riparian setback area.
  - c. The riparian setback shall start at the watercourse's ordinary high water mark.
- Where the 100-year floodplain extends greater than the riparian setback area, the riparian setback area shall be extended to the outer edge of the 100-year floodplain. The 100-year floodplain shall be defined by FEMA or site specific hydrologic study as approved by the County Engineer or as modified by FEMA map amendment.
- d. Riparian setback areas are to be shown on all plans submitted to the Planning Commission.

#### C. Land Subject to Flooding

The right is reserved to disapprove any subdivision or portion thereof which is subject to flooding based on the 100-year flood frequency as determined by the Lake County Engineer, Flood Plain Administrator, or FEMA. All improvements shall meet all requirements in the Lake County Flood Damage Prevention Regulations and all other applicable federal, state or local regulations.

D. Surface and Subsurface Drainage

The drainage facilities within the subdivision shall be designed to accommodate the surface drainage and subsurface drainage. All such facilities shall be designed in accordance with the standards and specifications of the County Engineer, who may use information supplied by the Lake County Soil and Water Conservation District.

1. The County Engineer may consider drainage downstream from the subdivision, to evaluate the flooding and drainage hazards that may be caused or compounded by the proposed subdivision. The subdivider shall then provide the solutions that will be used to relieve drainage problems created by the subdivision, as determined by the County Engineer.
2. The subdivider shall calculate the runoff and velocity of surface water caused by all construction, the change of use or stream relocation within the subdivision in accordance with criteria as determined by the County Engineer.
3. The subdivider shall provide for positive drainage for both subplot(s) and roadway, and such improvements necessary to make the area safe for residential occupancy as determined by the Planning Commission. The subdivider shall establish a bond or other security for these improvements as required by These Regulations. The bond or other security shall be combined with those required in Article V, Section 7A.
4. A master plan of all final drainage grades shall be provided with the final plat, which shall include drainage of all sublots.

E. Sediment Control

The Subdivider shall provide a plan for erosion and sedimentation control with the final plat in accordance with the standards and specifications adopted by the Board of County Commissioners.

1. The subdivider shall provide a plan showing temporary and permanent control of erosion, such as seeding or other approved best management practices.
2. All critical areas shall be final graded and receive final stabilization practice as proposed on the improvement plans before building construction begins.

SECTION 9. HILLSIDE REGULATIONS

A. General

These regulations apply to all hillside construction sites that These Regulations have jurisdiction over. A hillside construction site is generally defined as having ground that is sloping 15% or greater across the site and will be determined by the County Engineer. The portion of the site within the proposed grade limits will be of the greatest concern. For hillside sites, the subdivider shall submit detailed information concerning geological conditions, soil types, groundwater and other information as necessary to determine that the particular site can be developed safely and



produce a desirable lot. New development shall, at a minimum, maintain existing levels of slope stability. Any site improvements shall use best management practices, be stamped by a professional geotechnical engineer and be approved by the Lake County Engineer.

B. Determination of Average Slope

The average slope for any hillside development shall be determined by the subdivider's engineer and affirmed by the County Engineer during the time of preliminary subdivision design. Determination will be on a site-by-site basis with each lot sized according to the average slope falling within each area.

C. Minimum Lot Requirements for Single-Family Homes

Lots that have a slope 15% or greater maybe required to have larger frontages, depths or lot size that are over community zoning minimums in order to provide for a desirable building site.

D. Cuts and Fills

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

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

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

E. Compaction of Fill

All fill underlying a proposed roadway shall be compacted to a density of ninety-eight (98%) percent or greater. Inspection of fill shall be conducted by the County Engineer. The subdivider shall have fill material tested by a responsible testing company at the subdivider's expense. Those results will be reviewed and approved by the County Engineer.

F. Retaining Walls

Retaining walls may be required whenever topographic conditions warrant or where necessary to retain fill within the right-of-way. Such improvements shall require the approval of the County Engineer. Retaining walls shall follow design guidelines on file with the Lake County Building Inspector and the County Engineer.

G. Driveways

The maximum grade on that portion of a driveway within a public right-of-way shall not exceed eight (8) percent and ten (10) percent outside the right-of-way.

## **ARTICLE V REQUIRED IMPROVEMENTS**

### **SECTION 1. GENERAL**

Prior to the granting of final approval, the subdivider shall have installed or shall have furnished adequate security for the ultimate installation of the improvements listed and described in These Regulations. All of the required improvements shall be made in full compliance with the specifications for each of the various units of work, as required by the County Engineer, County Sanitary Engineer, and/or the Lake County General Health District, according to the nature of the improvements. The inspection authority shall rest with the County Engineer or County Sanitary Engineer except where otherwise authorized by law, agreement or These Regulations. Private streets and private roads are permitted in subdivisions provided they meet all of the requirements of These Regulations, except dedication of the right-of-way.

### **SECTION 2. STREET IMPROVEMENTS**

#### **A. General**

All streets shall be graded to their full width, including side slopes, and improved in conformance with the standards given or referred to in the Lake County Engineer's standards, the ODOT Standards or any other applicable rules and regulations.

All materials and construction procedures shall be in accordance with the current "Construction and Materials Specifications" of the State of Ohio Department of Transportation or the specifications on file in the Lake County Engineer's office.

#### **B. Street Width**

Minimum street pavement widths shall conform to the standards of these regulations.

#### **C. Street Surface Course**

After the base course has been inspected and approved by the Lake County Engineer, the surface course shall be constructed using either asphaltic concrete, bituminous mix, or portland cement concrete. Specific material and thickness recommendations shall be subject to approval of the County Engineer based upon traffic conditions. If the subdivision is the extension of an existing subdivision, the subdivision shall use the same materials.

#### **D. Full-Depth Asphalt Pavement**

Street pavements shall be constructed in accordance with the County Engineer's Standards.

