

Noble County, Ohio – Subdivision Regulations



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Article I

GENERAL PROVISIONS

Section 101 Title

These rules, regulations and standards shall be officially known as the “Subdivision Regulations of Noble County,” and shall hereinafter be referred to as “these Regulations.”

Section 102 Policy

Section 102.1

It is declared to be the policy of Noble County to consider the subdivision of land and its subsequent development as subject to the control of Noble County, pursuant to the most recent edition of the County’s Comprehensive Plan and for the orderly, planned, safe, efficient, and economical development of the County.

Section 102.2

Land to be subdivided shall be of such character that it can be used for the intended purposes. Land shall not be subdivided until adequate facilities and improvements such as drainage, water, and sewerage, are provided, or a performance guarantee is filed, in accordance with Section 702, to assure that the subdivider will make the required improvements.

Section 102.3

The existing and proposed public improvements shall conform with and be related to the proposals shown in the most recent edition of the County’s Comprehensive Plan, capital improvement programs, or development programs of Noble County when they exist and it is intended that these Regulations shall supplement and facilitate the enforcement of the provisions and standards contained the aforementioned plans and programs.

Section 103 Purpose

These Regulations are adopted as minimum requirements for the regulation and control of land subdivision within the unincorporated portion of Noble County. These regulations are intended to:

- a. Establish standards for logical, sound, and economical development of land within Noble County;
- b. Provide for adequate light, air, and privacy;
- c. Secure safety from fire, flood, and other danger;
- d. Prevent population congestion and overcrowding of the land;
- e. Provide orderly expansion and extension of community services and facilities at minimum cost and maximum convenience;
- f. Provide for the proper arrangement of streets in relation to those existing or planned;
- g. Provide for the most beneficial relationship between use of land, buildings, traffic, and pedestrian movements; and
- h. Ensure appropriate subdivision of land, including the preparation, recordation, and equitable handling of subdivision plats by providing uniform procedures and standards for observance by both Noble County and its developers.

Section 104 Authority

The Ohio Revised Code (ORC), Chapter 711 enables the Board of County Commissioners and the Planning Commission of Noble County to adopt regulations governing plats and subdivisions of land within the unincorporated area of Noble County.

Section 105 Enactment of Regulations

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of public police power delegated by the state to Noble County pursuant to Chapter 711 of the ORC. The developer shall be in compliance with all conditions established by the Planning Commission for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of Noble County and the health, safety, and general welfare of the future lot owners of the subdivision and of Noble County generally.

Section 106 Jurisdiction

Section 106.1

These Regulations shall be applicable to all subdivisions of land located within the unincorporated area of Noble County.

Section 106.2

Any municipal government within Noble County that has adopted a major thoroughfare plan or a parks and public open space plan for the territory within the village limits and for the territory within three miles of any village, or any portion thereof, and has adopted subdivision regulations may exercise extraterritorial jurisdiction for a distance of up to three miles of its corporate limits if township zoning is not in effect within the area as provided in Section 711.09 of the Ohio Revised Code.

Section 106.3

The Noble County Planning Commission and the village with subdivision regulation jurisdiction over the unincorporated territory within Noble County may agree, in writing, that the approval of the plat by the village, as provided in Section 711.09 of the ORC, shall be conditioned upon receiving advice from or approval by the Noble County Planning Commission.

Section 107 Relation to Other Laws

Section 107.1

The provision of these Regulations shall supplement the laws of the State of Ohio, other resolutions adopted by the Noble County Board of County Commissioners or township trustees, or the rules and regulations promulgated by authority of such law or resolution relating to the purpose and application of these Regulations.

Section 107.2

No subdivision plat shall be approved for recording until the requirements of these Regulations have been met and the proper certification has been endorsed upon the plat by the appropriate reviewing authority.

Section 107.3

Whenever the requirements of these Regulations conflict with the requirements of other lawfully adopted rules, regulations, or resolutions, the most restrictive or that imposing the highest standard shall govern. These Regulations shall be interpreted as minimum requirements.

Section 107.4

Whenever a township in Noble County has adopted township zoning, under Chapter 519 of the ORC, all proposed subdivisions shall meet the township zoning requirements, as well as the provisions of these Regulations.

Section 108 Validity and Severability

If, for any reason, any clause, provision, or portion of these Regulations shall be held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or the legality of these Regulations as a whole, or any part thereof, other than the part that is held to be invalid. These Regulations shall not interfere with any other applicable law, regulation, or deed restriction. Under no circumstances will Noble County enforce any private deed restriction.

Section 109 Saving Provision

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

Section 110 Effective Date and Previous Approvals

These Regulations shall become effective on March 1, 2024. Prior to these regulations taking effect, the Noble County Board of County Commissioners adopted these regulations after a public hearing and certification to the county recorder as required by ORC Chapter 711. These Regulations shall in no way affect any subdivision having received preliminary plan approval prior to the effective date of these regulations or any amendment, provided, that no changes to previously approved preliminary plan are introduced by the subdivider.

Article II

ADMINISTRATION

Section 201 Administration, Enforcement and Interpretation

The Noble County Planning Commission shall administer and enforce these Regulations. The Planning Commission may be assisted by other government agencies, legal counsel, and through others whom it may solicit for professional advice. The Planning Commission will rely upon an Administrator to administer and enforce provisions of these Regulations that are specifically deemed for delegation. It shall be the responsibility of the Administrator to seek out input from all interested parties and governmental organizations prior to any internal decision to approve, approve with conditions, or deny any application.

Section 202 Reservations and Repeals

Upon the adoption of these Regulations, the Subdivision Regulations of Noble County previously adopted, as amended, are hereby repealed, except as to those sections expressly retained in these Regulations.

Section 203 Amendments

The Board of County Commissioners shall have the sole authority to make amendments to these Regulations. The Planning Commission shall be granted the opportunity to make recommendation prior to any final decision made by the Board of County Commissioners.

Section 204 Variances, Exceptions, and Waiver of Conditions

An application for relief will be denied if an owner requests it merely for their own convenience, such as when the land is not usable due to error or poor assumptions on the owner's part, or when the only supporting evidence is that compliance would add significantly to development costs.

Any application for a variance, exception, or waiver of condition may not be approved unless all feasible options complying with these Regulations have been exhausted. Furthermore any variance application shall conform to the spirit of these Regulations.

Where, due to exceptional topographic or other physical conditions, the Planning Commission finds that extraordinary and unnecessary hardship may result from strict application of these Regulations, or the purposes of these Regulations may be served to a greater extent by an alternative proposal, it may approve variances, exceptions, and waivers of conditions, provided that they will not be detrimental to the public health, safety, or welfare or injurious to other properties.

The Board of County Commissioners can only make variances for roadway specifications and construction standards. The Planning Commission may provide recommendations regarding variances.

Any approved variance shall not have the effect of nullifying the intent and purpose of these Regulations, the comprehensive plan, or a township zoning ordinance, when they exist. In granting variances or modifications the Planning Commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.

Section 205 Expiration or Extension

Failure to comply with stated time periods of these Regulations shall result in the expiration of the application and any associated Planning Commission approval. Before expiration, the subdivider may request an extension by filing a letter with the Administrator to be heard by the Planning Commission as to why an extension is necessary.

The subdivider is solely responsible for knowing expiration dates and meeting or extending them in accordance with these Regulations. The Planning Commission shall have no duty, obligation or responsibility to remind or notify subdividers of approaching expiration dates.

Section 206 Voided Applications

An application shall become void and have no rights, standing, or status under these Regulations, upon expiration, withdrawal, or disapproval.

Section 207 Recording of Plat

No plat of any subdivision shall be recorded by the county recorder or have any validity until said plat has received a final approval in the manner prescribed in these Regulations.

Section 208 Revision of Plat after Approval

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

Section 209 Fees

The board of county commissioners shall establish a schedule of fees, charges, expenses, and fee collection procedures for administration of these Regulations. The schedule of fees shall be posted in the Office of the Administrator. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application, extensions or appeal.

The subdivider shall be solely responsible for submittal of the plat and payment of fees to the local agency having jurisdiction regarding review and/or approval of proposed improvements, including water, sanitary sewage facilities, and storm water maintenance.

Section 210 Violations and Penalties

Whoever transfers, or leases for a period of more than five years any lot, parcel or tract of land from a plat of a subdivision before such plat has been recorded in the office of the county recorder or that violates these regulations shall forfeit and pay the sum of not less than ten dollars (\$10) nor more than five-hundred dollars (\$500) for each lot, parcel, or tract of land so sold. The restriction of leasing to within five-year period without recordation ensures that long term leasing of property is not exempt for the subdivision process.

The description of such lot, 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. No building permit shall be issued for the construction of any building or structure located on a lot or plat, subdivided or sold in violation of the provisions of these Regulations, nor shall Noble County have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these Regulations.

There shall be no action brought against a property owner for violation of these Regulations when the action in question occurred prior to the effective date of these Regulations. Any lot that fits this standard shall be considered nonconforming.

