

201 General Provisions

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201.01 Title

The official name of the Subdivision Regulations including Comprehensive Plan Policies shall be the “Subdivision Regulations, including Comprehensive Plan Policies, of Wayne County, Ohio,” hereinafter known as the “Subdivision Regulations,” “Regulations” or “Code”.

201.02 Purpose and Intent

The purposes of the Subdivision Regulations are the following:

- A. To protect and provide for the public health, safety and general welfare.
- B. To ensure land to be subdivided is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
- C. To ensure that development subject to the Subdivision Regulations occurs in accordance with the County’s adopted Comprehensive Plan, as amended, and other County plans and policies.
- D. To provide for the orderly and beneficial development of Wayne County through appropriate growth management techniques assuring the timing and sequence of development and the proper design and construction of major and minor subdivisions.
- E. To ensure land is not subdivided until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage and capital improvements such as schools, parks, recreation facilities, transportation facilities and improvements.
- F. To ensure the proper arrangement of roads or other highways in relation to existing or planned roads or highways, a county or regional corridor plan, County Thoroughfare Plan and/or the County Transportation Plan.
- G. To ensure adequate and convenient traffic movement, utilities, access of fire fighting apparatus, recreation, light, air and privacy, and for the avoidance of congestion of population.
- H. To prevent the pollution of air, streams and ponds, and to ensure that development subject to the Subdivision Regulations is sensitive to and compatible with environmental considerations.
- I. To ensure the ability of the natural environment to adequately support such development without significant negative consequences, and to ensure critical natural resources including prime agricultural soils are preserved, conserved and/or protected.

- J. To establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.

201.03 Authority

The authority to adopt rules and regulations governing plats, subdivisions of land and site development, and to approve, conditionally approve or disapprove plats, subdivisions of land and site development within the unincorporated portion of Wayne County, Ohio, shall be derived from the authority provided pursuant to Chapters 711 and 713 of the Ohio Revised Code (ORC), as amended.

The Subdivision Regulations shall apply to all divisions of land and all development of land situated within the unincorporated portion of Wayne County, Ohio, with the following exceptions: Any creation of a lot not meeting the definition of a subdivision per the Subdivision Regulations, except that the design guidelines incorporated herein should be considered by the applicant and builder.

Rules and regulations may be adopted pursuant to and in support of the Subdivision Regulations, including but not limited to storm water management regulations, access management policy and erosion and sedimentation controls.

201.04 Jurisdiction

A. County Jurisdiction

The rules and regulations governing plats and subdivisions of land and site development contained herein shall apply within the unincorporated portion of Wayne County, Ohio.

B. Extra-Territorial Jurisdiction

Cities that have adopted a plan for the major thoroughfares, parks and other open public grounds including the unincorporated territory may enact extra-territorial review and approval of plats per ORC 711.09. Each city exercising their extra-territorial authority over plats may choose to adopt a policy that stipulates the geographic or other limits of their review within ORC provisions and must notify the Wayne County Planning Department in writing regarding the decision to exercise such authority. The written notice shall include:

1. A copy of the council ordinance exercising the authority.
2. A statement as to the specific standards that will be reviewed by the City.
3. An indication of the limits of the County's review authority.
4. A set of current property maps indicating the geographic extent of the extra-territorial authority.

When a subdivision is proposed to the County in a city's extra-territorial jurisdiction, the Planning Department and/or Planning Commission will forward a recommendation to the city that has enacted extra-territorial jurisdiction. The recommendation shall indicate the degree to which the proposed subdivision is in concurrence with the Comprehensive Plan, as amended, and the applicability of the Subdivision Regulations. In its recommendation, the Planning Department and/or Planning Commission may choose to recommend modifications to the proposed subdivision per the above evaluation for consideration by the city. Nothing in the Subdivision Regulations shall bind the city to the Department and/or Commission's recommendation. In order to fulfill this requirement, all applications for subdivision within

the unincorporated area of the county shall be filed with the County Planning Department, which department then has the responsibility for forwarding both the application and recommendations per above to the applicable city.

201.05 Enactment

The Subdivision Regulations are enacted by Resolution No.2006-750 duly adopted by the Board of County Commissioners of Wayne County, Ohio, on December 27, 2006 with an effective date of January 25, 2007, and do hereby serve as a replacement of the existing Wayne County, Ohio, Subdivision Planning Regulations.

201.06 Interpretation, Conflict and Severability

A. Interpretation and Conflict

In their interpretation and application, the Subdivision Regulations shall be held to be minimum requirements unless otherwise stated for the promotion of the public health, safety and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

1. Public Provisions

The Subdivision Regulations are not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in these regulations. The provisions of the Subdivision Regulations shall supplement any and all laws of the State of Ohio, resolutions of Wayne County or any and all rules and regulations promoted by authority of such law or resolution relating to the purposes and scope of the Subdivision Regulations. Whenever the requirements of the Subdivision Regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive or that imposing the higher standards shall govern, except in the case of conflicting state statutes wherein the state statutes shall govern.

2. Private Provisions

The Subdivision Regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of these regulations shall govern.

B. Severability

Each chapter, section, paragraph, sentence, clause, phrase or other divisible part of the Subdivision Regulations is hereby declared to be severable and if any such chapter, section, paragraph, sentence, clause, phrase or other divisible part of the Subdivision Regulations is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining chapters, sections, paragraphs, sentences, clauses, phrases or other divisible parts of the Subdivision Regulations since the same would have been enacted without the incorporation into the Subdivision Regulations of such unconstitutional or invalid chapter, section, paragraph, sentence, clause, phrase or other divisible part.

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201.07 Saving Provision

The Subdivision 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 the Subdivision Regulations, or as vacating or annulling any rights obtained by any person, firm or corporation by lawful action of Wayne County except as shall be expressly provided for in the Subdivision Regulations.

201.08 Reservations and Repeals

Upon the adoption of the Subdivision Regulations according to the Ohio Revised Code, the regulations of Wayne County adopted October 13, 2005 are hereby repealed, except as to those sections expressly retained in these regulations.

201.09 Amendments

For the purposes of protecting the public health, safety and general welfare, the Wayne County Planning Commission may from time to time propose amendments to these regulations, which shall then be approved or disapproved by the Wayne County Commissioners at a public meeting following public notice. At a minimum, once every three years the Administrative Officer shall conduct a review of the Subdivision Regulations commencing from the effective date of the Subdivision Regulations and shall issue a report to the Planning Commission with recommendations for proposed amendments.

201.10 Public Purpose

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of the valid police power delegated to counties by the State of Ohio. The developer/subdivider has the duty of compliance with reasonable conditions required by the Planning Commission for design, dedication, improvement and restrictive use of the land to conform to the physical and economic development of the County and to the health, safety and general welfare of the future lot owners in the subdivision and the community at large.

201.11 Variances, Administrative Waivers and Appeals

A. Variances

The Wayne County Planning Commission may grant variances to the Subdivision Regulations following the variance procedure and criteria. Variances shall be considered to be substantive modifications to existing regulations and standards, and are not otherwise subject to the provisions of the Administrative Waiver. Each case shall be decided on an individual basis and the physical evidence and burden of proof shall rest with the applicant.

1. Procedure

An applicant requesting a variance to a provision of the Subdivision Regulations shall complete an application form provided by the Administrative Officer and shall submit that application form with all necessary fees and accompanying material to the Wayne County Planning Department. Applications for variances shall be submitted at least 10 working days prior to a scheduled meeting of the Planning Commission. The applicant shall submit an original and 20 copies of the application package.

Upon a review of the submittal and determination that the submittal is complete and meets all requirements per this section, the Administrative Officer shall place the variance on the agenda for the next Planning Commission meeting. The Administrative Officer shall review the request and prepare a written recommendation, following review and comments from the Technical Review Committee and other appropriate offices. The recommendation shall accompany a copy of the application package that is forwarded to the Planning Commission with the meeting notice. Notice of the variance request shall be posted in the Planning Department and a second public location in the County Administration Building.

The Planning Commission shall hear the request and make a decision within 30 days of its hearing of the request. In its motion, the Commission shall fully describe the variance(s) granted, including citing the appropriate sections of the Subdivision Regulations, citing the basis, conditions and reasons for its action, including the criteria under Subsection 2 that are met by the applicant in moving for approval. The Commission may also require conditions or modifications to the application that, in its judgment, secure substantially the objective of the standards or requirements so varied or modified and which protect the public health, safety and general welfare.

2. Criteria

The Planning Commission in consideration of a request for a variance shall use the following criteria. In order to approve a variance, the Planning Commission must cite at least one of the following criteria to justify an approval:

- a. That an extraordinary and obviously unnecessary hardship may result from the strict application of the Subdivision Regulations due to exceptional topographic or other physical conditions. Such hardship may not be considered if it was brought upon by the actions of the applicant.
- b. That truly unique circumstances are present that create a hardship with the strict application of the Subdivision Regulations. Such hardship may not be considered if it was brought upon by the actions of the applicant.

3. Planning Commission Action Must Not Conflict With Certain Policies

In approving an application for a variance, the action of the Planning Commission must not conflict with the following policies:

- a. In no instance shall a variance be granted for the sole purpose of increasing economic benefit to the applicant.
- b. In no instance shall a variance be granted which has the effect of nullifying the intent and purposes of the Subdivision Regulations, the Wayne County Comprehensive Plan as amended or a zoning resolution if such exists.
- c. In no instance shall a variance be granted that conveys to the applicant, developer, subdivider, builder or property owner special rights or privileges, as determined by the Planning Commission.

4. Effect of Approval and Period of Validity

The approved variance and its conditions shall be noted on the Final Plat. If approved, the variance shall remain valid for 12 months from the date of approval or as long as a subdivision is being actively processed in accordance with the Subdivision Regulations.

Subdivisions, which fail to meet the processing requirements, will be required to submit a new variance request.

B. Administrative Waivers

The Administrative Officer may grant waivers of the Subdivision Regulations in situations where extraordinary hardships or practical difficulties may result from strict compliance or where the officer determines that the purposes of the Subdivision Regulations may be served to a greater extent by an alternative proposal, per Subsection 2. The Administrative Officer following the administrative waiver procedure and criteria may grant waivers to the following regulations.

1. Procedure

An applicant for approval at any stage under the Subdivision Regulations may request an Administrative Waiver by submitting an application and attached information as required, as provided under Subsection 2. The Administrative Officer shall not consider the application package until determining that it is complete. Following that determination the Administrative Officer shall render a written decision within 10 working days.

The applicant requesting the waiver may appeal the Administrative Officer's decision to the Planning Commission. This appeal must be submitted to the Planning Department within 30 working days of receipt of the Administrative Officer's written decision. The appeal shall be heard and considered by the Planning Commission at its next scheduled meeting. The Commission shall decide upon the appeal at that meeting, unless the applicant agrees to a tabling of the appeal for no more than 30 days, in which the Commission shall reconsider the appeal and render a decision.

2. Regulations Subject to an Administrative Waiver

The Administrative Officer may issue an Administrative Waiver for any one of the following actions. The officer, in deciding whether the request is appropriate under the Subdivision Regulations, shall base his decision on whether the request is sufficiently substantive as to require a consideration as a request for a variance by the Planning Commission.

- a. A variation of no more than 7 feet of any required setback.
- b. Slight modifications to application and/or submittal requirements that do not substantially conflict with the requirements of the Subdivision Regulations or which would otherwise inhibit the Planning Commission from rendering a decision.
- c. Minor modifications to a Final Plat after Planning Commission approval and before recording.
- d. Minor subdivisions, which are being platted as major subdivisions at the request of the owner, shall be reviewed as a minor subdivision under Section 203; any major subdivision requirements other than appropriate signatures shall be waived.

3. Criteria

The Administrative Officer shall approve a request for an Administrative Waiver provided that all of the following criteria have been fully met:

- a. The applicant has submitted a request that fully demonstrates the desirability of the waiver.
- b. In no instance shall a waiver be granted for the sole purpose of increasing economic benefit to the applicant.

- c. In no instance shall a waiver be granted which has the effect of nullifying or compromising the intent and purposes of the Subdivision Regulations, the Wayne County Comprehensive Plan as amended or a zoning resolution if such exists.
- d. In no instance shall a waiver be granted that conveys to the applicant, developer, subdivider, builder or property owner special rights or privileges, as determined by the Planning Commission.

4. Effect of Approval and Period of Validity

Any relaxation of the minimum requirements of the Subdivision Regulations in regard to a particular subdivision or development shall be appropriately noted on the Final Plat. If approved, the waiver will remain valid for 12 months from the date of approval or as long as a subdivision is being actively processed in accordance with the Subdivision Regulations. Subdivisions, which fail to meet the processing requirements, will be required to submit a new waiver request.

C. Appeals

Any person who believes he or she has been aggrieved by the Subdivision Regulations or the action of the County Planning Commission, has all the rights of appeal as set forth in Chapter 711 of the Ohio Revised Code or any other applicable section of the Ohio Revised Code, as amended.

201.12 Nonconformances

Subdivisions approved prior to the adoption of these amended Subdivision Regulations shall be classified as legally nonconforming subdivisions and shall meet the regulations of the Wayne County Subdivision Regulations, adopted September 8, 1999, or as previously adopted. *Please see Section 201.08.*

Applications to create subdivisions (major or minor), which have been received by the Wayne County Planning Department, certified as fulfilling the submittal requirements and which are at a stage in the approval process, shall be processed according to the regulations in place prior to the effective date of these amended regulations.

Applications to create subdivisions (major or minor) submitted to the Planning Department after the effective date of these amended regulations, shall be processed and approved according to these amended regulations.

201.13 Enforcement, Violations and Penalties

Whoever violates any rule or regulation adopted by the Wayne County Commissioners for the purpose of setting standards, and requiring and securing the construction of improvements within a subdivision or fails to comply with any order pursuant thereto is creating a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the County or any citizen thereof. Whoever violates the Subdivision Regulations shall forfeit and pay not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00). Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas of Wayne County.

A County Recorder who records a plat contrary to the provisions of the Subdivision Regulations shall forfeit and pay not less than one hundred dollars (\$100.00) nor more than five hundred

dollars (\$500.00), to be recovered with costs in a civil action by the Prosecuting Attorney in the name and for the use of Wayne County (ORC 711.12).

Whoever, being the owner or agent of the owner of any land within or without a municipal corporation, transfers any lot, parcel or tract of such land from or in accordance with a plat of a subdivision before such plat has been recorded in the office of the County Recorder, shall forfeit and pay the sum of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each lot, parcel or tract of land so sold. The description of such lot, parcel or tract by metes and bounds in the deed of transfer shall not serve to exempt the seller from the forfeiture provided in this section. If such land is within a municipal corporation, such sum may be recovered in a civil action brought in the Court of Common Pleas of Wayne County by the legal representative of the municipality in the name of the municipality (ORC 711-13).

Any person who disposes of, offers for sale or lease for a time exceeding five years any lot or any part of a lot in a subdivision before provisions of the Subdivision Regulations are complied with shall forfeit and pay the sum of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each lot or part of a lot so sold, offered for sale or leased, to be recovered with costs in a civil action, in the name of the County Treasurer for the use of the County.

201.14 Prohibitions

A. Recording of a Plat

No plat for any subdivision shall be recorded by the Wayne County Recorder or have any validity until said plat has received final approval in the manner prescribed in these and other County regulations. *See Section 201.13 regarding applicable penalties.*

B. Revision of Plat after Approval

No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the Wayne County Planning Commission and endorsed in writing on the plat unless said plat is first submitted to the Commission for revision per the Subdivision Regulations. Once recorded a plat cannot be revised without replatting. *See Section 201.13 regarding applicable penalties.*

C. Sale of Land within Subdivisions

No owner or agent of the owner of any land located within a subdivision shall transfer or sell any lot, parcel or tract of land by reference to, exhibition of or by the use of a plat of subdivision before such plat has been approved and recorded in the manner prescribed in the Subdivision Regulations. The description of such lot, parcel or tract by metes and bounds or the Requirements for All Instruments of Conveyance in Wayne County, Ohio in the deed of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of the Subdivision Regulations. *See Section 201.13 regarding applicable penalties.*

D. One Dwelling Per Parcel

To properly ensure and provide for the best planned use of land in Wayne County pursuant to Section 711.10 of the Ohio Revised Code, it is the policy of the County Commissioners to require that, without an officially approved variance from the County Health Department, no more than one permanent dwelling (be it single family, two-family or multiple family in a single, self-contained structure) be permitted on any individual land parcel as officially recorded in the County Tax Map Department. It shall be the responsibility of all County agencies and departments to enforce this policy. In those instances where such a variance is requested by the County Health Department, the County Sanitarian should consult with the County Planning Department in reviewing and commenting on the proposal to avoid approving such a variance if it would constitute a clear violation of the intent of these regulations.

E. No Buildings or Improvements in an Easement.

No buildings or other improvements shall be placed within a recorded easement, unless provided for or as approved by the Planning Commission, such as telephone or electric power lines.

201.15 Administration**A. Administrative Officer**

The Subdivision Regulations shall be administered and enforced by the Administrative Officer, who will be the Director of Planning of Wayne County, Ohio, or his/her designated representative and is hereby empowered therein. The Administrative Officer is responsible for the following actions:

1. Final administrative interpretation of the Subdivision Regulations.
2. Final approval of Minor Subdivisions.
3. Review, acceptance and certification of all applications as to completeness under the Subdivision Regulations.
4. Administrative Waivers.
5. Chair and Secretary of the Technical Review Committee (TRC).
6. Coordinating, summarizing and packaging all recommendations from the TRC.

B. Planning Commission

The Planning Commission is responsible for the following actions:

1. Final approval of Concept Plans.
2. Final approval of Preliminary Plans.
3. Final approval of Final Plats.
4. Final approval of applications for variances to the Subdivision Regulations.
5. To hear appeals of decisions of the Administrative Officer.
6. Initiation and/or recommendation of amendments to the Subdivision Regulations.
7. Adopting bylaws for the conduct of the Commission's meetings.

C. County Commissioners

The County Commissioners are responsible for the following actions:

1. Adopting the Subdivision Regulations and any amendments thereof.

2. Adopting the fee schedule for the Subdivision Regulations and separate fee schedules for other County departments.
3. Approving right-of-way dedications.
4. Accepting public improvements for public use and releasing said improvements for maintenance by the appropriate public entity.

D. Planning Department

Under the direction of the Administrative Officer, the Planning Department is responsible for the following actions:

1. Administration of the Subdivision Regulations.
2. Processing of all applications under the Subdivision Regulations.
3. Facilitating the TRC.
4. Processing and approving minor subdivisions.
5. Maintaining all records related to the Subdivision Regulations and TRC.

E. Technical Review Committee

The TRC will be comprised, at a minimum, of staff from the County Planning Department, County Health Department, County Tax Map Department, and Soil and Water Conservation District. The County Engineer and the Building Code Department shall participate in the TRC process at their discretion. Additional agencies may be invited to participate with the TRC, including township trustees and fire departments. The TRC will be facilitated and supported by the Planning Department, which will schedule committee meetings and circulate an agenda and related materials.

The TRC will review all applications submitted to the Planning Commission under the Subdivision Regulations and all other issues deemed by any member to be relevant to the purpose, intent and implementation of the Subdivision Regulations and/or other related County regulations.

The committee's recommendation regarding a proposed subdivision or agenda item will be forwarded in writing to the Planning Commission by the Administrative Officer, along with the subject application and supporting material. The Administrative Officer will summarize the TRC recommendations in writing and attach all other written comments.

The committee's meetings will be open to the public and a notice announcing such meeting shall be posted in a public location in the County Offices at least five working days prior to the subject meeting. Applicants and their surveyors/agents, if any, will be notified in writing no later than five days prior to the TRC meeting and will be expected to attend for an informal review and discussion of a subdivision proposal or other agenda item. Applicants have the right to request placement on the TRC agenda, for informal review, a development proposal that is subject to these regulations but for which an application has not been submitted.

201.16 Development Permits

The following Table A, on page 1.11, outlines relationships between the Subdivision Regulations and other development-related permits issued by Wayne County and other authorities.

Table A: Related Development Permits/Actions¹

| Permit/Action | Purpose | Issuing Agency | Step in Process |
|---|---|---|---------------------------------------|
| House Number | To properly address homes. | Tax Map Department | Before any permit |
| Access Permit | To ensure proper access controls. | “TBD” | Concurrent with Floodplain Permit |
| Floodplain Permit | To ensure construction is outside/above 100-yr floodplain. | Planning Department/ Sanitary Engineer | Concurrent with Access Permit |
| Sed. & Eros. Permit | To regulate land disturbing activities. | SWCD Office | Before land disturbing activities |
| Zoning Permit | To ensure compliance with Twp. Zoning Resolution. | Zoning Officer | Before building permit |
| Health Permit Septic, Water And Plumbing | To ensure proper disposal of wastewater. To ensure safe water supply. | Health Department | Concurrent with building permit |
| Sanitary Engr. Central Water & Sewer and Storm water | To ensure central services are provided and to ensure storm water management. | Environmental Services | Concurrent with building permit |
| Bldg Permit | To regulate building construction. | Building Department | After subdivision and zoning approval |
| Utility Permit | To regulate placement of utilities in right-of-way. | Engineer’s Office | Before building permit |
| | ¹ All permits require house number. | | |

201.17 Subdivision Fees

Fees are intended to fund the costs of administering the Subdivision Regulations. The Board of County Commissioners shall establish subdivision fees pursuant to the Subdivision Regulations based upon a recommendation from the Administrative Officer. Other County departments may establish fee schedules.

The fee schedule shall be posted in the offices of the County Commissioners; Tax Map Department; County Engineer’s Office and the County Planning Department. Fees shall be reviewed on an annual basis and any adjustments recommended by the Administrative Officer to the County Commissioners for review and approval.

All applicable fees shall be paid in full at the time of submittal of an application. Application packages shall be considered to be incomplete and will not be approved for placement on an agenda or otherwise processed, until the required fees are paid in full.

202 Definitions

202.01 Rules of Construction

202.02 Definitions

202.01 Rules of Construction

For the purpose of the Subdivision 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 includes the plural, the plural includes the singular, and the masculine includes the feminine.
- C. The word “shall” is a mandatory requirement; the word “should” is preferred; the word “may” is permissive.
- D. The words “used” or “occupied” include the words “intended, designed or arranged to be used or occupied.”
- E. The word “lot” includes the words “plot” or “parcel.”
- F. In the case of any difference of meaning or implication between the text of the Subdivision Regulations and any caption, illustration, summary table or illustrative table, the text shall control.

202.02 Definitions

AASHTO – American Association of State Highway and Transportation Officials. Organization which establishes standards for most forms of ground transportation and access byways.

Access Management – A set of policies and standards that manage the number and location of access points (driveways) on the public road system.

Accessory Buildings/Structures - Buildings and structures that are accessory to a principle building or structure.

Administrative Officer - The staff person so designated by the Wayne County Commissioners as being responsible for processing and coordinating subdivision proposals on their behalf.

ADT – (Average Daily Trips) – A trip by a single privately operated vehicle (POV) regardless of the number of persons in the vehicle. Data is presented in units as a daily trip rate, such as the number of trips taken by an individual on a typical day by class of activity.

Applicant - An individual submitting an application for approval of a subdivision or other related action under the authority and provisions of the Wayne County Subdivision Regulations.

Aquifer - A consolidated or unconsolidated geologic formation or series of formations that are hydraulically interconnected and that have the ability to receive store or transmit water.

Archaeological Resources - The resources, remains or other physical features that are remnants of previous human activity.

Best Management Practices (BMPs) – activities or structural improvements that help reduce the quantity and improve the quality of storm water runoff.

Block - A tract of land bounded by roads or by a combination of roads and public parks, cemeteries, railroad rights-of-way, shorelines or waterways, or boundary lines.

Bond - Any form of security including a cash deposit, surety bond or instrument of credit in an amount and form satisfactory to the Wayne County Commissioners.

Buffer - A naturally vegetated area or vegetated area along the exterior boundaries of a development which is landscaped and maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses, or to separate a natural feature from development.

Building - Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind.

Building Envelope - The portion of a lot or parcel that contains the principal building and accessory structures, required setbacks and on-site wastewater system and water well, if required.

Building Line - See "Setback Line".

Caliper - The diameter of a tree as measured approximately four feet above the ground.

Capital Improvements Program - A proposed schedule of all future projects by the county or municipalities, listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses for the purchase, construction or replacement of the physical assets for the community are included. This program is normally maintained and updated by the local or County Planning Commission, depending on staff resources.

Channel - A natural or artificial watercourse, which continuously or periodically contains moving water or which, forms a connecting link between two bodies of water; it has a definite bed and banks, which confine the water.

Color-corrected - The form of high-pressure sodium (HPS) gas element light fixture which filters-out light wavelengths that may be harmful to the eyesight or visual acuity of humans or other animals.

Common Access Drive (CAD) - A private way, which provides vehicular access to at least two but no more than five lots and is governed by a Homeowners' Association or similar agreement.

Common Area - Any land area, and associated facilities, within a conservation development that is held in common ownership by the residents of the development through a Homeowners' Association, Community Association or other similar legal entity.

Comprehensive Plan - A plan, or any portion thereof, adopted by the County Planning Commission and County Commissioners, showing the general location and extent of present and proposed land use including housing, industrial, and commercial uses, major roads, parks, schools, and community facilities. The plan establishes the overall goals, objectives, and policies of the County.

Concept Plan - A plan preparatory to the preparation of the Preliminary Plan (or subdivision plat or survey in the case of minor subdivisions) to enable the developer/subdivider to save considerable time and expense in reaching general agreement with the County Planning Commission as to the form of the plat and the objectives of the Subdivision Regulations.

Conservation Development - An approach to designing a site that maximizes the conservation of open space and which clusters development.

Construction Plans - The specifications, maps or drawings accompanying a subdivision plat, which show the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the County Planning Commission and the County Engineer as a condition for the approval of the plat.

County - Wayne County, Ohio.

County Commissioners - The Board of County Commissioners of Wayne County, Ohio.

County Engineer's Office - The County Engineer of Wayne County, Ohio.

County Health Department - The Health Department of Wayne County, Ohio.

County Planning Commission - The County Planning Commission of Wayne County, Ohio.

County Planning Department - The Department, responsible to the Wayne County Board of Commissioners, which provides staff planning support to the County Planning Commission in the administration and execution of the Wayne County, Ohio, Subdivision Regulations.

County Sanitary Engineer (or Sanitarian) - The county staff person responsible for environmental services, including wastewater systems.

Covenant - A written promise or pledge.

Coving – An approach to designing a subdivision in which lot setbacks are staggered in response to site topography.

Critical Root Zone - That area of a tree in which the majority of a tree's roots lay. Often 95 percent of those roots are found in the upper 12 to 18 inches of soil and the majority of the roots supplying nutrients and water are found just below the soil surface. The total amount of a tree's roots is generally proportional to the volume of the tree's canopy and, if the roots only penetrate a thin soil layer, they must spread far from the tree and beyond the canopy.

Cultural Resources - Resources and other physical features that are remnants or components of the community's culture.

Dedication - The offering for conveyance of land or public improvements for any general and public uses, reserving to the owner no other rights than those of the general public.

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

Density, Gross - Gross density is a measure of total dwelling units compared to the total site.

Density, Net - Net density is a measure of total dwelling units compared to the total site minus land set aside for roads, parks and greenspace.

Density, Low Residential - Land to be utilized for residential purposes, which does not exceed one dwelling unit per gross acre.

Density, Medium - High Residential - Land to be utilized for residential purposes, which has more than eight dwelling units per gross acre, but does not exceed 12 dwelling units per gross acre.

Density, Medium - Low Residential - Land to be utilized for residential purposes, which ranges from one to two dwelling units per gross acre.

Density, Medium - Residential - Land to be utilized for residential purposes including town houses, which has more than two dwelling units per gross acre, but does not exceed eight dwelling units per gross acre.

Density, High - Residential - Land to be utilized for residential purposes which exceeds 12 dwelling units per gross acre.

Density, Very Low – Land to be utilized for residential purposes, which is less than one dwelling unit per acre.

Develop; Development - The physical improvement of a tract of land.

Development Agreement - An agreement between a developer/subdivider and the County Commissioners which outlines the public improvements to be constructed as part of a subdivision and other related matters.

Developer - Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under the Subdivision Regulations to effect a subdivision of land hereunder for himself or for another. *See also subdividers.*

Drainage, Sub-Surface - A route or course located below the ground surface along which water moves or may move to drain an area.

Drainage, Surface - A route or course located on the ground surface, along which water moves or may move to drain an area.

Drainage Way - A watercourse, whether natural or constructed, that drains storm water from a property.

Drip Zone - The drip zone is the area measured from the trunk to the outside reaches of a tree's canopy.

Driveway/Private Road - Every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

Gross Density

$$40 \text{ lots}/50 \text{ acres} = 0.8 \text{ lots/acre}$$

Net Density

$$50 \text{ acres} - 10 \text{ acres (open space/roads)}$$

$$= 40 \text{ acres}$$

$$40 \text{ lots}/40 \text{ acres} = 1.0 \text{ lots/acre}$$

Dwelling – Any building or structure which is wholly or partially used or intended to be used for living or sleeping by one or more human occupants.

Dwelling Unit - A space, within a building, comprising living, dining, sleeping room or rooms, as well as space and equipment for cooking and bathing, and toilet facilities, all used by one or more people living in a household.

Dwelling Unit, Common Wall Single Family Attached - Type of residential construction characterized by a common vertical firewall separating housing units, where no more than three units are attached in a group.

Dwelling, Detached Single Family - Detached, individual dwelling units, which accommodate one family related by blood, adoption, or marriage, or up to five unrelated individuals living as one housekeeping unit. The type of construction of such units shall conform either to the OBOA (Ohio Building Officials Association), or CABO (Council of American Building Officials) One and Two family dwelling code, or other applicable building code, or be classified as an Industrialized Unit under the Ohio Basic Building Code, or conform to the Ohio Revised Code 3781.06 definition of permanently-sited manufactured home as provided for in ORC 519.212.