#### **E. Street Curbs and Gutters**

The requirements for curbs and gutters will vary according to the character of the area and the density of development. Curbs shall be required on all streets designed for areas where the subdivision or the existing or anticipated residential density of the area surrounding the proposed subdivision equals or exceeds one and one-half (1.5) dwelling units per net acre. In commercial or industrial developments, or where other similar intensive urban uses exist or are anticipated, curbs shall be required. Where curbs exist on abutting properties, their extension shall be required throughout the proposed subdivision. Curbs, combined curbs and gutters shall be constructed in conformance with the current "Construction and Material Specifications" of the

Ohio Department of Transportation or the specifications on file in the Lake County Engineer's office, whichever are greater.

F. Driveways

Driveways shall have a maximum grade of eight (8) percent inside the right-of-way and ten (10) percent outside of the right-of-way. Driveways and curb cuts shall be located not less than three (3) feet from the side lot line. Curb cuts for straight curbs and the flare for rolled curbs shall be three (3) feet wider than the driveway on each side.

SECTION 3. SIDEWALKS

Concrete sidewalks having a minimum width of four (4) feet unless otherwise recommended by the County Engineer and having a minimum thickness of four (4) inches may be installed along both sides of major thoroughfares and other streets and roads wherever the residential density is planned to equal or exceed three (3) dwelling units per net acre. Said thickness shall be increased to six (6) inches at driveways. Paved aprons shall be required when sidewalks are installed. Sidewalks shall connect within the subdivision and the Planning Commission may require those necessary to provide for the safety of pedestrians. Concrete sidewalks shall be constructed in conformance with the current "Construction and Materials Specifications" of ODOT, as they pertain to this type of improvement. The sidewalks shall conform to all other local, state or federal rules or regulations. Performance and maintenance bonds shall be required for construction of sidewalks.

A master plan for sidewalks and/or walkways that varies from the foregoing requirements may be submitted to the Planning Commission for approval after being reviewed and recommended by the County Engineer; said plan being based on physical conditions peculiar to the subdivision site.

SECTION 4. DRAINAGE

All necessary facilities, including underground pipe(s), inlets, catch basins, or open drainage ditches, as determined by the County Engineer shall be installed to provide for the adequate disposal of storm drainage within the subdivision and shall connect to an adequate drainage course.

A. Storm Sewers and Storm Water Drainage

A drainage system designed, constructed and maintained to provide positive drainage shall be required in the subdivision. Where an adequate public storm sewer main is available at the plat boundary, the subdivider shall construct a storm sewer system and connect with such storm sewer main. If such storm sewer systems are not accessible, adequate storm water drainage shall be provided to natural drainage channels with easements of adequate width as determined by the County Engineer. Where drainage ditches, drainage swales, or storm sewers cross land not in the dedicated right-of-way, an appropriate easement shall be given to the responsible party for such drainage purposes.

B. Culverts or Bridges

When natural drainage channels intersect any street right-of-way, it shall be the responsibility of the subdivider to have satisfactory bridges and culverts designed and constructed.

Driveway culverts, where required, shall have a minimum length of twenty (20) feet. The diameter of driveway culverts shall be subject to the approval of the County Engineer. The driveway culverts shall be laid as to maintain adequate flow.

Bridges and culverts shall be designed in accordance with the Lake County Engineer's Standards and Specifications.

C. Standards and Specifications for Drainage Facilities

The design and construction of storm water drainage improvements shall be subject to the approval of the County Engineer in accordance with standards and specifications as established and on file in the County Engineer's office.

SECTION 5. WATER AVAILABILITY

A. Public Water Supply

Where a public water supply is available as determined by the Planning Commission, the subdivider or developer shall construct a system of water mains and connect with such public water supply to serve each subplot, in accordance with the standards established in the Lake County Department of Utilities Rules and Regulations.

B. Individual Water Supply

Where a public water supply is not available, the subdivider shall supply acceptable evidence that an adequate supply of potable water is available. If such evidence is deemed not acceptable, the subdivider may be required by the Lake County General Health District to make one or more test wells in the area to be platted.

Copies of well logs to be submitted as evidence of the availability of water in the area to be platted shall include the name and address of the well installer and shall be submitted with the plat to the Lake County General Health District with a copy to the Planning Commission.

C. Location and Construction of Individual Private Wells

The minimum distances between an individual water supply system and various sources of contamination shall be established by the regulations of the Lake County General Health District or the state agency having jurisdiction.

As a precaution against seepage, a watertight seal shall be provided around the pump mounting. All abandoned wells shall be sealed in accordance with the regulations of the Lake County General Health District.

In all cases where it has been determined by the Lake County General Health District that individual water supplies from private wells are not feasible, a public water distribution system will be required.

SECTION 6. SANITARY SEWERS

A. Sanitary Sewers

In the event of proposed installation or extension of public sanitary sewers, the subdivider shall confer with the County Sanitary Engineer as to requirements and procedures to be followed. If a subdivision can be reasonably served by the extension of an existing public sanitary sewer, as determined by the Planning Commission, the subdivider or developer shall provide a system of sanitary sewer mains and shall provide lateral connections to each subplot. Where a public sanitary sewer is not reasonably accessible, the subdivider, the owner, or the developer may provide an

individual disposal system for each subplot provided that such system is installed in accordance with State and County Health District requirements. Whenever main lines are installed, sewer and water shall be extended to the property lines of the subdivision. Connections to public sewer lines shall be subject to the approval of and according to the Lake County Department of Utilities Rules and Regulations.

B. Individual Sewage Disposal Facilities

In the event of the proposed installation of individual disposal systems, the subdivider shall confer with the regulations of the Lake County General Health District as to requirements and procedure to be observed.