Section 211 Appeal

Any person who believes he or she has been aggrieved by these Regulations or the actions of the Planning Commission has all rights to appeal as set forth in Chapter 711 or any other applicable section of the ORC.

Section 212 Representation of Application

Any application that is required to go before the Planning Commission shall be represented by one or more persons responsible for the development. If no representative is present at the assigned meeting, the application may be tabled until the next regular meeting of the Planning Commission. If no representative is available at the second meeting the application will be withdrawn. Any application that is withdrawn is required to be refiled by the applicant to be heard by the Planning Commission.

Section 213 Transfer and Conveyance Standards

In accordance with ORC 319.203 and ORC 317.22, no conveyance of property will be recorded until all standards associated with the *Transfer and Conveyance Standards of the Noble County Auditor and Noble County Engineer* have been met. Copies of these documents can be found in the offices of the County Engineer, County Auditor, and County Recorder.

The standards of these Subdivision Regulations are administered and enforced to regulate the subdivision of land and do not regulate the transfer of ownership of the property. The *Transfer and Conveyance Standards of the Noble County Auditor and Noble County Engineer* regulate the transfer and conveyance of property without regulating how the property is subdivided.

Article III

MINOR SUBDIVISION APPLICATION REQUIREMENTS

Section 301 Purpose

The purpose of this Article is to establish the procedure for review and approval of subdivisions, as authorized under Chapter 711 of the ORC. The procedure is intended to provide orderly and expeditious processing of such applications.

Section 302 Subdivision Types

Before any land is subdivided the owner of the property, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures:

Section 302.1

Minor Subdivision (Lot Split): For no more than five lots along an existing public street. See Section 304 of these Regulations and ORC 711.131.

Section 302.2

Minor Subdivision (Large Lot): For lots from five to twenty acres in size that lie along existing public street. See Section 305 of these Regulations and ORC 711.133.

Section 302.3

Major Subdivision (Platted Subdivision): For all applications that do not qualify for approval through either minor subdivision process (large lot or lot split), the major subdivision process of Article IV shall be required.

Section 303 Minor Subdivision (Large Lot) and Minor Subdivision (Lot Split) Procedure

Section 303.1 Pre-Application Conference.

Prior to filing an application for a Minor Subdivision (Large Lot) or a Minor Subdivision (Lot Split) an applicant is encouraged to request an informal discussion with the Administrator to discuss the procedure for approval and to familiarize the applicant with applicable requirements. It is suggested that the applicant submit a scale drawing that includes the following information:

- a. Location map;
- b. Ownership of property;
- c. Existing and proposed public roads and easements;
- d. Existing structures;
- e. North arrow;
- f. Outline of areas to be divided;
- g. Approximation of proposed lot lines and dimension;
- h. Important natural features and drainage ways; and
- i. Information concerning storm drainage, sewage treatment, water supply, and other facilities that impact on the development.

Section 303.2 Submittal Requirements

The application for a Minor Subdivision (Large Lot) and Minor Subdivision (Lot Split) shall include, at a minimum, all of the following:

- a. A survey in accordance with Section 307.
- b. Location of monuments and their descriptions.
- c. Location and size of all existing buildings. If no building exists then state “no building exists”.
- d. A copy of the deed, whereby the current owner(s) obtained title to the land as well as copies any deed(s) of subsequent out conveyances.
- e. Areas within the 100-year floodplain and within floodways, as determined from flood studies or by scaling from mapping provided by the Federal Emergency Management Agency, shall be delineated. If not in a floodplain, state “not in a floodplain”.
- f. Legal description for each lot being created that meets the requirements of the *Transfer and Conveyance Standards of the Noble County Auditor and the Noble County Engineer*. The error of closure for such description shall not be greater than 1/10,000.
- g. A certification of approval by the local health department, inspector, and others as applicable.
- h. If applicable, access points in accord with adopted access management standards of the Ohio Department of Transportation.
- i. All applicable fees shall be paid with submittal of the application.
- j. All of the above shall be provided by a licensed surveyor.

Section 303.3 Approvals Required

After the minor subdivision has been given approval by all other departments with review responsibility, the deed, a copy of the Floodplain Certification, a copy of the approval by the Noble County Health Department and a copy of the survey drawing shall be reviewed by the Administrator for conformity with these Regulations. The Administrator shall stamp and sign the deed “approved-minor subdivision”, if the lot in question meets all requirements as specified above.

Section 303.4 Recordation Requirement

Upon approval by the Administrator, the deed shall then be taken to the county auditor for the transfer of property and then to the county recorder where it will become a legal lot of record. Minor subdivision requests expire if the deed is not recorded within (1) year of initial fee payment.

Section 303.5 Incomplete Submittals

Incomplete or deficient proposals shall be disapproved and the subdivider notified of issues and reasons for the disapproval.

Section 304 Minor Subdivision (Lot Split) Process

Section 304.1 Purpose

The purpose of this Section 304 is to establish the procedure for review and approval of minor subdivision / lot split as authorized by ORC 711.131.

Section 304.2 Applicability

The Minor Subdivision (Lot Split) process may be used to request a proposed division of a parcel of land along an existing public street, not involving the opening, widening, or extension of any street or road, and involving no more than five lots.

Section 304.3 Review and Approval

A Minor Subdivision (Lot Split) may be granted approval by the Administrator without a minor subdivision plat provided that the proposed subdivision meets all of the following conditions:

- a. The proposed division of a parcel of land involves no more than five (5) lots, after the original parcel has been completely subdivided.
- b. The survey requirements of Section 307 have been met.
- c. Another minor subdivision application has not been submitted on the affected property for at least one year preceding the application.
- d. The width to depth ratios shown below in Table 1 are required for all minor lot splits. All calculations shall be made from the actual road frontage. The Administrator will be responsible for calculating the ratios and if necessary, will provide a report of said ratios to the Planning Commission.

Acres	Ratio
0.01 - 3.49	1:4
3.50 +	1:7

Section 305 Minor Subdivision (Large Lot) Process

Section 305.1 Purpose.

The purpose of this Section 305 is to establish the procedure for review and approval of minor large lot subdivisions as authorized under ORC § 711.133.

Section 305.2 Applicability.

The Minor Subdivision (Large Lot) Process may be used to request a proposed division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road, and involving the establishment of any lot ranging in size from not less than four (4) acres to not more than twenty (20) acres. A proposed division of land under and in compliance with this Section 305 shall not be considered a subdivision for purposes of ORC § 711.001(B)(1) and need only be approved under the provisions of this Section 305.

The Minor Subdivision (Large Lot) process is only available for once a calendar year per affected property. For example, if a 20-acre lot is submitted to into two parcels through this process with one parcel being 15 acres, the new 15-acre parcel cannot be subdivided a second time within the same calendar year through this process. This regulation is to ensure that the major subdivision process of Article IV is not subverted through small incremental subdivisions.

Section 305.3 Review and Approval

If the Administrator finds that the proposed subdivision is not contrary to any applicable health, sanitary, or access management regulations, regulations adopted under ORC § 307.37(B) (3) regarding existing surface or subsurface drainage, including, but not limited to, rules governing household sewage disposal systems or the regulations set forth in this Section 304, it shall be approved within 30 days after submittal.

The burden is upon the applicant to demonstrate compliance with these Regulations. Incomplete or deficient proposals shall be disapproved and the applicant notified of issues and reasons for disapproval.

Upon presentation of an approved conveyance of said parcel, the conveyance shall be stamped “Approved by Noble County Planning Commission; No Plat Required Under ORC § 711.133,” and signed and dated by the Administrator.

Minor Subdivision (Large Lot) deeds shall be recorded within one-year (365) days from the date of approval, or the approval expires. Upon the expiration of the approval, any proposed division of the subject tract shall be filed and processed as a new application.

Section 305.4 Agricultural and Personal Recreational Purposes Exemption

A proposed division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road, and which meets the acreage requirements set forth in Section 305 but which is to be used only for agricultural or personal recreational purposes shall be exempt from the Minor Subdivision (Large Lot) approval requirements. Upon presentation of a conveyance of such a parcel, the conveyance shall be stamped “Approved by Noble County Planning Commission; No Approval or Plat Required under ORC § 711.133; **FOR AGRICULTURAL AND PERSONAL RECREATIONAL USE ONLY,**” and signed and dated by the Administrator. The conveyance shall include a statement “No change in use shall occur unless approved by the Noble County Planning Commission in accordance with applicable subdivision regulations”.

Nothing in this Section 305 shall be construed as excluding parcels that are exempt under this procedure that are currently being used only for agricultural or personal recreational purposes from the provisions of these Regulations for any future division or partitions of those parcels.

When parcels that are exempt from the approval requirements under this Section 305 are subsequently to be used for other than agricultural or personal recreational purposes, Commission staff shall first determine that such a parcel complies with the regulations set forth in Section 305.