Dwelling, Two Family - A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units, living independently of each other.

Dwelling, Apartment Building - A building in which lodging and/or boarding are provided and offered to the public for compensation.

Dwelling, Townhouse - A building consisting of a series of three (3) or more attached or semi-detached dwelling units, each with a ground floor and a separate ownership or as a condominium.

Easement - Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property, including maintenance.

Easement, Access - An easement providing permanent access from a public road through a property to another location(s) or property(s).

Easement, Agricultural Conservation - An easement intended to protect, preserve and conserve farmland and which shall prohibit the development of said ground.

Easement, Conservation - An easement intended to protect, preserve and conserve a natural feature, which shall prohibit the construction of any buildings or structures within the easement and shall prohibit the removal of all vegetation, except that which is necessary for protecting the public health and safety and/or according to an approved forest management plan, where required.

Easement, Landscape - An easement intended to protect a landscaped area or feature.

Easement, Petition Drainage - An easement created to allow for the purposes of construction, reconstruction and maintenance of drainage ways funded through assessments, as specified in the Ohio Revised Code, Section 6137.

Easement, Private - An easement provided for all interested property owners.

Easement, Public - An easement provided for public entities.

Easement, Utility - An easement provided for entities and companies providing sanitary sewer, water, storm water, gas, electric, telecommunication, cable television and other public utility services.

Emergency Flow Way - The flow routes and drainageways necessary to convey the 100-year storm.

Engineer - Any person registered to practice professional engineering by the State Board of Registration as specified in Section 4733.14 of the Ohio Revised Code.

Engineering Code - The adopted Wayne County Engineering Code for Subdivision Development, containing the companion engineering and construction standards to the Subdivision Regulations. Copies are available from the County Engineer's Office.

Entry Feature - A landscape feature and/or built decorative features located at the entrance to a development.

Escrow - A deposit of cash from the developer/subdivider to the local government with an approved bank in an account controlled by the County Commissioners and also payable to them, in lieu of an amount required and still in force on a performance or maintenance bond.

Expressway - A limited or controlled access highway providing for the expeditious movement of through traffic between major municipalities and not intended to provide land access service.

Final Plat - The final completed map, plan, plat or record of a subdivision that is to be filed in the County Recorder's Office, as further described in the Subdivision Regulations and Engineering Code, and any accompanying material as described in the Subdivision Regulations or specifically required by the County Planning Commission. The Final Plat does not include the engineering construction plans as specified in the Engineering Code.

Flood Elevation - The elevation of the water surface of the base flood based on the National Geodetic Vertical Datum (NGVD) of 1929.

Floodplain - The areas adjoining a watercourse which are expected to be flooded as a result of a severe combination of meteorological and hydrological conditions.

Floodway - The channel of the watercourse and those portions of the adjoining floodplain, which are used to convey a flood.

Floodway, Fringe - The portion of the 100-year floodplain outside of the floodway.

Forester - A professional, who develops, cares for and cultivates forests.

Forest Delineation - A qualitative and quantitative study that determines the boundaries of a forest resource through an analysis of its characteristics and supporting ecosystem, including topographical and groundwater considerations.

Forest Ecosystem - The organisms that comprise a biotic community, often defined by the predominate tree species (e.g. a beech-maple forest).

Frontage - The distance that a lot or parcel abuts a public road or an access easement, as required by and approved under these regulations.

Frontage Road Tree - A tree provided by a developer, subdivider, builder or homeowner located adjacent to but outside a road right-of-way.

Full Cut-off - Roadway lighting lamp-head with a flat, horizontal lens and full, side-shielding to direct illumination downward, minimize outward and eliminate upward light spread.

Geographic Information System (GIS) - A computer system consisting of hardware and software that captures, stores, maintains and displays spatially referenced data.

Global Positioning System (GPS) - A worldwide radio navigation system formed from a constellation of satellites and their ground stations. GPS uses these satellites to calculate positions on the surface of the Earth.

Grade - The slope of a road, street or public way, specified in percentage (%) terms.

Gross Acre - A measurement of the amount of development compared with the total size of the site (i.e., 100 dwellings on a 50-acre parcel equates to two units per gross acre).

Habitat - The ecological area that supports a species.

Hamlet - An unincorporated, platted village.

Hedgerow - A row of trees and other vegetation along a property line typically associated with a farm.

Highway, Limited Access - A freeway or expressway providing a trafficway for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

Historic Resources - Buildings, structures and other improvements that are of historic value due to their age or importance.

Horse-Drawn Wagon Path - A path or portion of a public or private right-of-way intended for use by horse-drawn wagons and other similar non-motorized vehicles.

Hydric Soils - A hydric soil is a soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

House Number – The house number is the official street or road address assigned to a tax parcel.

Improvements - Road pavements or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, drains, street/road lights, flood control and drainage facilities, utility lines, landscaping and other related matters normally associated with the development of undeveloped land into building sites.

Intermittent Stream - A stream that does not flow on a continuous basis.

Intersection Stopping Sight Distance - That length of highway that is required to be visible to the driver to allow the driver on a minor highway to safely cross or obtain access to a major highway.

Joint Ownership - Joint ownership among persons shall be construed as the same owner; “constructive ownership” for the purpose of imposing subdivision regulations.

Land Application of Wastewater Effluent - The act of applying wastewater effluent on undeveloped land (including golf courses) to serve as fertilizer for crops or other landscape material.

Landmark Tree - A tree with a minimum caliper of 24 inches.

Landscape Plan - A landscape plan is a professionally prepared document, which shall provide sufficient information for the County to determine whether the proposed landscape improvements are in conformance with the other requirements of these regulations.

Large-Lot Subdivision – Pursuant to ORC 711.133, a division or partition of land into parcels over five acres and twenty acres or less.

Leach Fields - Land designated for the decomposition of domestic waters.

Level of Service – A measurement of the service level of a public road to accommodate traffic volumes.

Location Map - See “Vicinity Map”.

Lot - For purposes of the Subdivision Regulations, a lot is a parcel of land of sufficient size to meet minimum density or where applicable zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lots shall have frontage on an improved public road, on an approved private road or on an approved access easement, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- 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 Annexation – the sale or exchange of parcels between adjoining lot owners where such sale or exchange does not create additional building sites.

Lot Frontage - The front of a lot shall be construed to be the portion nearest the road, approved common access drive or access easement to which the lot has access. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to roads shall be considered frontage, and yards shall be provided as indicated under “yard” in this chapter. Frontage shall be measured at the right-of-way line or outside boundary of an access easement.

Lot Improvement - Any building, structure, place or other object or improvement of the land on which they are situated which constitutes a physical betterment of real property or any part of such betterment.

Lot Measurements - A lot shall be measured as follows:

- A. Depth of a lot shall be considered to be 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 shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

Lot, Minimum Usable Area of - The area of a lot is computed exclusive of any portion of the right-of-way of any public or private road, flood plain and/or steep slopes. The Wayne County Health Department determines minimum usable area.

Lot of Record - A lot which is a part of a subdivision plat recorded in the Office of the County Recorder, or a lot or parcel described by metes and bounds, the description, instrument or conveyance of which has been so recorded.

Lot Split – see Minor Subdivision.

Lot Type - Terminology used in the Subdivision Regulations with reference to corner lots, double frontage lots, interior lots and through lots as follows:

- A. **Lot Type, Corner Lot** - A lot located at the intersection of two or more roads. A lot abutting on a curved road or roads shall be considered a corner lot if straight lines drawn from the foremost points of the lot meet at an interior angle of less than 135 degrees.
- B. **Lot Type, Interior Lot** - A lot other than a corner lot with only one frontage on a road.
- C. **Lot Type, Through Lot** - A lot other than a corner lot with frontage on more than one road. Through lots abutting two roads may be referred to as “double frontage lots”.
- D. **Lot Type, 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.

Lumens Compared To Watts – Lumens is a measurement of light output; wattage is a measure of electric consumption. Within each type of light generation (i.e. incandescent, sodium, mercury, halide) there is a relationship of watts to lumens. Typical equivalencies, specifically for high-pressure sodium, follow: 100W = 9,500Lu, 150W=16,000Lu, 200W=22,000Lu.

Major Subdivision - All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of more than five lots, or any size subdivision requiring any new road or extension of the local governmental facilities, or the creation of any public improvements.

Marsh - A type of wetland where the soil is usually waterlogged during the growing season. Vegetation includes cattails, bulrushes, spike rushes, grasses and various other marsh plants. Marshes would include any wetland “Type 3” or greater, as defined by the U.S. Fish and Wildlife Service Circular No. 39.

Metes & Bounds – The boundary lines of land, with their terminal points and angles. A way of describing land by listing the compass directions and distances (metes) of the boundaries (bounds). (Per Black’s Law Dictionary.)

Minor Subdivision - A division of a parcel of land that does not require a plat to be approved by a planning authority according to Section 711.131, Ohio Revised Code. Also known as a “lot split”.

Monuments - Permanent concrete or steel markers used to establish all lines of the plat of a subdivision, including all lot corners, boundary line corners and points of change in road alignment. For a detailed description, refer to the Engineering Code.

National Register of Historic Places - A registry of federally designated historic properties, sites and districts.

Natural Resource Conservation Service (NRCS) - A governmental agency with the responsibility of ensuring development is in compliance with the conservation efforts of natural resources. Previously known as the Soil Conservation Service. NRCS is an agency of the U.S. Department of Agriculture.

No-Build Reserve - An area of a lot and/or subdivision plat designated as an area in which no buildings, structures or other improvements, including utilities, are to be located.

Nonresidential Subdivision - A subdivision whose intended uses is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of the Subdivision Regulations.

Off-Site - Any premises not located within the area of the property to be subdivided, whether or not in the common ownership of the applicant for subdivision approval.

Ohio Historic Inventory - An inventory of state recognized historic resources.

Ohio Natural Heritage Database - An inventory of state recognized natural resources.

Ohio Revised Code - Abbreviated ORC for reference purposes in the Subdivision Regulations. ORC is a set of laws enacted by the state legislature governing the conduct of and scope of regulation by political subdivisions and agencies of the State of Ohio.

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

Owner - Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in land sought to be subdivided under the Subdivision Regulations.

Parking Lot - An open area, excluding a road or other public right-of-way, used for the parking of vehicles and available to the public, whether for free or for compensation.

Parking Space, Off-Road - For the purpose of the Subdivision Regulations, an off-road parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public road or alley and maneuvering room, but shall be located totally outside of any road or alley right-of-way.

Parking Space, On-Road - For the purpose of the Subdivision Regulations, an on-road parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides located within the road or alley right-of-way.

Parcel Number - The number assigned to any unit of land in the possession of or recorded as the property of one person.

Pedestrian Friendly – The density, layout and infrastructure that encourages walking and biking within a subdivision or development, including short setbacks, front porches, sidewalks and bikepaths.

Perennial Stream - A stream with continuous flow.

Performance Agreement - An agreement by a subdivider or developer with Wayne County for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the developer's/subdivider's agreement.

Phase, Subdivision - An application for subdivision approval submitted pursuant to a Preliminary Plan, or at the option of the developer/subdivider, pursuant to a specific plan in which the applicant proposes to immediately subdivide the property but will develop in one or more individual phase(s) over a period of time.

Planning Department - The Planning Department of Wayne County, Ohio.

Planning Commission - See "County Planning Commission".

Plat - The map, drawing or chart on which the developer's/subdivider's plan of subdivision is presented to the County Planning Commission for review and consideration for approval.

Preliminary Plan - The plans and documentation demonstrating that all applicable subdivision requirements of the County's Subdivision Regulations have been met. Preliminary Plan is not a Final Plat.

Prime Agricultural Soils - Prime agricultural soils, as defined by the U.S. Department of Agriculture, are soils that are best suited to producing food, feed, forage, fiber and oilseed crops. Prime agricultural soils produce the highest yields with minimal inputs of energy and economic resources and farming these soils results in the least damage to the environment. These soils are a non-renewable resource.

Prosecutor, County - The Prosecutor of Wayne County, Ohio.

Public - Open to common use, whether or not under public ownership.

Public Improvement - Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree lawn, off-road parking area, lot improvement or other facility for which the local government shall be responsible for maintenance and operation, or which may affect an improvement for which local government responsibility is established. All shall be properly bonded or constructed.

Public Right-Of-Way - A strip of land occupied or intended to be occupied by a road, crosswalk, railroad, and road or for another special use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities and may include special features (required by the topography or treatment) such as grade separations, landscaped areas, viaducts and bridges. The usage of the term "road right-of-way" for land-platting purposes shall mean that every right-of-way hereafter established and shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or area of such lots or parcels.

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 or a public entity have a right or which are dedicated, whether improved or not.

Public Utility - A public or private corporation that provides a utility service, such as electric, telephone, and cable or natural gas.

Reserve - The identification and setting aside of an area of land on a Preliminary Plan or Final Plat for common use.

Re-subdivision - A change in a map of an approved or recorded subdivision plan or plat if such change significantly affects any road layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions and which results in a change in the intent of the County Planning Commission's original approval.

Riparian Buffer - A vegetated buffer strip along a watercourse that filters storm water and provides wildlife habitat.

Riparian Corridor - A riparian corridor consists of a coherent system of perennial and intermittent streams.

Road, Private - A private way intended for vehicular traffic that is not dedicated to the public.

Road, Public - A public way, typically bounded between property lines, intended for vehicular traffic, dedicated to the public and improved to public standards.

Screening - A wall, fence, mound and/or landscaping designed and installed to create a screen between adjacent properties or uses.

Setback Line - A line established by the Subdivision Regulations, zoning resolution or County Health Department requirements, among others, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than an accessory building or structure may be located above ground, except as may be provided in the Subdivision Regulations. County Health Department requirements may establish this setback line to be either a minimum or a maximum.

Sewage Disposal Systems, Household - Any sewage disposal or treatment system or part thereof for a single family, two-family or three-family dwelling, which receives sewage as, approved by the County Health Department.

Sewers, Central or Package Sewerage System - A complete, independently operating sewer system including collection and treatment facilities constructed by the developer/subdivider to the standards of the County or Ohio Environmental Protection Agency (OEPA) and to serve a new subdivision in an outlying area. Such a system must be approved and accepted by the Board of County Commissioners for transfer of ownership and operation to the County.

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

Sight Distance - A visual distance along a road or across an intersection.

Site - A lot or parcel proposed for development.

Slope - The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

Slope, Steep - Steep slopes are slopes of 10 percent or greater.

Soil and Water Conservation District (SWCD) - As organized under Chapter 1515 of the Ohio Revised Code; referring either to the Soil and Water Conservation District Board or its designated employee(s).

Soil Survey - The Soil Survey of Wayne County, Ohio, as prepared by the U.S. Department of Agriculture, as amended.

Storm water - The rainfall that accumulates on the ground.

Stream - A course of running water usually flowing in a particular direction in a defined channel and discharging into some other stream or body of water.

Street - See "road".

Subdivider - The following apply:

- A. A person having an interest in land and who causes it, directly or indirectly, to be divided into a subdivision.
- B. A person who directly or indirectly sells, leases or develops or offers to sell, lease or develop, or advertises to sell, lease or develop any interest, lot, parcel, site, unit or plat in a subdivision.
- C. A person who engages directly or through an agent in the business of selling, leasing, developing or offering for sale, lease or development a subdivision or any interest, lot, parcel, site, unit or plat in a subdivision.
- D. A person who is directly or indirectly controlled by or under direct common control with any of the foregoing.

Subdivision – Pursuant to ORC 711:

- A. The division of any parcel of land shown as a unit or as contiguous units on the last preceding general tax list and duplicate of real and public utility property from an original tract as that original tract exists on October 13, 2005, into two or more parcels, sites or lots any one of which in the case of a Minor Subdivision is less than five acres and in the case of a Large-Lot Subdivision is over five acres and twenty acres or less, for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the following are exempt:
 1. A division or partition of land into parcels of more than five and twenty acres or less where such parcels are used for agricultural or personal recreation purposes and not involving any new streets or easements of access;
 2. A division or partition of land into parcels of more than twenty acres not involving any new streets or easements of access;
 3. The sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites.
- 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 similar facilities.

Subdivision Coordinator – an individual tasked with oversight of meeting the day-to-day administrative requirements of the Minor Subdivisions Section (203) of the Subdivision Regulations, designated by the Administrative Officer per Section 203.05 B.

Subdivision, Open Space – A clustered neighborhood design with a gross density comparable to nearby Rural and Semi-Rural subdivisions.

Subdivision, Rural – A very low density, conventional neighborhood designed as a smaller, self-contained development.

Subdivision, Semi-Rural – A low density, conventional neighborhood design with a curvilinear road pattern.

Subdivision, Village Cluster – A traditional neighborhood design with compact development in a pedestrian-friendly environment, typically with a grid road pattern and centered on a common open space.

Surveyor - Any person registered to practice surveying in the State of Ohio by the State Board of Registration, as per Section 4733.14 ORC.

Tax Map Department - The Tax Map Department as administered by the Wayne County Engineer's Office.

Technical Review Committee - A committee responsible for the informal, preliminary review of development plans per the Subdivision Regulations.

Terrain Classification - Terrain within the entire area of the Preliminary Plan is classified as level, rolling or hillside for discussion and analysis purposes. The classifications are as follows:

- A. **Level to Rolling** - Land that has a cross slope zero to 10 percent or less.
- B. **Hilly** - Land that has a cross slope of more than 10 percent but not more than 15 percent.
- C. **Hillside** - Land that has a cross slope of more than 15 percent.

Thoroughfare Plan - The most recent plan adopted by the County Planning Commission indicating the location of thoroughfares within the County.

Thoroughfare, Street, Road - The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows: (These are defined for use of the Planning Commission and are not meant to replace definitions within the Engineering Code. These are defined according to the Thoroughfare Plan.)

- A. **Alley** - A minor street or road used primarily for vehicular service access to the back or side of properties abutting on another street or road.
- B. **Arterial** - A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route. For the purpose of design standards, any road projected to carry an average daily traffic (ADT) over 5,000 vehicles may be designated an arterial road. Thoroughfare Plan recommended right-of-way is 100 feet.
- C. **Boulevard** - A divided road, which can carry large or small amounts of vehicular traffic depending upon parking regulations and lot access. A road intended to serve as an arterial or collector.
- D. **Collector, Major** - A thoroughfare, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from major local roads to arterial roads, including the principal entrance and circulation routes within subdivisions. For the purpose of design standards, any road projected to carry ADT between 3,000 and 5,000 vehicles may be designated as a collector road. Thoroughfare Plan recommended right-of-way is 80 feet.

- E. Collector, Minor** - A thoroughfare, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from major local roads to arterial roads, including the principal entrance and circulation routes within subdivisions. For the purpose of design standards, a local road shall have an ADT between 1,000 and 3,000 vehicles. Thoroughfare Plan recommended right-of-way is 60 feet.
- F. Cul-de-Sac** - A local road with one end open to traffic and the other end permanently terminating in a vehicular turnaround.
- G. Local** - A road primarily for providing access to residential, commercial or other abutting property. For the purpose of design standards, a local road shall not have an ADT in excess of 1,000 vehicles. Thoroughfare Plan recommended right-of-way is 60 feet.
- H. Loop** - A type of local road, each end of which terminates at an intersection with the same arterial or collector road, and whose principal radius points of the 180 degree system of turns are not more than 1,000 feet from said arterial or collector road, nor normally more than 600 feet from each other.
- I. Minor** - A road whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than nine dwelling units and is expected to or does handle an ADT of up to 90 vehicles per day.
- J. Private** - A strip of privately owned land providing access to abutting properties.
- K. Stub-Road** - A road that is typically short in length, continued to the property line with the intention of extending to another development in the future.

Topography - The configuration of the surface, including its relief and the position of natural and constructed features.

Traffic Control Device - Signs, signals, markings and other devices prescribed to regulate, guide or warn traffic.

Tree - A large, woody plant having one or several self-supporting stems or trunks and numerous branches; may be classified as deciduous or coniferous.

USGS - The United States Geological Survey (USGS) collects and distributes data regarding the location and extent of physical features and natural resources.

Utility Services - Any above- and below-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a non-profit organization, a corporation or any entity defined as a public utility for any purpose by (the appropriate provision of state law) and used in connection with the production, generation, transmission, delivery, collection or storage of water, sewage, electricity, gas, oil or electronic signals.

Variance - A variance is a modification of the strict terms of the relevant regulations.

Vicinity Map - A drawing located on a submittal 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 Wayne County in order to better locate and orient the area in question.

Walkway - A dedicated public way for pedestrian use only, whether along the side of a road or access way between blocks or parcels.

Wastewater System, Central - A wastewater system constructed to Wayne County or Ohio Environmental Protection Agency standards to serve a new community or other development in an outlying area. It includes wastewater treatment and distribution facilities.

Wastewater System, Community - A public wastewater system that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

Wastewater System, Non-Community - A public wastewater system that is not a community wastewater system.

Wastewater System, Individual or Household - A wastewater system designed to serve only one individual or household, as approved by the County Health Department.

Wastewater System, Private - A private wastewater system for the provision of removing wastewater, if such system has fewer than 15 service connections and does not regularly serve an average of at least 25 individuals daily at least 60 days out of the year.

Wastewater System, Public - A wastewater system for the provision of removing wastewater, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days of the year.

Watercourse - A channel in which a flow of water occurs either continuously or intermittently in a definite direction. The term applies to either natural or built channels.

Watershed - The land areas from which water drains to a given point; the drainage basin in which the subdivision is located or that land whose drainage is affected by the subdivision.

Water System, Central - A water system constructed to Wayne County or Ohio Environmental Protection Agency standards to serve a new community or other development in an outlying area. It includes water treatment and distribution facilities.

Water System, Community - A public water system that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

Water System, Non-Community - A public water system that is not a community water system.

Water System, Individual or Household - A water system designed to serve only one individual or household, as approved by the County Health Department.

Water System, Private - A private water system for the provision of water for human consumption, if such system has fewer than 15 service connections and does not regularly serve an average of at least 25 individuals daily at least 60 days out of the year. A private water system includes any well, spring, cistern, pond or hauled water and any equipment for the collection, transportation, filtration, disinfection, treatment or storage of such water extending from and including the source of the water to the point of discharge from any pressure tank or other storage vessel; to the point of discharge from the water pump where no pressure tank or other storage vessel is present; or, in the case of multiple service connections serving more than one dwelling, to the point of discharge from each service connection. A private water system does not include the water service line extending from the point of discharge to a structure.

Water System, Public - A system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days of the year. This term includes any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system, and any collection or pre-treatment storage facilities not under such control, which are used primarily in connection with such system. A public water system is either a "community water system" or a "non-community water system".

Wetland - Those areas that are inundated or saturated by surfacewater or groundwater at a frequency and duration sufficient to support and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated hydric soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Yard - A required open space unoccupied and unobstructed by any structure or portion of a structure.

A. Yard, Front - A yard extending between side lot lines across the front of a lot and from 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.

Zoning - The regulations and limitations by districts of the height, bulk and location, including percentage of lot occupancy, building setback lines and other structures and of the premises in such districts.

Zoning Inspector - The Zoning Inspector of Wayne County, Ohio or one of its township subdivisions, appointed by the Wayne County Commissioners or Township Trustees.

203 Minor Subdivisions

203.01 Purpose and Intent

203.02 Comprehensive Plan Policies

203.03 Applicability

203.04 Development Standards

203.05 General Procedures

203.06 Submittal Requirements

203.01 Purpose and Intent

It is the purpose and intent of Wayne County to ensure the creation of sound, buildable lots that are in keeping with the County's rural character and compatible with environmental constraints. In particular, it is the intent of the County Commissioners to ensure that lots that are created under these regulations are suitable and appropriate as sites for homes. These regulations are intended to prevent the creation of lots for which health and building standards cannot be met due to poor soils and drainage, steep slope, floodplain and other environmental constraints.

203.02 Comprehensive Plan Policies

The creation of lots in Wayne County under the Subdivision Regulations shall be consistent with the following applicable policies of the Wayne County Comprehensive Plan, as amended:

- A. Lot splits should be compatible with the land use, density and utility service criteria of the Resource Management Areas (RMAs).
- B. Lower-density residential development (0.5 to one dwelling unit per acre) should be encouraged and very low-density residential development (less than 0.5 dwelling units per acre) should be discouraged. This policy is to be implemented by limiting the number of splits within the jurisdiction of the Subdivision Regulations.
- C. Infill development on sites with public utilities is a priority over the expansion of residential development into the unincorporated area, whether Major Subdivisions or lot splits.
- D. Farmland should be conserved through a host of strategies, including: limiting the number of lot splits; more restrictive lot frontage requirements to reduce the number of flag-shaped lots; and adopting soil erosion and sedimentation controls.
- E. Stronger health standards should be adopted to ensure proposed lots can successfully accommodate on-site wastewater systems without impacting the environment.
- F. Development in general should be discouraged in hydric soils, prime agricultural soils, woodlands, wetlands and aquifer recharge areas. Development impacts should be limited in stream corridors and groundwater and surface water resources.
- G. Access management strategies should be adopted to protect the County road system.

203.03 Applicability

The definitions of a Minor Subdivision and of Large-Lot Subdivisions are provided in ORC 711.

- A. A Minor Subdivision or "lot split" is a division of a parcel of land that does not require a plat to be approved by the County Planning Commission as defined under ORC 711.131 and a Large-Lot Subdivision is a division or partition of land into more than five acres and twenty acres or less as defined under ORC 711.133.
- B. A Minor Subdivision or Large-Lot Subdivision shall be located along an existing public road and meet minimum frontage and width-to-depth requirements and shall involve no opening, widening or extension of any street or road except private streets serving industrial structures; nor involve the division or allocation of land as open spaces for common use by

- owners, occupants, or leaseholders; nor involve easements for the extension and maintenance of public or private sewer, water, storm drainage or other similar facilities.
- C. The creation of any lot twenty acres or smaller in size is defined as either a Minor Subdivision or Large-Lot Subdivision, except for lots over five acres and twenty acres or less used only for agricultural or personal recreational purposes.
 - D. A Minor Subdivision not subject to platting shall be limited to no more than five lots, any one of which is less than five acres in size from an original tract as it existed October 13, 2005.
 - E. A Large-Lot Subdivision may consist of any number of lots as long as all the lots are over five acres and twenty acres or less in size.

203.04 Development Standards

A. Criteria for Establishing Lots

Minor Subdivisions shall meet the rules, requirements and standards of these regulations. The County Planning Commission and its designated representatives shall use these regulations as a basis for reviewing and approving Minor Subdivisions. Criteria for establishing lots shall include review for access, including private drives, and safety concerns as may be required by the applicable fire department to ensure emergency access is adequate. All lots shall front onto a public or private road or access easement, and all lots shall conform to or exceed the requirements of the Subdivision Regulations and the zoning district regulations for the district in which they are located, if applicable. The following regulations shall govern the design and layout of lots and lot improvements.

1. Lot Arrangement

The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with health and building regulations and in providing approved driveway access to buildings on the lots from an approved road.

2. Lot Dimensions

Minor Subdivisions and all other lots shall comply with the standards of Table B (page 3.3). However, the lots in a Major Subdivision shall meet the Standards of Table C (page 4.11). Table C governs in cases of conflict, unless waived by the Planning Commission.

Building projections, such as front porches, bay windows and roof overhangs, may protrude into the building setback no more than five feet.

In cases where buildings exist on parcels adjacent to a lot located within a hamlet, the setback from the right-of-way may be established as the average of the building setbacks of the adjacent lots.

3. Lot Frontage

Lot frontage shall be approved under one of the following conditions:

- a. A lot may front onto an improved public road. Lot frontage is measured at the right-of-way line.
- b. The Planning Commission may approve the creation of lots that have access to a public road through a common access drive in an easement. In these cases, lot frontage is measured at the edge of the access easement. Lots at the terminal point of a Common Access Drive (CAD) shall have a minimum of 30' of frontage.

- c. The Planning Commission may approve the creation of a lot that has access to a public road through an access easement. In these cases, lot frontage is measured at the edge of the access easement and shall be a minimum of 30’.

The following Table B, establishes minimum dimensional requirements for lots.

Table B Minimum Dimensional Requirements for Lots

| Development Type | Lot Status | Central Water | Central Sewer | Minimum Road Frontage (feet)(1) | Minimum Lot Area (area)(2) | Min. Setback from ROW(3) | | Maximum Width to Depth(4) |
|------------------|------------|---------------|---------------|---------------------------------|----------------------------|--------------------------|------------------|---------------------------|
| | | | | | | Arterial (feet) | Collector (feet) | |
| Single Family | < 5 ac. | yes | no | 175 | 1.5 | 50 | 35 | 1 : 3.5 |
| Single Family | < 5 ac. | no | yes | 125 | 1.0 | 50 | 35 | 1 : 3.5 |
| Single Family | < 5 ac. | yes | yes | 100 | 0.5 | 50 | 35 | 1 : 3.5 |
| Single Family | < 5 ac. | no | no | 175 | 1.5 | 50 | 35 | 1 : 3.5 |
| Single Family | > 5 ac. | no | no | 175 | 5.0 | *** | *** | 1 : 5.5 |

***The Department recommends that the minimum setback for 5-20 acre lots should be 50 feet on arterial roads and 35 feet on collector roads.

Notes:

- (1) Minimum road frontage may be reduced to 60 feet for lots fronting on a cul-de-sac or in minor subdivisions reduced to 150 feet per section 203.05 C.
- (2) Minimum lot area does not include right-of-way, floodplain and areas of steep slope. County Health Department and/or OEPA standards may require larger lot size based on soils analysis. Minimum lot size in a minor subdivision may be reduced to 1.0 acre per section 203.05 C.
- (3) For uses other than single-family development, the lots must meet County Health Department, County Building Codes and OEPA requirements.
- (4) See “staff discretion”- “item 1” – Page 3.11 - Possible allowance of up to 1 : 4.5 Width to Depth.