SECTION 7. UTILITIES, MONUMENTS AND OTHER IMPROVEMENTS

A. Monuments

1. Permanent monuments, consisting of a five-eighths (5/8) inch solid iron rod centered in a six (6) inch concrete post not less than thirty (30) inches long, equivalent to or better construction as determined by the County Engineer, shall be embedded in the soil so that its top with cap with the surveyor's registration number is at existing grade and shall be accurately set and established at the intersections of all outside boundary lines of the plat. A monument box with five-eighths (5/8) inch solid iron rod shall be set at all road centerline intersections and at such other points as are necessary to establish definitely all lines of the plat, except those outlining individual sublots. All permanent monuments shall be tied to at least two existing monuments that have coordinates that are in the State Plane Coordinate System. All permanent monuments shall be installed in accordance with all state laws and local rules.
2. Monuments and Construction Surety
  - a. Iron pins must be set for the right-of-way prior to the installation of the permanent monuments on the center line of the road and before recording of the plat. Any pins set must be located on the plat.

B. Street Lighting

Street lighting districts are created by the townships to provide lighting for subdivisions. If the developer is considering street lighting, the underground infrastructure shall be approved by the proper agencies and installed when the other improvements are installed.

C. Street Signs and Traffic Control Devices

Street identification signs and traffic control devices with posts as requested by the township trustees and as recommended by the County Engineer shall be provided by the developer and costs shall be borne by the developer until the roadway is accepted for maintenance.

D. Utilities

All public utility lines for telephone, electric service and cable television shall be placed underground in all subdivisions.

1. The proposed plat shall be submitted to all utility companies serving the subdivision and to the Building Inspector for recommendations.

2. Utility easements shall be fifteen (15) feet in width for communication and electric power and street lighting distribution lines and facilities shall be provided on all front lot lines and along certain side or rear lot lines where necessary.
3. Plans for electric lines, telephone lines, gas lines, and cable television lines shall be submitted to the Planning Commission in the form of improvement drawings.
4. The Planning Commission may authorize a variance from these regulations when undue hardship would result from strict compliance. In granting any variance, the Planning Commission shall prescribe only conditions that it deems necessary or desirable for the public interest and finds that there are special circumstances or conditions affecting said property such that the strict application of These Regulations would deprive the reasonable use of land.

## SECTION 8. LANDSCAPING

### A. Landscape Islands or Other Facilities

All landscape islands or other landscape facilities that are placed in the right-of-way shall be in an easement with ownership and maintenance of the easement stated on the plat.

### B. Entrance Signs and Landscaping

All subdivision landscaping and/or signs that are placed onto private property and maintained by individuals or groups shall be placed into an easement with ownership and maintenance of the easement stated on the plat.

## SECTION 9. FIRE PROTECTION

### A. Fire Hydrants

Fire hydrants with two and one half (2½) inch outlets and one (1) large pumping connection shall be provided by the subdivider in all subdivisions with public water supplies. The hydrants should be located between property lines and curbs with all outlets facing or parallel to the street. Hydrants shall be placed at the corners of all blocks and at mid-block for blocks exceeding eight hundred (800) feet in length. Hydrants shall also be required at the entrance and end of all cul-de-sacs four hundred (400) feet in length or longer.

The type of hydrant and control valves and the location and accessibility of the hydrant shall be approved by the township fire chief and the Sanitary Engineer. The size of any water line serving any hydrant shall not be less than eight (8) inches in diameter and the line should be looped. The size and location of water lines shall be approved by the Sanitary Engineer.

### B. Fire Ponds and Dry Hydrants

Where central water systems are not available or not sufficient and the local jurisdiction requires dry hydrants, the Planning Commission shall require dry or draughting hydrants and such shall be required unless the local Fire Department requests in writing a preference that the site not be equipped with such facilities. Access to and maintenance of both the fire pond and dry hydrant shall be designated on the Final Plat. Refer to the State of Ohio fire code for design specifications required to be followed.

## SECTION 10. IMPROVEMENTS SECURITY

### A. Improvement and Cost Estimate Information

1. All required improvements shall be made by the applicant, at its expense, and cost estimates for various materials and labor shall be provided by a professional engineer licensed in the State of Ohio and approved by proper local authority. If the applicant shall dedicate public improvements to the appropriate local government, then it shall be free and clear of all liens and encumbrances on the dedicated property and public improvements.
2. Before the signing of the final plat, all applicants shall be required to complete, to the satisfaction of the Lake County Engineer, all streets and other public improvements in accordance with the improvement plans for the subdivision. In cases where sanitary sewer and water improvements are installed, those improvements shall be completed to the satisfaction of the Lake County Sanitary Engineer. The applicant shall provide a three (3) year maintenance guarantee or provide a construction guarantee to the full cost of all the improvements listed on the approved plans and specifications resolutions or a construction guarantee for installation in accordance with these regulations must be posted.

### B. Construction Guarantee for Installation and Maintenance of Improvements

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

1. 110% Performance Bond or 110% Performance Surety by an Irrevocable Letter of Credit: The applicant shall post a bond, executed by a surety company, or provide surety in the form of an irrevocable letter of credit equal to the amounts provided in the approved plans and specifications resolutions and shall guarantee construction of the improvements according to the accepted plans and specifications. The bond and surety shall be in the favor of the Board of Lake County Commissioners and shall not exceed two (2) years. This request shall be submitted to the staff of the Lake County Planning Commission and they shall make a recommendation on it.
2. 110% Performance Surety with Deposit: The applicant may make a deposit with a responsible bank or trust company and file the proper surety forms with the Board of Lake County Commissioners. The amount of deposit shall be equal to the values of the improvements listed in the approved plans and specifications resolutions. The Board of Lake County Commissioners' representative shall be named on the account.

### C. Failure to Complete Improvements

In the event the applicant fails to complete the required installation of public improvements work within such time period as required by the conditions or guarantees as stated above or in the surety documents, the Board of Lake County Commissioners may proceed to have such work completed and reimburse itself for the cost by appropriating the cash deposit, surety bond, drawing upon the letter of credit, or taking the necessary steps to require performance by the bonding company.

### D. Extension of Time

If the construction or installation of any improvements or facility for which guarantee has been made by the applicant is not completed within two (2) years from the date of acceptance of the

surety by the Board of Lake County Commissioners, the surety will be used to complete the project. The applicant may request an extension to complete the improvements from the Planning Commission provided the applicant can show reasonable cause to do so. If the extension to complete the improvements is approved by the Planning Commission, it must be accepted by resolution of the Board of Lake County Commissioners in order to be extended.