An exemption under this Section 305 shall require a statement, signed by the landowner, that certifies that the proposed parcel will only be used for agricultural or personal recreational purposes, and that any subsequent change in use shall require that the Administrator first determine that the parcel complies with the then current provisions of Section 305.

Section 306 Transfer of Property between Adjoining Owners

Where a transfer of property between adjoining owners is less than 20 acres in size and results in a residual parcel, which is less than 20 acres, said residual parcel shall be subject to the requirements of these Regulations, and, the transfer of property shall be approved only if the residual meets these Regulations.

The grantees’ names on the deed shall match the ownership of the adjacent parcel being enlarged by the transfer. Deeds for combining acreage shall include the notation: “Not to be used as a separate building site or transferred as an independent parcel in the future without Planning Commission approval in accordance with applicable subdivision regulations. Parcel to be combined to Auditor’s Parcel Number - - - - .”

Section 307 Survey Requirements and Submittals

Section 307.1 Survey Requirement.

No division of land involving a metes and bounds description shall be approved or exempted unless it is accompanied by a survey and legal description certified by a Professional Surveyor licensed in the State of Ohio. The survey must meet the Minimum Standard for Boundary Surveys, Administrative Code 4733-37, and the survey and description must be approved by the office of the Noble County Engineer.

Section 307.2 Survey Submittal Requirements and Process.

An application for a Minor Subdivision (Large Lot) shall be filed by the landowner or designated representative with the Office of the Administrator and shall include the following information and materials:

- a. Survey boundaries and lot lines drawn on a survey plat not to exceed 18" X 24". All dimensions shall be shown in feet and hundredths of feet.
- b. A survey and legal description prepared by a professional surveyor that is approved by the office of the Noble County Engineer. The survey shall conform to the State of Ohio Minimum Standards for Boundary Surveys (OAC 4733-37).
- c. Signed and completed application form with all required applicable fees.
- d. Proposed deed(s) for the new lots identifying Grantor and Grantee (if known) with a survey drawing and legal description that meets the requirements of Section 304.3.
- e. Existing/proposed buildings; well; location/type of household sewage disposal system.
- f. New or additional roadway easements and/or utility easements: easements must be conveyed and recorded by a separate instrument and recordation.
- g. Appropriate floodplain status information showing areas within the 100-year floodplain/floodway.
- h. Access points in accord with adopted access management standards or Ohio Department of Transportation (ODOT) driveway approval if access is to a state highway.
- i. Recording data for minor subdivision deeds previously approved from the original tract parcel.
- j. Written endorsement of the minor subdivision from the Noble County Health Department.
- k. A plan illustrating all minor subdivisions (large lot and lot splits) of adjacent parcels within the past year; and recording date of each.
- l. The subdivider shall mark proposed lot corners with stakes and colored flagging.

Article IV

MAJOR SUBDIVISION APPLICATION REQUIREMENTS

Section 401 Conditions for Major Subdivisions

Article IV sets out the requirements for the Major Subdivision process.

Section 401.1 Applicability

A land subdivision is required to be approved through the major subdivision process when any the following exists:

- a. The subdivision is for more than five (5) lots, any one of which is less than twenty (20) acres, including the original tract;
- b. The subdivision involves the creation, widening, or extension of a street or access easement; or
- c. Platted land is subdivided to create additional building lots in a recorded subdivision.

Section 401.2 Submission to Ohio Department of Transportation (ODOT)

Any plan within (300) feet of the centerline of a state highway requires the Planning Commission to give notice by registered or certified mail to ODOT. If ODOT notified the Planning Commission that ODOT is planning improvements in any portion of the submitted plan area, the Planning Commission shall refuse to approve the plan.

Section 401.3 Notice to Township Trustees

After a complete submission of a plat to be approved through the major subdivision process is submitted, the Planning Commission shall schedule a meeting to consider the plat. It shall send written notice by mail to the board of township trustees of the township in which a proposed plat is located. The notice shall inform the trustees of the submission of the proposed plat and of the date, time, and location of any meeting at which the Planning Commission will consider or act upon the proposed plat.

Section 401.4 Grading of Site Prior to Final Approval

The developer may begin earth excavation and construction in accordance with the grades and elevations required by an approved preliminary plan.

Section 401.5 Pre-Application Conference (Optional)

Prior to preparing a sketch plan, the subdivider may request an informal discussion with the Administrator to discuss the procedures for approval of the subdivision plan and to familiarize the developer with the County services and requirements, including, but not limited to, drainage and sewerage requirements, fire prevention, and the availability of existing utility services.

Section 402 Major Subdivision Preliminary Plan Standards

Section 402.1 Sketch Plan Requirements

Sketch plans (preparation is optional) may be submitted to the Administrator and shall be drawn to a convenient scale of not more than one hundred (100) feet to an inch and shall show the following information:

- a. Location or vicinity map
- b. Ownership of property and adjacent properties

- c. Review Sections 401, 402.4 and 402.5 of these Regulations and make known in writing if any of the subsections may need to be reviewed prior to the preliminary or final plat submission.

Section 402.2 Preliminary Plan

The developer shall submit a preliminary plan for review and tentative approval prior to the formulation and submittal of a final plat. The preliminary plan is conducted for the developer's benefit. Its submission does not constitute a formal subdivision review pursuant to ORC § 711.10. With the submission of the preliminary plan, the applicant waives any rights to an approval under ORC § 711.10 until such time as application is made for final subdivision plat review and is submitted to the Planning Commission for review and approval as detailed in these Regulations.

Section 402.3 Preliminary Plan Form

The preliminary plan application shall contain all of the following:

- a. Complete application form available from the Planning Commission.
- b. Signed variance application form and fee (if applicable).
- c. Copies of the preliminary plan containing all required information.
- d. One set of conceptual subdivision improvement plans, provided that completed design drawings shall be required at a later time.

Section 402.4 Preliminary Plan Content

The preliminary plan shall contain the following information:

- a. Proposed name of the subdivision, location by section, range, township or other survey.
- b. Boundaries and acreage.
- c. Name, address and telephone number of the owner, subdivider, professional surveyor and professional engineer with appropriate numbers and seals.
- d. Date of survey, scale of the plat, north arrow, legend and a vicinity map of a scale not less than 2000 feet to an inch.
- e. Name of adjacent subdivisions, owners of adjoining parcels, and location of common boundary lines, extended to 200 feet beyond the boundary of the subdivision.
- f. Topographic contours with intervals no greater than 2 feet at 5% slope, no greater than 5 feet for slopes over 5% and less than or equal to 15%, and no greater than 10 feet for slopes greater than 15%.
- g. Location, width, and names of existing streets, railroad rights-of-way, easements, parks, buildings, corporation and township lines; wooded areas, water courses, drainage patterns, and water bodies.
- h. Topographic features within and adjacent to the plat for a minimum distance of 200 feet unless access to adjacent property has been denied the professional surveyor.
- i. Location of floodways, floodplains, current and abandoned mining activity, and a good faith effort to identify other potentially hazardous areas.
- j. A good faith effort to identify the location of environmentally sensitive areas.
- k. A good faith effort to identify the soil types, derived from the USDA Soil Survey.
- l. A good faith effort to identify the layout, number, dimensions of each lot, and setback lines (a note listing setback dimensions may be added in lieu of showing setback lines if the plan will be made more legible). Reference Section 507.1 of these Regulations for lot arrangement and setback details.
- m. Parcels of land reserved for public use or reserved by covenant for residents of the subdivision.
- n. Point of ingress/egress or driveway locations and the distance to any existing driveway(s).

- o. Type of water supply and wastewater disposal proposed, approximate locations and dimensions of all proposed utilities and sewer lines, easements, drainage tiles, water mains, or other underground utilities within the tract or adjacent thereto.
- p. Known cemeteries, historical or archeological sites.
- q. Copy of proposed covenants and restrictions, and a schedule outlining the order of development of each section or phase of the subdivision.

Section 402.5 Additional Information for the Preliminary Plan

The following information applies only to specific project types, as necessary, and may be requested during the site review or required during review and approval of applications:

- a. Conceptual plan for commercial and industrial development, showing proposed parking, loading areas, alleys, pedestrian walkways, streets, points of vehicular ingress/egress to the development and landscape features.
- b. A drawing of all present and proposed grades and facilities for storm water drainage in cases where natural drainage is altered.
- c. A feasibility study on sewer and water facilities.
- d. Screening, buffering and/or noise abatement measures.
- e. Typical cross-sections and centerline profiles for each proposed street, and preliminary engineering designs of any new bridges or culverts proposed in the project.
- f. Other information, studies, items, or provisions deemed necessary or prudent to create buildable sites and to promote the public health, safety, and welfare.
- g. If any improvements are to be made within a publicly dedicated right of way, the applicant must make full disclosure of these plans at the earliest possible step in the review process. In the event of such improvements being proposed an application may be held from consideration until such a time that an agreement is reached between the applicant and the jurisdictional body responsible for said right of way.