B. Rural Density Residential Development

Sanitary sewer facilities for lot areas one acre or greater in size shall be treated as follows:

- 1. When a public sanitary sewerage system is reasonably accessible and proposed for sanitary sewer, according to the adopted EPA 201 plan for the community, the applicant shall connect with it.
- 2. When sanitary sewer systems are not reasonably accessible according to the adopted EPA 201 plan for the community, the applicant may install individual disposal systems or central sewerage systems meeting the specifications, rules, regulations and guidelines of the County Office of Environmental Services, County Health Department and OEPA, as applicable.

C. Hydric Soils

Hydric soils are not appropriate locations for buildings and on-site wastewater treatment and disposal systems, particularly leach fields. Home sites and on-site wastewater systems should not be approved on hydric soils because hydric soils have a very slow infiltration rate and are typified by a high ground water table and surface ponding. The County Health Department maintains a list of hydric soils. Areas of hydric soils should be placed in an

open space reserve on a survey/plat or placed in no-build reserves on individual parcels on a survey/plat.

D. Steep Slopes

These regulations apply to all steep slope areas. Steep slope areas are defined as areas with an average slope of more than 10 percent. The developer shall submit sufficient detailed information as to geologic conditions, soil types, and underground water level in order that a determination can be made by the Planning Department in consultation with the County Engineer's Office and the Health Department as to the suitability of development of the particular location. The following measures should be taken:

1. Applicants shall comply with the Wayne County Sedimentation and Erosion Control Regulations administered by the Wayne Soil and Water Conservation District.
2. Grading or removal of vegetative cover should not be permitted on land with existing steep slopes, except when:
 - a. The contiguous area of steep slopes is less than 20,000 square feet.
 - b. There is sufficient area outside of riparian corridor and wetland buffers for required erosion and sedimentation control measures.

E. Wetlands

Land to be subdivided or developed should be designed and improved in a way that does not impact delineated wetlands and reduces impacts on non-delineated but preserved wetlands. In particular, land disturbance should not negatively affect the water quality of wetlands. Baseline data of existing wetland resources should be based upon delineation studies conducted for the OEPA or U.S. Army Corps of Engineers, and/or studies conducted under the direction of the SWCD per the Subdivision Regulations.

Where deemed appropriate by the Planning Department, Planning Commission or SWCD, an applicant for a subdivision should undertake a study to delineate a wetland. Such study should be prepared by a qualified professional under guidelines established by SWCD. The following protection measures should be taken:

1. Grading or removal of vegetative cover should not be permitted within 25-feet of a wetland. Such 25-foot buffer should be placed in a no-build reserve on the survey/plat, and a conservation easement should be conveyed to the SWCD.
2. Utilities should not be located in a wetland, wetland buffer or a conservation easement.
3. Topographical characteristics should not be altered in a way that will negatively affect the water quality and quantity of a preserved wetland, as determined by the SWCD.

F. Access Standards

No subdivision shall be approved unless the area to be subdivided shall have frontage as required herein on an existing state, county or township road or a street shown upon a plat recorded in the County Recorder's Office, or an approved access easement as permitted herein. In situations with poor sight distance and to ensure appropriate access, cross access easements may be permitted.

G. Alternative Access

1. Common Access Drives

Common Access Drive subdivision may be requested to provide frontage access to tracts of land that the Planning Commission determines, in its unrestricted discretion, do not lend

themselves either alone or in conjunction with adjacent property to be further subdivided or in instances rendering it not feasible to construct a public street, or private street by reason of conditions, including without limitation:

- Unique tract shape or small tract size,
- Previously subdivided adjacent lands with no opportunity for road construction,
- Severely constrained topography,
- As an alternative to flag-shaped lots,
- Unsuitable soils, and/or
- Preservation of mature or unique vegetation.

Common Access Drive subdivisions shall not be used to avoid the construction of a network of interconnecting public and/or private streets.

When an interior acreage remains on at least 60 feet of road frontage and the parcel can be further subdivided, a private or public road shall be required unless in the opinion of the Planning Commission, the Common Access Drive better serves the intent and purpose of the subdivision regulations.

Common Access Drive subdivisions may only be allowed where the Commission has determined, in its unrestricted discretion, that conditions exist on or around the site which will be better served through the use of a Common Access Drive subdivision and will be in accordance with the objectives of all adopted plans for the area.

a. Criteria

The following criteria are intended to minimize the amount of roadway conflicts caused by excessive and unmanaged driveways, protect the health, safety and welfare of the public using such Common Access Drives and shall guide the decision of the Planning Commission in approving Common Access Drives.

- 1) Common Access Drives shall only be permitted where adequate sight distance is available, according to the standards of the applicable review agency (i.e. Township, County, State). A drive, access, or drive-pipe permit shall be required from the applicable review agency for the entrance onto the public road.
- 2) Common Access Drives may be permitted for at least two, but no more than five lots.
 - a) Type 1 – for two lots only with dimensional controls. (See Figure 1)
 - b) Type 2 – for two to five lots with less than 50 ADT*. (See Figure 2)
 - c) Type 3 – for two to five lots with more than 50 ADT*. (See Figure 3)

| | | |
|-----------------------------------|----------------------|-------------------------|
| *Note: Average Daily Trips (ADT): | Single Family Home = | 9.55 per dwelling unit |
| | Apartment Building = | 6.63 per dwelling unit |
| | Condo/Townhouse = | 10.71 per dwelling unit |

- 3) In Type 2 and Type 3 with lots also fronting an existing public road, those lots shall be required to access the Common Access Drive but will not be counted towards the 5-lot maximum.
- 4) Common Access Drives may only be permitted within the Conservation Resource Management Area and/or Major Corridor Areas as defined by the Wayne County Comprehensive Plan.

- 5) Lots fronting a Common Access Drive shall be platted and the Common Access Drive shall be private, placed within a defined access easement, owned and maintained by the interested properties and whose design shall be prepared and certified by a licensed professional surveyor and/or engineer, experienced in subdivision design, to ensure safe and adequate access.
- 6) If it is determined by the Administrative Officer that there are any issues regarding drainage, slopes over 6% grade, or culverts requiring storm frequency-based diameter sizing, a licensed professional engineer, experienced in subdivision design, shall prepare the Common Access Drive and appurtenance design.
- 7) The proposed lot(s) have been approved in accordance with access management regulations.
- 8) The proposed lot(s) have been approved in accordance with storm water management regulations.
- 9) The proposed lot(s) have been approved relative to erosion and sedimentation controls by the Soil and Water Conservation District.
- 10) The proposed lot(s) have been approved in accordance with floodplain control regulations.

b. Standards

The following design standards are mandatory minimums for Common Access Drives. These are drive standards and do not meet the standards for a publicly dedicated road. For this reason, the county shall not accept for dedication any Common Access Drive.

- 1) The minimum easement width is 30'. Said easements shall be clearly indicated on the plat.
- 2) The minimum setback for all Types shall be 35' from the Common Access Drive easement with a recommended maximum setback of 100'.
- 3) The drive for a Type 1 shall not be longer than 500'. Structures on the Common Access Drive shall not be more than 600 feet from a public road (See Figure 1).
- 4) The minimum travel surface width of the Common Access Drive shall be 12' for Type 1 and 18' for Type 2 and 3 (See Figures 1-3). All Types shall have adequate drainage on each side.
- 5) The Common Access Drive shall have 28' of improved area where it meets the public road and shall taper for a distance of 15' along the centerline of the Common Access Drive to meet the Common Access Drive width. (See Figures 1-3).
- 6) Dwellings located less than 100' from the edge of the Common Access Drive shall have an individual drive with a minimum width of 24' at the intersection with the Common Access Drive, tapering to normal driveway width. Dwellings located more than 100' from the edge of the Common Access Drive easement shall have an individual driveway with a minimum width of 24' at the intersection with the Common Access Drive, tapering to a width of 12' as well as maintaining a minimum of 12' of width from the Common Access Drive to the residence.
- 7) A homeowner's association and/or shared drive maintenance agreement shall be established in perpetuity for all lots sharing a Common Access Drive, recorded and with reference language placed on the deeds for all lots with access to the

- Common Access Drive. The agreement will be subject to review and approval of the Wayne County Prosecuting Attorney. A reference note to the recorded agreement(s) shall be placed on the subdivision plat.
- 8) The Common Access Drive shall have a minimum of 13'6" vertical clearance to allow for adequate access for safety equipment. The maintenance agreement shall include language, which will insure the continued existence of this clearance.
 - 9) The Common Access Drive shall have a lateral clearance equal to the width of the improved area. The maintenance agreement shall include language which will insure the continued existence of this clearance.
 - 10) Common Access Drives shall have a centerline turning radius of not less than 50'.
 - 11) For a distance of 75' before and after a centerline turning radius of the Common Access Drive, the grade shall be 4% or less and grade changes shall have sufficient rounding to allow vehicles to travel across.
 - 12) On Type 1 and Type 2 a minimum of chip and seal, concrete or equivalent surface shall be required in areas where Common Access Drive grade is in excess of 6%. For all Types the maximum grade allowable should not exceed 10% and shall not exceed 15%. Grade at intersection with the public road shall be governed by the applicable engineering code. All Type 3 Common Access Drives shall have a minimum of chip and seal, concrete or equivalent surface for the entire length of the Common Access Drive including the area within the cul-de-sac.
 - 13) The angle between intersecting centerlines shall be between 70° and 90°.
 - 14) A "T"-type turnaround shall be required for Type 1 and Type 2 and shall be installed according to the standards in this section (See Figures 1 and 2). The turnaround shall be located at the end of the Common Access Drive. Type 3 shall utilize a cul-de-sac as a turnaround (See Figure 3). Said cul-de-sac shall have a minimum radius of 45' and meet the design standards specified in Figure 3.
 - a) The developer shall install and the homeowners shall maintain reflective and visible address marking, with numbers a minimum of 3" tall, at the intersection of the public road and the Common Access Drive as well as at each individual drive location.
 - b) The developer shall install and the homeowners shall maintain a reflective marker clearly stating "Private Drive", with letters a minimum of 3" tall, which shall be installed at the intersection of the public road and the Common Access Drive.
 - c) The developer shall install and the homeowners shall maintain a reflective marker clearly stating "No Parking – Emergency Vehicles Only", with letters a minimum of 3" tall, which shall be installed at the "T"-Type Turnaround or Cul-de-sac.
 - 15) Where a bridge or culvert is required to provide access, it shall be constructed and maintained to accommodate a 10-year-rated storm, AASHTO HS-20 load standard and conform to floodplain regulations.
 - 16) Once the Common Access Drive has been installed per the design approved by the planning commission, an as-built drawing will be prepared by the design professional who drew the original plan, certifying completion in substantial compliance with said plan. If both a P.S. and a P.E. were required for initial design, then both must certify the "as-built." The planning department will then inspect the Common Access Drive for conformity with the as-built drawing(s),

and any other requirements or contingencies established by the Planning Commission, before signing the subdivision plat to insure compliance with these standards.

c. Minimum Drive Material Specifications

The following minimum specifications, as defined in the Ohio Department of Transportation Construction and Material Specifications Handbook, shall be used in the design and construction of the Common Access Drive.

- 1) Item 204 – Sub-grade Compaction; and
- 2) Item Spec – 6” Aggregate base, using No. 1 and No. 2 Aggregate as per 304, and;
- 3) Item 304 – 4” Aggregate base as finish.
- 4) When applicable, Bituminous Seal Coat, concrete or equivalent surface.
- 5) Bituminous Seal Coat shall be as follows:
 - a) A bituminous primer, and cover aggregate if required, shall be placed on the completed base course as a stabilizer, and applied at a rate of 0.50 gal./sq. yd.
 - b) A bituminous surface treatment and cover aggregate of crushed limestone, No. 8, shall be applied at rates of 0.50 gal./sq. yd. and 40 lbs./sq. yd. respectively.

2. Access Easements

The Planning Commission or Administrative Officer may approve a 30-foot wide access easement serving one lot, which does not front a public road but is served by an access easement intersecting with a public road. The following criteria shall be used by the Planning Commission or Administrative Officer in making its decision:

- a. The lot shall meet all applicable requirements of the Subdivision Regulations.
- b. The minimum size parcel from which such a proposed lot split on an access easement may be considered shall be 40 acres.
- c. No more than two lot splits on an access easement shall be approved.
- d. The access easement must provide access to a public road and the location of the access easement at the public road must meet access management standards.
- e. The access easement shall be 30 feet in width and shall abut a public road, which can occur through an existing private drive.
- f. The access easement shall be located such that it could be extended as necessary. Frontage along the easement shall be a minimum of 30’.
- g. The access easement shall be transferred with the lot split and duly recorded with the Wayne County Recorder’s Office.
- h. The local fire department shall have had the opportunity to review the access easement for safety concerns.
- i. The access easement shall meet all applicable access standards, including sight distance.
- j. Access easements may be disapproved by the Planning Commission if such easement is an attempt to circumvent the Subdivision Regulations.

203.05 General Procedures

A. Minimum Conditions for Approval

Approval without platting of a Minor Subdivision may be granted by the Administrative Officer as designated by the County Planning Commission under the delegated authority of

the Wayne County Commissioners, if the proposed division of a parcel of land meets all the following conditions:

1. The proposed subdivision is located along an existing public road, fulfills minimum frontage requirements and involves no opening, widening or extension of any street or road.
2. No owner of any parcel of land as shown on the County Tax Maps, as of the date these amendments take effect, shall subdivide land into more than five lots, any of which is less than five acres except as provided for by Section 711.133 of the Ohio Revised Code.
3. The proposed subdivision is not contrary to applicable subdivision or zoning regulations.
4. The proposed subdivision shall have sufficient area to accommodate the building envelope outside hydric soils and any other natural constraint found on the proposed parcel.
5. No lot shall have an average depth excluding road rights-of-way, which is more than 3.5 times its average width (see subparagraph C for exceptions).
6. The property has been surveyed and an acceptable sketch, legal description and other information relating to the property has been submitted with the application, meeting the requirements of this Chapter.
7. The proposed lot(s) have been approved in accordance with access management regulations.
8. The proposed lot(s) have been approved in accordance with storm water management regulations.
9. The proposed lot(s) have been approved relative to erosion and sedimentation controls by the Soil and Water Conservation District.
10. The proposed lot(s) have been approved in accordance with floodplain control regulations.

B. Procedure

The following procedure shall be followed in submitting, reviewing and approving proposed Minor Subdivisions. The procedure is for the convenience and protection of the developer/subdivider. The Administrative Officer may designate a Subdivision Coordinator to oversee the day-to-day administrative requirements for Minor Subdivisions.

1. A complete and accurate application package with accompanying mapping shall be submitted to the County Planning Department, including the payment of all fees required. The Subdivision Coordinator shall have seven working days in which to determine whether the submittal meets all requirements. If it fails to meet requirements, the submittal will be returned to the developer/subdivider with a written explanation. The applicant shall submit an original and 7 copies of the application package.
2. Upon certification of a complete and accurate application package, the Subdivision Coordinator shall submit the package to the TRC for consideration. The developer/subdivider or their agent/surveyor should meet with the TRC to discuss the application. The TRC shall review and provide a written recommendation to the Subdivision Coordinator and developer/subdivider within seven (7) business days of its submittal to the Committee except as per Section 711.133 as follows:
 - a. For a proposed subdivision into not more than six separate parcels all of which consist of lots of five to twenty acres, approval shall be within seven (7) calendar days after its submission;

- b. For a proposed subdivision into more than six but less than fifteen parcels all of which consist of lots of five to twenty acres, approval shall be within fourteen calendar days after its submission;
 - c. For a proposed subdivision into more than fifteen parcels or more all of which consist of lots of five to twenty acres, approval shall be within twenty-one calendar days after its submission.
3. Prior to TRC formal review, the Subdivision Coordinator shall review the proposal relative to these regulations, floodplain and other factors; the Health Department reviews for sanitary regulations; the County Commissioner's designee reviews for access management; and the county commissioner's designee reviews for erosion and sedimentation controls and storm water management.
4. If approval is recommended by the TRC, the developer/subdivider shall submit a final survey to the Subdivision Coordinator. The Subdivision Coordinator shall review for completeness, forward the survey for signature to the County Health Department; and the final signature shall be that of the Subdivision Coordinator.
5. If approval with modifications is recommended by the TRC, the developer/subdivider shall submit a final survey complying with the modifications to the Subdivision Coordinator. Within seven working days of submittal, the Subdivision Coordinator shall review for completeness and shall forward the survey for signature to the County Health Department and the Subdivision Coordinator shall stamp "Approved by the Wayne County Planning Commission, No Plat Required," on the original copy of the final survey.
6. If disapproval is recommended by the TRC, the Subdivision Coordinator shall return the application stamped "disapproved" with written comments. The developer/subdivider may resubmit the application in compliance with the written comments.
7. Once a final survey has been signed by the County Health Department and the Subdivision Coordinator, the Subdivision Coordinator will transfer the signed final survey to the Tax Map Department.
8. Upon presentation of the deed of transfer (conveyance) by the applicant/agent, a representative of the Tax Map Department shall review, and upon approval, stamp thereon "Approved by the Wayne County Tax Map Department."
9. The applicant/agent presents the approved conveyance to the County Auditor's Office, where it is processed.
10. The applicant/agent presents the approved conveyance to record in the County Recorder's Office.

The approval of a Minor Subdivision by the Subdivision Coordinator shall expire at the end of 12 months from the date of approval, unless the survey is filed in the Wayne County Tax Map Department during said period. Similarly, any subdivision application which has not received TRC recommendation within 12 months of submission shall expire at the end of said period. All formal action taken on such Minor Subdivisions shall be reported to the County Planning Commission at the following regular meeting of the Commission. Should an applicant for a Common Access Drive in a Minor Subdivision require more than 12 months to complete the subdivision process, application may be made to the Administrative Officer before the period expires for an extension of time to file the survey. The County Planning Commission may grant one six-month extension.

If the owners (and/or the owner's agent) of the property disagree with the decision or requirements specified regarding a minor subdivision, the owner may then appeal to the County Planning Commission.

C. Staff Discretion

1. In the case of a proposed Minor Subdivision for which the existing geographic, topographic or similar physical site circumstances clearly place a significant hardship upon the developer regarding strict adherence to the 1- to -3.5 width-to-depth maximum, and furthermore would clearly constitute poor overall land use planning, then the Subdivision Coordinator may permit an extension of this maximum to no more than 1-to-4.5.

Consideration for exercising this staff discretion should also be given in the case of a landowner for whom the County Health Department requires additional land for sewage disposal system purposes and for which no other reasonable physical options exist, due to topographic or geographic limitations.

2. In the case of a proposed Minor Subdivision for which the County Health Department has determined that one acre is sufficient for sewage disposal and private water systems purposes, then the Subdivision Coordinator may approve a lot with less than 1.5 acres but at least a minimum of 1 acre of usable land. In this instance, the Subdivision Coordinator may also approve a reduction in the required frontage to not less than 150 feet. If the Subdivision Coordinator finds that such a proposal was not necessitated by physical circumstances, would not result in a more efficient use of the land, or is an attempt to circumvent the basic intent of the Subdivision Regulations, such a proposal shall be denied.
3. Where a proposed parcel is to be used for public utility equipment and sheltering, the Subdivision Coordinator may grant approval of the lot for that restricted purpose only regardless of acreage or dimension, provided that it has at least a 30-foot minimum access to a public road and that the proposed acreage and dimensions are reasonable to achieve the required purpose. The size of the parcel shall be adequate to contain the structure if it were to collapse.
4. Where an existing parcel of land has two existing owned access ways both of which are at least 30' in width, the Subdivision Coordinator may grant approval for one lot on one 30' owned access way with the remainder of the parcel utilizing the other access way. This provision shall be available to lots that are greater than 5-acres and under the jurisdiction of the Planning Commission. It is recommended that the grantor of said access way retain easement rights to allow for a Common Access Drive at a later time.
5. Where a parcel of land is being divided into 5+ acre lots as allowed by these Subdivision Regulations (711.133 ORC), and where the applicant wishes to utilize the 30' access easement and/or Common Access Drive provisions of the regulations, the applicant shall follow the procedures as called for within these regulations. Five plus acre lots that utilize either "alternative access method" shall be processed as a minor subdivision (by definition) under these rules (711.131 ORC) and not as a "five plus" acre minor allotment (711.133 ORC).
6. When a Township which has zoning approves a lot split proposal consistent with its regulations up to and including variances, the Subdivision Coordinator may process the lot(s) without review by the Planning Commission.

203.06 Submittal Requirements

In order to be complete and to be accepted for review and processing, all Minor Subdivision (lot split) proposals must be legible and include or comply with the following:

- A. An application form provided by the County Planning Department must be completed in its entirety. The application form shall contain at a minimum:
 1. Name, address, telephone number, fax number and e-mail address of existing property owner.
 2. Name, address, telephone number, fax number and e-mail address of surveyor or preparer of the submittal if different from the property owner.
 3. Location and size of existing and proposed parcels, including date of creation of existing parcel to be split.
 4. Signature of applicant, agent and/or property owner.

- B. A sketch plan professionally drawn to a scale not smaller than one inch equals 200 feet and indicating the following:
 1. Name and address of existing property owner.
 2. Name and address of surveyor or preparer of the submittal if different from the property owner.
 3. Township, section and quarter section.
 4. North arrow and bar scale.
 5. Locational information including: location map; adjacent or frontage roads; adjacent parcel ownership; proposed easements of access; etc.
 6. Acreage of all proposed lots and acreage of all remaining property resulting from the division of the original parcel, including existing and proposed boundaries.
 7. Proposed building envelope, building footprint and proposed location of on-site well and wastewater facilities, including leach fields and proposed site drainage and grading may be required by the TRC or Health Department if existing data indicates a situation where development constraints should be addressed in detail sufficient for approving the development proposal.
 8. Soils indicating hydric and prime agricultural soils.
 9. Site drainage and 100-year floodplain (floodway and floodway fringe, elevation and boundaries). Flooding levels for drainage areas greater than 50 acres in area may be required by the TRC, if existing data is insufficient for determining existing flooding conditions or the potential impact of the proposed development on flooding levels on site or downstream.
 10. Steep slopes as defined herein, underground mines, woodlands, wetlands and all other natural features.
 11. All other natural and built features or conditions that in the determination of the Subdivision Coordinator are directly relevant to the ability of the proposed lot(s) to be buildable per these regulations.
 12. Existing topography at two-foot intervals for slopes under 10 percent and 10-foot intervals for slopes 10 percent or greater or as approved by the TRC if topographic characteristics of the site and/or adjacent properties indicates a situation where development constraints should be addressed in detail sufficient for approving the development proposal.
 13. Any and all proposed easements, reserves or no build zones.

14. House number of existing property or adjacent property, if available.
- C. A soil survey and/or soil borings may be required by the Subdivision Coordinator on the advice of the County Health Department or Soil and Water Conservation District.

Figure 1 – Type I Common Access Drives

FIG. Type Common Access Drive (2-Lot)

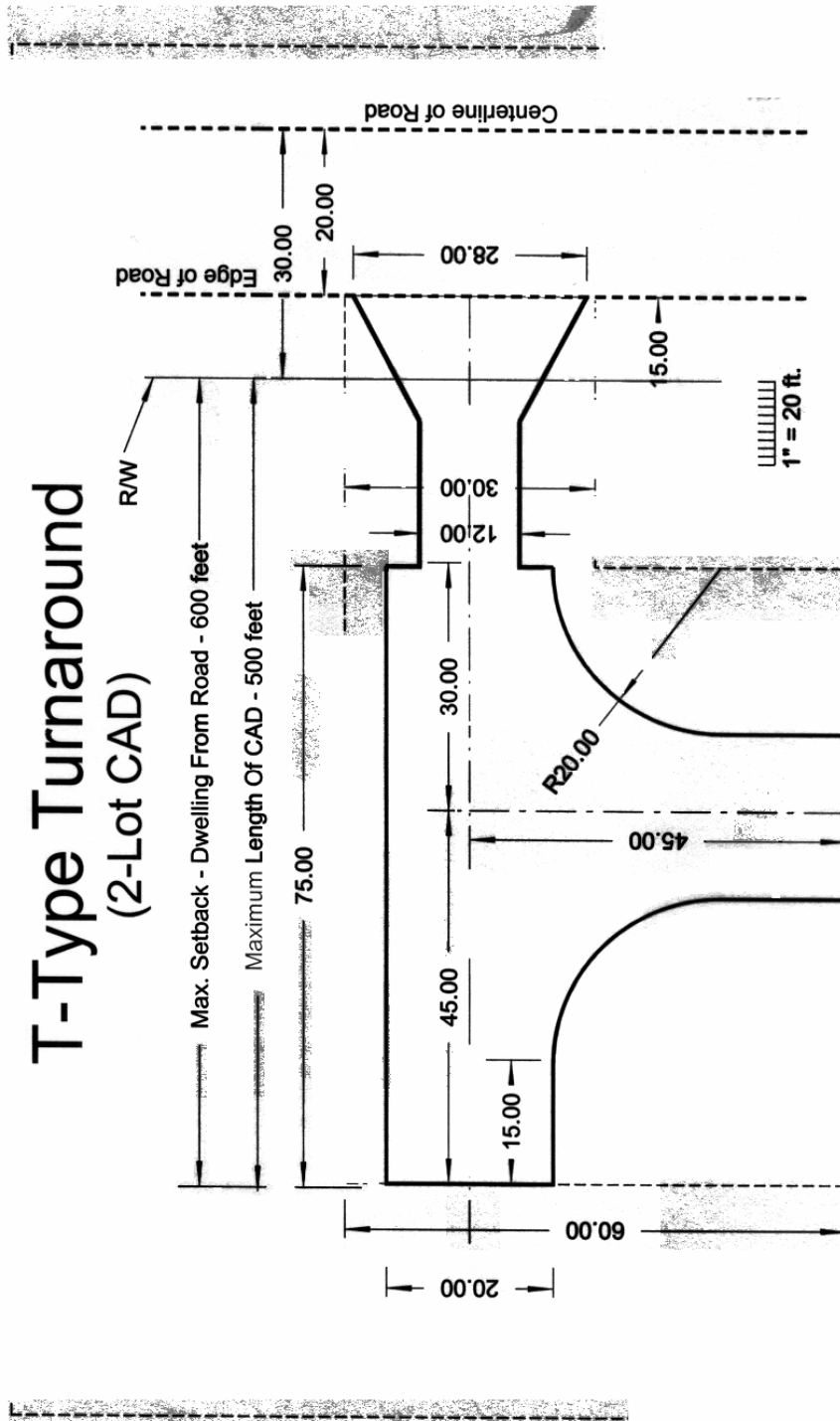
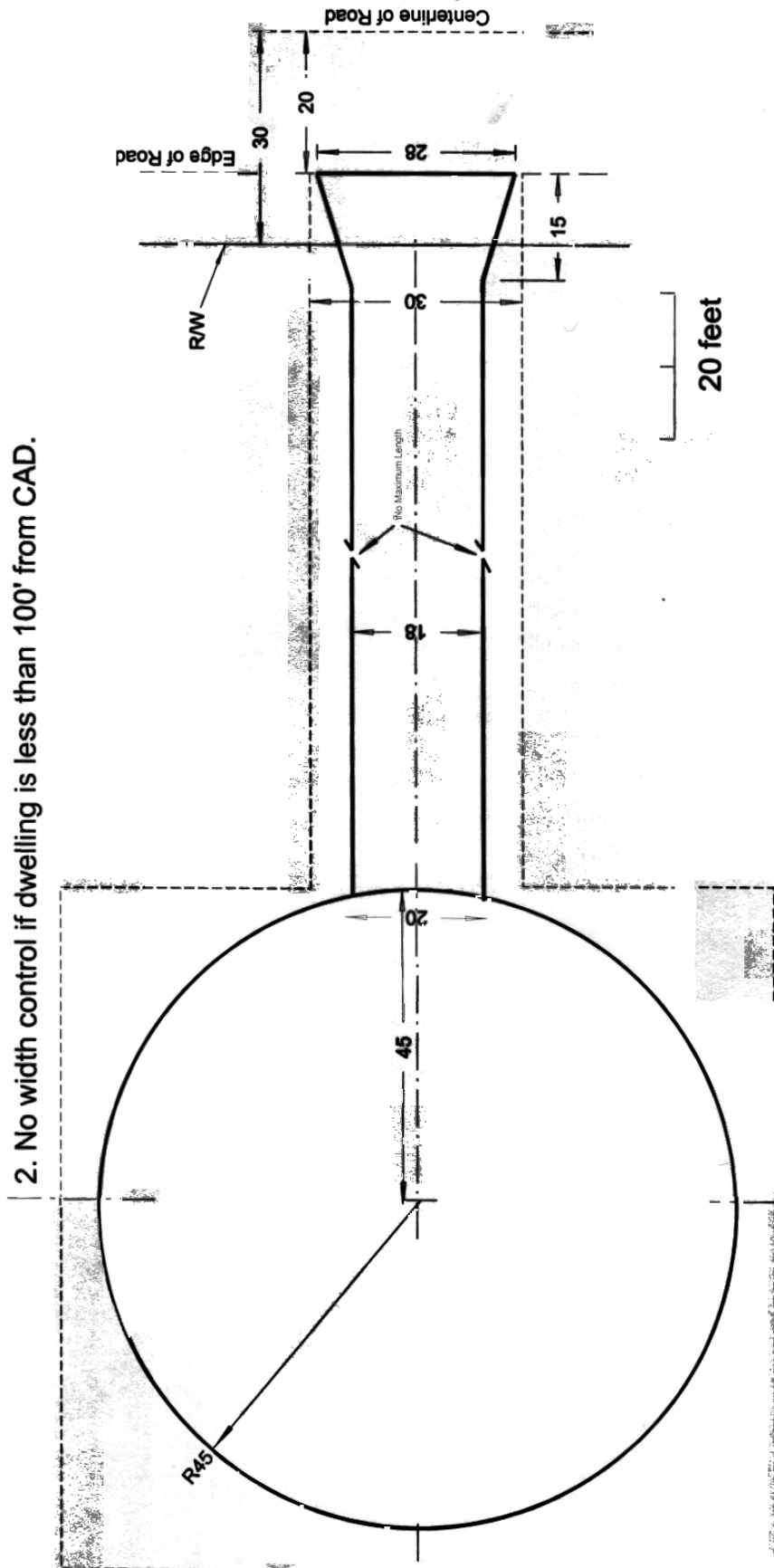


Figure 2 – Type 2 Common Access Drives

Figure 3 – Type 3 Common Access Drives

FIG. 3 - Type 3, Common Access Drive Cul-de-Sac Turnaround (for more than 50 ADT)

1. If Dwelling is more than 100' from CAD - Drive must be 12' wide.
2. No width control if dwelling is less than 100' from CAD.