E. Deferral or Waiver of Required Improvements

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

F. Inspection of Improvements

The County Engineer and/or the County Sanitary Engineer shall provide inspection of required improvements during the construction and ensure their satisfactory completion. The applicant shall pay an inspection fee to these agencies and shall notify the inspecting agency at least forty-eight (48) hours before each phase of the improvements is ready for inspection. Work requiring periodic inspections and an inspection schedule shall be finalized by the applicant and the inspecting agency prior to beginning any work. If, in the opinion of the inspector, installations are improper or inadequate, the inspector shall issue a stop work order. The applicant may appeal the inspector's findings to the County Engineer or County Sanitary Engineer as appropriate, within forty-eight (48) hours. Failure to comply with the County Engineer's, the County Sanitary Engineer's or their inspector's directive, will be deemed a violation of These Regulations. Such violation may result in invalidation of the approved final plat by the Planning Commission or the surety being appropriate to correct the defects, prior to the two (2) years expiring.

G. Completion of Work and Reduction of Construction Guarantee

As required improvements are completed, the Board of Lake County Commissioners may, upon the recommendation of the County Engineer or County Sanitary Engineer, reduce the amount of the construction guarantee until all that remains are the amounts for the 10% Contingency Amount and the 10% Maintenance Amount. This 20% shall be held until a three (3) year maintenance bond, cash deposit or surety is filed with the Board of Lake County Commissioners.

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

The applicant shall have properly constructed and maintained all required improvements at the time the request for their acceptance is made to the Board of Lake County Commissioners. Upon completion of all improvements, the applicant shall request the County Engineer to perform inspections of all road improvements, storm sewer and other improvements for conditional acceptance. If necessary, the applicant shall request the County Sanitary Engineer to perform an inspection on any water or sanitary sewer improvement for conditional acceptance. After the inspection, the County Engineer or County Sanitary Engineer will do one of the following:



1. Issue a letter to the Board of Lake County Commissioners, with a copy to the applicant and Planning Commission, recommending conditional acceptance and the amount for maintenance of the improvements.
2. Issue a letter to the applicant, with a copy to the Planning Commission, listing items of work necessary to accomplish satisfactory completion of the improvements. Once the improvements are satisfactorily completed, the letter recommending conditional acceptance will be issued.

Upon completion of the improvements and recommendation of conditional acceptance, the applicant shall furnish a maintenance guarantee in the amount of 10% of the construction estimate for a period of three (3) years. The applicant shall be responsible for all failures and shall repair such failures due to faulty construction or design failures as soon as they become apparent.

I. Final Acceptance of Improvements

Improvements will be eligible for final acceptance three years after conditional acceptance. The maintenance guarantee shall remain in effect until final acceptance by the Board of Lake County Commissioners. Before the Board of Lake County Commissioners will approve the release of the maintenance guarantee, the applicant shall submit sworn statements that all bills and financial obligations incurred for the restoration of the improvements have been paid in full.

Three years after conditional acceptance, the applicant shall, after restoring all improvements to acceptable condition and after all fees due are paid, request that the County Engineer and/or County Sanitary Engineer perform a final inspection for acceptance. The township shall be notified five (5) days prior to the inspection of the road improvements and may have a representative present for this inspection. After the inspection, the County Engineer and/or County Sanitary Engineer will do one of the following:

1. Issue a letter to the Board of Lake County Commissioners, with a copy to the developer, the Planning Commission and the township in question (for road improvements) recommending final acceptance of the improvements and release of the maintenance guarantee.
2. Issue a letter to the applicant, with copies to the Planning Commission and the township in question (for road improvements), listing items of work necessary to accomplish before the recommendation for final acceptance will be made.

Once the final acceptance recommendation is made by the County Engineer and/ or Sanitary Engineer, the Board of Lake County Commissioners shall accept those improvements for public use. In the case of the recommendation by the County Engineer, the Board of Lake County Commissioners shall notify the township in question that the item will be on its agenda seven (7) days prior to the meeting. If the Board of Lake County Commissioners accepts the road for public use, the Commissioners shall forward a copy of that resolution to the township and to the Planning Commission.

## **ARTICLE VI AUTHORITY AND ENFORCEMENT**

### SECTION 1. RECORDING OF PLAT

No plat of any subdivision shall be entitled to be recorded in the Office of the Recorder of Lake County or have any validity until it shall have been approved in the manner prescribed herein. In the event any such unapproved plat is recorded, it shall be considered invalid and the Commission shall institute proceedings to have the plat stricken from the records of Lake County, State of Ohio.

### SECTION 2. SALE OF LAND IN SUBDIVISION

No owner or agent of the owner of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of or by the use of a plat of a subdivision before such plat has been approved and recorded in the manner prescribed herein. Any sale or transfer contrary to the provision of this section is void. The description of such subplot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of These Regulations. No lot may be sold or offered for sale in a subdivision in which the streets or roads are not dedicated unless proper street signs including the words "Private Drive" in letters at least as large as the name of the street shall have been erected at all intersections.

### SECTION 3. AUTHORITY

A Major Highway Plan having been adopted by the Commission according to statutory requirements, the Board of County Commissioners and the Commission by virtue of the provisions of Chapter 711 of the Revised Code of the State of Ohio are authorized, subject to the holding of required public hearings, to adopt rules and regulations covering plats for the subdivision of land, and to approve, conditionally approve, or disapprove plats or subdivision of land falling within their jurisdiction.

### SECTION 4. PUBLIC HEARINGS

- A. The Commission, on its own initiative or upon petition by any citizen of neighboring property owner, may, prior to acting on a preliminary plan of a subdivision, hold a hearing thereon.
- B. Notice shall be given of the time and place of such public hearing by publication in at least one (1) newspaper of general circulation published in Lake County, Ohio thirty (30) days prior to holding of said hearing. The submitted subdivision plan shall be on file in the office of the Commission for public examination during said thirty (30) days.