Section 402.6 Public Hearing

The Planning Commission, prior to acting on a preliminary plan of a subdivision, may hold a public hearing at such time and upon such notice as the Planning Commission may designate.

Section 402.7 Filing

The preliminary plan shall be considered officially filed after it is examined by the Administrator and is found to be in full compliance with the application submittal provisions of these Regulations. The subdivider shall be notified by mail within five (5) days as to the date of official filing, which begins the thirty (30) day review period, and the meeting at which the plan shall be reviewed.

Section 402.8 Reviews and Approval of Preliminary Plans

The Planning Commission shall forward copies of the preliminary plan to such officials and agencies as may be necessary for the purpose of study and recommendation. After receipt of reports from such officials and agencies, the Planning Commission shall determine whether the plan will be approved, approved with modifications, or disapproved. The reasons for such disapproval shall be stated in writing.

The Planning Commission shall act on the preliminary plan within thirty (30) days after filing unless such time is extended by agreement with the subdivider. Approval of the preliminary plan shall be conditioned on compliance with all other applicable resolutions and regulations.

Section 402.9 Preliminary Plan Expiration

The approval of the preliminary plan by the Planning Commission shall be effective for a maximum period of one (1) year from the date of its approval unless an extension of the approval has been granted in writing by the Planning Commission. If the final plat application is not accepted within one (1) year, the preliminary plan approval shall expire and become void.

Section 402.10 Preliminary Plan Recall

The Administrator may recall portions of the preliminary plan for consideration, and reapproval, modification, or disapproval by the Planning Commission. A recall may occur in one of the following circumstances:

- a. Incomplete, inaccurate or fraudulent information influenced approval.
- b. The subdivider has failed to satisfactorily pursue platting or conditions of approval.
- c. Previously unknown or new health, safety or environmental concerns arise.
- d. The subdivider shall be notified by letter no later than 30 days before the recall is scheduled for consideration.

Section 403 Major Subdivision Final Plat Standards

Section 403.1 Final Plat Procedures

Having received the approval of the preliminary plan, if applicable, the subdivider shall submit a final plat application containing all changes required by the Planning Commission in the preliminary plan.

A professional surveyor shall prepare the final plat, and the design for construction of improvements prepared by a professional engineer licensed to practice in the State of Ohio. Within five calendar days of submission, staff shall accept and schedule the plat for the next appropriate meeting of the Planning Commission and notify the township in accordance with ORC § 711.10 and this Section of these Regulations. Notification shall also be given to other appropriate agencies and officials.

Section 403.2 Final Plat Application

A complete application shall contain:

- a. Complete and signed application form available from the Planning Commission with the fee.
- b. Original plat document signed by the subdivider and lien holder with notary and seal and the professional surveyor with seal.
- c. Plat, signed by applicable township zoning, health, sanitary and other government authorities.
- d. Fourteen (14) sets of copies of the final plat and one (1) reproducible tracing of the plat. (The 14 sets of copies may be reduced to a smaller paper size, as long as they remain legible.)
- e. Three (3) sets of approved construction drawings and engineering specifications as required for grading, streets, storm water management, waterline, sanitary sewer, and other improvements. Applicants are encouraged to file the application for final plat approval only after the appropriate authority approves construction drawings and engineering specifications. Failure to do so shall result in non-acceptance of the application.
- f. Supplementary and additional information as required by these Regulations.

Section 403.3 Final Plat Form

The final plat shall be submitted in the following form:

- a. Drawn at a scale between one hundred (100) feet to the inch and ten (10) feet to the inch, inclusively.
- b. Plats shall be on one or more sheets eighteen (18) by twenty-four (24) inches in size and shall be clearly and legibly drawn. The original shall be drawn on reproducible material capable of producing blue or black line paper prints.
- c. No ditto marks shall be used on the final plat and a legend of all symbols and abbreviations used shall be included on the plat.
- d. The Planning Commission requires the final plat to be filed in a digital format.

Section 403.4 Final Plat Contents

The final plat shall contain the following information:

- a. Subdivision name, location by section, range, township or other accepted survey district.
- b. 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.
- c. A vicinity map showing general location of subdivision.
- d. Name, address and telephone number of owner, subdivider, professional surveyor and professional engineer with appropriate numbers and seals.
- e. Plat boundaries, based on accurate traverse, with angular and linear dimensions determined by an accurate control survey in the field. All lot lines shall be shown with accurate dimensions in feet and hundredths.
- f. Layout, number, dimensions of each lot, and set back lines (a note listing setback dimensions may be added in lieu of showing setback lines if the plat will be made more legible). Reference Section 507.1 of These Regulations for lot arrangement and setback details.
- g. Outline of areas to be dedicated or reserved for public or common use of property owners within the plat, and previous lots or blocks and their numbers indicated by a contrasting line style in the case of a replat.
- h. Bearings and distances to the nearest established street lines, and accurate location and description of all monuments.
- i. Names, locations, dimensions, rights-of-way of all existing and proposed streets and railroads within and adjoining the plat. Radii, internal angles, points of curvature, tangent bearings, length of arcs, and lengths and bearing of chords of all streets.
- j. Locations and dimensions of all easements and rights-of-way, with dimensions, purposes and wording addressing the purpose of such easements or rights-of-way.
- k. Location of all streams, rivers, canals or lakes, and flood hazard boundaries of the area.
- l. Base flood elevations and flood zone areas available from Federal Emergency Management, (FEMA) shall be shown.
- m. A copy of any restrictive covenants, and other notes, items, restrictions, or provisions required by these Regulations, the Planning Commission or its designated representative, or other plat signing authority.
- n. A statement or table showing total acreage in the subdivision and total acreage of lots, roads, open space, easements and other types of uses.

- o. Spaces for all signatures required by Article VIII.
- p. If the plat is within a township that has zoning regulations, then certification from the appropriate township zoning inspector shall be required to ensure that the proposal is in accordance with the township's zoning resolution.
- q. A letter from the permitting agency indicating that a driveway permit has been issued or will be issued by the office of the county engineer ODOT, or applicable township on existing roads.
- r. The error of closure of existing metes and bounds shall not be greater than 1/10,000.
- s. Any application requirement not listed above, that is however required to submit a preliminary plan in accordance with these Regulations.

Section 403.5 Filing

The final plat shall be filed with the Planning Commission not later than one (1) year after the date of approval of the preliminary plan; otherwise it will be considered void unless an extension is requested by the subdivider and granted in writing by the Planning Commission. The final plat shall be filed at least thirty (30) days prior to the meeting at which it is to be considered.

SECTION 404 Major Subdivision Approval

Section 404.1 Planning Commission Action

Before any final plat is approved, the ODOT must be notified as required by Section 401.2 of these Regulations.

The Planning Commission shall act on the final plat within forty-five (45) calendar days after a complete application is received in the Office of the Administrator, unless such time is extended by agreement with the subdivider, the final plat is withdrawn or a delay-of-action is requested and granted. Failure of the Planning Commission to act upon the final plat within such time shall be deemed an approval of the plat. Conditional approval of a final plat shall be limited to minor clerical and other non-substantive errors as determined by the Planning Commission.

If a plat is disapproved, the reason shall be stated in the record of the Planning Commission. If disapproved, the subdivider shall make the necessary corrections and resubmit the final plat, within forty-five (45) calendar days, to the Planning Commission for its final approval. If a final plat is refused by the Planning Commission, the person resubmitting the plat, which the Planning Commission refused to approve, may file a petition within sixty (60) days after such refusal in a court of component jurisdiction.

Section 404.2 Public Improvements

Prior to the granting of approval of the final plat, the 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 dedicated prior to signing of the final plat, the Planning Commission shall require that the applicant furnish a performance guarantee in accordance with Section 702 for the ultimate installation of said improvements.

Section 404.3 Final Plat Expiration

The subdivider shall record the final plat within 60 days of final approval; otherwise the final plat approval shall expire and become void.

Section 404.4 Signing, Recording and Transmittal of Copies of Final Plat

When a final plat has been approved and all conditions for approval have been satisfied, the designated representative of the Planning Commission shall sign the certificate of approval on the original tracing and return the same to the subdivider. The subdivider shall, within 60 days, submit a copy of the approved plat for processing by the county tax map department, county auditor, and filing with the county recorder. Should the final plat be transferred to new ownership, then the submitted final plat shall be in accordance with all requirements of the *Transfer and Conveyance Standards of the Noble County Auditor and the Noble County Engineer*.

It shall be the responsibility of the subdivider to gain all necessary certifications before filing the plat with the county recorder. The subdivider shall provide the Planning Commission with a paper copy of the approved plat. After the plat is recorded, the original plat or an archival quality reproducible reproduction shall be filed with the county recorder. Any office may require the submission of the final plat in digital or computer format.

Section 404.5 Final Plat Amendments

Amendment of the preliminary plan may be required before or concurrent with any amendment to a final plat.