204 Major Subdivisions

204.01 Purpose and Intent

204.02 Comprehensive Plan Policies

204.03 Subdivision Types

204.04 General Development Standards

204.05 Environmental Guidelines

204.06 General Procedures

204.07 Optional Procedures

204.08 Submittal Requirements

204.01 Purpose and Intent

It is the purpose and intent of Wayne County to ensure the creation of sound neighborhoods that are sensitive to the County's rural character, responsive to environmental constraints, appropriate to available supporting infrastructure and consistent with the Wayne County Comprehensive Plan, as defined in Section 201.02 of the Subdivision Regulations. In meeting the policies, standards and requirements of the Subdivision Regulations, developers/subdividers are expected to create outstanding residential neighborhoods that are unique to Wayne County's character and quality of life. These neighborhoods should add to the quality of life valued by County residents, including enhanced social interaction and aesthetics. It is the priority of the County Commissioners that the Planning Commission, County Staff, developers, subdividers and builders work together to create quality rural neighborhoods.

To assist in designing such neighborhoods, planning principals and design standards are provided to help ensure convenient and safe roads, creation of usable lots, provision of space for public utilities and reservation of land for recreational uses among other development issues.

The Wayne County Planning Commission has the responsibility for reviewing the design of each future subdivision early in its design development. The Commission shall insure that each proposal meets the intent and requirements of this chapter.

Existing natural features and amenities that would add value to development or to the community as a whole, or which are nonrenewable and critical to the County's economy and quality of life, should be preserved, conserved and/or protected in the design of a subdivision. Subdivisions should also reflect the uniqueness of the site, responding to its topography, soils, woodlands, wetlands, streams and creeks, floodplain, species habitats, aquifers and archaeological, cultural and historical resources.

All efforts should be taken to ensure that natural resources are sufficiently protected and preserved. Trees or other substantial vegetation should not be removed from any subdivision nor any change of the grade of the land affected until approval of a Preliminary Plan has been granted. In designing a site to accommodate development, it is strongly recommended that building envelopes be placed on a parcel in locations that minimize impact to natural features.

It is also the purpose and intent of Wayne County and these regulations to ensure that commercial and industrial development occurs in a way that meets the planning and economic development goals of the County and which is sensitive to the County's rural character, responsive to environmental constraints, appropriate to available supporting infrastructure and consistent with the County Comprehensive Plan. Commercial and industrial subdivisions should be located based upon the development policies of the plan and should minimize their impact on the natural environment, including prime agricultural soils.

Developers/subdividers are strongly encouraged to work with the Planning Department, SWCD, U.S. Natural Resource Conservation Service (NRCS) and the Ohio Department of Natural Resources (ODNR).

Plat approval may be withheld by the Planning Commission if a proposed subdivision is not in conformance with these planning principles and regulations and in conformance with the guides

and resolutions of cooperating County departments who are providing technical services and whose regulations apply to that proposed subdivision, or the policy and purposes of the Subdivision Regulations.

204.02 Comprehensive Plan Policies

The Wayne County Comprehensive Plan establishes development policies relative to development patterns, intensity and other factors, which directly relate to major subdivisions. Those policies are structured based upon geographic location as defined by a series of Resource Management Areas (RMAs). The following RMAs have been established per the Comprehensive Plan:

- A. Growth Areas**
- B. Future Expansion Areas**
- C. Transitional Areas**
- D. Conservation Areas**

In conjunction with addressing general land use patterns, the RMAs also identified infrastructure, community appearance and other locally defined development priorities. Major subdivisions shall meet these standards within the scope of the Subdivision Regulations.

If a parcel is split by the boundary of two or more RMAs, the RMA that applies shall be determined by the location of the road to which the subject parcel has access.

A. Growth Areas

Growth Areas are designated in the Comprehensive Plan as those locations, which are expected to accommodate the majority of future development. In particular, future development is expected to originate from cities and villages. It is the County's preference that the majority of future development in Wayne County should occur in these designated Growth Areas. These areas currently are or can be easily provided with public utilities (water and sanitary sewer) and are logical extensions of current developed areas.

1. Growth Policies

The following policies are incorporated in the Comprehensive Plan:

- a. Growth Areas are the highest priority for future development where water and sewer services are currently available or are planned to be made available.
- b. Future development should occur at higher densities than typically found to better focus development and reduce public infrastructure costs.

2. Subdivision Policies

The following general subdivision policies should be met in Growth Areas:

- a. Semi-Rural and Village Cluster subdivision types are preferred. *See Section 204.03.*
- b. Public water and sanitary sewer service shall be required. On-lot wastewater systems should be prohibited.
- c. Public roads with curb and gutter, sidewalks and roadway lights should be provided.
- d. Stub roads should be provided and subdivisions should interconnect.

B. Future Expansion Areas

Future Expansion Areas are designated in the Comprehensive Plan as those locations, which are appropriate to accommodate long-term development through the expansion of Growth Areas. These locations are expected to be provided with public utility services (water and sanitary sewer) and should be developed to the same standards as Growth Areas, because they are a logical extension.

1. Growth Policies

The following policies are incorporated in the Comprehensive Plan:

- a. Future Expansion Areas could potentially accommodate future development as Growth Areas (or portions thereof) reach build-out.
- b. Future Expansion Areas should contain utility services or can be serviced through utility expansion beyond the planning period (2010-2015), when development would expect to occur.
- c. Future development is expected to be comparable in character and density as adjacent Growth Areas.

2. Subdivision Policies

The following general subdivision policies should be met in Future Expansion Areas:

- a. Semi-Rural and Village Cluster subdivision types are preferred. *See Section 204.03.*
- b. Public water and sanitary sewer service should be required. On-lot wastewater systems should be prohibited.
- c. Public roads with curb and gutter, sidewalks and roadway lights should be provided.
- d. Stub roads should be provided and subdivisions should interconnect.

C. Transitional Areas

Transitional Areas are designated in the Comprehensive Plan as those locations, which are appropriate to create transitions between Growth/Future Expansion Areas and the Conservation Area which is designated for the majority of the rural countryside. Transitions are critical between more developed cities and villages, and the less developed countryside. This should occur by encouraging lower-density single-family residential development and discouraging nonresidential development. Clustering within residential subdivisions should occur in the Transitional Areas.

1. Growth Policies

The following policies are incorporated in the Comprehensive Plan:

- a. Transitional Areas serve as a predominately low-density residential area between densely built-up areas of Wayne County and the rural portions within Conservation Areas.
- b. Utilities should be provided on-site.
- c. Water and sanitary sewer services should not be extended or expanded into Transitional Areas.
- d. Alternative wastewater technologies should be promoted by the Wayne County Health Department to encourage open-space subdivisions where they meet current health standards and practices.

2. Subdivision Policies

The following general subdivision policies should be met in Transitional Areas:

- a. Semi-Rural, Village Cluster and Open Space subdivision types are preferred. *See Section 204.03.*

- b. Public water and sanitary sewer service is preferred where logical extensions are recommended by the appropriate utility facilities plans, however, on-lot water and wastewater systems are expected (with Health Department and Ohio Environmental Protection Agency approvals).
- c. Stub roads should be provided and subdivisions should interconnect.

D. Conservation Areas

Conservation Areas are designated for a majority of Wayne County in the Comprehensive Plan. These areas are most appropriate for agriculture, open space and very low-density single-family development. Agricultural preservation and natural resource conservation are the priorities for Conservation Areas. Residential development should be particularly sensitive to rural character and natural constraints. The Open Space Subdivision type is the County's preference for future subdivisions in the Conservation Area.

1. Growth Policies

The following policies are incorporated in the Comprehensive Plan:

- a. Agriculture should be preserved where prime agricultural soils are located and generally conserved for future generations elsewhere.
- b. Development in the Conservation Area is generally discouraged unless located adjacent to existing clusters - new areas should not be opened.
- c. Development should be compatible with natural constraints, especially septic system limitations and groundwater availability.
- d. Open space subdivisions should be encouraged to protect unique natural features.
- e. Utilities should not be extended into Conservation Areas.

2. Subdivision Policies

The following general subdivision policies should be met in Conservation Areas:

- a. Rural, Village Cluster and Open Space subdivision types are preferred. *See Section 204.03.*
- b. On-lot water and wastewater systems are expected (with County Health Department and OEPA approvals) with alternative wastewater technologies supported where meeting current health standards and practices.
- c. Stub roads should only be provided and interconnection required when a subdivision is proposed adjacent to an existing subdivision with stub roads. Otherwise, subdivisions should be designed as self-contained neighborhoods.

E. Policies Effective In All Areas

The following policies from the Wayne County Comprehensive Plan have been adopted by the County Commissioners:

1. Preparing guidelines that provide for development while protecting natural resources and promoting guidelines to all units of local government.
2. Sponsoring an annual work session with local government officials, engineers, surveyors, developers, builders, etc. to review guidelines.
3. Utilizing County geographic information systems and Ohio Capability Analysis Program (Ohio Department of Natural Resources) data to evaluate development proposals at the County and local level.
4. Discouraging development within woodlands and wetlands, and encouraging the use of open space subdivisions to minimize impact on these resources.

5. Encouraging protection of outstanding examples through fee-simple or conservation easement acquisition or donation.
6. Adopting environmental assessment requirements in the Subdivision Regulations.
7. Promoting development guidelines.
8. Discouraging straightening of natural streams unless substantial property damage from potential flooding outweighs environmental concerns.
9. Encouraging wide wooded and vegetative buffers along all streams and tributaries following guidelines of the NRCS.
10. Discouraging development in the 100-year floodplain.
11. Encouraging preservation through a proposed land dedication amendment to the Subdivision Regulations.
12. Encouraging construction of new and expansion/improvement of existing sanitary sewer systems.
13. Studying current minimum health standards for on-site wastewater systems and making recommendations regarding appropriate lot size and to study alternative technologies.
14. Encouraging combined septic systems in subdivisions to reduce maintenance and operation costs.
15. Discouraging inappropriate development over or adjacent to groundwater recharge areas and aquifers.
16. Discouraging development of prime agricultural soils, timber production areas and sand and gravel locations.

F. Commercial And Industrial Policy

The Comprehensive Plan places a high priority on industrial development, including reuse of existing industrial areas and rehabilitation of existing industrial structures. The plan discourages industrial development in areas lacking adequate infrastructure and access, and where land use conflicts will occur.

A general goal throughout the plan is the clustering of future development to reduce its impact on the rural landscape, thereby conserving greenspace. This goal can be applied to industrial development, which should strive to locate adjacent to existing industrial development and in which buildings should be sensitively placed in the natural environment. This can be accomplished through setbacks that match the immediate building pattern, limiting grading and other changes to topography on a site (or using site characteristics to screen industrial buildings) and using architecture to screen large industrial buildings through the creative use of colors, materials, variations to facades, glass, etc.

As one means of implementing this goal, the Comprehensive Plan calls for County economic incentive policies to be in concurrence with Resource Management Areas (RMAs), which define general land use patterns. In general, non-residential development should be discouraged in Transitional and Conservation areas. Development should be discouraged for areas located outside Growth and Future Expansion areas unless benefits to the community outweigh land use and service considerations, so long as public health is maintained.

Undeveloped commercial or industrial parcels with utility service should be developed as a priority, prior to extending utilities to undeveloped ground. Infill development in downtowns is to be encouraged, especially in underused or vacant structures.

204.03 Subdivision Types

Wayne County seeks to promote creative approaches to designing and constructing residential neighborhoods, as required in the Comprehensive Plan. A major subdivision application for a Concept Plan and Preliminary Plan shall indicate the type of subdivision proposed by the developer as provided for in this Section. Design standards provided herein must be reflected in the submitted Concept Plan and Preliminary Plan and will serve as one factor in the County's deliberations on the submittal. The following major subdivision types are permitted in Wayne County per the Subdivision Regulations:

A. Rural Subdivision

A Rural Subdivision is a very low density, conventional neighborhood designed as a smaller, self-contained development. The road system is typically curvilinear. Rural Subdivisions will only be approved in the absence of central utility services and are expected to be developed with on-site water and wastewater systems. Therefore, a rigorous assessment of natural features is required. Rural Subdivisions are preferred in the Conservation Areas as designated in the Comprehensive Plan.

B. Semi-Rural Subdivision

A Semi-Rural Subdivision is a low density, conventional neighborhood design with a curvilinear road pattern. Semi-Rural Subdivisions may be developed with or without central utility services. With utilities, Semi-Rural Subdivisions are expected to accommodate traditional suburban-style development patterns. If the developer proposes a subdivision without central utilities, then a rigorous assessment of natural features is required. Semi-Rural Subdivisions are preferred in the Transitional Areas designated in the Comprehensive Plan.

C. Open-Space Subdivision

An Open-Space Subdivision is a clustered neighborhood design with a gross density comparable to nearby Rural and Semi-Rural subdivisions. The Open-Space Subdivision sets aside at least forty percent (40%) of total development area for permanent open space as a reserve on the plat and is a self-contained development. Depending on the design, the investment in supporting infrastructure can be less than Rural and Semi-Rural subdivisions. Open-Space Subdivisions are preferred as an alternative to Rural Subdivisions in the Conservation Areas designated in the Comprehensive Plan and a higher density is permitted herein as an incentive per the Comprehensive Plan. Stub roads are generally not required in this subdivision type.

D. Village Cluster Subdivision

A Village Cluster Subdivision is a traditional neighborhood design with compact development in a pedestrian-friendly environment, typically with a grid street pattern and centered on common open space (e.g. village green) of two to five acres in size. Village Cluster Subdivisions are preferred as an alternative to Rural Subdivisions in the Conservation and Transitional Areas designated in the Comprehensive Plan, but should be located within one-quarter mile of arterials and/or have direct access to major collectors, creating nodes of activity that can be adequately supported by the road network per the Comprehensive Plan.

The Village Cluster Subdivision should build upon the historic pattern of Wayne County's villages and hamlets, with their common areas, grid street patterns, small lots with shallow front yards and other human-scale amenities. The Village Cluster Subdivision should be located adjacent to an existing community or in close proximity to a major road intersection (e.g. two county highways), creating the sense of a crossroads hamlet. The village green should be abutted by roads and not the rear of individual lots, thereby making it completely accessible to the public. Village greens could include a gazebo, landscaping and other passive features. Lots opposite the village green could be set aside for non-residential uses such as churches, schools and other public buildings.

204.04 General Development Standards

A. Conformance to Applicable Rules and Regulations

In addition to the requirements established herein, all major subdivision plats shall comply with the following laws, rules and regulations:

1. All applicable statutory provisions.
2. All local government zoning ordinances, building and housing codes, and all other applicable laws of the appropriate jurisdiction
3. The official Comprehensive Plan, official map and any other official plans or programs, including capital improvements, of the County or any local governments, including all roads and parks shown on those official plans as adopted.
4. The special requirements of the Subdivision Regulations and any rule of the County Health Department and/or appropriate state agencies, such as the Ohio Environmental Protection Agency (OEPA).
5. The rules of the Ohio Department of Transportation (ODOT) if the subdivision or any lot contained therein abuts a state highway or connection road.
6. The standards and regulations adopted by the County Engineer, Office of Environmental Services, County Health Department, and all other boards, commissions, agencies, and officials of the County and its local governments.
7. All state and local fire code and/or similar health and safety-related regulations.

B. Adequate Public Facilities

The Planning Commission shall approve no Preliminary Plan unless the Commission determines that public facilities will be adequate to support and service the area of the proposed subdivision. The applicant shall, at the request of the Planning Commission, submit sufficient information and data on the proposed subdivision to demonstrate the expected impact on and possible uses of public facilities of said subdivision. Public facilities and services to be examined for adequacy shall include: roads; sanitary sewer; water service; storm water management; and fire protection. The following standards shall govern:

1. Proposed public improvements shall be consistent with and properly related to the Comprehensive Plan, as amended.
2. All habitable buildings and buildable lots shall be connected to a public water system or individual wells capable of providing water for health and emergency purposes, including fire protection.
3. All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment.
4. Drainage improvements shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent increases in downstream flooding. Storm

- water control methods that may be required include retention or detention and/or the construction of off-site drainage improvements to mitigate the impacts of the proposed development.
5. Proposed roads shall provide a safe, convenient and functional system for vehicular, pedestrian and bicycle circulation, and where necessary for horse drawn vehicles; shall be properly related to the Comprehensive Plan and Thoroughfare Plan; and shall be appropriate for the particular traffic characteristics of each proposed development.
 6. In general, all public improvements and required easements shall be extended through the parcel on which new development is proposed. The Planning Commission may require the developer/subdivider to extend off-site improvements to reach the subdivision or to oversize required public facilities to serve anticipated future development as a condition of plat approval.

C. Self-Imposed Restrictions

If the owner places restrictions on any land contained in the subdivision greater than those required by the Subdivision Regulations, such restrictions or reference thereto shall be required to be indicated on the Final Plat. The County Planning Commission shall require that restrictive covenants be recorded with the County Recorder in a form to be approved by the Planning Commission and its legal counsel.

D. Homeowners Association

A Homeowners Association is a viable tool for owning and maintaining various aspects of a subdivision, including but not limited to common areas and open space, private roads and sidewalks, and landscape elements (e.g. gateways, buffers, etc.). Major Subdivisions with private dedicated features such as these shall provide for a Homeowners Association in conjunction with the Preliminary Plan and Final Plat.

1. Definition

A Homeowners Association, whether or not incorporated, operates under and pursuant to recorded covenants or deed restrictions. Through these covenants or restrictions each owner of a lot/parcel within the respected Major Subdivision is automatically a member as a condition of ownership. Each member is typically subject to a charge or assessment for a pro-rated share of expenses of the association, which may become a lien against the lot/parcel of the member.

2. Roles and Responsibilities

Permanently protected open space created through the subdivision process shall remain undivided and may be owned and managed by a Homeowners Association as approved by the County Planning Commission. The association shall be responsible for maintenance, insurance and taxes on common areas including open space, recreational facilities, private roads, common access drives and private community water and sewer systems.

3. Submission

The proposed Homeowners Association document shall be submitted by the developer/subdivider during the Preliminary Plan stage. Provision for the establishment of the association is made before any lot in the Major Subdivision is sold or any dwelling unit occupied. Once established, the association has clear legal authority to maintain and exercise control over common open space and facilities. As each lot/parcel is sold, the purchaser must

become a member of the association and this membership shall be written into the deed and run with the land in perpetuity.

4. Bylaws

The developer/subdivider shall provide a preliminary description of the association with the submittal of the Preliminary Plan including its bylaws and methods for maintaining open space. The bylaws outlining the rules and regulations of the association shall be drafted in concurrence with the Subdivision Regulations. The final draft of the bylaws shall be filed with the Final Plat and recorded with the County Recorder's Office. *A set of typical bylaws can be found in the Appendices.*

E. Major Subdivision Plats Straddling Municipal Boundaries

Whenever access to the subdivision is required across land in another local government, the Planning Commission may request assurance from its legal counsel that access is legally established. The Planning Commission may also request assurance from the County Engineer and/or local government engineer that the access road is adequately improved, or that a guarantee has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal boundary lines.

F. Monuments and Coordinate Data

Permanent reference monuments shall be placed in the subdivision and coordinate data shall be presented as required by the current Requirements for all Instruments of Conveyance in Wayne County, Ohio.

G. Suitability Of The Land For Development

The Planning Commission may find land unsuitable for a subdivision or development due to any one of the following factors:

1. Flooding.
2. Improper drainage.
3. Seasonal water table limitations.
4. Steep slopes.
5. Poor soil conditions.
6. Rock formations.
7. Adverse earth formations or topography.
8. Utility easements.
9. Inadequate water supply.
10. Inadequate schools.
11. Inadequate transportation facilities.
12. Inadequate police or fire protection.
13. Or other features or conditions, which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas.

Such land shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses, which shall not involve

such a danger. The Planning Commission may, in such cases, consult with other cooperating County departments, such as the County Engineer's Office, County Sanitary Engineer's Office, County Health Department, Soil and Water Conservation District and/or County Building Department.

H. Subdivision Name

The proposed name of the subdivision shall not duplicate or too closely approximate phonetically the name of any other subdivision in the County. The County Planning Commission shall have final authority to designate the name of the subdivision, which shall be determined at the time of conceptual review approval. Developers are encouraged to use historical and other locally recognized names, words, etc. that provides some locally recognized context.

I. Lots

All lots shall front onto a public or private road, and all lots shall conform to or exceed the requirements of the Subdivision Regulations and the zoning district regulations for the district in which they are located, if applicable. The following regulations shall govern the design and layout of lots and lot improvements.

1. Lot Arrangement

The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with health and building regulations and in providing approved driveway access to buildings on the lots from an approved road.

2. Lot Dimensions

Minor Subdivisions and all other lots shall comply with the standards of Table B (page 3.3). However, the lots in a Major Subdivision shall meet the Standards of Table C (page 4.12). Table C governs in cases of conflict, unless waived by the Planning Commission.

Building projections, such as front porches, bay windows and roof overhangs, may protrude into the building setback no more than five feet.

In cases where buildings exist on parcels adjacent to a lot located within a hamlet, the setback from the right-of-way may be established as the average of the building setbacks of the adjacent lots.

3. Lot Frontage

Lot frontage shall be approved under one of the following conditions:

- a. A lot may front onto an improved public road. Lot frontage is measured at the right-of-way line.
- b. The Planning Commission may approve the creation of lots that have access to a public road through a common access drive in an easement. In these cases, lot frontage is measured at the edge of the access easement. Lots at the terminal point of a common access drive (CAD) shall have a minimum of 30' of frontage.
- c. The Planning Commission may approve the creation of a lot that has access to a public road through an access easement. In these cases, lot frontage is measured at the edge of the access easement and shall be a minimum of 30'.

4. Lot Standards By Subdivision Type

The following table summarizes development standards by individual subdivision type.

Table C Lot Standards by Major Subdivision Type

| Subdivision Type | Minimum Lot Size ¹ | Minimum Lot Frontage | Minimum Set Back from ROW | |
|---------------------------------------|-------------------------------|----------------------|---------------------------|----------|
| | | | Collector and Local | Arterial |
| Rural | 1.5 acres | 175 ft | 35 ft | 50 ft. |
| Semi-Rural with Central Sewer | 15,000 sf | 80 ft | 30 ft | 45 ft. |
| Semi-Rural without Central Sewer | 1 acre | 125 ft | 35 ft | 50 ft. |
| Open Space with Central Sewer | 10,000 sf | 70 ft | 25 ft | 30 ft. |
| Open Space without Central Sewer | ² | ³ | 25 ft | 30 ft. |
| Village Cluster with Central Sewer | 8,000 sf | 60 ft | 25 ft | 35 ft. |
| Village Cluster without Central Sewer | 1 acre | 125 ft | 35 ft | 50 ft. |

¹ Minimum lot area does not include right-of-way, floodplain and areas of steep slope. County Health Department and/or OEPA standards may require larger lot size based on soils analysis.

² Maximum Density based upon 1 acre/dwelling. See Subsection 5 below for incentive lot size adjustments.

³ Minimum lot frontage may be reduced commensurate with the density bonus calculation as determined by the Administrative Officer (see Subsection 5), but in no case will lot frontage be less than 70 feet, unless a cul-de-sac lot (see note below).

Note: In all cases, minimum lot frontage on a cul-de-sac is at least 60 feet.

5. Open Space Incentives

Open Space Subdivision minimum lot size (Table C) may be reduced by computation of a density bonus based on the standard of one (1) dwelling per acre with 10% adjustments for meeting each of the criteria listed below. The total limitation on gross density is that established by the Health Department based on soil septic capacity, including systems in common areas. All calculations of lot size adjustment density bonuses and interpretations of subjective terms below are subject to final determination by the Administrative Officer. (Example: a 100 acre open space project begins with a 100 dwelling site allowance. Assuming that the developer meets five of the criteria below, a 50% bonus is awarded yielding 150 dwelling sites allowed in the development. If the Health Department determines that soil conditions will only support 140 dwellings, that is the maximum allowed.)

- a. Maintenance of more than 50% of natural predevelopment tree-cover if at least 50% of total project area is naturally forested at predevelopment
- b. If building setbacks and terrain/natural features screen homesites/building envelopes from public view, provided that the developer installs visible and reflective address markings for each site
- c. Where agricultural easements guarantee farming will continue in the reserved open space and which may result in CAUV tax reduction for the homeowner's association

- d. In cases where the open space is reserved by easement and/or homeowners agreement in its natural unaltered state and preserved as such
- e. When the open space reservation exceeds 50% of the total proposed development area per preliminary plan and final plat
- f. Establishment of continuous common area with contiguity to every lot in the proposed subdivision
- g. Use of Low Impact Best Management Practices (BMP) for: minimization of runoff potential, maintenance of predevelopment time of concentration and runoff volume
- h. Plans that delineate preservation of substantial natural or historic features in the open space reserve
- i. Scenic vista preservation by architectural planning for homesites/building envelopes with view lines plotted
- j. Locating adjacent to an existing or planned open space subdivision to control sprawl in the conservation RMA

6. Future Subdivision of Lots

Where lots are more than double the minimum required area, the Planning Commission may require that those lots be arranged so as to allow further subdivision and the opening of future roads where they would be necessary to serve potential lots, all in compliance with the Subdivision Regulations.

7. Side Lot Lines

In general, side lot lines shall be at right angles to road lines (or radial to curving road lines) unless a variation from this rule will give a better road or lot plan, such as in a coving design.

8. Corner Lots

Dimensions of corner lots shall be large enough to allow for the construction of buildings, observing the minimum front yard setback from both roads.

9. Building Setback

The building setback line shall be established from the edge of the right-of-way or the edge of an access easement. It shall be equal to Table B (page 3.3) or Table C (page 4.12) as applicable (see notes with each table).

10. Commercial and Industrial Lots

Depth and width of lots reserved or laid out for commercial and/or industrial purposes shall be adequate to provide for the off-road parking and loading facilities required for the type of use and development contemplated.

11. Depth-to-Width Ratio

No lot shall have an average depth, which is more than 3.5 times its average width. However, the Administrative Officer may permit a waiver of this standard, permitting the lot depth to be up to 4.5 times the average width.

12. Building Envelope

The building envelope is defined as the portion of a lot or parcel that contains the principal building and accessory structures, required setbacks, and on-site wastewater system and

water well if required. In laying out a parcel(s) or subdivision, placement of building envelopes should avoid, to the extent possible, any protected or conserved natural features, including but not limited to: prominent hilltops, ridges or wooded areas; open fields; wetlands and floodplains; slopes in excess of 10 percent; and prime agricultural soils.

If development must be located on one of these natural features due to greater constraints in all other parts of the site, dwellings should be placed on the far edge of that resource to the extent possible.

13. Lot Orientation

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

14. Waterbodies and Watercourses on Lots

If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The Planning Commission may approve an alternative plan whereby ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a County or township responsibility. A watercourse easement as defined in these regulations shall be placed on the plat for all waterbodies and watercourses. No more than 25 percent of the minimum area of a lot may be satisfied by land that is under water, provided that the building envelope and area for on-site wastewater facilities is not located under water. Where a watercourse separates the building envelope of a lot from the road by which it has access, provisions shall be made for installation of a culvert or other structure using certified design documents and construction approval provided by a registered civil engineer, signed and sealed, per the standards of the County Engineer's Office.

15. Riparian Buffers

- a. Land to be subdivided or developed shall be designed and improved in conformity to existing topography and vegetation in order to minimize impacts on existing riparian corridors, including stream-side vegetative cover, storm water runoff, water quality, aquifer recharge protection and species habitat. Developers/subdividers and builders shall, to the extent possible, place structures and improvements as far removed as feasible from stream's/watercourse's riparian corridors. Baseline data of existing riparian corridors should be based upon Wayne County aerial photographs and/or USGS 7.5-minute quad maps and/or SWCD Soil Survey Maps, any of which may be field verified by the SWCD.
- b. The following protection measures shall be taken:
 - 1) Grading, removal of vegetative cover and placement of new buildings and structures shall not be permitted within 50 feet of an intermittent stream and within 75 feet of a perennial stream. Such areas shall be placed in a no-build reserve or watercourse easement on the Preliminary Plan and Final Plat.
 - 2) Open space reserves in subdivisions shall be located to maximize the preservation of riparian corridors.
 - 3) Underground utilities may be placed in the buffers indicated above, however, following construction, the disturbed area shall be returned to a natural, vegetative state within six months of completion of the construction activity.

- 4) If the ODNR places a designation on a riparian corridor in Wayne County, then the buffer standards of ODNR shall apply.
- 5) Roads shall not be located in buffers except for crossings.

16. Off-Road Parking

Off-road parking provisions should be made in all subdivisions as approved by the Planning Commission based on the intensity of use. For single-family residential uses, a minimum of two off-road parking spaces per structure should be provided. For two-family and multifamily residential uses, a minimum of 1.5 off-road parking spaces per dwelling unit should be provided. For all other uses, a minimum of one off-road parking space should be provided for every 500 square feet of enclosed building area. Off-road parking spaces should be provided behind the building line, should be smoothly graded and covered with a suitable road material to provide a hard surface and adequately drained and free from dust.