### SECTION 5. VARIANCES

Where the County Planning Commission finds that extraordinary and unnecessary hardship may result from strict compliance with these regulations, due to exceptional topographic or other physical conditions, it may vary the 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. Such variations shall not have the effect of nullifying the intent and purpose of these regulations, the comprehensive plan, or the zoning resolution.

In granting variances or modifications, the County Planning Commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.

#### SECTION 6. REVISION OF PLAT AFTER APPROVAL

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

#### SECTION 7. FEES

- A. At the time of submitting a final plat, the subdivider shall pay a filing fee to the county. The fee shall be in accordance with a fee schedule adopted by the commission. Said schedule shall be made a part of these regulations. No change or modification in this fee schedule as adopted by the commission shall be made unless said change or modification is proposed by proper motion at a regular or special meeting of the commission and adopted by a majority vote. Effective 12/21/95
- B. The filing fees shall be paid in legal tender or by check or money order made payable to the Clerk of the County Commissioners and shall be received by the Commission.
- C. In the event that a plat is disapproved by the Commission before any physical inspection has been made of the site, then the Commission may, at its discretion, order that the developer be refunded an amount not to exceed one-half (1/2) of the fee paid, by the Clerk of the Board of County Commissioners.
- D. In addition to the above filing fee, the subdivider shall be charged a fee by the County Engineer and/or County Sanitary Engineer for the cost of supervision of all improvements in the subdivision which fall under this jurisdiction.
  - 1. The amount of deposit and method of payment shall be as required by the county agency concerned.
  - 2. The fee shall be for all time spent by the Engineer or his duly authorized representative in supervising or inspecting the subdivider's improvements and completion thereof in accordance with the recorded plat.
- E. Every proffer of a deed for a "No Plat Required" stamp shall be accompanied by tender of a fee in an amount determined by the Director of the Commission and posted in the office of the Commission for each deed submitted and payable to the Commission. Effective 12/21/95.

#### SECTION 8. PENALTIES

The following penalties shall apply to the violations of these regulations:

- A. Whoever violates any rule or regulations adopted by the Board of County Commissioners of Lake County for the purpose of setting standards and requiring and securing the construction of improvements within a subdivision, or fails to comply with any order, pursuant thereto, shall forfeit and pay not less than one hundred (\$100) dollars nor more than one thousand (\$1,000) dollars. Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas of the County in which the land lies relative to which such violation occurred, by legal representative of the County, in the name of such county and for the use thereof.

- B. A County Recorder who records a plat contrary to the provisions of These Regulations shall forfeit and pay not less than one hundred (100) dollars nor more than five hundred (500) dollars to be recovered with costs in a civil action by the Prosecuting Attorney in the name and for the use of the County.
- C. Whoever, being the owner or agent of the owner of any land outside a municipal corporation, transfers any subplot, parcel or tract of such land from or in accordance with a plat of a subdivision before such plat has been recorded in the office of the County Recorder, shall forfeit and pay the sum of not less than one hundred (100) dollars nor more than five hundred (500) dollars for each subplot, parcel or tract so sold. The description of such subplot, parcel or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this section.
- D. Any person who disposes of, offers for sale or lease for a time exceeding five (5) years any subplot or any part of a subplot in a subdivision before provisions of These Regulations are complied with, shall forfeit and pay five hundred (500) dollars for each subplot or part of a subplot so sold, offered for sale, or leased to be recovered with costs in a civil action, in the name of the County Treasurer for the use of the County.

#### SECTION 9. AMENDMENTS

The Board of County Commissioners and the Commission may, after public hearing, amend, supplement or change These Regulations. Notice shall be given of the time and place of such public hearing by publication in at least one (1) newspaper of general circulation published in Lake County, Ohio thirty (30) days prior to holding of said hearing. The amendment or amendments shall be on file in the office of the Commission for public examination during said thirty (30) days.

#### SECTION 10. VALIDITY

If any section, subsection, sentence, clause, or phrase of These Regulations is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of These Regulations.

Should any portion of these regulations be determined by the County Prosecutor to be in possible conflict with the Ohio Revised Code, the opinion of the County Prosecutor shall take precedence until such time as these regulations can be changed or determined by the courts.

#### SECTION 11. EFFECTIVE DATE

These Regulations shall be effective following adoption by the Board of County Commissioners and the Lake County Planning Commission and certification to the Recorder of Lake County, Ohio. Henceforth, any other regulations previously adopted by the Board of County Commissioners or the Lake County Planning Commission shall be deemed to be repealed. These Regulations shall in no way affect any subdivision having received preliminary approval by the Commission prior to the effective date, provided, however, that no changes to the preliminary plan as approved are introduced by the subdivider.

## **ARTICLE VII CONSERVATION DEVELOPMENT REGULATIONS**

### **SECTION 1. PURPOSE**

The Conservation Development Regulations are applicable in Townships within the jurisdiction of the Lake County Planning Commission that have established conservation development standards and procedures within township zoning resolutions. It is the intent of Article VII to ensure that subdivision regulations are sufficiently flexible to carry out the conservation development.

Conservation development is intended to maintain community character, encourage more efficient use of land and public services through unified development that is principally intended to conserve community resources, maintain community character, preserve open space, and protect the health and safety of the community by preserving the natural resources and the functions of the site. These objectives are accomplished through land development techniques set forth in township zoning resolutions that permit flexibility in the arrangement and construction of dwelling units and roads. Article VII establishes reasonable standards and criteria to permit sufficient flexibility in the development of subdivisions consistent with township conservation development regulations while achieving conservation development objectives and promoting the following corollary purposes:

- A. Minimizing development on and loss of sensitive and beneficial natural resource areas;
- B. Reducing the quantity and improving the quality of storm water runoff from development;
- C. Maintaining natural functions of resource features (including, but not limited to woods, hedgerows, natural vegetation, meadows, slopes and streams);
- D. Reducing the amount of disturbed land, the conversion of natural areas to landscaped areas for lawns and the use of intrusive vegetation; and
- E. Maintaining a traditional rural settlement pattern characterized by compact groupings of development.