Article V

SITE DESIGN STANDARDS

Section 501 General Purpose

The purpose of good subdivision and site design is to create a functional and attractive development, minimize adverse impacts, and ensure that a project will be an asset to the county. To promote this purpose, the subdivision shall conform to this Article's standards that are designed to result in a well-planned community without adding unnecessarily to development costs. These design controls shall help ensure creation of convenient and safe streets, usable lots, space for public purposes, and will minimize the undesirable features of unplanned, haphazard growth. The Planning Commission has the responsibility for reviewing the design of each subdivision early in its design development to ensure that all the requirements of these Regulations are addressed.

Section 502 Suitability of Land

Land to be subdivided shall be of such character that it can be used for its intended purposes, and shall not be subdivided until adequate facilities and improvements such as drainage, water, and sewerage, are provided, or a performance bond, in accordance with Section 702, is filed to assure that the subdivider will make the required improvements.

The Planning Commission may find that the land proposed to be subdivided is unsuitable for subdivision development due to poor drainage, flood hazard, topography, inadequate water supply, landslip potential, unstable subsurface conditions due to underground mining or for reasons which may endanger health, life, safety, or property. If it is determined that in the best interest of the public the land should not be developed for the purpose proposed, the Planning Commission shall not approve the subdivision unless adequate methods for solving the problems are advanced by the subdivider.

For major subdivisions, a written statement may be required by the Planning Commission describing characteristics of the development site, such as bedrock geology and soils, topography, flood prone areas, existing vegetation, structures and road networks, visual features, and past and present use of the site.

Noble County contains sufficient amount of land located on areas defined by any governmental entity to contain or have once contained an active or abandoned underground mine, or such lands that are within five hundred (500) feet of an active or proposed surface mine. Any property found to have this characteristic may be required to have a site analysis study conducted to ensure that the ground is capable of supporting the use for which it is being proposed.

The soils on any proposed site shall be deemed suitable for their intended use per the Noble County Soil and Water Conservation District.

Specific setback requirements may be required by the Planning Commission or the Administrator prior to the subdivision. Specific examples of setback requirements include, but are not limited to the following:

- a. Setbacks for oil and gas development consistent with the standards of the Ohio Department of Natural Resources (ODNR); and
- b. Setbacks of at least 20 feet from any cemetery.

Section 503 Conformance to Applicable Rules and Regulations

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

- a. All applicable township zoning resolutions (if applicable) and all other applicable laws in which the subdivision is to be located.

- b. The comprehensive plan, public utility plan, and capital improvement programs, including plans for all streets, drainage systems, and parks.
- c. The special requirements of these Regulations and any rule of the Noble County Health Department and/or appropriate state agencies.
- d. The rules of the Ohio Department of Transportation if the subdivision or any lot contained therein abuts a state highway or connected street.
- e. The standards and regulations adopted by the Noble County Engineer, and all boards, agencies and officials of the county including but not limited to the *Transfer and Conveyance Standards of the Noble County Auditor and the Noble County Engineer*.

Section 504 Subdivision and Site Design

Design of the subdivision shall take into consideration existing county, municipal, and regional comprehensive plans, and shall be based on a site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alterations of natural features. The following specific areas shall be preserved as undeveloped open space, to the extent consistent with the reasonable utilization of land, and in accordance with the U.S. and Ohio Constitutions and state or federal regulations:

- a. Unique and/or fragile areas, including wetlands, as may be defined in Section 404 of the Federal Water Pollution Act, as amended; and in the Ohio Environmental Protection Agency standards.
- b. Steep slopes in excess of fifteen (15) percent unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken into account to the satisfaction of both the Administrator and the Planning Commission.
- c. Habitats of endangered wildlife, as identified on federal and state lists.
- d. Historically and culturally significant structures and sites, as listed on the National Register of Historical Places.
- e. The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and, to mitigate adverse effects of noise, odor, traffic, drainage, and utilities on neighboring properties.
- f. The placement of buildings in residential developments shall take into consideration topography, building height, orientation and drainage.

Section 505 Floodplain Management

Flood prone areas shall be defined as those specified on the Federal Emergency Management Agency (FEMA) Flood Hazard Map, or those soils defined in the United States Department of Agriculture (USDA) Soil Survey of Noble County. All subdivision applications shall be forwarded to the Noble County Office of Emergency Management to ensure that the application meets the requirements of the County’s Floodplain Ordinance.

Section 506 Blocks

The following regulations shall govern the design and layout of blocks:

- a. The arrangements of blocks shall conform to the street design criteria set forth in these Regulations.
- b. Blocks shall be arranged to accommodate lots and building sites of the size and character required by these Regulations and any applicable township zoning resolution, to provide for adequate community facilities, and with regard of the limitations and opportunities of topography.

- c. Irregularly shaped blocks, blocks intended for cul-de-sacs and loop streets, and blocks containing interior parks and playgrounds may be approved by the Planning Commission if properly designed and located.
- d. No block shall be larger than (1400) feet, or (12) times the minimum lot width required in any applicable township zoning district, and no less than (800) feet. Cross streets shall be provided between blocks.
- e. Where blocks are more than (900) feet in length, a walkway easement not less than (10) feet in width at or near the halfway point of the block may be required between streets.
- f. Blocks in the traditional gridiron pattern should consist of two tiers of lots and an easement may be included to separate them.
- g. Through lots (extending from one parallel street to the other) shall be discouraged to avoid problems between adjoining owners, and to reduce the number of streets.

Section 507 Lot Improvements

Section 507.1 Lot Arrangement and Dimensions

- a. Lot arrangement, design, and dimensions shall be such that all lots will provide satisfactory building sites. Driveway access to buildings on the lot shall be from a dedicated public street (existing or proposed or on a private street meeting public street standards). Lots shall be properly related to topography and the character of the surrounding development; and shall be in compliance with township zoning regulations (if applicable) and the Noble County Health Department regulations.
- b. The Planning Commission, upon recommendation from the Noble County Health Department may increase the size of any or all lots in the subdivision or may deny approval of the subdivision.
- c. Dimensions of corner lots shall be large enough to allow the erection of buildings, observing the minimum front-yard setback from both streets.
- d. The building setback for all lots shall be a minimum of thirty (30) feet from the edge of the right of way.
- e. The offset for side lot lines shall be a minimum of ten (10) feet.

Section 507.2 Lot Orientation

Residential lots shall front on a dedicated public street (existing or proposed) or on a private street meeting public street standards. All side lot lines where practicable should be at approximate right angles to street lines or radial to curving street lines, unless a variation from these rules will give a better street or lot plan. Variations are permitted to accommodate barriers such as streams and existing utility easements. However, side lot lines shall not deflect more than (30) degrees from the perpendicular in relation to street centerlines. A side lot line shall maintain the same angle of deflection between the front lot line and the minimum building setback line as established by any township zoning regulation (if applicable) or these Regulations.

The lot line common to the street right-of-way shall be the front line. All lots shall face the front line and a similar line across the street. Wherever feasible, lots shall be arranged so that the rear line does not abut the sideline of an adjacent lot.

Section 507.3 Double Frontage Lots and Access to Lots

- a. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. Residential lots abutting arterial or collector streets, where marginal access streets are not desirable or possible to attain, shall be designed as reverse lots or with side lot lines

parallel to the major traffic streets. These requirements may be waived by mutual consent of the Planning Commission and the County Engineer.

- b. Lots may not be created by dividing land at the end of stub streets in adjacent subdivisions, such stub streets being intended to promote continuity of street systems in adjoining subdivisions.
- c. Fifty (50) feet (minimum) of additional lot depth or appropriate buffering as determined by the Administrator may be required where a residential lot in a subdivision backs up to a railroad right-of-way, a high pressure gasoline or natural gas line, open drainage ditch, an arterial street or interstate highway, an industrial area or other existing land use which may have a detrimental effect on the residential use of the property, and where no local street is provided at the rear of such lot.

Section 507.4 Lot Measurements

A lot shall be measured as follows:

- a. Depth of a lot: The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- b. Width of a lot: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line, provided, however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width.

Section 507.5 Minimum Lot Size

- a. Properties where septic is required: The minimum lot size for all subdivisions shall be compliant with the Noble County Department of Health Regulations.
- b. Properties where public water and sewer are available: The minimum lot size shall be 15,000 square feet.

Section 508 Easements and Right of Ways

Section 508.1 Utility Easements

Location of utility line easements within the road right-of-way shall be located outside of the improved portion of the roadway. Utility easements may also be located along the front of line 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.

Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the subdivider to submit copies of the preliminary plan to all appropriate public utility companies.

Whenever practicable, the utilities shall be placed underground, according to the standards of the appropriate utility company.

Section 508.2 Residential Access Easements

A residential access easement shall only be approved when all of the following requirements are met:

- a. The residential access easement meets the requirements for a variance as set out in Section 204. Unless approved for a variance, the residential access easement is required to meet all of the other Article IV.
- b. The residential access easement is used to access a property that is currently landlocked (having a lack of street frontage) by no fault of the existing property owner.