17. Existing Lots in Sewered Areas

In sewered areas, no additional dwelling units shall be added to an existing developed lot unless the minimum semi-Rural usable lot area requirements of Table C (page 4.12) are met.

J. Roads

1. Purpose and Intent

The arrangement, character, extent, width, grade construction and location of all roads shall conform to the Wayne County Thoroughfare Plan (or the major thoroughfare portions of the County Comprehensive Plan or an adjacent municipality), or subsequent amendments thereto, and shall be considered in their relation to existing and planned roads, topographical conditions, public convenience and safety, and in their appropriate relations to the proposed uses of the land to be served by such roads. The arrangement of roads shall provide for the continuation of principal roads between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities and/or where such continuation is in accordance with the Comprehensive Plan. The road pattern shall discourage traffic through the interior of a subdivision. The developer/subdivider shall provide within the boundaries of the subdivision plat, the necessary right-of-way for the widening, continuance or alignment of such roads in conformity with both the thoroughfare portions of the Comprehensive Plan and the Engineering Code.

2. General Design Standards

In addition to the requirements established herein, the standards for the design and construction of all streets and roads are as detailed in the Engineering Code.

a. Classification

All roads shall be classified as either arterial, major collector, minor collector or local. In classifying roads, the County shall consider projected traffic demands after 20 years of development. The following Table D on page 4.14 establishing rights-of-way shall apply:

Table D Road Right-of-Way

| Road | Right-of-Way |
|-----------------|---------------------|
| Arterial | 100 feet |
| Major Collector | 80 feet |
| Minor Collector | 60 feet |
| Local | 60 feet |

b. Level of Service

No development shall be approved if such development, at full occupancy, will result in or increase traffic on an arterial, collector or local road so that the road does not function at a level of service of C or better. The applicant may propose and construct approved traffic mitigation measures to provide adequate roadway capacity for the proposed development. *Please refer to the Engineering Code.*

The applicant shall refer to the County access management policy and/or a recommendation of the County Engineer's Office to determine if a traffic impact analysis is required.

c. Grading and Improvement Plan

Roads shall be graded, improved and conform to the County standards and specifications, and shall be approved as to design and specifications by the County Engineer's Office, in accordance with construction plans required to be submitted prior to Final Plat approval. If the frontage of the proposed development is 500' or more, then the entire existing road frontage of the development shall be graded to a typical section approved by the County Engineer. For township roads including local roads in subdivisions, the County Engineer shall determine design and specifications. The Trustees of the affected township shall be notified of the availability of plans by the County Engineer's Office for the proposed project and be afforded an opportunity to submit comments to the County Engineer.

d. Arrangement

All roads shall be properly integrated with the existing and proposed system of major thoroughfares and dedicated rights-of-way as established on the Comprehensive Plan. All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches and shopping centers; to population densities; and to the pattern of existing and proposed land uses.

Appropriate road patterns include rectangular gridiron, curvilinear roads, U-shaped or loop roads and a limited number of cul-de-sacs may be permitted where such use will result in a more desirable layout. Within Conservation Areas a curvilinear road pattern is preferred.

Proposed road rights-of-way shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other extreme physical conditions, or unless in the opinion of the County Planning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

e. Blocks

The arrangement of blocks shall be such as to conform to the road planning criteria set forth both herein and in the Engineering Code, and shall be arranged to accommodate lots and building sites of the size and character required as set forth in the Subdivision Regulations or any applicable zoning resolution and to provide for the required community facilities.

Irregularly shaped blocks, those intended for cul-de-sacs or loop roads, and those containing interior parks or playgrounds, may be approved by the County Planning Commission if properly designed and located and if maintenance of the interior public spaces is covered by a Homeowners Association.

No blocks shall be longer than 1,500 feet and the block width shall accommodate two tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted under special circumstances only where blocks are adjacent to major roads, railroads or waterways or where unusual topography or other exceptional physical circumstances exist. Wherever practicable, blocks along major arterial roads and major collector roads shall not be less than 1,000 feet in length.

In all Resource Management Areas, where blocks are over 900 feet in length, a crosswalk easement not less than 10 feet in width at or near the halfway point may be required by the Planning Commission, if necessary, to provide proper access to schools, recreational areas, shopping centers and other facilities. *Please refer to Section 204.04 l. regarding stub roads.*

f. Topography

Roads shall be related appropriately to the topography. It is recommended that local residential roads, within their length, include some curvature wherever possible to avoid monotony and total conformity of lot appearance. It is recommended that roads be laid out to maximize the number of building sites at, or above, the grades of the roads so as to facilitate optimum drainage patterns. Grades of roads should conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.

Roadway placement shall avoid natural features. Existing perennial streams, drainageways, ditches etc., should be preserved by the developer/subdivider. In the layout of roads, every effort shall be taken by the developer/subdivider to preserve existing natural features of the site, particularly those that may enhance the value of the development, such as steep wooded slopes, existing wooded areas, natural marsh wildlife habitat, wooded stream corridors and areas of archaeological, historical and cultural significance.

Minor or local roads (both specialized residential and industrial) shall be laid out to conform as much as possible to the topography to discourage use by unrelated through traffic, to permit efficient drainage and utility systems, and to require the minimum number of roads necessary to provide convenient and safe access to property.

g. Commercial and Industrial Subdivisions

In commercial and industrial developments, the roads and other access ways shall be planned in connection with the groupings of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so

as to minimize conflict of movement between the various types of traffic, including pedestrian.

Roads serving business developments and accessory parking areas shall be planned to connect with arterial or collector roads so as not to generate through traffic on local residential roads. The intersections of driveways from parking areas with arterial or collector roads shall be located so as to cause the least interference with traffic movement in the roads, and shall be located not less than 100 feet from the intersection of an arterial or collector road with any other road, and shall be spaced not less than 200 feet from each other unless a more significant spacing is required by the access management policy or in the opinion of the County Engineer's Office. The Planning Commission may require service marginal access roads to provide maximum safety and convenience.

In industrial subdivisions, collector roads shall be planned to serve industrial areas exclusively and shall connect with arterial roads so that no industrial traffic will be directed onto any residential roads. The intersections of service roads from parking areas with arterial or collector roads shall not be less than 100 feet from the intersection of the arterial or collector road with any other road unless a more significant spacing is required by the County's access management policy or in the opinion of the County Engineer's Office. Road rights-of-way shall be planned to be extended to the boundaries of any adjoining land planned for industry, except for severe physical conditions or if the Commission finds such extension is not in accordance with the approved plans of the area.

h. Road Names

The Concept Plan shall include proposed names for all roads, which shall be reviewed and approved by the County Planning Commission prior to submittal of the Preliminary Plan. The developer/subdivider shall also consult with the Postmaster prior to selecting names. Final road names shall be shown on the Preliminary Plan and Final Plat. The following criteria shall be used in naming roads:

- 1) Names shall be sufficiently different in sound and spelling from other road names in the County so as not to cause confusion. Proposed road names should not duplicate existing road names of record in the emergency response district, unless they are extensions.
- 2) Where feasible, road names should bear a relationship to the subdivision name.
- 3) Roads should be named after natural features in the immediate area (e.g. hills, streams, woods or native plants or animals) or local historic family names, buildings or events. Additional sources for names should be local, state or national historical figures (e.g. Jefferson).
- 4) Rural words are preferred, such as road, lane, or way, as opposed to suburban words such as street, drive, avenue, circle, place, court, view or vista.
- 5) New roads adjacent to older communities should use traditional names, such as High Street or Elm Lane.
- 6) Road names shall be continuous the entire length of the road.

i. Road Regulatory Signs

The developer/subdivider shall deposit with the County at the time of Final Plat approval a fee as determined by the County Engineer's Office for each road sign as required by the County at all road intersections. The County Engineer's Office shall install all road signs

before issuance of certificates of occupancy by the County Building Department for any residence on the roads approved. Road name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which are to be determined by the County Engineer's Office.

j. Roadway Lights

Installation of roadway lights shall be required at key intersections and at the entrance of Major Subdivisions. Roadway lights shall meet the design and specification standards established for the appropriate township lighting district. In the absence of township lighting standards and in the interest of public health, safety and welfare, the following will apply:

Light fixtures shall minimize glare and light trespass onto adjacent properties and shall be so designed as to eliminate light pollution occurring off-roadway. Lamp-heads will be Full Cut-off, designed to project light downward with minimal lateral and no upward spread. Lamp bulbs shall be color-corrected high-pressure sodium (HPS). Lighting shall not exceed 26-foot pole mounting height, nor be less than 16 feet. Lamp lumens for lights at intersections with proposed roads shall meet the following parameters: 9,000 to 12,000 for minor collectors, 12,000 to 17,000 for major collectors and 17,000 to 21,000 for arterials. Roadway light posts, if located in the right-of-way, shall be of a breakaway design. Preliminary Plans and Final Plats shall include documentation in response to these requirements, which will be reviewed by and subject to the approval of the Planning Commission.

Note: see §204.04 R. for additional lighting standards.

k. Reserve Strips

The creation of reserve strips shall not be permitted adjacent to a proposed road in such a manner as to deny access from adjacent property to such road.

l. Stub Roads and Cul-De-Sacs

Stub roads shall be provided for every 1,500 feet of block length in the Growth, Future Expansion and Transition areas. Stub roads extending to the rear lot lines shall be constructed within a 60-foot right-of-way.

If a road must be a temporary dead-end and the adjacent property is undeveloped, the rights-of-way shall be extended to the property line. In all cases, temporary dead ends or cul-de-sacs shall conform to the design requirements for a permanent turnaround as specified in the Engineering Code. If the temporary dead-end is not to be used for a period in excess of 18 months and is within 400 feet of an intersection, a T-type turnaround shall be used if so approved by the County Engineer's Office.

Where a road does not extend to the boundary line of the subdivision and its continuation is not required by the County Planning Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than 50 feet. However, the Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities.

A cul-de-sac turnaround shall be provided at the end of all permanent road terminations in accordance with the standards of the Engineering Code. For greater convenience to traffic, more effective police and fire protection, and efficiency of road maintenance,

permanent cul-de-sac terminated roads shall be limited to serving 20 dwelling units, however, the number of lots on the cul-de-sac turnaround shall be limited to four (4) lots with individual drives, but if shared driveways are proposed, a maximum of six (6) lots with three (3) drives may be allowed. In no instance shall a road terminating in a cul-de-sac exceed 1,400 feet in length.

The preferred cul-de-sac design is circular. Landscaped islands are strongly preferred over paved islands and should be dedicated to an existing or proposed Homeowners Association for ownership and maintenance. Landscaped islands should be planted with native plantings requiring minimal maintenance. Circular cul-de-sacs should be designed with a 30-foot inside radius for the pavement. If an island is to be provided, the inside radius should increase to at least 45 feet.

As an option to a standard cul-de-sac, a one-way 15-foot wide circular lane can be used if approved by the Planning Commission. Such an approach is advisable when an outstanding natural feature exists in the location of a proposed cul-de-sac, such as a mature stand of trees or a pond. The lane must be shown on the Preliminary Plan, placed in a public right-of-way and a cross section provided for review and approval by the County Engineer's Office.

Developers/subdividers shall post a sign meeting the requirements of the County Engineer's Office indicating that each stub road is intended to provide for a through road in the future.

m. Traffic Calming

In all cases developers/subdividers should design local roads within subdivisions to slow traffic to protect public safety. Local roads shall be designed to accommodate a maximum 25 miles per hour speed limit subject to approval by the township. Traffic calming devices shall meet the design requirements of the County Engineer's Office.

3. Access Standards

a. Frontage on Approved Road

No subdivision (major or minor) shall be approved unless the area to be subdivided shall have frontage as required herein on an existing state, county or township road or a street shown upon a plat recorded in the County Recorder's Office, or an approved access easement as permitted herein. Major Subdivisions shall have a minimum of 400 feet of public road frontage, exclusive of limited access frontage, except for open space subdivisions, which shall have a minimum of 200 frontage feet. Such public road, street or highway must be suitably improved as required under the standards of the Engineering Code. In situations with poor sight distance and to ensure appropriate access, cross access easements may be permitted.

b. Access Limitations

Where a subdivision borders on or contains an existing arterial or proposed arterial road, the County Planning Commission or Administrative Officer may require that access to such roads be limited by one of the following means:

The subdivision of lots so as to back onto the primary arterial and front onto a parallel local road; no access shall be provided from the primary arterial, and screening shall be provided in a strip along the rear property line of such lots.

A series of U-shaped roads, short loops or cul-de-sacs entered from and designed generally at right angles to such a parallel road, with the rear lines of their terminal lots backing onto the major arterial.

A service access road (separated from the primary arterial by a planting or grass strip and having access thereto at suitable points).

c. Access Points in Major Subdivisions

In all Major Subdivisions designed to accommodate more than 25 dwelling units, there should be at least two exclusive roads existing or created to have access in and out of the subdivision to the existing road system for fire and police protection purposes. Larger subdivisions may be required by the Commission to have a proportionately greater number of such access points to ensure adequate and reasonable police and fire accessibility.

d. Double Frontage Lots

In general, double frontage lots 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 or orientation, as determined by the Planning Commission.

e. Existing Lots Lacking Road Frontage

In those cases where there is a building lot existing and recorded prior to the adoption date of these regulations, which does not have any of the necessary road frontage, an easement may be approved by the Planning Commission to that existing building lot. The easement must be an exclusive legal access way with a minimum of 30 feet in width for a one-family dwelling and 60 feet in width for a two-family dwelling. No such easement will be granted for construction of a dwelling for more than two-families.

4. Public Improvement Standards By Subdivision Type

- a. The following Table E on page 4.21 summarizes public improvement standards by subdivision type:

Table E Public Improvement Standards by Major Subdivision Type

| Subdivision Type | Curb and Gutter | Road Cross Section¹ | Road Sidewalks | Lighting |
|---------------------------------------|------------------------|---------------------------------------|-----------------------|-----------------|
| Rural | No | Type 3 | No | No |
| Semi-Rural with Central Sewer | Yes | Type 1 | Yes | Yes |
| Semi-Rural without Central Sewer | No | Type 3 | No | No |
| Open Space with Central Sewer | Yes | Type 2 | No | No |
| Open Space without Central Sewer | No | Type 3 | No | No |
| Village Cluster with Central Sewer | Yes | Type 1 | Yes | Yes |
| Village Cluster without Central Sewer | No | Type 2 | No | No |

¹Refers to Engineering Standards.

Note: See Table D (page 4.16) for right-of-way.

b. Surety for Public Improvements

Public improvements shall be constructed, inspected and ready for approval by the County Engineer before a Final Plat may be submitted to the County Planning Department for processing. A Maintenance Guaranty Agreement and surety shall accompany the Plat at that time. If public improvements are not required by the Planning Commission to meet this requirement, then a Performance Guaranty Agreement and surety, meeting the requirements of the Subdivision Regulations, may be approved by the County Commissioners. Such Performance Guaranty Agreement and surety shall be stipulated in the Development Agreement.

The surety requirements shall be based upon Resource Management Areas (RMAS) as provided for in the Comprehensive Plan. The following Table F, on page 4.23, summarizes the requirements.

Table F Surety Standards by Resource Management Area*

| RMA | Surety Standards |
|------------------|--|
| Growth | Escrow |
| Future Expansion | Escrow |
| Transitional | Escrow |
| Conservation | Limited Escrow Surety permitted – Escrow is available only for the final chip and seal or final asphalt surface course and associated remedial work in preparation for acceptance as a public improvement. Except as noted, all improvements must be completed prior to submittal of a Final Plat. |

*The Surety Standard for any open-space subdivision shall be Escrow regardless of its RMA location. Details regarding sureties can be found in the Engineering Code.

5. Private Roads

As an alternative to publicly dedicated roads, private roads may be provided with the approval of the Planning Commission. Such private roads shall be placed in private right-of-way on the Final Plat. The design of private roads shall be reviewed as a courtesy by the County Engineer's Office, but construction and maintenance shall be the responsibility of the developer/subdivider and future homeowners. Private roads shall meet the same engineering standards as those for public roads. Private roads should be designed to accommodate a 25 miles per hour or lower design speed. The Final Plat shall not be recorded until a professional civil engineer versed in subdivision development has provided documentation approving the installation of the roadway(s) as provided in the reviewed plans.

Pre-existing private roads shall not be accepted by the County as publicly dedicated roads unless such pre-existing roads meet the applicable design and construction standards of the Engineering Code, as approved by the County Engineer's Office.

6. Development Agreement

The Development Agreement shall be submitted with the Preliminary Plan and Final Plat. The agreement shall contain the following information and shall be in conformance with these regulations:

- a) A summary of all proposed improvements, including but not limited to:
 - 1) Water, sanitary sewer and storm water management facilities.
 - 2) Roads, curbs and gutter, sidewalks, bikepaths, traffic control improvements, fire hydrants, road lighting and road trees.
 - 3) Landscape buffers, entry features and landscape easements.
 - 4) Open space dedications, in-lieu fees and conservation easements.
- b) A Performance Guaranty Agreement with appropriate security, as required by the County Commissioners, guaranteeing installation of all public improvements, per the Engineering Code, unless construction of public improvements is required prior to platting per Table F (above).
- c) The Development Agreement also requires the applicant to sign an agreement regarding compliance with all applicable environmental protection and management requirements, including but not limited to all plans submitted and approved with the Preliminary Plan.
- d) A Maintenance Guaranty Agreement with appropriate security shall be required and documented in the Development Agreement, per the Engineering Code.

K. Drainage and Storm Sewers

1. General Requirements

The Planning Commission shall not recommend approval of any Preliminary Plan or Final Plat of a subdivision that does not make adequate provision for storm water runoff and floodwater channels, basins or other acceptable measures. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers and other facilities, where required, shall be designed in accordance with the applicable standards.

2. Areas of Poor Drainage

Whenever a subdivision is proposed for an area that is subject to flooding, but located outside the 100-year floodplain as mapped by the National Flood Insurance Program (NFIP), the Planning Commission may approve such subdivision provided that the

developer/subdivider adequately addresses poor drainage concerns. The Planning Commission may deny subdivision approval for areas of extremely poor drainage, including proposed subdivisions that are dominated by hydric soils.

3. Floodplain Areas

The County discourages development within floodplains. The Planning Commission may approve a subdivision that is proposed to be located in the 100-year floodplain, as estimated by NFIP mapping, U.S. Federal Emergency Management Agency (FEMA), only as it meets the building standards, health code, zoning and floodplain regulations. These floodplain areas should be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps. A developer/subdivider may challenge the accuracy of NFIP mapping by filing a map amendment request per FEMA guidelines, which requires the preparation of a hydrologic and hydraulic engineering study. Upon amendment of the maps by FEMA, a subdivision may be proposed which would then be located outside the 100-year floodplain. See *Wayne County Special Purpose Flood Damage Prevention Regulations* for more guidance.

4. Buried Drainage Systems

Existing farm field tile systems shall be mapped to the extent practical and reflected in all submissions required by these regulations. Provisions should be made to maintain to the extent possible (and if necessary restore) the continuity of existing buried drainage systems, such as agricultural field tiles, in subdivisions. The Soil and Water Conservation District will review all submissions and inspect and approve all restorative work.

5. Dedication of Drainage Easements

a. General Requirements

When a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. The Soil and Water Conservation District shall be consulted by the developer/subdivider relative to appropriate landscaped plantings.

b. Drainage Easements

Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least 20 feet in width for drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the Preliminary Plan and Final Plat. Drainage easements shall extend from the road to a natural watercourse or to other drainage facilities.

When a proposed drainage system will carry water across private land outside the subdivision in new, engineered watercourses, appropriate drainage rights shall be secured from the affected property owners.

The developer/subdivider shall dedicate, either in fee or by a drainage or conservation easement, area on both sides of existing watercourses to a minimum distance of 15 feet or greater as measured from the centerline of the subject

watercourse, to the satisfaction of the Planning Commission. The easement shall be written to follow the centerline of the watercourse.

6. Roadside Drainage

The provision of roadside drainage shall be accommodated through storm water facilities meeting the requirements of the County Engineer's Office.

L. Water Facilities

1. General Requirements

When a public water main is not accessible, the developer/subdivider shall take necessary action to extend or create a water-supply district for the purpose of providing a water-supply system capable of providing for domestic water use and fire protection if required by the County Office of Environmental Services. When a public water main is accessible, the developer/subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the County Office of Environmental Services. All water mains shall be at least six inches in diameter. The County Office of Environmental Services shall approve water mains.

The location of all fire hydrants, all water supply improvements and the boundary lines of proposed districts, indicating all improvements proposed to be served, shall be shown on the Preliminary Plan and the Final Plat. The cost of installing shall be borne by the developer/subdivider and included in the Development Agreement and security to be furnished by the developer/subdivider.

2. Individual Wells and Central Water Systems

The Planning Commission may approve individual wells or a central water system provided in a manner so that an adequate supply of potable water will be available to every lot in the subdivision. Such approval shall require preapproval by the County Health Department and evidence that a public water system is not available.

Water samples shall be submitted to the County Health Department for its approval and the appropriate health authorities shall approve individual wells and central water systems. Approvals shall be submitted in writing to the Planning Commission prior to Final Plat approval.

If the Planning Commission requires that a connection to a public water main be eventually provided as a condition to approval of an individual well or central water system, the developer/subdivider shall install, cap and mark the distribution system in anticipation of the connection.

3. Fire Hydrants

Fire hydrants shall be required for all subdivisions on central water systems, except those where the minimum lot area exceeds one acre with the approval of the Planning Commission. Fire hydrants shall be installed according to appropriate fire department specifications and shall be reviewed by the appropriate local fire department. To eliminate future road surface openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements shall be installed before any final paving of a road shown on the Final Plat. Where central water systems are not available and where an existing water source is available or proposed as part of the development, the Planning Commission shall require dry or draughting hydrants unless the local fire department

requests in writing a preference that the site not be equipped with such facilities. The appropriate fire department shall be contacted by the developer/subdivider for dry hydrant specifications and requirements.

M. Sewerage Facilities

1. General Requirements

The developer/subdivider shall install sanitary sewer facilities in a manner prescribed by the County Office of Environmental Services. All plans shall be designed and approved in accordance with the rules, regulations and standards of the County Office of Environmental Services, County Health Department and Ohio Environmental Protection Agency (OEPA), as applicable. Necessary action shall be taken by the developer/subdivider to extend or create a sanitary sewer district for the purpose of providing sewerage facilities to the subdivision when no district exists for the land to be subdivided, provided the creation of such district and its service area is in concurrence with the Comprehensive Plan. However, in general, sanitary sewer systems are not to be extended into or otherwise provided for in areas designated as Conservation Areas in the Comprehensive Plan.

2. Suburban Density Residential Development

Sanitary sewer facilities for subdivisions with lot areas less than one acre shall connect with public sanitary sewerage systems. Sewers shall be installed to serve each lot and to grades and sizes required by approving authorities. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted. Sanitary sewerage facilities (including the installation of laterals in the right-of-way) shall be subject to the specifications, rules, regulations and guidelines of the County Office of Environmental Services, County Health Department and OEPA, as applicable.

3. Rural Density Residential Development

Sanitary sewer facilities for subdivisions with lot areas one acre or greater in size shall be constructed as follows:

- a. When a public sanitary sewerage system is reasonably accessible and proposed for sanitary sewer, according to the adopted EPA 201 plan for the community, the developer/subdivider shall connect with it and provide sewers accessible to each lot in the subdivision.
- b. When public sanitary sewerage systems are not reasonably accessible but shall become available within a reasonable time (not to exceed 20 years), according to the adopted EPA 201 plan for the community, the developer/subdivider may choose one of the following alternatives:
 - 1) Central sewerage system with the maintenance cost to be assessed against each property benefited. Where plans for future public sanitary sewerage systems exist, the developer/subdivider shall install the sewer lines, laterals and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains; or
 - 2) Individual disposal systems, provided the developer/subdivider shall install sewer lines, laterals and mains from the road curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made. Sewer lines shall be laid from the house to the road line and a connection shall be available in the home to connect from the individual disposal system to the

sewer system when the public sewers become available. Such sewer system shall be capped until ready for use and shall conform to all plans for installation of the public sewer system, where such exist, and shall be ready for connection to such public sewer system.

- c. When sanitary sewer systems are not reasonably accessible and will not become available for a period in excess of 20 years, according to the adopted EPA 201 plan for the community, the applicant may install individual disposal systems or central sewerage systems meeting the specifications, rules, regulations and guidelines of the County Office of Environmental Services, County Health Department and OEPA, as applicable.

4. Mandatory Connection to Public Sewer System

Mandatory connections to existing sanitary sewer systems are governed by the Wayne County Health Department Sanitary Code.

5. Individual Disposal System Requirements

If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the County Health Department or OEPA, as applicable. Percolation tests and test holes shall be made as directed by the Health Department and the results submitted to the department for review. The department shall also approve the individual disposal system, including the size of the septic tanks and size of the tile fields or other secondary treatment device. A one-year maintenance bond may be required of the installing contractor.

6. Leach Fields in Common Areas

Common areas designated as permanent open space on a Final Plat may be proposed for the location of septic leaching fields for on-lot wastewater systems. Such a proposal shall be reviewed and approved by the County Health Department prior to submittal of a Preliminary Plan and Final Plat.

In designing such a system, a Septic System Easement shall be shown on the Preliminary Plan and Final Plat for the purpose of installing and maintaining septic leaching systems in the reserve. The location of leaching systems and their respective receiving fields shall also be designated. Lots shall be designated that will benefit from individual easements and showing a general location for the connection with the receiving leach field in the common area.

The use of the common area in which septic leaching fields are located shall be limited in use to passive recreation and natural areas and noted on the Final Plat. The use of the surface area shall not interfere with the subsurface use as a septic leaching field. The Homeowners Association may require that certain high transpirational grasses be planted and maintained above the leach field areas. The cost of seeding and maintaining said grasses shall be borne by the Homeowners Association.

N. Sidewalks, Pedestrian Access and Bikepaths

A pedestrian circulation system should be designed to assure that pedestrians can walk safely and easily on a site, between properties and activities or special features within the neighborhood open space system. Sidewalks should connect with off-road trails, which in

turn should link with potential open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels, where applicable).

1. Sidewalks

Sidewalks shall be required on both sides of the road in all residential subdivisions where the average lot width is less than 100 feet and on one side of the road where the average lot width is greater than 100 feet and less than 175 feet. No sidewalk is required where the average lot width is 175 feet or greater.

Public sidewalks shall be required for all commercial lots. Public sidewalks may be required for industrial lots (for example in industrial parks or similar settings where there are pedestrian linkages between buildings), subject to the approval of the County Planning Commission.

Sidewalks shall meet the design and construction standards of the County Engineer's Office. When required by the Planning Commission per the standards above, sidewalks shall be included within the dedicated right-of-way of public roads or located parallel to private roads. Along arterials and collectors, sidewalks shall be six feet in width. Along local roads, sidewalks shall be four feet in width, unless also serving as a bikepath, then the sidewalk shall be six feet in width.

All sidewalks should be separated from roads, whether public or private, no closer than shown on the typical section for the subdivision. At a minimum this should be a two-foot wide median strip of grassed or landscaped area.

2. Pedestrian Access

In order to facilitate pedestrian access from roads to schools, parks, playgrounds or other nearby roads, the Planning Commission may require perpetual unobstructed easements at least 10 feet in width. Easements shall be indicated on the Preliminary Plan and Final Plat.

3. Bikepaths

In order to facilitate bicycle access from roads to schools, parks, playgrounds or other nearby roads, the Planning Commission may require perpetual unobstructed easements at least 10 feet in width. Easements shall be indicated on the Preliminary Plan and Final Plat.

O. Utilities (excluding water, sanitary sewer or storm water)

1. Location

All utility facilities, including but not limited to: natural gas; electric power; telephone; and cable television shall be underground throughout the subdivision. Plans are required to be submitted to and receive approval by the County Engineer's Office. Whenever existing utility facilities are located above ground, except when existing on public roads and rights-of-way, they shall be removed and placed underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the Preliminary Plan and Final Plat. Underground service connections to the road property line of each platted lot shall be installed at the developer's/subdivider's expense. At the discretion of the Planning Commission, the requirement of service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use. Utility construction plans will be submitted as part of the subdivision engineering plan review process, including information on proposed road bores and the size and material of conduit to be employed.

2. Easements

Easements for utilities shall be provided outside a road right-of-way. Utility easements shall be established in cooperation with the applicable utility and the County. Coordination shall be established between the developer/subdivider and the applicable utility companies and County for the establishment of utility easements in adjoining properties. Easements shall be indicated on the Preliminary Plan and Final Plat.

3. Installation

All utilities, except for house connections, shall be installed according to the Engineering Code.

P. Public Uses

1. Public Facilities

When land in a Major Subdivision has been identified as the site for a public park, school or other public facility in the County Comprehensive Plan or another duly adopted comprehensive, land use, parks or facility master plan, the County may require that the land be reserved in the Final Plat. A reservation shall be required only when the public body charged with the responsibility for the designated public use makes a written request to the County Planning Commission for reservation of the land. This request shall not duplicate a dedication requirement of Subsection 2 herein.

Reservations shall not continue for longer than three years from the date of recording the Final Plat. The period of time for which the land is reserved shall be specified on the recorded plat. If the reserve is not purchased by the end of the three-year period, the reserve shall revert in ownership to the developer/subdivider.

2. Parks and Recreation Facilities

The purpose of these requirements is to protect the public health, safety and welfare by providing for the park and recreational needs of new residents, equitably apportioning the costs of providing sites for parks and recreational facilities and ensuring new residential developments do not adversely impact existing park and recreational facilities.

a. Dedication Requirement

The requirements of this section shall apply to all Major Subdivisions except open space subdivisions which must dedicate at least 40% of the developed area. Land dedications shall be dedicated to the County Commissioners, Township Trustees, parks district or a Homeowners Association, as approved by the Planning Commission. Land obtained under these requirements shall only be used for parks, playgrounds, play fields, gymnasiums, swimming pools, indoor recreation centers or other public recreational purposes.