### **SECTION 2. APPLICATION**

- A. All subdivision standards and procedures in these subdivision regulations are applicable to conservation developments unless specifically modified by Article VII or waived by the County Planning Commission through the variance procedure.
- B. All developers who are proposing a conservation subdivision shall meet with the Lake County Planning Commission Staff, Township Staff, County Engineer, Soil and Water Conservation District and Sanitary Engineer prior to submitting their subdivision for approval. They shall bring a sketch plan of the subdivision as described in Article III, Section 2, Subsections A, B and C. The developer should bring their engineer and/or representative agent.

### **SECTION 3. GENERAL DESIGN PRINCIPLES**

- A. **General Layout:** The design of a conservation development, including the arrangement of streets, lots, building envelopes, utility easements, common areas and common open space, shall be in accordance with the objectives, purposes and principles of conservation development. Further, they shall:

1. Comply with the development standards, criteria and environmental priorities set forth in the township conservation development regulations;
2. Preserve to the practicable extent, the natural features of the site, including:
  - a. Conservation of water features, woodlands, vegetation and other natural areas; the design and layout of the development should conserve, maintain, and incorporate an appropriate amount of existing water features, wooded areas, meadows, and ~~hedgerows~~ and tree lines between fields or meadows; these areas should be connected to one another or to other adjacent natural areas;
  - b. Conservation of existing scenic vistas and visual quality of the environment; proposed buildings should be located so as to ensure that scenic views and vistas are unblocked or uninterrupted; and
  - c. Conservation of sloping land; the road system and buildings should be located so as to minimize alterations to the topography and the need for cutting and filling.
3. Minimize impacts and alterations to areas of environmental sensitivity and natural features.

B. Blocks

The block requirements of Article IV, Section 2 (G) may be waived in order to conserve natural features and to otherwise satisfy the criteria and objectives of these regulations and the principles of conservation development.

C. Access to Lots and Building Envelopes

Each lot and building envelope within the conservation development shall have sufficient access to ensure safe and efficient traffic flow and reasonable ingress and/or egress for emergency vehicles. To this end:

1. Private streets and common drives in compliance with these regulations and the township zoning resolution are encouraged.
2. A subplot will not be required to have frontage on a dedicated street where an adequate private street or common drive and easements for utilities are provided between a public street and the proposed subplot and the township zoning resolution states that frontage on a dedicated and open street is not required.
3. A subplot, with or without frontage on a public street, is not required to have a minimum lot frontage unless a required minimum lot frontage is set forth in the township zoning resolution.

## SECTION 4. STREET PRINCIPLES AND STANDARDS

A. Design Principles

1. General Layout:
  - a. Street alignments should follow natural contours and be designed to conserve natural features.

- b. Locations of streets should be planned to avoid excessive stormwater runoff and the need for storm sewers.
  - c. The area of the project devoted to streets and related pavement should be the minimum amount necessary to provide adequate and safe movement through the development.
  - d. Streets must be built to standards listed in Article V.
2. Public Streets: Publicly dedicated streets shall be required for the following:
- a. for access to all sublots or to the private drives or roads that other sublots have access to within the conservation development.
  - b. for major through streets in any conservation development that connect two existing public streets, or that are intended to provide a future continuing street system beyond the project boundaries, and that are expected to accommodate pass-through traffic going to and from adjacent areas.
  - c. The right-of-way shall be sixty (60) feet. This right-of-way may be reduced to fifty (50) feet at the recommendation of the Township and the approval of the County Engineer and County Sanitary Engineer.
3. Private Streets: Streets that are not otherwise required to be public streets pursuant to Article V, Section A, Subsection 2 shall be permitted to be private streets in compliance with the following regulations:
- a. A private street shall not be planned or expected to be extended to serve property outside the conservation development.
  - b. The subdivider shall demonstrate to the reasonable satisfaction of the County Planning Commission that the private streets will be properly controlled and maintained in perpetuity by an Association or other management means acceptable to the County Planning Commission, County Sanitary Engineer and the County Engineer. Such association document shall be approved by the County Prosecutor and shall be recorded with the subdivision plat. Deed restrictions shall be required and shall specifically include the following language:  
  

The undersigned grantee(s) hereby acknowledge(s) that the premises described herein is located upon a non-dedicated private street. And further, the grantee(s) acknowledge(s) and understand(s) that no governmental body shall be or is responsible for care and/or maintenance of said private street entity.
  - c. A fifty (50) - foot easement shall be required for private streets for ingress and/or egress of the owners on the private street. The easement shall be held in the name of a homeowners association or in the name(s) of the owner(s) who are served by the private street. A statement of who is responsible for the maintenance for the street must be provided.
  - d. A private street shall meet the same requirements for public streets as stated in Article IV.
  - e. The improvement plans for private streets shall be completed and certified by a licensed engineer certified in the State of Ohio prior to the approval of a final plat by the County

Planning Commission. They must be designed to the standards listed in Article V of these regulations. The County Engineer and the County Sanitary Engineer must approve the improvement plans. A maintenance bond shall be provided for a two (2)-year period commencing from the date of certification of the street. Such maintenance bond shall be transferred to the Association or owner(s) and shall be approved by the County Prosecutor.