- c. A residential access easement must be a minimum of 50 feet in width and have a bearings and distances description of the centerline of said easement.
- d. All property owners along a proposed access easement will be required to enter into a maintenance agreement for general repair and preservation of the roadway surface. This plan must be approved by the Noble County Planning Commission and recorded as an exhibit with each deed.
- e. All other feasible access options in accordance with these Regulations have been exhausted and no other end can be made.
- f. The following statement shall be applied to the plat and legal description of a proposed lot split on a residential access easement:

“The undersigned grantee(s) hereby acknowledge(s) that (he, she, they) understand that the premises described herein is located upon a non-dedicated private street. Further, the grantee(s) understands that no government body is responsible for care and maintenance of said private street.”

- g. A physical inspection of the proposed access shall be inspected by the Noble County Office of Emergency Management, to determine if the roadway will be adequate for any emergency response equipment to reach all building sites without injury to the equipment. A feasibility report shall be made and submitted with the variance application.

Section 508.3 Storm Water Easements

Easements shall be provided for storm drainage purposes. Such easements shall conform substantially with the lines of any natural water course, channels, streams or creeks which traverse the subdivision or for any new channel which is established to substitute for an existing natural watercourse, channel, stream or creek. Such easements shall be of sufficient width to provide adequate area for maintenance, however shall not be less than twenty (20) feet. Provisions of an easement in no way make any political subdivision responsible for said maintenance of storm water facilities. The plat shall specify the entity or person responsible for the maintenance of storm water facilities.

Section 508.4 Pedestrian Access Easements

Any pedestrian access easements proposed in areas outside of street/road right of ways must be approved for the intended purpose and have adequate easement width.

Section 508.5 Hazards

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.

Section 509 Standards for Nonresidential Subdivisions

Section 509.1

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 consider other uses in the vicinity.

Section 509.2

Proposed industrial parcels shall be suitable in area and dimension to the types of industrial development anticipated.

Section 509.3

Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

Section 509.4

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.

Section 510 Covenants and Restrictions

At any time during an application for a subdivision or variance the Planning Commission or Administrator may suggest or require the addition or amendment of any applicable covenants or restrictions in association with the impacted property. All covenants and/or restrictions shall be applied to the certificate of transfer and/or plat as may be applicable. The covenants and/or restrictions shall be recorded with the certificate of transfer and/or the plat and shall run with the land. Failure to apply or record any or all of the covenants or restrictions set forth by the Planning Commission shall be interpreted as a violation by the applicant, and subject to Section 210 of these regulations.

Article VI

STREET DESIGN STANDARDS

Section 601 General

These Regulations shall control the manner in which the road system is arranged on the land to permit the safe, efficient, and orderly movement of traffic; to meet, but not exceed, the needs of the present and future population; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.

Section 602 Street Frontage Requirement

No subdivision shall be approved unless the area to be subdivided has a minimum of 60 feet of road frontage on an actively maintained street shown upon a plat approved by the Planning Commission and recorded in the County Recorder's Office. An actively maintained street shall include all public and private owned right-of-way where regular maintenance is at a level where traffic is not impeded. Any street that is either new or is not actively maintained must be suitably improved as required by these Regulations or guaranteed, with a performance bond as required. Any street that is not publicly owned shall require a private maintenance agreement.

A subdivider may apply for a variance, in accordance with Section 204 of these Regulations, with the Planning Commission to reduce the 60-foot requirement. In addition to the requirements set out in Section 204, the Planning Commission shall consider the potential of whether or not the impact of the variance will create circumstances where land becomes devalued and less likely to be effectively used due to the lack of access to the public right-of-way. In no circumstances shall this variance be reduced to less than a 40-foot street frontage requirement.

Section 603 Official Road Design Standards

Section 603.1 Intersections

Streets shall intersect as nearly as possible at right angles and no street shall intersect another street at less than a sixty (60) degree angle. Street jogs shall have centerline offsets of at least one hundred twenty-five (125) feet. The right-of-way lines of intersecting streets shall be connected at all corners with a curve having a radius of at least twenty (20) feet.

Section 603.2 Curves

- a. When the line of a street changes direction by more than ten (10) degrees, the street line shall be connected by curves at the point where they deflect from each other. For all streets these radius shall be measured along the centerline.
- b. For dead end/ cul-de-sac streets, this curve shall be at least one hundred (100) feet in radius and for all other streets at least three hundred fifty (350) feet in radius.
- c. Vertical curves shall provide the stopping sight distance required for thirty-five (35) miles per hour (MPH).

Section 603.3 Cul-de-Sacs and Dead-End Streets

- a. No cul-de-sac or dead-end street shall be more than one thousand two hundred (1,200) feet in length.
- b. At the end of a permanent cul-de-sac or dead-end street, the minimum pavement radius shall be fifty (50) feet and the minimum right-of-way radius shall be sixty (60) feet.
- c. Dead-end streets may only be left in place for a period of six months or less. If after six months, the dead-end street still remains, the County shall require that a cul-de-sac be installed.

Section 603.4 Street Road Grades

Street grades shall be not less than 0.4 percent, and not more than fifteen (15) percent, except with approval from the county engineer for steeper grade.

Section 603.5 Street/Road Names/Signs

Streets shall be named without duplicating the name of existing streets in Noble County and approved by the county engineer. Street signs shall be installed by the developer in accordance with the Ohio Manual of Uniform Traffic Control Devices published by the Ohio Department of Transportation and should be allowed to blend in with the architectural design of the development.

Section 603.6 Right of Way Widths

Street right-of-way widths shall not be less than fifty (50) feet.

Section 603.7 Pavement Widths

Street pavement widths shall not be less than twenty (20) feet.

Section 604 Plans for Public Water Supply, Stormwater, and Wastewater Facilities

A professional engineer, licensed in Ohio, shall design any plans for public water supply, storm water and wastewater facilities. The plans shall meet regulations set forth by the county engineer, health department, sanitary engineer, and The Ohio EPA.

Article VII

CONSTRUCTION OF IMPROVEMENTS

Section 701: Improvements and Cost Estimate Information

Before the signing of the final plat, all applicants shall be required to complete, to the satisfaction of the county engineer, county health department or other appropriate agency, all the streets and other public improvements, including lot improvements on the individual lots, as listed on the plat. When required improvements are not completed, the subdivider shall insure their completion with a performance guarantee acceptable to the board of county commissioners.

The developer, at his or her expense, shall make all required improvements and cost estimates for various materials and labor shall be provided as requested by a professional engineer licensed in the State of Ohio, or a qualified contractor acceptable to the County Engineer. The developer shall dedicate public improvements to the local government, free and clear of all liens and encumbrances on the dedicated property and public improvements.

Section 702: Performance 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 subdivider shall be required to provide a performance guarantee in one or a combination of the following arrangements:

Section 702.1 Subdivision Bond, or Deposit of Funds

The subdivider shall post a bond executed by a surety company or a deposit of funds equal to the estimated cost plus ten (10) percent of the required improvements. The guarantee shall be in favor of the Board of County Commissioners and shall guarantee construction of the improvements according to the plans and specifications approved by the county engineer. The term of the guarantee shall not be less than two (2) years plus a one (1) year maintenance period for a total of three (3) years. The board of county commissioners may grant an extension where good cause can be shown. The amount required for the guarantee can be reduced to a percentage of its original amount during the one-year maintenance period. Under no circumstances shall the required guarantee be tied to or be considered a portion of the developer's financing for the development. The guarantee shall be considered in effect when approved by the board of county commissioners pursuant to recommendation by the county engineer.

Section 702.2 Deposit

The subdivider may make a deposit with a responsible escrow agent, or with a trust company. The deposit shall be money or negotiable bonds in an amount equal to the estimated cost plus ten (10) percent of the required improvements. If a deposit of funds is made, an agreement may be executed to provide payments to the contractor or the subdivider from the deposit as the work progresses and is approved by the responsible county officials consistent with Section 708.

Section 702.3 Contract Documents or Escrow Agreements

Where contract documents or escrow agreements for the proposed improvements are available, copies of such contracts shall be certified to the board of county commissioners and, when approved, will constitute sufficient guarantee for the installation of required improvements in lieu of other methods stated above.

Section 703: Temporary Improvements

The applicant shall build and pay for all temporary improvements required by the county engineer and shall maintain those temporary improvements for the period specified by the county engineer. Prior to construction of any temporary facility or improvements, the developer shall file with the board of county commissioners a separate performance guarantee in an amount equal to the estimated cost of the temporary facilities, which shall ensure that the temporary facilities will be properly constructed, maintained and removed.

Section 704: Extension of Time

If the construction or installation of any improvements or facility, for which guarantee has been made by the developer is not completed within two (2) years from the date of final approval of the recorded plat, the developer may request the board of county commissioners to grant an extension provided he can show reasonable cause for inability to complete said improvements within the required two (2) years. The request shall be accompanied by a revised cost estimate of construction to be completed and performance guarantee as provided by part a of Section 702 hereof covering the period of the extension and one year maintenance period.