The land dedication requirement for parks and recreation facilities shall be calculated at the rate of 0.028 acres per lot and applied to the gross site. This standard is based upon recommendations of the National Parks and Recreation Association, which is to provide 10 acres of parkland for each 1,000 persons served in the community. For example, a 40-lot subdivision would have to set aside 1.12 acres of parkland on the Final Plat.

b. Design Considerations

Only land, which is suitable to achieve the purposes of this section, can be used to meet these requirements. Suitability is defined by the following criteria, which shall be used by the Planning Commission in assessing whether the proposed dedication is acceptable and appropriate:

- 1) The dedication should be consolidated into a single lot, centrally located in the subdivision and shall front onto a road (public or private) in the subdivision for a distance of at least 100 feet.
- 2) Storm water management facilities shall not be counted towards the land dedication acreage, but may be located in the open space reserve with approval of the Planning Commission.
- 3) Slopes on the proposed dedication shall not exceed 10 percent and no more than 20 percent of the dedication shall be comprised of woodlands or wetlands.
- 4) Active recreational areas - such as playfields, recreation equipment, etc. - that are provided as part of a subdivision should be situated in suitable locations offering convenient access by residents, and adequately screened from nearby lots.

Land dedications shall meet the minimum standards regarding property boundary markers and other requirements as set forth in the Development Agreement as a condition of the release of the developer's performance bond. Land dedications shall be shown as a reserve on the Preliminary Plan and Final Plat clearly indicating that the reserve is to be exclusively used for public parkland and recreational facilities. Land dedications shall be transferred to the County, a park district or a Homeowners Association with the approval of the Final Plat for the first phase of the subdivision. Land dedications adversely affected by the developer's operation, such as by clearing, grading, drainage or construction activities, shall be restored by the developer to a reasonable condition to the satisfaction of the Soil and Water Conservation District. If cleared, the land dedications shall be fine graded and seeded prior to dedication.

c. Fee-In-Lieu of Dedication

As an alternative to dedicating land under this section, and only by the approval of the Planning Commission, the developer can pay a fee-in-lieu of the dedication. The Commission in its decision shall use the following criteria:

- 1) A useable parcel of land does not exist in the subject subdivision.
- 2) The fee can be used to acquire land for a neighborhood or community park located within one mile of the subject subdivision.
- 3) The appropriate parks district, if existent, recommends the payment of a fee-in-lieu of land dedication. A fee paid-in-lieu of a land dedication shall be deposited in a special fund by the County Auditor entitled Park and Recreational Facility Fund. These fees shall be paid to the County prior to submitting for signature the Final Plat for the first phase of the subdivision. The fee shall be based upon the per acre value of the subject site as determined by a current appraisal conducted on behalf of the owner. The Planning Commission has last right of refusal to accept the appraisal.

d. Prohibition

No Final Plat shall be signed by the County and recorded by the developer unless and until a deed for conveyance of a park reserve has been reviewed and approved by the County Prosecutor's Office or in the case of a fee-in-lieu of dedication, payment of the fee has been fully made. If no agency will accept responsibility for the dedicated reserve, this dedication requirement shall be waived.

Q. Landscaping, Screening and Buffering

The purposes for landscaping, screening and buffering are the following: to enhance the physical appearance of County development; to buffer incompatible developments and land uses; to buffer agricultural operations from adjacent incompatible development and vice versa; to improve the environmental performance of new development by reducing or mitigating the impacts resulting from storm water runoff, air pollution, glare and noise.

1. Major Subdivisions Adjacent to Farms

Proposed Major Subdivisions adjacent to farms, excluding tree farms and nurseries, shall provide for one of the following property line buffers:

- a. 25 -foot wide buffer strip shall be placed in a reserve on the Preliminary Plan and Final Plat, and dedicated to each individual lot. The proposed buffer treatment shall also be shown on the Landscape and Road Tree Plan of the Preliminary Plan and Final Plat. A detail shall also be shown on the plat indicating the landscape design for the buffer, including species, planting location and planting instructions. The buffer strip shall be planted by the developer/subdivider with a double row of six-foot evergreen trees planted 15-foot on center and maintained by the individual lot owners.
 - 1) Acceptable trees for buffer strip consist of the following:
 - a) Arborvitae (Thuja)
 - b) Austrian Pine (Pinus Nigra)
 - c) Eastern White Pine (Pinus Strobus)
 - d) Eastern Red Cedar (Juniperus Virginiana)
 - e) Norway Spruce (Picea abics)
 - f) Blue Spruce (Picea Pungens)
- b. 150-foot building setback adjacent to the working farm shall be shown on the Preliminary Plan and Final Plat prohibiting the placement of a residential structure closer than 150 feet to the working farm.

2. Landscaping Common Areas

Common areas (such as community greens), cul-de-sac islands and both sides of new roads should be landscaped with native species, shade trees, flowering shrubs and perennials with high wildlife conservation value, unless a more appropriate landscaping approach is a formal road frontage tree planting, and which shall require minimal maintenance. All such landscaped areas should be placed in a landscape easement if they are located outside a dedicated right-of-way and/or dedicated as reserves to a Homeowners Association.

3. Off-Road Parking Lots and Loading Docks

For commercial, industrial and multi-family subdivisions, off-road parking lots and loading docks should be screened from existing adjacent dwellings.

4. Trash Receptacles

Trash receptacles for subdivision-wide purposes should be containerized and screened from view. A detail depicting the subdivision's community trash receptacle location shall be submitted with the Landscape and Road Tree Plan of the Preliminary Plan and Final Plat and shall be considered part of the submittal for review and approval by the Planning Commission.

5. Commercial and Industrial Perimeter Treatment

For commercial and industrial subdivisions, a minimum greenbelt of 15 feet should be maintained at all internal property lines except along side property lines when similar uses are adjacent and cross easement parking is provided. All existing trees in healthy condition shall be preserved within the 15-foot side yard.

6. Road Frontage Trees

Road frontage trees provide shade along roads; enhance the natural beauty of the landscape and support property values. Developers/subdividers of Major Subdivisions shall plant road frontage trees as required herein. For every 50 feet of lot frontage, one large tree shall be planted by the developer/subdivider. The minimum caliper of the tree at planting shall be 1.5 inches. The appropriate time for planting trees is from March 1 to May 31 and from September 1 to December 1. Such trees shall be placed outside, but within 15 feet of, the right-of-way of a public road or within 20 feet of the edge of pavement of a private road. Trees shall be dedicated to the property owner of the lot upon which such tree is located. Trees shall be planted according to a Landscape and Road Frontage Tree Plan that is submitted as required herein. Road frontage trees shall not be planted closer than 20 feet to a residential driveway, 10 feet to a fire hydrant, 25 feet to an overhead utility pole or overhead line and 10 feet to an underground line or utility. Trees shall not be planted within utility and other easements. During construction, orange snow fencing shall be placed in a circle around each road tree a distance of eight feet from the trunk.

Final Plats shall include language stating the following:

That persons owning property on which a road frontage tree is located as required by the Subdivision Regulations shall have the duty to prune or cause to be pruned such trees in such a manner that the trees will not obstruct or shade road lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, obstruct view of any road intersection or generally obstruct vehicular traffic.

- a. The following trees are authorized for road frontage use:
 - 1) Kentucky Coffeetree (*Gymnocladus dioicus*)
 - 2) Bald Cypress (*Taxodium Distichum*)
 - 3) Lacebark Elm (*Ulmus parvifolia*)
 - 4) Hackberry (*Celtis occidentalis*)
 - 5) Littleleaf Linden (*Tilia Cordata*)
 - 6) Pin Oak (*Quercus Palustris*)
 - 7) Red Oak (*Quercus Rubra*)
 - 8) Willow Oak (*Quercus Phellus*)
 - 9) London Planetree (*Platanus xaccrifolia*)
 - 10) Japanese Zelkova (*Zelkova serrata*)
- b. The following trees are prohibited for road frontage use:

- 1) Box Elder (*Acer negundo*)
- 2) Silver Maple (*Acer saccharinum*)
- 3) Horse Chestnut (*Aesculus hippocastanum* species)
- 4) Tree of Heaven (*Ailanthus altissima*)
- 5) Northern Catalpa (*Catalpa speciosa*)
- 6) Ginko - female (*Ginkgo bilboa*)
- 7) Osage - orange (*Maclura pomifera*)
- 8) Mulberry (*Morus* species)
- 9) Poplar (*Populus* species)
- 10) Bradford Pear (*Pyrus calleryana* “Bradford”)
- 11) Black Locust (*Robinia pseudoacacia*)
- 12) Willow (*Salix* species)
- 13) Moline American Elm (*Ulmus americana* “Moline”)
- 14) Siberian Elm (*Ulmus pumila*)

Proposed road frontage trees as required shall be shown on the Landscape and Road Frontage Tree Plan of the Preliminary Plan and Final Plat. The tree lawn and spacing shall meet the requirements of the County Planning Department. A design detail shall also be shown on the Preliminary Plan and Final Plat indicating the landscape design for the road frontage tree lawn, including species, planting location and planting instructions.

7. Maintenance

Maintenance shall be the responsibility of the Homeowners’ Association, if applicable, or the property owner.

No plant material shall be allowed to encroach on road rights-of-way so as to impede sight distance.

R. On-Site Lighting

For commercial and industrial subdivisions, on-site lighting shall not trespass beyond property lines and shall be so designed as to eliminate light pollution occurring off-site. Lighting shall be classified into the following three types, all of which should be incorporated into commercial and industrial sites: pedestrian lighting; private parking lighting; and public road lighting.

On-site lighting shall be governed by the following standards. Preliminary Plans and Final Plats shall include documentation in response to these requirements, which will be reviewed and approved by the Planning Commission.

1. Lighting shall not exceed the following pole mounting heights: pedestrian lights shall not exceed 16 feet; private parking lights shall not exceed 28 feet; and if required, public road lights shall be as specified by the appropriate township lighting district. See section 204.04 J. 2. j for further road lighting standards.
2. All other external light fixtures including pole or wall mounted, and parking lot lighting shall be Full Cut-off type fixtures of similar type and style. The initial development parcel shall dictate the standard for the remaining development parcels.
3. Light fixtures shall minimize glare and light trespass onto adjacent properties and shall be so designed as to eliminate light pollution occurring off-site.
4. All light poles and standards shall have a dark finish.
5. Accent lighting of buildings or landscaping shall be permitted from concealed Full Cut-off type fixtures.

6. Fixtures should be located outside the right-of-way, unless the posts supporting them are of a breakaway design.

S. Industrial Development: Parks, Sites, Standards

1. Industrial Parks

Future sites for industrial parks, which would in most cases require subdivision approval per these regulations, should meet the following criteria as established in the Comprehensive Plan:

- a. Located within a 10-minute drive of a major interstate highway, which is preferred, or on a major U.S. or state highway which has a direct connection to an interstate highway.
- b. Served by rail.
- c. Easily served by electricity, water and sanitary sewer service, telephone and natural gas.
- d. Easily accessed from the existing road network.
- e. Adjacent to similar industrial uses or commercial development, but not adjacent to residential development.
- f. Not within close proximity to an underground aquifer, groundwater recharge areas or water wellheads.
- g. Not constrained by environmental features including floodplains, streams, high-quality timber, wetlands, prime agricultural soils, species habitat, etc. unless development of the site is directed away from these features.
- h. Preferably in a community with zoning.

2. Industrial Sites

The following standards are applicable to individual industrial development sites per the Comprehensive Plan and should be met by Commercial/Industrial Subdivision Plats:

- a. Controlled site access that minimizes curb cuts onto the public road network. Entrances and exits should be clearly marked.
- b. Parking lots and service areas should not be the principal visual elements of the site and emphasis should be placed on the buildings and landscaping. Service areas should be located to the rear and sides of the buildings.
- c. Convenient access, visitor parking and on-site circulation to facilitate movement. Safety and efficiency should be emphasized.
- d. Screening of outdoor storage, work areas and equipment with evergreen plant materials, earthen mounds and/or walls or fences with 100 percent opacity.
- e. The site plan and architecture should emphasize the main building entry and on-site landscaping. A landscaped buffer should separate off-road parking areas from the road right-of-way and office portions of industrial buildings.
- f. Signs should be ground mounted, monumental-type signs with masonry bases. The sign should be designed to be compatible with the main building.
- g. Building facades should be broken through varying setbacks to avoid monotonous building facades. Exterior colors should be neutral or earth toned.

3. Industrial Development Standards

a. Setbacks

- 1) Along all roads, the building setback should be per the Subdivision Regulations. The parking setback should be 80 percent of the building setback.
- 2) Building and parking setbacks from property lines should increase as building size increases. A minimum setback of 35 feet should be provided, with a minimum of 100 feet if adjacent to existing residential property. Parking lots should be set back a minimum of 25 feet from property lines.
- 3) Cross easement parking should be encouraged between uses. If cross easement parking is developed between two like uses, then the side yard pavement setback may be eliminated between the two uses. The side yard setback for pavement should still be in effect for all perimeter side yards.
- 4) Maximum lot coverage should be 20,000 square feet per acre for building or 70 percent lot coverage impervious surfaces and a minimum of 30 percent of a site should be greenspace containing no buildings, structures, off-road parking or loading or storage areas.

b. Utilities

- 1) All visible new or relocated utility lines, including: water supply; sanitary sewer service; electricity; telephone; gas; cable; and related connections or feeder lines should be placed underground.
- 2) All utility connections (e.g. transformers, meters, etc.) should be kept to the rear or the side of the building.

c. Circulation and Parking

A permanent cross-access easement should be granted by all parties that allow access to full-service intersection(s) by all parcels. This facilitates interconnection of parking lots and fewer curb-cuts/road accesses.

d. Parking

In addition to meeting the current County Engineer's Office requirements, the following guidelines should be followed in the design of parking facilities.

- 1) Parking stalls should be laid out in the most efficient manner; 90-degree layouts are suggested with nine foot by 19-foot stalls and 22 foot to 24-foot aisles.
- 2) Handicap parking spaces should meet current American with Disabilities Act (ADA) guidelines. Handicap ramp access should be included in conjunction with these parking spaces.

e. Waste and Refuse

- 1) All waste and refuse should be containerized and fully screened from view by a solid wall or fence with materials that are harmonious with the building architecture.

f. Nuisances, Service and Outdoor Areas

- 1) No noises, smoke, odors, vibrations or other nuisances should be permitted adjacent to residential structures or uses.

- 2) Service courts and loading docks should be screened from all roads and neighboring properties by landscaping, mounding or walls.
- 3) No outside sales, displays or storage of materials, supplies, equipment or products should be permitted on any portion of the parcel outside an approved structure unless fully screened by evergreen plantings, mounds, walls or fences.

g. Landscaping

- 1) Any portion of a lot upon which a building or parking area is not constructed should be landscaped.
- 2) A minimum greenbelt of 15 feet should be maintained at all internal property lines except along side property lines when similar uses are adjacent and cross easement parking is provided. All existing trees in healthy condition should be preserved within the 15-foot side yard.
- 3) Shrub plantings are recommended massed or clustered in beds rather than singular shrub plantings.
- 4) Site unity can be maintained by specifying the same species of major landscape elements (shade trees, evergreen trees and ornamental trees). New compatible species of shrubs and ground cover should be introduced as needed to provide interest, focal points and screening around new development.
- 5) To the extent possible, all existing trees (in healthy and good condition) should be preserved within parking, yard and setback areas. Care should be taken in the placement of building and parking areas to work around existing trees if possible. All trees to remain on-site, should be properly protected during all construction with snow fencing.

204.05 Environmental Guidelines

A. Environmental Planning Considerations

The following considerations are provided as general guidance to planning a Major Subdivision.

1. Preserving Resources in a Development

In the design of open space systems in a subdivision, a decision must be made early in the process as to which natural resources should be preserved. Developers/subdividers are encouraged to meet with the County's Technical Review Committee. Any site may contain a combination of mature woodlands, wetlands, prime agricultural soils and floodplain among others.

Selecting the priority resources to be preserved will identify those portions of a site that are therefore set aside for development. The decision should be based upon the quality of natural resources on site, preservation efforts on adjacent parcels and in the general vicinity, and the unique characteristics of the site that affect its developability (e.g. topography, soil suitability for leach fields, etc.).

In many cases development of a site may be clustered into one or more subareas, with the open space flowing throughout the balance of the development. The residential portions of the site should be linked with the open space set asides to provide residents access through pedestrian paths or trails. The open space set asides can also be intended to create a transition or buffer between the residential portions of the development and adjacent working farms.

In general building lots should not be placed in natural resource areas. As required elsewhere by the Subdivision Regulations, certain resources are to be protected and placed in

permanent open space reserves. Where that does not occur and building lots are placed in a resource area, the building envelope should be located to minimize its impact and the balance of the lot located in the resource area could be placed in a no-build reserve on the Final Plat.

2. Designing Open Space Systems

Open space reserves should be designed to preserve and maintain mature woodlands, fields, pastures, meadows and orchards, stream corridors, etc. and should create sufficient buffer areas to minimize conflicts between residential areas and conflicting uses, including working farms.

Open space networks should be continuous and not designed in unconnected fragments. Open space within a neighborhood should build upon existing natural networks, such as a stream system and/or ravines. Active recreation areas - such as playfields, recreation equipment, etc. - should be connected to the network. Components should not be linear unless protecting a linear feature such as a stream corridor, hedgerow or treeline. Consideration should also be given to providing for interconnected wildlife corridors.

Pedestrian connections should be provided so residents have other options than using the road network. The open space should also abut existing or potential open space land on adjacent parcels.

3. Greenway Guidelines

Greenways are natural corridors or buffers. They can consist of a natural area and pedestrian trails. Greenways are typically found along major streams and their tributaries, as a recreational path and as a wildlife corridor. Greenways should be integrated into the design of all subdivisions.

Greenway buffers can serve a valuable role in filtering storm water runoff adjacent to stream and creek systems. These buffers function as a trap for pollutants and excessive nutrients dissolved or suspended in storm runoff. Slowing runoff velocity allows storm water to be absorbed into the soil and to be taken up by vegetation.

Defining the appropriate buffer width is based upon soil permeability, slope, vegetation in the buffer and the amount and type of pollutants likely to be found in the runoff. At a minimum such buffers should be 50 feet in width. Consultation with the SWCD is recommended.

The following general guidelines are provided relative to greenway widths, which are determined based upon the type of greenway proposed:

- a. Pedestrian Path or Trail – A minimum 20 feet, in width with a path of five to ten feet in width with an asphalt, gravel or mulched surface.
- b. Buffer along Stream or Creek – A minimum 50 feet in width; consult with SWCD.
- c. Wildlife Corridor – Up to 300 feet or more; consult with SWCD and the ODNR.

A pedestrian path or trail should be used to provide recreational opportunities and should connect neighborhoods with open space features, such as a park, pond or a stream corridor. Such paths or trails should meander through the open space reserves and should have sufficient points of interest along the paths or at end points.

Greenway corridors established in a subdivision for the purposes of wildlife habitat should range in width up to 300 feet or more. The recommended width should be based upon consultation with the SWCD and naturalists from the ODNR, Division of Wildlife. Such

buffers may be located along a stream or creek system, or adjacent to an exceptional wetland, pond or lake.

4. Reserves

Two platting options are available for permanently designating and preserving open space features. A reserve can be placed on the plat to permanently set aside open space features for common use by subdivision residents and/or the general public. Reserves should be dedicated to a Homeowners Association, public entity or non-profit land trust or other conservation organization. A conservation easement should also be dedicated for reserves. Reserves are a strong legal tool for protecting open space features.

As an alternative when open space features and natural resources are located on individual subdivision lots, a no-build reserve can be designated on the plat. A no-build reserve would, in general, preclude the placement of buildings and other structures in the designated area unless otherwise stated. No-build reserves also should include language that the protected natural resource should not be disturbed by the property owner.

B. Aquifers and Aquifer Recharge Areas

1. Intent

Aquifers are important geologic features that serve as a source of potable water. Aquifer recharge areas are geologic features that encourage the replenishment of aquifers by surface water. Aquifers and aquifer recharge areas should be protected from adverse impacts by development to ensure water resources are conserved for use by current and future residents and businesses. Developers/subdividers shall work with the Health Department and SWCD in addressing these issues.

2. Protection Measures

The following protection measures should be taken:

- a. Any development should take into account the type of groundwater resource over which it is to be built.
- b. The Wayne County Health Department and ODNR Division of Water should be consulted by the developer during the Preliminary Plan phase of development.
- c. Aquifers and aquifer recharge areas should be placed in permanent platted no-build reserves and/or protected through deed restrictions and conservation easements.
- d. Public water system wellhead protection plans as filed with the OEPA shall be consulted for compliance.

C. Forests

1. Intent

Land to be subdivided or developed should be designed and improved to minimize impact on existing forest resources, including hedgerows and treelines; in reasonable conformity to existing topography in order to minimize clearing or alteration of existing plant communities, especially woodlands and other forest resources; and to minimize associated storm water runoff and soil erosion impacts that would damage woodlands. Developers/subdividers and builders should to the extent possible place structures and improvements as far removed from existing vegetation as possible. Baseline data of existing forest resources should be based upon Wayne County aerial photographs, which may be field verified by the SWCD.

Lots should be laid out with consideration of existing hedgerows and treelines between fields or meadows to ensure their ongoing protection and preservation. Hedgerows and treelines should be designated “no build” zones on plats if not placed in an open space reserve or conservation easement.

Major subdivisions should minimize impacts on large woodlands (those greater than five acres), especially those containing many mature trees or a significant wildlife habitat. Also, woodlands of any size on highly erodible soils with slopes greater than 10 percent should be avoided. Building lots should be located outside these areas or “no build” zones should be designated on the plat within individual lots, to protect the woodlands.

Woodlands in poor condition with limited forest management potential or value can provide suitable locations for residential development. When any woodland is developed, great care should be taken to locate all areas to be disturbed or impacted by buildings, roads, yards, septic disposal fields, etc., in areas where there are no large trees or obvious wildlife areas, to the fullest extent that is practicable.

2. Protection Measures

The following protection measures should be taken:

a. Site Planning

- 1) All efforts should be taken by the developer/subdivider to place lots, buildings, structures, utilities and other improvements as far removed from forest resources as feasible.
- 2) Topographical changes to a site should be minimal and should not substantially alter existing storm water runoff patterns.
- 3) Utilities should be designed not to intrude into forest areas designated or intended for preservation.

b. Building Placement

- 1) Developers and builders proposing the placement of buildings and structures on wooded sites should ensure that a ten-foot zone as measured from the building’s footers be designated in which no trees will be preserved.
- 2) Impervious surfaces should not be located adjacent to forest preservation areas.

c. Construction Practices

- 1) Trees intended to be preserved on a site should be protected during all construction activities by placement of temporary, protective fencing at the boundary of the tree drip zone and the placement of a sign indicating such every 10 feet along the protective fencing.
- 3) No construction activity, storage of building materials and equipment, or other surface disturbances should occur within the drip zone of a tree designated for preservation.

D. Historical, Archaeological and Cultural Resources

1. Intent

Land to be subdivided or developed should be designed and improved to minimize its impact on historical, archaeological and cultural resources. Developers and builders should to the extent possible place structures and improvements as far removed from existing historical, archaeological and cultural resources as possible. Development of a site containing historic,

archaeological and/or cultural resources - whether known or unknown - should coordinate with the Ohio Historic Preservation Office (OHPO) in identifying, cataloging and preserving such resources. Baseline should be based upon the Ohio Historic Inventory and records of OHPO, local inventories, surveys, studies and reports, and additional surveys as required by the County Planning Department or County Planning Commission.

2. Protection Measures

The following protection measures should be taken:

- a. To the extent feasible - economic and physical - historical, archeological and cultural resources should be preserved on a site and integrated into the development. If compatible, new and historical structures should be juxtaposed from one another. Alternately, open space may be used to buffer historical resources from new development.
- b. Subdivisions should be designed so that lot layout does not intrude upon historical resources. Roads should be oriented so that views of the resource from the public road are of its primary facade(s) or view.
- c. Resources that are set aside on a site should be placed in permanent platted reserves and/or protected through deed restrictions and conservation easements. Another option would be to set aside resources for purchase by or donation to the County or an appropriate preservation organization.

E. Hydric Soils

1. Intent

Hydric soils are not appropriate locations for buildings and on-site wastewater treatment and disposal systems, particularly leach fields. Home sites and on-site wastewater systems should not be approved on hydric soils because hydric soils have a very slow infiltration rate and are typified by a high ground water table and surface ponding. The County Health Department maintains a list of hydric soils.

2. Protection Measures

The following protection measures should be taken:

- a. Homesites and on-site wastewater treatment and disposal systems should not be located in hydric soils.
- b. Development should be concentrated on that portion of a site that does not contain hydric soils.
- c. Open Space Subdivision techniques should be used in designing a site.
- d. Hydric soils should be placed in an open space reserve on a plat or placed in no-build reserves on individual parcels on a plat.

F. Prime Agricultural Soils

1. Intent

Prime agricultural soils are a nonrenewable resource and are critical to Wayne County's economic base. Within the Conservation Area, development should minimize its impact to or not impact prime agricultural soils by avoiding such sites or locating on the least critical soils on a site, so as to preserve the maximum amount of prime agricultural soil. Where appropriate such soils should be placed in a no-build reserve on a plat and/or protected

through a conservation easement. The Wayne County Soil Survey identifies prime agricultural soils.

2. Protection Measures

The following protection measures should be taken:

- a. Development should be located on soils not classified as prime agricultural soils.
- b. Where feasible development should be concentrated on a portion of the site with the balance left in a natural state for agricultural purposes and configured such that it can be easily farmed.
- c. Open Space Subdivision techniques should be used in designing a site.
- d. Prime agricultural soils that are set aside on a site should be placed in permanent platted no-build reserves and/or protected through deed restrictions and conservation easements.

G. Rural Character

The following guidelines are provided to ensure rural character in Wayne County is protected and preserved in subdivisions and related development.

1. Preserving Scenic Views and Vistas

Scenic views and vistas should be maintained – particularly as seen from public roadways – by placing building lots in other areas on the site or by placing the lowest density development areas where views and vistas will not be wholly interrupted. Prominent hilltops or ridges should be avoided, and instead building lots should be placed on lower topographic features.

In open rural landscapes a deep “no-build, no plant” buffer is recommended along the public roadway where those views or vistas are prominent or locally significant. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep “no-build, no-cut” buffer should be respected, to preserve existing vegetation.

2. Maintaining the Character of Scenic Roads

Most roadways in Wayne County can be characterized as scenic, given the County’s physical characteristics and its historical rural landscape. The view of the landscape from a road is an important element in defining the County’s rural landscape and character.

The following guidelines should be followed in designing a Major Subdivision to ensure the character of the County’s scenic roads is protected.

- a. The portion of the subdivision intended to contain homes should be located as far removed from the adjacent road as possible. At the same time, residences should not be placed in the middle of open fields, but located adjacent to woodlands.
- b. The existing natural landscape along the road - if of aesthetic quality as a rural landscape such as a hedgerow - should be placed in a landscape easement on the Final Plat, with the ownership and maintenance conveyed to a Homeowners Association. The landscape strip should be maintained in its natural state.
- c. Trees located along a road should not be removed as part of the development of a subdivision - unless safety concerns necessitate such removal. Construction activities should not occur in the drip zone of such trees.
- d. Improvements undertaken by the developer/subdivider or builder to enhance the landscaped area along a road should be designed in a way that is compatible with and respectful of the rural landscape that traditionally exists along the County’s rural

roads. This includes the type and placement of plantings and other vegetation, fencing, gateways and other improvements.

- e. Appropriate features along the roadside include: rail or picket fencing; natural wildflowers and plantings; and the preservation of existing historical structures and buildings, which can be integrated into gateways and roadside treatments. Historical barns, silos and other significant outbuildings can be set aside for community use or used for equipment storage for maintenance.

H. Species Habitat

1. Intent

Land to be subdivided or developed should be designed and improved in reasonable conformity to existing habitat in order to minimize disturbance and alteration, to minimize associated storm water runoff and soil erosion impacts that would damage such habitat. Developers/subdividers and builders should to the extent possible place structures and improvements as far removed from existing habitat as possible. Baseline data of existing species habitats should be based upon the Ohio Natural Heritage Database, Wayne County aerial photographs and other pertinent studies, all of which may be field verified by the SWCD.

2. Protection Measures

The following protection measures should be taken:

- a. Grading or removal of vegetative cover should not be permitted within 25 feet of a designated species habitat. Such 25-foot buffer should be placed in a no-build reserve on the Preliminary Plan and Final Plat or Minor Subdivision.
- b. Open space reserves in subdivisions should be located to maximize the preservation of species habitats.
- c. Utilities and roads should not be located in a species habitat, species habitat buffer or a conservation easement.
- d. Topographical characteristics should not be altered in a way that will negatively affect surface water or groundwater that supports a protected habitat, as determined by the SWCD.

I. Steep Slopes

1. Intent

These regulations apply to all steep slope areas. Steep slope areas are defined as areas with an average slope of more than 10 percent. The developer shall submit sufficient detailed information as to geologic conditions, soil types, and underground water level in order that a determination can be made by the Planning Department in consultation with the County Engineer's Office and the Health Department as to the suitability of development of the particular location.

2. Protection Measures

The following protection measures should be taken:

- a. Developers/subdividers shall comply with the Wayne County Sedimentation and Erosion Control Regulations administered by the Wayne Soil and Water Conservation District.

- b. For information regarding cuts, fills and compaction of fill, refer to the Engineering Code.
- c. Retaining walls may be required whenever topographic conditions warrant or where necessary to retain fill or cut slopes within the rights-of-way. Any work within rights-of-way requires the approval of the County Engineer.
- d. Grading or removal of vegetative cover should not be permitted on land with existing steep slopes, except when:
 - 1) The contiguous area of steep slopes is less than 20,000 square feet.
 - 2) There is sufficient area outside of riparian corridor and wetland buffers for required erosion and sedimentation control measures.