4. Common Private Drives: Common drives shall be permitted in compliance with the following requirements:
  - a. A common drive shall extend from a public right-of-way or private street and shall not connect to any other existing or planned public or private street;
  - b. The subdivider shall demonstrate to the reasonable satisfaction of the County Planning Commission that the common drive(s) will be properly controlled and maintained in perpetuity by an Association or other management means acceptable to the County Planning Commission. Such association document shall be approved by the County Prosecutor and shall be recorded with the subdivision plat; deed restrictions shall be required and shall specifically include the following language:

*The undersigned grantee(s) hereby acknowledge(s) that the premises described herein is located upon a non-dedicated common drive. And further, the grantee(s) acknowledges that no governmental entity shall be or is responsible for care and maintenance of said common drive.*
  - c. Rights-of-way are not required for common drives; however, utility and ingress and/or egress easement(s) may be required along the length of the common drive;
  - d. Address signs shall be provided in accordance with the township requirements and shall be coordinated with emergency officials; and
  - e. Common Access Driveways maybe required to provide for a turn- around for emergency vehicles.
5. Walkways: Walkways may be provided to connect residential areas to common open space areas and to provide convenient pedestrian access throughout the conservation development and from the conservation development to other areas of the community.

Sidewalks are not always required to be installed by the Townships. When they are required and when it is determined by the County Planning Commission that the proposed walkway system provides pedestrian access equal to or better than the provision of sidewalks along street rights-of-way, the County Planning Commission may determine that sidewalks along public or private streets are not required.

Walkways, or a portion of the walkways, may be permitted to be constructed of pervious materials such as gravel, wood chips or other similar material. The developer shall build sidewalks/walkways in accordance with any previously approved subdivision plan during construction of the subdivision.

Sidewalks shall conform to Article V, Section 3 of these Regulations.



B. Modified Construction Standards for Private Streets

1. The developer may request variance from the design requirements set forth in Article V of these regulations.
2. Private Street Construction: All elements of a private street that are to be provided in a conservation development shall be constructed in accordance with the construction standards set forth for streets by the Lake County Engineer, except as noted in Article VII, Section 5, Subsection B(1).

SECTION 5. RESOURCE PROTECTION REGULATIONS.

A conservation development shall comply with the following resource protection regulations. In the event there is a conflict between these regulations and resource protection regulations for conservation developments set forth in the township's zoning resolution, the township's regulations shall govern.

- A. Floodway Protection: All buildings, structures, or land within a floodway may be used, and buildings or structures hereafter shall be erected, altered, enlarged, repaired or rebuilt, moved or designed to be used, in whole or in part only for a use listed below:
1. Agriculture;
  2. Public or private parks and outdoor recreational facilities including, but not limited to swimming pools, riding academies, play fields, ball fields, courts, and trails; or
  3. Off-street parking areas accessory to the above uses, provided that such areas are improved with pervious pavement materials, such as pervious asphalt or pervious concrete or combinations of geotextiles with sand, gravel and sod.
- B. Wetlands Protection: Wetlands that are required to be retained by the US Army Corp of Engineers or OEPA, as defined in Article II, shall be protected in the following way:
1. A setback area having a width not less than twenty (20) feet measured from the edge of the designated wetland; the area within this buffer shall not be disturbed and shall be retained in its natural state or enhanced as determined by the Planning Commission; and
  2. A minimum building and pavement setback of thirty-five (35) feet, measured from the edge of the designated wetland.
- C. Conservation of Riparian Zones
1. A riparian setback shall be provided; please see Article IV, Section 3 (D).
  2. Walkways may be permitted to be located within riparian setback when the Planning Commission determines that such will create minimal change to the riparian setback.

## **ARTICLE VIII PLANNED UNIT DEVELOPMENT REGULATIONS**

### **SECTION 1. PURPOSE**

The Planned Unit Development (PUD) Regulations are applicable in Townships within the jurisdiction of the Lake County Planning Commission that have established Planned Unit Development (PUD) standards and procedures within township zoning resolutions. It is the intent of this article to ensure that subdivision regulations are sufficiently flexible to carry out the Planned Unit Development concept as presented in the local zoning resolutions.

A Planned Unit Development is intended to maintain community character and encourage more efficient use of land and public services through unified development. PUD is principally intended to promote mixed-use development, maintain community character, preserve open space, and protect the health and safety of the community. These objectives are accomplished through land development techniques set forth in township zoning resolutions that permit flexibility in the arrangement and construction of dwelling units and infrastructure. This article establishes reasonable standards and criteria to permit sufficient flexibility in the development of subdivisions consistent with township planned unit development regulations.

### **SECTION 2. GENERAL REQUIREMENTS**

- A. The property that is to be subdivided under these regulations must be a zoned or in the process of being rezoned to a PUD classification through the procedures set forth in the individual Lake County Township Zoning Resolution and the ORC 519. The Lake County Planning Commission would have reviewed and made recommendations on the PUD development using standards stated in their PUD development review policy during the Land Use and Zoning review process before the property was rezoned.
- B. Under Chapter 711.10 of the Ohio Revised Code, the Lake County Planning Commission must approve all subdivision of land in the unincorporated areas of the County. If there is a division of land involved with the PUD development, all subdivision standards and procedures in these subdivision regulations are applicable to Planned Unit Developments unless specifically modified by Article VIII or varied by the County Planning Commission through the variance procedure as described in Article VI, Section 5. If the Lake County Subdivision regulations are in conflict with the township zoning resolution, these regulations are to be followed.

### **SECTION 3. GENERAL DESIGN PRINCIPLES**

#### **A. General Layout**

The design of a planned unit development, including the arrangement of streets, lots, building envelopes, utility easements, common areas and common open space, shall comply with the objectives, purposes and principles of the Township's Planned Unit Development Resolution. The township may recommend locations of streets, sublots and open space. Further, they shall also comply with the development standards; criteria and environmental priorities set forth in the township planned unit development regulations and these regulations;

#### **B. Blocks**

The block requirements of Article IV, Section 2 (G) may be varied in order to conserve natural

features and to otherwise satisfy the criteria and objectives of the Township Trustees and Zoning Commission. The variance must be approved or disapproved by the County Planning Commission. The County Planning Commission will receive recommendations from the County Engineer, Sanitary Engineer and the Township.

C. Access to Lots and Building Envelopes

Each lot and building envelope in the Planned Unit Development shall have sufficient access to ensure safe and efficient traffic flow and reasonable access for emergency vehicles. Each subplot and building envelope shall have proper access to utilities.