Section 705: Failure to Complete Improvements

In case the subdivider fails to complete the required public improvements work within such time period as required by the conditions or guarantees as outlined above, the Board of County Commissioners may proceed to have such work completed and reimburse itself for the cost thereof by appropriating the deposit of funds or subdivision bond, or by drawing upon the letter of credit, or shall take the necessary steps to require performance by the bonding company.

Section 706: Deferral or Waiver of Required Improvements

The Planning Commission may defer or waive, at the time of final plat approval and subject to appropriate conditions, the provisions of any or all public improvements as, in its judgment, are not requisite in the interest of the public health, safety, or welfare, or which are inappropriate because of the inadequate or nonexistence of connecting facilities. Any determination to defer or waive the provision of certain public improvements must be expressly made on the record.

Whenever it is deemed necessary by the Planning Commission to defer the construction of any improvements, the subdivider shall pay his share of the cost of the future improvements to the county prior to the signing of the final subdivision plat by the Planning Commission. The developer may provide a separate guarantee for the completion of the deferred improvements upon demand of the county.

Section 707: Inspection of Improvements

The county engineer shall coordinate with the county health department or other appropriate agency to provide for inspection of required improvements during construction and ensure their satisfactory completion. The Applicant shall pay to the county an inspection fee, and shall notify proper administration officials at least twenty-four (24) hours before each phase of the improvements is ready for inspection. The board of county commissioners may waive the requirement for inspection fees to be paid by the developer. Work requiring periodic inspections and an inspection schedule shall be finalized by the developer and inspectors before any work begins. If, in the opinion of the inspector, installations are improper or inadequate, the inspector shall issue a stop order. The developer may appeal the inspector's findings to the county engineer within forty-eight (48) hours. Failure to comply with the inspector and/or county engineer's directive will be deemed a violation these Rules and Regulations subject to having the approved final plat invalidated by the Planning Commission.

Section 708: Completion of Work and Reduction of Security

As required improvements are completed, the board of county commissioners may, with concurrence of the county engineer, reduce the amount of the guarantee, in the following increments: 25%, 50%, and 75%. Twenty-two percent (22%) of the remaining amount of the guarantee shall be released when all construction, installation, and improvements have been completed and approved by the respective government authorities. The remaining three percent (3%) will be held for a one-year maintenance period. Guarantees for roads, storm drainage, water and sanitary sewer improvements shall not be released independently.

Section 709: Acceptance of Streets and Storm Drainage for Use and Maintenance by the Public

The subdivider shall have properly constructed and maintained all required improvements at the time he requests their acceptance by the county engineer. Upon completion of all improvements, the developer shall request that the county engineer perform an inspection for conditional acceptance. After the inspection, the county engineer will do one of the following:

- a. Issue a letter to the board of county commissioners, with a copy to the developer, giving notice of the engineer's conditional acceptance and the amount of a maintenance bond.
- b. Issue a letter to the developer, with a copy to the board of county commissioners listing items of work necessary to accomplish satisfactory completion of the improvements.

Upon completion of the improvements and conditional acceptance by the county engineer, the developer shall furnish a maintenance guarantee in the amount of 3% of the total performance guarantee or \$1,000.00, whichever amount is larger. The subdivider shall be responsible for routine maintenance of all improvements and shall repair all failures due to faulty construction as soon as they become apparent. Said subdivider shall also make repairs due to erosion or abuse by utility companies installing utilities and shall repair all failures, for all other reasons, during the one (1) year period. He shall restore the improvements at the end of the maintenance period.

The improvements will be eligible for final acceptance one year after the conditional acceptance. The maintenance bond shall remain in effect until final acceptance by the county engineer. Before the board of county commissioners will release the maintenance bond or maintenance fund, the developer shall submit a sworn statement that all bills and financial obligations incurred for maintenance or restoration of the subdivision improvements have been fully paid.

One year after conditional acceptance, the developer shall, after restoring all improvements to an acceptable condition, and after all monies are paid, request that the county engineer perform an inspection for final acceptance. After the inspection, the county engineer will do one of the following:

- a. Issue a letter to the board of commissioners, with a copy to the developer, recommending release of maintenance bond(s).
- b. Issue a letter to the developer, with a copy to the board of county commissioners, listing items of work necessary to accomplish before final acceptance can be made.

Article VIII

STATEMENTS AND SIGNATURES TO BE AFFIXED ON THE PLAT

Section 801: Required Statements

Some or all of the following statements, or similar appropriate statements, shall be required to be affixed on the subdivision plat. The Planning Commission may require modifications to the statements. All signatures, except the signatures of the county auditor, county recorder, and the Planning Commission shall be obtained prior to approval of the subdivision plat by the Planning Commission. Do not include any text associated with the title blocks that are in parentheses or italicized on the plat.

Section 802: Deed Reference (REQUIRED)

Situated in (Military Survey _____) _____ Township, County, Ohio, containing _____ acres and being (part or) the same tract as conveyed to _____ and described in the deed recorded in Deed (Official Records) Book _____ Page ___, County, Ohio.

Section 803: Owner's Consent and Dedication (REQUIRED)

We, the undersigned, being all the owners and lien holders of the lands herein platted, do hereby voluntarily consent to the execution of the said plat and do dedicate the streets, parks or public grounds as shown hereon to the public use forever. Any "Public Utility Easements" as shown on this plat are for the placement of sidewalks and for the maintenance and repair of streets. This easement and all other easements shown on this plat, unless designated for a specific purpose, are for the construction, operation, maintenance, repair, replacement or removal of water, sewer, gas, electric, telephone, cable television, or other utility lines or services, storm water disposal and for the express privilege of cutting, trimming or removing any and all trees or other obstructions within said easement, or immediately adjacent thereto, to the free use of said easements or adjacent streets and for providing ingress and egress to the property for said purposes and are to be maintained as such forever.

No buildings or other structures may be built within said easements, nor may the easement area be physically altered so as to (1) reduce clearances or either overhead or underground facilities; (2) impair the land support of said facilities; (3) impair ability to maintain the facilities; or (4) create a hazard. The above public utility easements are for the benefit of all public utility service providers.

(Signature of owner, all lien holders and two witnesses for each signature required)

Section 804: Drainage Statement (REQUIRED)

The County Engineer assumes no legal obligation to maintain or repair any open drainage ditches or channels designated as "drainage easements" on this plat. The lot owner shall maintain the easement area of each lot and all improvements within it continuously. Within the easements, no structure, planting, fencing, culvert, or other material shall be placed or permitted to remain which may obstruct, retard, or divert the flow through the watercourse.

Section 805: Title Blocks to be Included on Plat

Section 805.1 Certificate of Ownership (REQUIRED)

We, _____ and _____ do hereby certify that we are the owners of the property described in the above caption and that all legally due taxes have been paid, and that as such owners, we have caused the said above described property to be surveyed and subdivided as shown.

_____, Seal

_____, Sea

I County
State of Ohio,} SS

Section 805.2 Certificate of Notary Public (REQUIRED)

State of Ohio S.S.

Be it remembered that on this ___day of ____, 20___ before me the undersigned, a Notary Public in and for said State, personally came _____(and _____), who acknowledged the signing and execution of the foregoing plat to be their voluntary act and deed. In testimony whereof, I have set my hand and Notary Seal on the day and date above written.

(Signature) _____

(Print name here) _____

State of Ohio

My commission expires _____

Section 805.3 Certificate of Surveyor (REQUIRED)

I hereby certify that this map is a true and complete survey made by me (under my supervision, on date) and that all monuments and lot corner pins are (or will be) set as shown.

(Signature)_____

(Print name and registration number here) _____

Registered Surveyor

Section 805.4 County Engineer (REQUIRED)

I hereby approve this plat on this ____ day of _____, 20 ____.

County Sanitary Engineer

Section 805.5 Health Department (REQUIRED)

I hereby approve this plat on this ____ day of _____, 20 ____.

County Health Commissioner

Section 805.6 Planning Commission Approval (REQUIRED)

Pursuant to ORC 711.09

This plat was approved by the Noble County Planning Commission

On this ____ day of _____, 20 ____.

Executive Director

Section 805.7 Noble County Commissioner (REQUIRED)

Certification of Submission

I hereby certify this plat was submitted to the Board of County Commissioners, __day of _____20 ____.

Clerk, Board of County Commissioners

Plat Approval

This plat is hereby approved pursuant to ORC 711.05 __day of _____20 ____, Resolution # _____.

Commissioner

Commissioner

Commissioner

ATTEST: _____
Clerk, Board of County Commissioners

Section 805.8 County Auditor’s Transfer (REQUIRED)

Transferred on this __day of _____, 20 ____.

By _____
Deputy County Auditor

Section 805.9 County Recorder (REQUIRED)

File No. _____

Received on this __ day of _____, 20 __ at _____ .M.

Recorded on this __ day of _____, 20 __ at _____ .M.