J. Wetlands

1. Intent

Land to be subdivided or developed should be designed and improved in a way that does not impact delineated wetlands and reduces impacts on non-delineated but preserved wetlands. In particular, land disturbance should not negatively affect the water quality of wetlands. Baseline data of existing wetland resources should be based upon delineation studies conducted for the OEPA or U.S. Army Corps of Engineers, and/or studies conducted under the direction of the SWCD per the Subdivision Regulations.

Where deemed appropriate by the Planning Department, Planning Commission or SWCD, an applicant for a subdivision should undertake a study to delineate a wetland. Such study should be prepared by a qualified professional under guidelines established by SWCD. Such study should be completed by the applicant and approved by the SWCD prior to submittal of a Preliminary Plan.

2. Protection Measures

The following protection measures should be taken:

- a. Grading or removal of vegetative cover should not be permitted within 25-feet of a wetland. Such 25-foot buffer should be placed in a no-build reserve on the Preliminary Plan and Final Plat or Minor Subdivision, and a conservation easement should be conveyed to the SWCD.
- b. Open space reserves in subdivisions should be located to include preserved wetlands.
- c. Utilities should not be located in a wetland, wetland buffer or a conservation easement.
- d. Topographical characteristics should not be altered in a way that will negatively affect the water quality and quantity of a preserved wetland, as determined by the SWCD.

204.06 General Procedures

A. Applicability

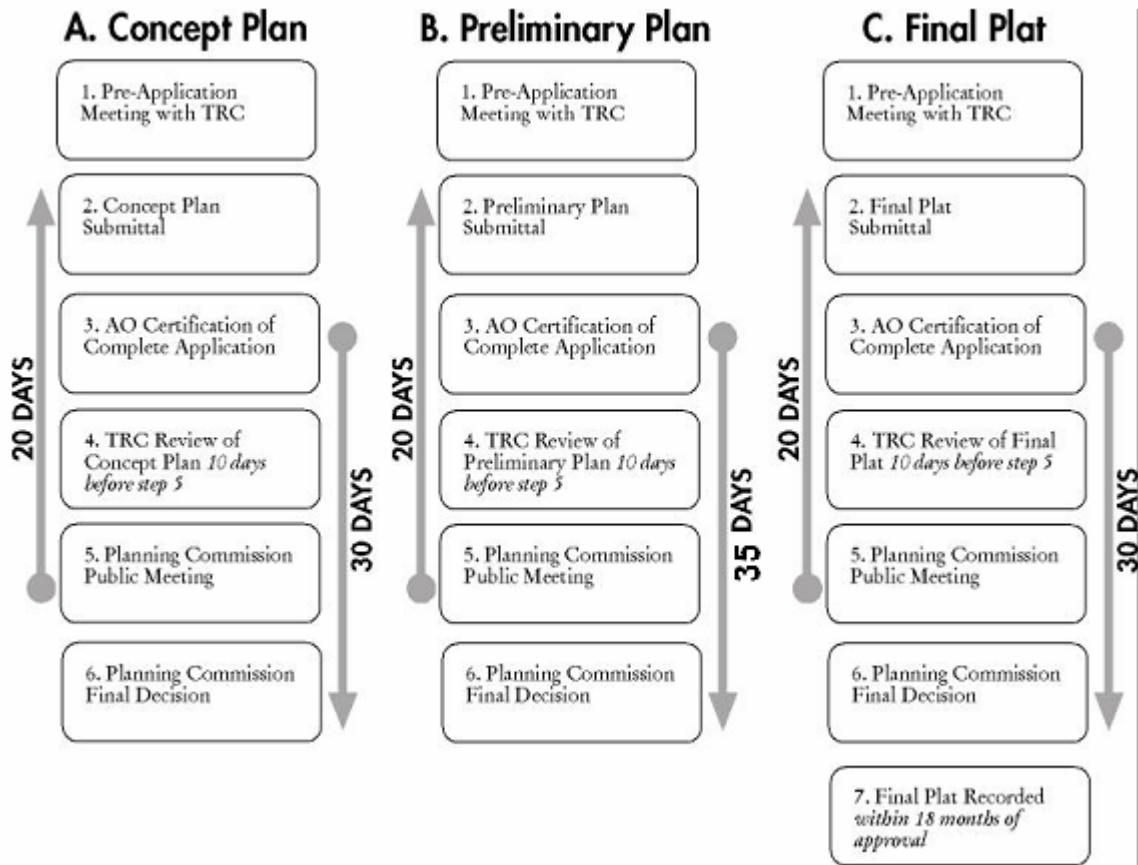
Before any land is subdivided the owner of the property proposed to be subdivided, or his/her authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures, which include the following three steps:

- 1. Concept Plan.
- 2. Preliminary Plan.
- 3. Final Plat.

Unless otherwise provided for, all development proposals meeting the definition of a Major Subdivision shall be processed in accordance with the procedures provided for in this chapter.

At the earliest stage in the approval process, the developer/subdivider shall place one public notice in a newspaper of general circulation in Wayne County and shall have placed on the site sign(s) notifying the public of the submittal. *See Section 204.08 A. 4. for standards regarding the notice and these signs.*

The following graphic depicts the timeline and process for submitting and processing a Major Subdivision.



B. Concept Plan

The Concept Plan is a required submittal by a developer/subdivider that must be reviewed and approved by the Planning Commission prior to submittal of a Preliminary Plan. The Concept Plan is not an official plat as defined by ORC 711.01. The Concept Plan shall address the entire development.

1. Preapplication Meeting

The developer/subdivider shall meet with the Technical Review Committee (TRC) prior to submitting a formal Concept Plan for consideration by the Planning Commission. However, a preliminary Concept Plan drawing should be brought to the meeting. The purpose of this meeting is to discuss early and informally the following items, at a minimum:

- a. The development process and effect of these and other related regulations including drainage, sewerage, water and storm water requirements.
 - b. The criteria and standards contained therein.
 - c. The preliminary Concept Plan and general conceptual suitability of the proposed subdivision per the Subdivision Regulations.
 - d. The Comprehensive Plan, Thoroughfare Plan and other relevant planning documents.
- Following the conclusion of the meeting, the Administrative Officer shall forward to the developer/subdivider a written summary of the results of the Preapplication Meeting, including the recommendations of the TRC and all related comments.

2. Concept Plan Submittal

The developer/subdivider shall submit a Concept Plan meeting the submittal requirements of Section 204.08 of the Subdivision Regulations and shall not submit the plan unless the following conditions are met:

- a. The Concept Plan is in accordance with the comments received from Technical Review Committee (TRC) at the Preapplication Meeting or shall clearly demonstrate the reasons why the plan is not in accordance with staff comments.
- b. The payment of fees per the Subdivision Regulations.

The Concept Plan shall be submitted at least 20 calendar days before a scheduled meeting of the Planning Commission. The Concept Plan shall not be placed on the agenda of the Planning Commission's next scheduled meeting unless and until a complete application package has been certified by the Administrative Officer.

3. Concept Plan Review

Upon certifying receipt of a complete application package, the Administrative Officer shall circulate the Concept Plan to the TRC and any other relevant public agencies and individuals for review and comment. Such review and comment shall be due to the Planning Department no later than 10 calendar days prior to the Planning Commission meeting at which the Concept Plan is scheduled to be considered.

The Administrative Officer shall submit to the Planning Commission a written summary of all comments with a recommendation to approve, approve with modifications or disapprove the Concept Plan no less than five calendar days before the meeting. In recommending approval or approval with modifications, the Administrative Officer and the TRC can recommend conditions that should be met by the developer/subdivider in submitting a Preliminary Plan.

4. Planning Commission Consideration

The Planning Commission shall consider the Concept Plan at a regularly scheduled public meeting. The Administrative Officer shall present the proposal, comments and a recommendation. The developer/subdivider shall present their comments regarding the proposal and the Administrative Officer's recommendation. The general public shall be permitted opportunity to comment. The Planning Commission may call experts to answer questions and provide additional comment.

The Planning Commission shall approve, approve with modifications or disapprove the Concept Plan within 35 calendar days of the receipt of a certified application package unless a continuation of the Commission's deliberations is agreed to by the applicant. In making a

motion to approve, the Commission shall base its approval on all of the following criteria, which shall be cited in its decision:

- a. The Concept Plan fulfills the purposes and intent of the Comprehensive Plan.
- b. The Concept Plan is in concurrence with the purposes, intent, standards and requirements of the Subdivision Regulations.
- c. The public's health, safety and general welfare will not be adversely impacted by the proposal.

The approval of a Concept Plan by the Planning Commission shall be effective for a maximum period of 12 months and shall guarantee that the terms under which the approval was granted will not be affected by changes to the Subdivision Regulations.

C. Preliminary Plan

The Preliminary Plan is a required submittal by a developer/subdivider that must be reviewed and approved by the Planning Commission prior to submittal of a Final Plat. The Preliminary Plan is not an official plat as defined by ORC 711.01. The Preliminary Plan shall address the entire development.

1. Preapplication Meeting

The developer/subdivider shall meet with the TRC prior to submitting a Preliminary Plan for consideration by the Planning Commission. The purpose of this meeting is to discuss informally the following items at a minimum:

- a. Review the Planning Commission action on the Concept Plan.
- b. The development process and effect of these and other related regulations, including drainage, sewerage, water, storm water, transportation and open space requirements.
- c. The criteria and standards contained therein.
- d. The general suitability of the proposed subdivision per the Subdivision Regulations.
- e. The Comprehensive Plan, thoroughfare Plan and other relevant planning documents

Following the conclusion of the meeting, the Administrative Officer shall forward to the developer/subdivider a written summary of the results of the Preapplication Meeting, including the recommendations of the TRC and all attached comments.

2. Preliminary Plan Submittal

The developer/subdivider shall submit a Preliminary Plan meeting the submittal requirements of Section 204.08 of the Subdivision Regulations and shall not submit the Plan unless the following conditions are met:

- a. The Preliminary Plan is in accordance with the Concept Plan.
- b. The Preliminary Plan is in accordance with the comments received from TRC at the Preapplication Meeting or shall clearly demonstrate the reasons why the Plan is not in accordance with staff comments.
- c. The Preliminary Plan is submitted within 12 months of approval of the Concept Plan.
- d. The payment of fees per the Subdivision Regulations.

The Preliminary Plan shall be submitted at least 20 calendar days before a scheduled meeting of the Planning Commission. The Preliminary Plan shall not be placed on the agenda of the Planning Commission's next scheduled meeting unless and until a complete application package has been certified by the Administrative Officer, including the payment of fees.

3. Preliminary Plan Review

Upon certifying receipt of a complete application package, the Administrative Officer shall circulate the Preliminary Plan to the TRC and any other relevant public agencies and individuals for review and comment. Such review and comment shall be due to the Planning Department no later than 10 calendar days prior to the Planning Commission meeting at which the Preliminary Plan is scheduled to be considered.

The Administrative Officer shall submit to the Planning Commission a written summary of the comments with a recommendation to approve, approve with modifications or disapprove the Preliminary Plan no less than five calendar days before the meeting. In recommending approval or approval with modifications, the Administrative Officer and TRC shall indicate the developers/subdividers responsiveness in addressing conditions placed by the Planning Commission on the approval of the Concept Plan.

4. Submission to State Highway Director

Before any plat is approved affecting any land within 300 feet of the centerline of a proposed new state highway or a state highway for which changes are proposed as described in the certification to local officials by the State Highway Director of any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Planning Commission shall give notice, by registered or certified mail to the Highway Director. The Commission shall not approve the plat for 120 days from the date the notice is received by the Highway Director. If the Highway Director notifies the Commission that acquisition at this time is not in the public interest or upon the expiration of the 120-day period or any extension thereof agreed upon by the Highway Director and the property owner, the Commission shall, if the plat is in conformance with all provisions of these regulations, approve the plat. *Please see the Ohio Revised Code, Section 5511.01.*

5. Planning Commission Consideration

The Planning Commission shall consider the Preliminary Plan at a regularly scheduled public meeting. The Administrative Officer shall present the proposal, comments and a recommendation. The developer shall present its comments regarding the proposal and the Administrative Officer's recommendation. The general public shall be permitted opportunity to comment. The Planning Commission may call experts to answer questions and provide additional comment.

The Planning Commission shall approve, approve with conditions or disapprove the Preliminary Plan within 35 business days of the receipt of a certified application package unless the applicant agrees to a continuation of the Commission's deliberation. In making a motion to approve, the Commission shall base its approval on all of the following criteria, which shall be cited in its decision:

- a. The Preliminary Plan fulfills the purposes and intent of the Subdivision Regulations.
- b. The Preliminary Plan is in concurrence with the relevant recommendations and policies of the Comprehensive Plan.
- c. The Preliminary Plan meets the standards and requirements of the Subdivision Regulations.
- d. The public's health, safety and general welfare will not be adversely impacted by the proposal.
- e. Payment of all fees as required.

The Commission's decision shall be in writing, shall be under the signature of the Secretary of the Commission and shall be issued within thirty-five (35) business days after the submission of the preliminary plan to the Commission.

The developer/subdivider shall submit a reproducible original Preliminary Plan meeting the approval and conditions of the Planning Commission to the Administrative Officer for approval and signature. The Plan shall meet the submittal requirements of Section 204.08.

The approval of a Preliminary Plan by the Planning Commission shall be effective for a maximum period of 36 months and shall guarantee that the terms under which the approval was granted will not be affected by changes to the Subdivision Regulations. If after this 36-month period, any phase(s) or portion(s) of the original approved Preliminary Plan has not received Final Plat approval, then no Final Plat approval will be given unless one six-month extension of the Preliminary Plan approval is requested in writing to and granted by the Planning Commission. The Planning Commission may grant no more than one six-month extension.

D. Construction Drawings

A set of construction drawings for all improvements shall be provided to the County Engineer's Office per the Engineering Code.

E. Final Plat

The Final Plat is a required submittal by a developer/subdivider that must be reviewed and approved by the Planning Commission prior to recording. The Final Plat shall address one or more phases of the approved Preliminary Plan. A Final Plat shall not be accepted by the Administrative Officer unless and until a performance agreement and security has been approved by the County Commissioners and/or all improvements per the Development Agreement have been completed, inspected by the County Engineer's Office and are ready for acceptance by the County Commissioners, as required.

1. Preapplication Meeting

The developer/subdivider shall meet with the TRC prior to submitting a Final Plat for consideration by the Planning Commission. The purpose of this meeting is to discuss informally the following items at a minimum:

- a. Review of approval regarding the Preliminary Plan.
- b. The development process and effect of these and other related regulations.
- c. The criteria and standards contained therein.

Following the conclusion of the meeting, the Administrative Officer shall forward to the developer/subdivider a written summary of the results of the Preapplication Meeting, including the recommendations of the TRC and all attached comments.

2. Final Plat Submittal

The developer/subdivider shall submit a Final Plat meeting the submittal requirements of Section 204.08 of the Subdivision Regulations and shall not submit the Plat unless the following conditions are met:

- a. The Final Plat is in accordance with the Preliminary Plan as approved by the Planning Commission.
- b. The Final Plat is in accordance with the comments received from TRC at the Preapplication Meeting.

- c. The County Engineer has approved all construction or the Wayne County Commissioners have approved the Development Agreement, including security.
- d. Homeowners, development and performance agreements, as required, have been received and approved by the County Prosecutor's Office.
- e. The Final Plat is in accordance with the requirements of Section 204.08 herein.
- f. Maintenance bonding requirement shall be met.
- g. Payment of all fees as required.

Final Plat for any phase of the subdivision must be submitted within 36 months of completion of a previous phase as approved in the Preliminary plan unless one extension has been granted by the Planning Commission not to exceed six months.

The Final Plat shall be submitted at least 20 calendar days before a scheduled meeting of the Planning Commission. The Final Plat shall not be placed on the agenda of the Planning Commission's next scheduled meeting unless and until a complete application package has been certified by the Administrative Officer.

3. Final Plat Review

Upon certifying receipt of a complete application package, the Administrative Officer shall circulate the Final Plat to the TRC and any other relevant public agencies and individuals for review and comment. Such review and comment shall be due to the Planning Department no later than 10 calendar days prior to the Planning Commission meeting at which the Final Plat is scheduled to be considered.

The Administrative Officer shall submit to the Planning Commission a written summary of the comments with a recommendation to approve, conditionally approve or disapprove/refuse to approve the Final Plat no less than five calendar days before the meeting. In recommending approval or approval with modifications, the Administrative Officer shall indicate the developer's/subdivider's responsiveness in addressing conditions placed by the Planning Commission on the approval of the Preliminary Plan.

4. Planning Commission Consideration

The Planning Commission shall consider the Final Plat at a regularly scheduled public meeting. The Administrative Officer shall present the proposal, comments and a recommendation. The developer/subdivider shall present their comments regarding the proposal and the Administrative Officer's recommendation. The general public shall be permitted opportunity to comment. The Planning Commission may call experts to answer questions and provide additional comment.

The Planning Commission shall approve, conditionally approve or disapprove/refuse to approve the Final Plat within 30 calendar days of the receipt of a certified application package unless a continuation of the Commission's deliberations is agreed to by the applicant. In making a motion to approve, the Commission shall base its approval on all of the following criteria, which shall be cited in its decision:

- a. The Final Plat fulfills the purpose and intent of the Subdivision Regulations.
- b. The Final Plat meets the standards and requirements of the Subdivision Regulations.
- c. The Final Plat is in concurrence with the approved Preliminary Plan.
- d. If conditional approval was granted and the conditions have been met within the specified period of time, the commission shall cause its final approval under this division to be endorsed on the plat.

The approval of a Final Plat by the Planning Commission shall be effective immediately following the meeting at which approval was given, but may not be recorded until all signatures have been placed on the plat.

If the Final Plat is disapproved, the grounds for disapproval/refusal to approve including the citation of/or reference to the rule violated by the plat shall be stated upon the record of the commission. The developer/subdivider may re-file the plat with corrections, or the developer/subdivider may within 60 days of disapproval petition in the Wayne County Court of Common Pleas to reconsider the action of the Planning Commission.

5. Recording of the Final Plat

Once a Final Plat has been approved by the Planning Commission, the original tracing shall be returned to the developer/subdivider for any and all modifications as required of the Commission. Once complete, the original tracing shall be forwarded to the Administrative Officer for processing. All Final Plats must be recorded within 24 months of the date of approval of the Planning Commission. Final Plats may not be recorded until all required signatures of officials have been placed on the Final Plat. If not recorded, within 24 months of Planning Commission Final approval, all Final Plats shall officially expire.

Once the Final Plat has been properly signed by County officials, the Administrative Officer shall file the Final Plat with the County Tax Map Department, which shall process the Final Plat, prior to its recording. Once processed by the Tax Map Department, the Final Plat will be forwarded to the County Recorder's Office to complete recording of the Final Plat. Once recorded, the original tracing of the Final Plat shall be filed with the Tax Map Department.

204.07 Optional Procedures

The Administrative Officer at the request of the applicant may permit the following abbreviated procedures.

A. Expedited Subdivision Procedure

In cases where the size of a proposed subdivision does not warrant the full submittal procedure, or in the case of an open space subdivision proposal, as determined by the Administrative Officer, the applicant may combine the Preliminary Plan and Final Plat procedures. In doing so the same procedural steps will occur, however, a single set of documents will be submitted as directed by the Administrative Officer. Under this expedited procedure, the applicant must still submit a Concept Plan to the Planning Commission as required in Section 204.08. The timeframe for review and approval of a Major Subdivision under this procedure shall be consistent with the general timeframe as provided in Section 204.06. The Planning Commission may further expedite this approval procedure for Open Space Subdivisions by formally delegating such final approval authority, as deemed necessary and by specific motion, to the Administrative Officer to complete the regulatory process once the preliminary plan has been satisfactorily submitted to and approved by the commission.

B. Single Lot Major Subdivision Procedure

Major Subdivision plats that consist of one lot may be submitted to the County under this procedure. The Planning Commission hereby authorizes the Administrative Officer to review and approve single lot Major Subdivisions. The decision of the Administrative Officer can be appealed to the Planning Commission.

Under this procedure, a Concept Plan meeting the requirements of Section 204.08 must be submitted to the Administrative Officer, who will present the plan to the TRC. The Administrative Officer will provide comments to the applicant including results of the TRC review. If the subdivision is five acres or smaller in area, the Concept Plan submittal may be waived by the Administrative Officer.

The Administrative Officer can submit the Preliminary Plan and Final Plat as a single set of documents for review and approval. The Administrative Officer will identify the appropriate documents for submittal. The requirement to place a public notice sign on the site is waived if the subdivision is five acres or smaller in area.

The timeframe for review and approval of a Major Subdivision under this procedure shall be consistent with the general timeframe as provided in Section 204.06.

204.08 Submittal Requirements

All submittal requirements as stipulated herein shall be prepared in response to the requirements of the Subdivision Regulations. Applicants shall rely upon the Administrative Officer for interpretation. Plans shall be prepared by the appropriate design professional to the satisfaction of the Planning Commission. The application required at each submittal stage shall include the name and address of each property owner and the applicant if other than the owner.

A. Concept Plan

1. Application

An application form shall be completed by the developer/subdivider and submitted with the Concept Plan and required Supplemental Information. The applicant shall submit an original and 20 copies of the application package and supporting material. The Planning Department shall provide the application form. The required fees shall also be paid at the time of application submittal.

The Administrative Officer shall certify the receipt of a complete application package meeting the requirements of the Subdivision Regulations prior to scheduling the application on the Planning Commission agenda, including the full payment of all applicable fees.

2. Concept Plan

The Concept Plan shall be drawn on 24-inch by 36-inch sheets to a scale of one inch equals 200 feet or, as approved by the Administrative Officer, the Concept Plan shall be submitted on a topographic map(s). The Concept Plan shall contain the following information at a minimum:

a. Base Information

The following base information shall be provided on all sheets.

- 1) Name and address of developer, property owner, land planner, landscape architect, engineer and/or surveyor.
- 2) Adjoining property owners, deed references and/or recorded subdivision names, recording references and adjoining property and structures within 200 feet or as specified by the Administrative Officer.
- 3) Vicinity map (section and range).
- 4) North arrow.
- 5) Title block shall be in the lower right-hand corner. The title block shall include title "Concept Plan", sheet title, proposed subdivision name, developer and preparer, scale of the plan, tax map and parcel numbers, date and revisions numbered and dated.

b. Existing Conditions

The following information shall be provided in map and text form to indicate existing conditions on the subject site. These conditions may be superimposed on the most current and legible aerial photograph.

- 1) Existing generalized natural features including: 100-year floodplain (elevations and boundaries); hydric soils; prime agricultural soils; wetlands; woodlands; species habitat; archaeological, historical and cultural resources; streams; and steep slopes. The developer/subdivider shall calculate the 100-year storm flooding levels for drainage areas greater than 50 acres and show the area of flooding on the map.
- 2) Existing generalized land use; structures and buildings, including: underground mines; all transmission lines; gas and oil wells; and water wellheads.
- 3) Existing utilities, including: water; sanitary sewer; storm water; electric; natural gas; cable; etc.
- 4) Existing streets and roads.
- 5) Existing parks and recreation facilities.
- 6) Comprehensive Plan recommendations for the subject site and applicable zoning districts.
- 7) Appropriate documentation from County and State regulatory agencies as appropriate, such as known underground storage tanks, landfills and wetland clearances.
- 8) The professional preparing the Concept Plan shall certify as to the accuracy and field verification of features and utilities listed.

c. Soils Map

The appropriate pages from the Wayne County Soil Survey shall be included with the Concept Plan with the subject site clearly denoted. Photos shall be enlarged to match the scale of the other submittals (one inch equals 200 feet).

d. Proposal

The following improvements shall be indicated on a sketch of the subject property and with accompanying text indicating minimum development standards:

- 1) Proposed changes to existing natural features.
- 2) Proposed generalized lot layout and building sites.
- 3) Proposed utilities, including: water; sanitary sewer; and storm water facilities.
- 4) Proposed roads and sidewalks.
- 5) Proposed parks and recreation facilities if applicable.
- 6) Responsible jurisdictions for fire, police, emergency medical services and school district.
- 7) Location of the subdivision relative to extra-territorial jurisdictions.
- 8) Proposed zoning if applicable.

The proposal shall be accurately quantified relative to total acreage of the site, number of proposed lots and reserves, gross density and net density.

3. Supplemental Information

The developer shall submit reasonable supplemental information as requested by the Administrative Officer to assist the Planning Commission in its deliberations.

4. Posting Notice of Development

In order to notify adjacent property owners, landowners and residents in the immediate vicinity and the general public of impending development activity, the applicants for Concept Plan, Preliminary Plan and Final Plat approval shall post one notice of development on the subject property.

- a. Post sign(s) on the subject property along all public road frontage abutting the subject property.
- b. Placement of the sign(s) shall occur within five days of the receipt of acceptance of the application by the Administrative Officer;
- c. The notice sign(s) shall be a minimum 30 inches by 40 inches in area and erected on the site, outside of but within 25 feet of the right-of-way, readily legible from the adjacent road;
- d. The Planning Commission will not consider the plat until this notice has been posted in accordance with the provisions of this section;
- e. The wording of the sign must include the following:

“This site is being reviewed for development. For more information please contact the developer, (*insert developer’s name*), at (*insert developer’s phone number*) or the Wayne County Planning Department at (*insert phone number*).” The following is an example of the sign:

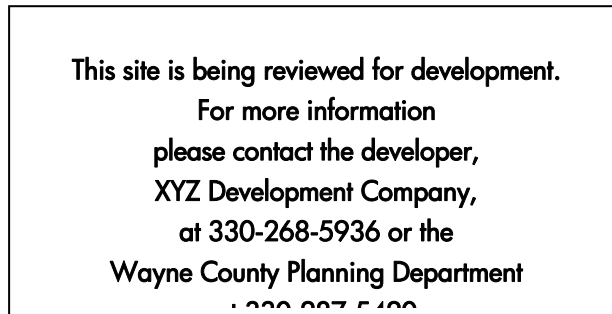


Illustration of a development notice sign.

- b. The sign must be maintained throughout the review process until the beginning of construction or the Final Plat recording of the phase of the project. The developer/subdivider shall remove the sign within 10 days of the beginning of construction or recording of the Final Plat; and place one public notice in a newspaper of general circulation in Wayne County within five(5) days of receipt of acceptance of the application by the Administrative Officer.
The public notice shall announce the project by name and location, developer/subdivider information, stage of process, list the County Planning Department and telephone number, and the date and time of the next public meeting of the Planning Commission at which the project will be considered.
The Planning Commission will not consider the plat until proof of publication of this notice has been provided by the developer.

B. Preliminary Plan Submittal**1. Application**

An application form shall be completed by the developer/subdivider and submitted with the Preliminary Plan and required Supplemental Information. The applicant shall submit an original and 20 copies of the application package and supporting material. The application form shall be provided by the Wayne County Planning Department. The required fees shall also be paid at the time of application submittal.

The Administrative Officer shall certify the receipt of a complete application package meeting the requirements of the Subdivision Regulations prior to scheduling the application on the Planning Commission agenda, including the full payment of all applicable fees.

2. Preliminary Plan

The Preliminary Plan shall be drawn on 24-inch by 36-inch sheets to a scale of not less than one inch equals 200 feet. When more than one sheet is required, an index shall be incorporated into the title block. The Preliminary Plan shall contain the following information at a minimum. The Administrative Officer may approve the consolidation of the submittal requirements provided the intent of this section is met.

a. Base Information

The following base information shall be provided on all sheets:

- 1) Name and address of developer, property owner, land planner, landscape architect, engineer and/or surveyor.
- 2) Adjoining property owners, deed references and/or recorded subdivision names, recording references and adjoining property structures within 200 feet or as specified by the Administrative Officer.
- 3) Vicinity map (section and range).
- 4) The ownership, acreage and boundaries of all adjacent properties within 200 feet of the subdivision or as specified by the Administrative Officer. If a recorded subdivision adjoins the subject site, the subdivision name, lot numbers, block numbers and recording number shall be indicated with dashed lines.
- 5) North arrow.
- 6) Title block shall be in the lower right-hand corner. The title block shall include title "Preliminary Plan", sheet title, proposed subdivision name, developer and preparer, scale of the plan, tax map and parcel numbers, sheet index, date and revisions numbered and dated.
- 7) Boundary of the proposed subdivision clearly indicated by a heavy line with bearings and distances; and
- 8) Existing topography at two-foot intervals for slopes under 10 percent and at 10-foot intervals for slopes 10 percent or greater. Contour lines shall be indicated 50 feet beyond the subdivision boundary.

b. Existing Conditions Map

The Existing Conditions Map and text shall indicate in dashed lines for the subdivision and all property within 200 feet of the subdivision or as specified by the Administrative Officer, the following conditions depicted to scale and which may be superimposed on the most current and legible aerial photograph:

- 1) Existing generalized natural features: including the limits of the 100-year floodplain (floodway and floodway fringe depicted separately, including

elevations and boundaries); hydric soils; prime agricultural soils; wetlands; wooded areas; landmark trees; vegetative fencerows; streams; steep slopes and ravines with buffers indicated as required by the Subdivision Regulations. At the request of the TRC, the developer/subdivider may be required to calculate the 100-year storm flooding levels for drainage areas greater than 50 acres and show the area of flooding on the map.