SECTION 4. STREET PRINCIPLES AND STANDARDS

A. Design Principles

1. General Layout:

- a. Locations of streets shall be planned to avoid excessive stormwater runoff and the need for storm sewers.
- b. The area of the project devoted to streets and related pavement shall be the minimum amount necessary to provide adequate and safe movement through the development.
- c. The layout shall be based on the layout that the Township has approved.

2. Public Streets:

Publicly dedicated streets shall be required for the following:

- a. For access to sublots.
- b. To private roads that provide access to sublots that are not required to have frontage on a dedicated right-of-way within the Planned Unit Development.
- c. To private drives that provide access to sublots that are required to gain access to the sublots through other sources.
- d. For major through streets in any Planned Unit Development that connect two existing public streets, or that are intended to provide a future continuing street system beyond the project boundaries, and streets that are expected to accommodate pass-through traffic going to and from adjacent areas.

3. Public Street Standards:

- a. All improvements must conform to the standards of Article IV and V, and the County Engineer and County Sanitary Engineer Standards.
- b. The right-of-way shall be at least sixty (60) feet.

4. Private Streets:

Streets that are not required to be public streets pursuant to Article VIII, Section 4, Subsection 2 may be permitted to be private streets in compliance with the following regulations:

- a. A private street shall not be planned or expected to be extended to serve property outside the Planned Unit Development.
- b. A private street shall not be planned or expected to be a major street or a collector street.
- c. The subdivider shall demonstrate to the reasonable satisfaction of the Lake County Planning Commission that the private streets will be properly controlled and maintained in perpetuity by an Association or other management means acceptable to the Lake County Planning Commission, Lake County Sanitary Engineer and the County Engineer. The Association document shall be approved by the County Prosecutor and recorded with the subdivision plat. Deed restrictions shall be required and it shall include the following language:

*"The undersigned grantee(s) hereby acknowledge(s) that the premises described herein is located upon a non-dedicated private street. And further, the grantee(s) acknowledge(s) and understand(s) that no governmental body shall be or is responsible for care and/or maintenance of said private street entity."*

5. Private Street Standards:

- a. A private street shall meet the same requirements for public streets as stated in Articles IV and V and the County Engineer and Sanitary Engineer Standards.
- b. A sixty (60)-foot easement shall be required for private streets for ingress and/or egress of the owners on the private street. The easement shall be held in the name of a homeowners association or in the name(s) of the owner(s) who are served by the private street. A statement of who is responsible for the maintenance of the street must be provided. The sixty (60)-foot easement shall also provide access for sanitary sewer, storm sewer and water lines if the Lake County Sanitary Engineer and County Engineer approve those lines to be placed within the said sixty (60)-foot easement.
- c. A fifteen (15) foot utility easement shall be provided on either side of the sixty (60)-foot easement.
- d. The improvement plans for private streets shall be completed and certified by a licensed engineer certified in the State of Ohio prior to the approval of a final plat by the Lake County Planning Commission. They must be designed to the standards listed in Article III of these regulations.
- e. The County Engineer and the Lake County Sanitary Engineer must approve the improvement plans.

6. Common Private Drives: Common drives shall be permitted in compliance with the following requirements:

- a. A common drive may be required to gain access to the sublots through other sources because of environmental concerns or to provide better access management to the public right-of-way.
- b. A common drive shall extend from a public right-of-way or private street and shall not connect to any other existing or planned public or private street.
- c. The subdivider shall demonstrate to the reasonable satisfaction of the Lake County

Planning Commission that the common drive(s) will be properly controlled and maintained in perpetuity by an association or other management means acceptable to the Lake County Planning Commission. The Association document shall be approved by the Lake County Prosecutor and recorded with the subdivision plat; deed restrictions shall be required and shall specifically include the following language:

*"The undersigned grantee(s) hereby acknowledge(s) that the premises described herein is located upon a non-dedicated common drive. And further, the grantee(s) acknowledges that no governmental entity shall be or is responsible for care and maintenance of said common drive."*

- d. Right-of-ways are not required for common drives; however, utility and ingress and/or egress easement(s) may be required along the length of the common drive. There is no minimum width of the ingress/egress easements;
- e. Common access driveways may be required for providing a turnaround for emergency vehicles. The type and size shall be determined by the township officials and fire department; and
- f. If the length of the driveway exceeds 300 feet and/or three houses, a fire hydrant must be provided for those properties.

7. Walkways and Sidewalks:

Walkways may be provided to connect residential areas to common open space areas and to provide convenient pedestrian access throughout the planned unit development (PUD) and from the PUD to other areas of the community.

Sidewalks are not always required by the townships to be installed by the developers. When they are required and when it is determined by the Lake County Planning Commission that the proposed walkway system provides pedestrian access equal to or better than the provision of sidewalks along street rights-of-way, the Lake County Planning Commission may determine that sidewalks along public or private streets are not required.

Sidewalks shall conform to Article V, Section 3 of these Regulations.

B. Modified Construction Standards

- 1. The developer may request a variance as stated in Article VI, Section 5 from the design requirements of Article IV and V of these Regulations.
- 2. Private Street Construction:

All elements of a private street in a Planned Unit Development shall be constructed in accordance with the construction standards for streets by the Lake County Engineer, except as noted in Article VIII, Section 4, Subsection B(1).

C. Modified Plat Procedures

- 1. A signature line on the plat shall be provided for the Madison Township Board of Zoning Appeals Chairman for PUDs in Madison Township.
- 2. All building setback lines, side line and rear line clearances shall be shown on the final plat.

Amended this 26<sup>th</sup> day of March , 2009.

\_\_\_\_\_  
President, Board of County Commissioners

\_\_\_\_\_  
Attest, Clerk

Amended this 31<sup>st</sup> day of March , 2009.

\_\_\_\_\_  
Chairman, Lake County Planning Commission

\_\_\_\_\_  
Attest, Secretary

Approved as to Legal Form:

\_\_\_\_\_  
Lake County Prosecutor

Date \_\_\_\_\_

Recorded this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
County Recorder