Recorded in plat book No. _____, Page _____.

Fee _____.

By _____
County Recorder

Article IX

DEFINITIONS AND RULES OF INTREPRETATION

Section 901: Interpretation of Terms or Words

For the purpose of these Regulations, certain terms or words used herein shall be interpreted as follows:

- a. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- b. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- c. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
- d. The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied.” The word “lot” includes the words “plot or parcel.”
- e. The word “County” where used shall mean Noble County, Ohio and its legal entities.

Section 902: Glossary

Adjacent: A lot, parcel of land, or right-of-way that shares all or part of a common lot line or boundary with another lot, parcel of land, or right-of-way. For the purposes of these Regulations this term does not include properties that are divided by a public right-of-way even if the lots in question are very close in proximity to each other.

Administrator: The person chosen by the Noble County Board of Commissioners to be the primary point of contact for the administration and enforcement of these Subdivision Regulations.

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

Alley: See Street Types.

Block: That property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, un-subdivided acreage, river or live stream, or between any of the foregoing and any other barrier to the continuity of development.

Board: The Noble County Board of County Commissioners.

Building: A structure designed to be used as a place of occupancy, storage or shelter.

Building Site: A parcel under separate deed or description containing less than 5 acres and having road frontage.

Comprehensive Plan: A plan or any portion, thereof, adopted by the Planning Commission and the Board of County Commissioners showing the general location and extent of present and proposed physical facilities, including housing, industrial, and commercial uses, major streets, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

Corner Lot: See Lot Types.

Covenant: A written promise or pledge.

Cul-de-sac: See Street Types.

Culvert: A transverse drain that channels under a bridge, street, or driveway.

Dead-end Street: See Street Types.

Develop: To make a development; also to do any grading or filling of land, whether undeveloped or already subdivided, so as to change the drainage or the flow of water, or to do any work upon the land that is capable of serving as a subdivision or development of building sites in the future.

Developer: Any individual, subdivider, firm association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

Driveway: A vehicular travel way used to provide access from a street to dwelling units or commercial or industrial activities. Driveways are designed for low travel speeds and are often used as, or are integral with, parking areas for vehicles.

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

Easement: A grant by the property owner of the use of a strip of land by the public, a corporation, or other persons, for specified purposes.

Engineer: Any person registered to practice professional engineering by the state board of registration as specified in ORC § Section 4733.14.

Erosion: The wearing away of the earth's soil surface by water, wind, gravity, or any other natural process.

FEMA: The Federal Emergency Management Agency.

Final Plat: A revised version of the preliminary plan showing exact locations of lot lines, rights-of way, easements, and dedicated areas. The final plat is recorded in the office of the County Recorder.

Flood: An overflowing of water, from watercourses, onto land, which is normally dry.

Flood, 100-Year: The temporary inundation of normally dry land areas by a flood that is likely to occur once every 100 years (i.e., that has a one percent (1%) chance of occurring each year, although the flood may occur in any year.)

Floodplain: Any land area susceptible to be inundated by water from the base flood. The term refers to that area designated as subject to flooding from the base flood (100-year flood) on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development.

Grade: The amount of rise or descent of a sloping land surface, usually measured as a percent where the numbered percent represents the amount of vertical rise or fall, in feet, for every 100 feet horizontally. For example, a one foot vertical rise over one hundred horizontal feet represents a one percent slope.

Health Department: Noble County Health Department.

Household Sewage Disposal System: means any sewage disposal or treatment system or part thereof for a single family, two family, or three family dwelling, which receives sewage in accordance with Chapter 3701-29 of the Ohio Administrative Code as amended hereafter.

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

Land Contract: A legal agreement between a landowner and another person or persons interested in purchasing real property owned by the landowner, wherein the landowner agrees to receive regular payments, at specified intervals for a specified period of time, from the purchaser and at the end of the specified time period agrees to transfer ownership of the property to the purchaser.

Location Map: See Vicinity Map.

Lot: For purposes of these regulations, a lot is a parcel of land that is:

- 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 Area: The area of a lot computed exclusive of any portion of the right(s) of way of any public or private street.

Lot Depth: The mean horizontal distance between the front and rear lines of a lot.

Lot Frontage: The front of a lot shall be constructed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this Section.

Lot of Record: A lot, which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types: Terminology used in these Regulations with reference to lot types are as follows:

- a. **Corner Lot:** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
- b. **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.
- c. **Reversed 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.

Lot Width: The horizontal distance between side lot lines measured along the required building setback line. When the street line is curved, the measurement shall be made on the arc, on or parallel to the curve of the street line.

Major Thoroughfare Plan: A plan that shows a jurisdiction's roadways; has then broken into functional classifications and creates a plan for future improvements to the transportation system.

Maintenance Bond: An agreement by a subdivider or developer with the county guaranteeing the maintenance of physical improvements for a period of one (1) year from the release of the performance bond.

Minor Subdivision: A division of a parcel of land that does not require a plat to be approved by the Planning Commission according to ORC § 711.131. Also known as Lot Split.

Monuments: Any permanent marker either of stone, concrete, galvanized iron pipe, or iron or steel rods, used to identify the boundary lines of any tract, parcel, lot, or street lines that is placed by a licensed surveyor and in compliance with Ohio Revised Code (ORC) 711.03.

Open Space: An area open to the sky, which may be on the same lot as a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, and any other recreational facilities that the Planning Commission deems permissive. Streets, structures for habitation, and the like shall not be included.

Owner: Any 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.

Parcel: Any piece of land described by a current deed.

Performance Bond: An agreement by a developer with the county for the amount of the estimated construction cost (as approved by county commissioners and county engineer) guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

Performance Guarantee: Any security that may be accepted by a local government as a guarantee that the improvements required as part of an application are for development that is satisfactorily completed.

Person: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

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

Planning Commission: The Noble County, Ohio Regional Planning Commission.

Plat: The map, drawing, or chart on which the developer's subdivision is presented to the Planning Commission for approval, to the county recorder (final) for recording.

Preliminary Plan: The initial proposal, including both narrative and site design information, intended to provide the Planning Commission with an understanding of the manner in which the site in question is to be developed. The submittal of this plan is a required part of the subdivision process.

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 ways in which the general public entity have a right, or which are dedicated, whether improved or not. (See Right-of-Way)

Qualified Contractor: A contractor currently qualified to perform road construction activities, as evidenced by a certificate of qualifications from the Ohio Department of Transportation (ODOT).

Replat: A subdivision or plat, the site of which has heretofore been platted or subdivided with lots or parcels of land. It may include all or any part of a previous subdivision or plat.

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 of treatment) such as grade separation, landscaped areas, viaducts, and bridges. (See Public Way)

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

Sidewalk: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic. See Walkway.

Sketch Plan: An informal drawing which shows how a developer proposes to subdivide a property and which gives sufficient site information for the Administrator to offer suggestions for site development. A sketch plan is frequently used during a pre-development conference.

Street, Road, or Thoroughfare: The full width between property lines bounding every dedicated travel way, with a part thereof to be used for vehicular and pedestrian traffic.

Street Types: Terminology used in these Regulations with reference to street types are as follows:

- a. **Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street. Design speed is 10 miles per hour.
- b. **Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route. Design speed is generally 55 miles per hour.
- c. **Collector Street:** A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions. Design speed is generally 35 miles per hour.
- d. **Cul-de-Sac:** A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround. Design speed is generally 25 miles per hour.
- e. **Dead-end Street:** A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- f. **Local Street:** A street primarily for providing access to residential, commercial, or other abutting property. Design speed is generally 25 miles per hour.

- g. **Loop Street:** A type of local street each end of which terminated at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than three thousand (3000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
- h. **Marginal Access Street:** A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street.)

Stopping Sight Distance: The distance down a roadway for which a motorist is able to have unobstructed sight. Stopping sight distance is reduced by vertical and horizontal road curvature, fixed objects on the side of the road, and overhanging vegetation.

Subdivider: Any individual, developer, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to affect a subdivision of land hereunder for himself or for another.

Subdivision:

The term subdivision as used in these Regulations shall mean one or more of the following:

- a. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots, any one of which is less than twenty (20) 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 twenty (20) 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 of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
- b. The improvement of one 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)

Surveyor: Any person registered to practice surveying as specified in ORC 4733.02.

Tract: The term is used interchangeably with the term lot, particularly in the context of subdivisions, where one “tract” is subdivided into several “lots.”

Through Lot: See Lot Types.

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

Vicinity Map: A drawing located on the plat which 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 services within the county in order to better locate and orient the area in question.

Wetland: An area of land, as defined by the federal definition at the time of preliminary plan submission, inundated by water for a portion of each year resulting in the land possessing unique soil and vegetative types.

Yard: A required open space other than a court unoccupied and unobstructed by any structure from three (3) feet above the general ground level of the graded lot upward, provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstructions of visibility.

- a. **Yard, Front:** A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
- b. **Yard, Rear:** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
- c. **Yard, Side:** A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.