- 2) Existing generalized land use, structures, buildings and drainage structures.
- 3) Existing zoning.
- 4) Existing utilities, including: water; sanitary sewer and storm water facilities, (indicating approximate pipe sizes and directions of slope); underground transmission lines; oil and natural gas wells; water wellheads; electric and telephone poles; road lights; fire hydrants; landfills; public utility easements; and existing underground drainage tile systems or information related to whether the property was drained.
- 5) Existing streets and roads, including: locations, widths and names of all streets and roads; existing easements; and roads which have been preliminarily approved or recorded but which remain unimproved shall be indicated with dashed lines.
- 6) Existing community facilities, including parks and recreation facilities.
- 7) Location and approximate age of any burial grounds, historical, archaeological and cultural resources.
- 8) Comprehensive Plan recommendations for the subject site and applicable zoning districts and standards.

c. Proposed Subdivision Plan

The following proposed improvements are to be superimposed on top of the Existing Conditions Map and all of which shall be superimposed on a legible aerial photograph:

- 1) Proposed generalized land use, including proposed building envelopes and soils clearly demarcated from the Wayne County Soil Survey, as amended.
- 2) Proposed layout of all proposed and existing lots with approximate dimensions and minimum area in square feet (acres if lot size is greater than 100,000 square feet), section number, phase number and part number, building lines, lot frontages and required setbacks.
- 3) Lot numbers in numerical order throughout the entire subdivision.
- 4) The location, dimensions, use and area of all property proposed to be reserved or temporarily reserved for public use, or reserved for the use of all property owners in the subdivision and the location, dimensions and purposes of any proposed easements.
- 5) Total number of lots, area of lots and parcels, area of public roadways, areas of open space dedications, and total area of the subdivision.

d. Proposed Circulation Plan

The following improvements are to be superimposed on top of the Existing Conditions Map and all of which shall be superimposed on a legible aerial photograph:

- 1) Proposed streets and roads, including: widths of rights-of-way and pavements; tentative profiles of each road centerline; tentative horizontal curve data; and typical cross sections of each type of road proposed.
- 2) Proposed sidewalks and bikepaths, including: locations; widths of rights-of-way; surface widths; and typical cross sections.
- 3) Proposed locations of road trees and landscape features (e.g. entry features and cul-de-sac landscaped islands and eyebrows) per the Landscape and Road Tree Plan.
- 4) A signature block for the County Engineer's Office shall be provided on the plan.

e. Proposed Landscape and Road Frontage Tree Plan

The following improvements are to be superimposed on top of the Existing Conditions Map and all of which shall be superimposed on a legible aerial photograph:

- 1) Road frontage trees.
- 2) Buffers.
- 3) Entry features.
- 4) Road medians.

f. Proposed Preliminary Plan

The Preliminary Plan shall be a composite drawing of all of the following:

- 1) Subsections 1 through 5 of the Proposed Subdivision Plan (204.08 B.2.C).
- 2) Proposed Circulation Plan.
- 3) Proposed Landscape and Road Tree Plan.

g. Development Agreement

A draft of the Development Agreement shall be submitted with the Preliminary Plan per Section 204.04 J. 6.

C. Final Plat Submittal

1. Application

An application form shall be completed by the developer/subdivider and submitted with the Final Plat. A total of 15 copies of the application and supporting material shall be submitted. The application form shall be provided by the Wayne County Planning Department. The required fees shall also be paid at the time of application submittal.

The Administrative Officer shall certify the receipt of a complete application package meeting the requirements of the Subdivision Regulations prior to scheduling the application on the Planning Commission agenda, including the full payment of all applicable fees.

2. Final Plat

The Final Plat shall conform to the Wayne County Engineer's and the Wayne County Auditor's Requirements for all Instruments of Conveyance in Wayne County, Ohio. It shall be legibly drawn in waterproof permanent ink on vellum, mylar or other material of equal permanence. The Final Plat shall be drawn at a scale of not smaller than 200 feet to the inch. If more than one sheet, then each sheet shall be numbered and an index provided on the front

of the first sheet (see relevant portions of the Engineering Code). All signatures on the Final Plat shall be made using permanent reproducible ink. (See Appendix 205.04(A).

The following supplementary information shall be supplied in addition to these requirements:

- a. If a zoning change is involved, certification from the applicable zoning inspector shall be required indicating that the change has been approved.
- b. Certification shall be required showing that any improvements specifically required by the Planning Commission have been either installed and approved by the proper officials and agencies, or that surety has been furnished assuring installation and initial maintenance of the required improvements.
- c. Maintenance bond requirements per the Engineering Code.
- d. Final copy of all proposed covenants, restrictions and homeowners' agreement.

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205.02 County Comprehensive Plan Map

The County's official land use recommendations are presented in the Comprehensive Plan Map, which is attached.

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205.03 Thoroughfare Plan Map

The County's Thoroughfare Plan Map is attached. It reflects the County's official policies regarding roadway classifications, specifically recommended rights-of-way.

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205.04 Miscellaneous Appendices

A. Required Statements and Signatures to be Affixed on the Plat

Note: The final Plat shall contain the statements and certifications as enumerated in the Engineering Code. Given these requirements, a suggested format is as follows (Sections 700-702):

1. General Statements

Situated in Section ____, Township _____, Range _____, Wayne County, Ohio containing ____ acres and being the same tract or a portion of the same tract as conveyed to _____ and described in the deed recorded in Deed Book _____ Wayne County, Ohio.

The undersigned _____ hereby certify that the attached plat correctly represents their _____, a subdivision of lots _____ to _____ inclusive, do hereby accept this plat of same and dedicate to public (private) use as such all or parts of the roads, boulevards, cul-de-sacs, etc., shown herein and not heretofore dedicated.

The undersigned further agrees that any use of improvements made on this land shall be in conformity with all existing valid zoning, platting, health, or other lawful rules and regulations including the applicable off-road parking and loading requirements of _____ Wayne County, Ohio for the benefit of himself and all other subsequent owners or assigns taking title from, under, or through the undersigned.

In Witness thereof _____ this ____ day of _____, 20__.

Witness _____ Signed _____

We do hereby certify that we have surveyed the premises and prepared the attached plat and that said plat is correct.

By

 Registered Surveyor

STATE OF OHIO, COUNTY OF WAYNE

Before me, a Notary Public in and for Wayne County, personally came _____ who acknowledged the signing of the foregoing instrument to be their voluntary act and deed for the purposes therein expressed.

In witness whereof I have hereunto set my hand and affixed my official seal this ___ day of _____, 20__.

By

Notary Public in and for the

State of Ohio

2. Outside The Subdivision Review Area of a City

Note: Suggested format, if applicable, is as follows:

Approved this ___ day of _____, 20__.

Wayne County Engineer

Approved this ___ day of _____, 20__.

Wayne County Board of Health

Approved this ___ day of _____, 20__.

Wayne County Soil and Water Conservation District

Approved this ___ day of _____, 20__.

Wayne County Planning Commission

Approved this ___ day of _____, 20__.

Wayne County Commissioners

Received for transfer this ___ day of _____, 20__.

Wayne County Tax Map Department

Transferred this ___ day of _____, 20__.

Wayne County Auditor

Filed for record this ___ day of _____, 20__ at ___M

Recorded this ___ day of _____, 20__

in Plat Book _____ Page No. ___

Wayne County Recorder

*Note: If public sewer and water are available,
the plat need not be signed by the Wayne County Board of Health.*

3. Statements Within The Subdivision Review Area of a City

Note: Suggested format, if applicable, is as follows:

Approved this ___ day of _____, 20__.

Wayne County Engineer

Approved this ___ day of _____, 20__.

Wayne County Board of Health

Approved this ___ day of _____, 20__.

Wayne County Soil and Water Conservation District

Approved this ___ day of _____, 20__.

Wayne County Planning Commission

Approved this ___ day of _____, 20__.

Municipal Planning Commission

Approved this ___ day of _____, 20__.

Wayne County Commissioners

Received for transfer this ___ day of _____, 20__.

Wayne County Tax Map Department

Transferred this ___ day of _____, 20__.

Wayne County Auditor

Filed for record this ___ day of _____, 20__ at __M.

Recorded this ___ day of _____, 20__

in Plat Book _____ Page No._____.

Wayne County Recorder

*Note: If public sewer and water are available,
the plat need not be signed by the Wayne County Board of Health.*

B. Sample Watercourse Easement

The following restrictions shall apply specifically to lots number ____ and _____. Watercourse means storm flow above and below ground level.

1. No structure or improvements of any kind, including sheds, fences, flower beds, rock gardens and trees (but excluding grass and approved bank protection), shall be erected or planted within the easement provided for the watercourse.
2. No owner shall take any action or permit any action to be taken that might change or divert the flow of the watercourse, nor shall he/she, within the easement provided, alter the ground level or the course of the stream as shown on this plat. An owner may provide rip-rap, walls or other bank protection upon securing written approval from the Wayne County Engineer's Office or the Wayne County Flood Plain Administrator.
3. Every owner of property along the watercourse shall maintain the portion of said watercourse in his/her property and keep the same free of debris and obstruction of all kinds. The County shall be free of any responsibility toward maintaining the watercourse.
4. These restrictions and agreements shall run with the land and shall bind the owner, his/her successors and assigns unless and until a modification or change thereto is agreed to and approved by Wayne County.
5. Said restrictions and agreements may be enforced by Wayne County and its successors and assigns, and are for the benefit of said County and owners of neighboring property in such proximity to the above described premises that the violation of said restriction and agreements would adversely affect the value of such property or the enjoyment of the use thereof.
6. The failure of said County to take prompt action by injunction or otherwise with regard to a violation of any of these restrictions and agreements shall not be deemed to be a waiver of its (county) rights to take action for said violation or any further violation of any said restrictions and agreements.

C. Sample Shared Drive Agreement

1. Wording for Deed Requiring Shared Access Point

The following wording is to be placed in the deeds of the parcels that will share an access point. One set of wording goes in the first lot, and the second goes in the second lot.

For Lot [#X]:

Access from [ROAD NAME] Road to this lot shall only be gained from a driveway entrance with a center point at the intersection of the [COMPASS DIRECTION OF ADJACENT LOT THAT WILL SHARE THE ACCESS] lot line and pavement. This shared access point extends from the road pavement to the edge of the road right-of-way with a total width of ___feet, ___feet on each side of the shared lot line. The access point shall be shared for purposes of ingress and egress with [LOT NUMBER, OR OTHER LEGAL REFERENCE TO LOT, OF ADJACENT LOT TO SHARE ACCESS] as found in O.R. [OFFICIAL RECORD #]. Maintenance for this Shared Access Point is the joint responsibility of the property owners of both Lot # [X] and Lot # [Y]. However, each lot shall have and maintain its own individual driveway that extends from this shared access point onto the individual lot.

For Lot #[Y]:

Access from [ROAD NAME] Road to this lot shall only be gained from a driveway entrance with a center point at the intersection of the [COMPASS DIRECTION OF THE ADJACENT LOT THAT WILL SHARE ACCESS] lot line and pavement. This shared access point extends from the road pavement to the edge of the road right-of-way with a total width of ___feet, ___feet on each side of the shared lot line. The access point shall be shared for purposes of ingress and egress with LOT NUMBER, OR OTHER LEGAL REFERENCE TO LOT, OF ADJACENT LOT TO SHARE ACCESS]- as found in O.R. [OFFICIAL RECORD fl. Maintenance for this Shared Access Point is the joint responsibility of the property owners Of both Lot # N and Lot # M. However, each lot shall have and maintain their own individual driveway that extends from this shared access point on the individual lot.

2. SAMPLE DECLARATION OF COMMON ACCESS DRIVE EASEMENT

THIS DECLARATION of common access drive easement, made and entered this ____ day of _____, 200__ by _____ and _____, _____, whose address is _____, **WITNESSETH:**

WHEREAS, the declarant is the owner of _____ of _____, of part of the _____ Quarter of Section __, T-____, R-____, _____ Township, Wayne County, Ohio, as shown by the plat recorded in Volume _____, Page _____, Wayne County, Ohio, Plat Records, which property was acquired by declarant in Volume _____, Page _____, Wayne County, Ohio, Official Records; and

WHEREAS, the declarant desires to create an easement for a common access drive over a _____ strip on the _____ and _____ side of

_____, the description of which is attached hereto as Exhibit A and made a part hereof;

NOW, THEREFORE, BE IT DECLARED, by the declarant, in consideration of the mutual covenants and promises herein set forth and other good and valuable consideration, and as a condition for the approval of the platting of said lots, as follows:

1. Reciprocal Easement. The successive owners of _____ of _____ shall have a reciprocal easement over the common access drive, which is described in Exhibit A attached hereto, for ingress and egress and for all necessary, customary, or appropriate utility lines and services to serve said properties, which easement shall not be blocked by parked vehicles, or otherwise, but shall at all times be kept open and clear so as to permit unimpeded passage.

2. Installation and Maintenance. Declarant has installed the driveway over the affected premises as of the date of this declaration. The successive owners of the _____ shall jointly provide for the maintenance and repair necessary to maintain the driveway in its present, or better, condition, and provide for snow removal, by sharing all of such expense equally, provided however, that any damage done to the driveway in excess of normal wear and tear shall be the responsibility of the damaging party, or the party benefitting from the damaging activity, to repair.

3. Insurance and Indemnity. The successive owners of _____ shall each maintain the driveway on such owner's homeowners policy of insurance for liability coverage and shall hereby release one another from any and all liability resulting from the use of the driveway except for liability for an owner's deliberate or negligent act. Each shall indemnify the other for any liability arising from such owner's deliberate or negligent act, and the acts of such owner's agents, tenants, and invitees.

4. Funding Responsibility. The owner of _____ shall have the duty to maintain a segregated account for the deposit of amounts collected from the owners of _____ and their successors in title or interest, which amounts shall initially be \$100 per year per lot payable on or before the ____ of _____ of each year, but may by mutual consent be increased, but not decreased below \$100, in any year. All amounts so received shall be deposited in an interest bearing passbook account in a bank or financial institution insured by the federal government, and shall be used to pay the cost of maintenance and repair on the common access driveway. Account information shall be available to any owner of the parcels covered by this agreement upon request.

5. Maintenance Schedule. Annual maintenance and repair of the common access drive, which shall include grading and resurfacing as needed, shall be scheduled for each year on or before July 1 for the purpose of restoring the driveway to its condition the previous July 1. The person maintaining the account set forth above shall have the duty to schedule such maintenance with such provider as the parties shall from time to time designate by majority rule,

each parcel having one vote. In addition, the parties shall by majority vote determine from time to time whether additional maintenance is required.

6. Notice of Maintenance. The person arranging the annual, or special, maintenance shall have the duty to give reasonable notice of such maintenance to the other owners prior to such maintenance. Such notice shall include the work to be done, the time of commencement and the approximate time of duration. Reasonable notice shall be not less than seven days except in the case of an emergency repair.

7. Running With Land. All of the easements and provisions of this agreement shall be binding upon and inure to the benefit of the parties, their successors and any subsequent owner of _____, and shall run with the land, and shall not be amended or changed without the mutual concurrence of such owners and the approval of the Wayne County Planning Commission or its municipal equivalent in the event of annexation of the property to a municipal corporation. This shall be the entire agreement relating to the common access drive and there shall be no "side agreements," which would frustrate, impede, or impair the purpose of this agreement. The parties, however, shall have the right by mutual consent and without further approval of the county to provide for repair and maintenance in excess of (but not less than) the provisions set forth herein.

8. Reference in Instruments of Transfer. All instruments transferring an interest in _____ shall contain a reference to this easement, but such easement shall be binding upon and inure to the benefit of all such owners even if omitted from an instrument of transfer.

In Witness Whereof, the undersigned has executed this assignment as of the day and year first above written at _____, _____.

D. Sample Cross Access Agreement

Reciprocal Easement Agreement

This Reciprocal Easement Agreement (hereinafter the “Agreement”) this ___ day of _____, 20__, by and between [Party 1] (full name), an [individual(s), corporation/company] of [address of Party 1] (if company add “with offices at” [address]) (hereinafter “[Party 1]”) and Party 2 (full name), an [individual(s), corporation/company] of [address of Party 2] (if company add “with offices at” [address]) (hereinafter “[Party 2]”).

Recitals

- A. Party 1 is/are the fee owner(s) of the real property (hereinafter the “[Party 1] Property”) situated in the State of Ohio, County of Wayne, Township of _____, and more fully described in Exhibit A, attached hereto and made a part of hereof.
- B. Party 2 is/are the fee owner(s) of the real property (hereinafter the “[Party 2] Property”) situated in the State of Ohio, County of Wayne, Township of _____, and more fully described in Exhibit B, attached hereto and made a part of hereof.
- C. The [Party 1] Property and the [Party 2] Property are adjacent to each other and are located and configured generally as shown in Exhibit C, attached hereto and made a part hereof.
- D. [Party 1] owns and is developing on his/her/their property a [what is proposed - example: single family residential home].
- E. [Party 2] owns and [(add “operates” if existing business or “resides” if existing residence) [if the land is being developed add “and is developing”] a [what is exists or is proposed - example: building for retail commercial use] on his/her/their property.
- F. [Party 1] and [Party 2] desire to grant certain reciprocal easements with respect to the [Party 1] Property and [Party 2] Property to permit reciprocal, mutual access from the [Party 2] Property to the [Party 1] Property and from the [Party 1], Property to the [Party 2] Property through a curb cut (the “Access Point”) to be installed at a point approximately [distance] feet [direction] of the [direction 2] boundary of the [Party 1 or 2] Property.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto, intending to be legally bond, do hereby agree as follows:

1. Identification and Installation of Access Point.

The “Access Point” shall be a curb cut made in the [direction 2] property line of the [Party 1 or 2] Property (which property line is the [opposite direction 2] property line of the [Party 2 or 1] Property), with the intention of aligning the Access Point with the [direction 2] most drive lane on the [Party 2] Property. This curb cut shall not be less than 25 feet and not more than 35 feet wide, and it shall begin at the point located approximately [distance] feet. [Party 2] from the boundary

line of [Road Name] Road. Subject to the foregoing parameters, the final location and width of the Access Point shall be agreed upon by the parties in conjunction with the review of plans provided for in the next following sentence, which agreement neither party shall unreasonably withhold. The curb cut for the Access Point shall be constructed by [Party 1] subject to [Party 2] approval of the plans therefore, which approval shall not be unreasonably withheld. In constructing the curb cut for the Access Point, [Party 1] shall have the right to remove any concrete or asphalt dividers [Party 2] may have installed along the line of or which would obstruct the Access Point and shall join the pavement on the [Party 2] Property and on the [Party 1] Property such that the two pavements are smoothly connected. [Party 1] shall have a right of entry onto the [Party 2] Property during its construction of the Access Point in the immediate vicinity reasonably needed for the construction thereof, only during working hours [or otherwise agreed upon time] (i.e. no equipment to be stored on the [Party 2] Property overnight), and only in such manner as does not materially detract from [Party 2][residence or business]. All damage to the [Party 2] Property outside of the Access Point area shall be promptly repaired and best efforts shall be utilized not to cause any such damage. The plans for the curb cut shall include such traffic safety and directional signs (e.g. "stop" signs) as may, in the opinion of a professional engineer, be necessary in the vicinity of the Access Point to promote traffic safety, which signs [Party 1], shall and may install on either property, as such engineer may direct, subject to the [Party 2] approval which shall not be unreasonably withheld.

2. Grants of Easements.

- A. Easement to [Party 1] -. The [Party 2] - hereby grant to [Party 1], his/her/their successors and assigns, for his/her/their benefit and that of any and all tenants or occupants of all or any part of the [Party 1] Property and their respective licensees, invitees, customers, agents and employees, during the term of this Agreement, the non exclusive, irrevocable easement and right of way for pedestrian and vehicular traffic through the Access Point and over and upon such driveways and parking areas as may exist from time to time on the [Party 2] Property (including without limitation the drive lanes thereon), together with the easement and right to use such areas for pedestrian and vehicular passage, for access and ingress to, from and across the [Party 2] Property and to and from the streets, highways, and alleys adjacent to and abutting the [Party 2] Property. Notwithstanding anything in the foregoing to the contrary, the easement in the [Party 2] Property herein granted is limited to the use of passenger vehicles, and the use of such easement for transit by trucks or vehicles making deliveries or service calls to the [Party 1] Property or any occupant or tenant of the [Party 1] Property is prohibited. The [Party 2] warrant that he/she/they have fee simple title to the [Party 2] Property, free of all liens and encumbrances except real estate taxes and matters of record which would not prevent the granting nor use of this easement.
- B. Easement to [Party 2] The [Party 1] hereby grant to [Party 2] his/her/their successors and assigns, for his/her/their benefit and that of any and all tenants or occupants of all or any part of the [Party 2] . Property and their respective licensees, invitees, customers, agents and employees, during the term of this Agreement, the nonexclusive, irrevocable easement and right of way for pedestrian and vehicular traffic through the Access Point and over and upon such

driveways and parking areas as may exist from time to time on the [Party 1] Property (including without limitation the drive lanes thereon), together with the easement and right to use such areas for pedestrian and vehicular passage, for access and ingress to, from and across the [Party 1] Property and to and from the streets, highways, and alleys adjacent to and abutting the [Party 1] Property. Notwithstanding anything in the foregoing to the contrary, the easement in the [Party 1] Property herein granted is limited to the use of passenger vehicles, and the use of such easement for transit by trucks or vehicles making deliveries or service calls to the [Party 2] Property or any occupant or tenant of the [Party 2] Property is prohibited. The [Party 1] hereby warrant(s) that he/she/they have fee simple title to the [Party 1] Property, free of all liens and encumbrances except real estate taxes and matters of record which would not prevent the granting nor use of this easement.

3. Maintenance.

After initial construction of the Access Point is complete, [Party 1] shall be responsible for all pavement maintenance, traffic and directional signage maintenance, repaving/resurfacing, striping maintenance, landscape maintenance, trash and litter pickup, and snow and ice removal on the [Party 1] Property, and [Party 2] shall be responsible for all pavement maintenance, traffic and directional signage maintenance, repaving/resurfacing, striping maintenance, landscape maintenance, trash and litter pickup, and snow and ice removal on the [Party 2] Property.

4. Insurance and Indemnity.

- A. During Construction. [Party 1] shall indemnify, defend and hold harmless the [Party 2] and all tenants or occupants of the [Party 2] Property from all loss, liability, suits, judgements, costs, or expenses (including reasonable attorney fees) for incidents occurring on either party's property -during the -period of time between the date of commencement and the date of completion of construction of the Access Point and arising out of any act or omission of [Party 1], its tenants, contractors, agents, or employees. During such construction [Party 2] shall carry public liability insurance against such occurrences in the amount of at least [one million or other sum]- dollars combined single limit coverage, with the [Party 2] as additional insured, and shall assure that any contractor performing work on the Access Point shall likewise carry public liability insurance in such amount or greater, together with worker's compensation coverage in accordance with Ohio law.
- B. After the initial construction of the Access Point is complete, [Party 1] shall indemnify, defend, and hold harmless the -[Party 2] and all tenants or occupants of the [Party 2] Property from all loss, liability, suits, judgements, costs, or expenses (including reasonable attorney fees) arising out of any and all occurrences taking place on the [Party 1] Property. The [Party 2] shall indemnify, defend, and hold harmless [Party 1] and all tenants or occupants of the [Party 1] Property from all loss, liability, suits, judgements, costs, or expenses (including reasonable attorney fees) arising out of any and all occurrences taking place on the [Party 2] Property. Each party shall add the other, and, upon request, any tenant or occupant of the other, as an additional insured to its public liability

insurance policy, and shall provide the other, upon written request, with a certificate attesting thereto. The insurance certificate shall provide that the insurers shall give the additional insured at least thirty (30) days prior written notice of any intended cancellation of coverage. Each party's public liability insurance coverage shall be in the amount of at least [one million or other amount] dollars, combined single limit coverage. Each party hereby waives, for itself and any insurer providing it with liability insurance coverage, the right of subrogation against the other party hereto and against any tenant or occupant of such other party, for any and all claims paid for occurrences arising directly or indirectly out of the use of the easement created in this Agreement.

5. No Public Dedication.

It is mutually agreed that the grants contained in this Agreement are not intended and shall not be construed as a dedication of the respective premises for public use, and the parties hereto will take whatever steps may be necessary to avoid such dedication.

6. Running with the Land.

All of the easements, covenants, agreements, conditions, and restrictions set forth in this Agreement shall be construed as covenants running with the land, binding upon, inuring to benefit of and enforceable by the parties and their respective successors and assigns, to terminate this Agreement and all easements, covenants, restrictions, and conditions hereunder *requires approval of the Wayne County Planning Commission or, if annexed, its municipal equivalent.*

7. Limited Recourse.

Recourse by either party hereto against the other party for any claim or liability arising in connection herewith shall be limited to such other party's interest in its respective parcel of real property with which this Agreement runs.

8. Notice.

Any notice required or permitted to be given by or to either of the parties under this Agreement shall be in writing and shall be deemed to have been given when deposited in the United States mail, certified or registered mail, return receipt requested and addressed as follows:

If to [Party 1]:

[Party 1 address]

If to [Party 2]:

[Party 2 address]

Either party may, at any time, change its address for the purposes of mailing, as aforesaid, a notice stating this change and setting forth the new address.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the day and year first above written.

WITNESS:

BY: _____

ITS: _____

STATE OF OHIO

SS:

COUNTY OF WAYNE

Before me, a Notary Public in and for said County, personally appeared _____, [if individual: “an individual,” or if a company: “of _____, an _____,”] who acknowledged the signing and attestation of the foregoing *Reciprocal Easement Agreement* to be his/her free act and deed, and as such [“officer” if a company] on behalf of _____ for the uses and purposes set forth therein.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed my official seal on the ____ day of _____, 20____.

NOTARY PUBLIC

STATE OF OHIO

SS:

COUNTY OF WAYNE

Before me, a Notary Public in and for said County, personally appeared _____, [if individual: “an individual,” or if a company: “of _____, an _____,”] who acknowledged the signing and attestation of the foregoing *Reciprocal Easement Agreement* to be his/her free act and deed, and as such [“officer” if a company] on behalf of _____ for the uses and purposes set forth therein.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed my official seal on the ____ day of _____, 20____.

NOTARY PUBLIC

STATE OF OHIO

SS:

COUNTY OF WAYNE

Before me, a Notary Public in and for said County, personally appeared _____, [if individual: “an individual,” or if a company: “of _____, an _____,”] who acknowledged the signing and attestation of the foregoing *Reciprocal Easement Agreement* to be his/her free act and deed, and as such [“officer” if a company] on behalf of _____ for the uses and purposes set forth therein.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed my official seal on the ____ day of _____, 20____.

NOTARY PUBLIC

E. Sample Homeowners Association Agreement

(SUBDIVISION NAME) SECTION (NUMBER(s))

**DECLARATION OF COVENANTS, EASEMENTS, RESTRICTIONS,
ASSESSMENT LIENS AND (SUBDIVISION NAME) ASSOCIATION**

This is a Declaration of Covenants, Easements, Restrictions and Assessment Liens made on this ___ day of _____, 20__ by (Developer Name), an Ohio Corporation, of (COUNTY NAME) County, Ohio (“Declarant”).

BACKGROUND

A. Declarant is the owner in fee simple of the following REAL PROPERTY: Situated in the State of Ohio in the County of Wayne and in (NAME OF JURISDICTION):

Being Lots Numbered One through (NUMBER OF LOTS), inclusive, of (NAME OF SUBDIVISION) SECTION (SECTION NUMBER), as said lots are plat numbered and delineated upon the recorded plat thereof, of record in Plat Book ____, Pages ____, Recorder’s Office, Wayne County, Ohio.

Last Transfer: Volume ____; page ____, Official Records, Recorder’s Office, Wayne County, Ohio

Each of these lots is referred to herein as a “Lot”, and collectively they are referred to herein as the “Lots”. A “Lot Owner” is each owner of a fee simple interest in a Lot. (SUBDIVISION NAME) Section (SECTION NUMBER) subdivision is referred to herein as the “Subdivision”.

B. Declarant intends, during the course of development of the Subdivision, to construct a certain entranceways(s) to the Subdivision at (STREET ADDRESS), as noted and described in the recorded Subdivision plat and to install fencing, signage, and landscaping at said entranceway and provide for the servicing and maintenance of the improvements, landscaping and grass at the entranceway for the benefit of Declarant as well as the Lot Owners in the Subdivision.

In addition, Declarant intends to utilize in the future, Reserve(s) for storm water Management, open space, retention ponds for the benefit of the Subdivision and adjacent land (the “Drainage Reserve”). While the Drainage Reserve is designed to provide an area to temporarily retain storm waters, Declarant may install signage, grass and/or landscaping on the Drainage Reserve and desires to retain the right but not the obligation, to provide for the continued servicing and maintenance of any improvements made to the Drainage Reserve.

C. Simultaneously with its execution hereof, Declarant has caused an Ohio unincorporated association of Lot Owners to be formed, named the (SUBDIVISION NAME) Association (the “Association”), to administer the maintenance of the entranceways and the Drainage Reserve. The members of the Association are and shall be Lot Owners, and the Association’s purposes are and will be to maintain the entranceways and the Drainage Reserve as well as to enforce restrictions and conditions under which the maintenance will be carried out, all as set forth herein.

The Association may, by a majority vote, adopt a set of bylaws and promulgate rules and regulations concerning maintenance of the entranceways and the establishment and collection of assessments. The Association may also by a majority vote, elect to incorporate, under statutes set forth in the Ohio Revised Code, as an Ohio corporation, not-for-profit. Further, land adjacent to the Subdivision may be added to the plan created by this Declaration to take advantage of economies of scale and reduce per lot association costs and accomplish similar objectives.

- D. Declarant desires to create a plan of restrictions, easements and covenants concerning the Lots in the Subdivision and to retain in Declarant plan approval of the dwelling units to be constructed on said Lots and said easements and covenants shall also relate to the entranceways and Drainage Reserve for the benefit of and to protect the interest of the public, Declarant, each Lot Owner, and their respective personal representative, heirs, successors and assigns.

Now therefore, Declarant hereby declares that the Lots shall be held, sold, conveyed and occupied subject to the following covenants, easements and restrictions which are for the purpose of protecting the values and desirability of, and which shall run with the Lots, and each part thereof, and be binding on all parties having any right, title or interest in the same, and each part thereof, and their respective personal representatives, heirs, successors and assigns, and shall inure to the benefit of and be enforceable by Declarant and each Lot Owner, and their respective personal representatives, heirs, successors and assigns, and the Association.

ARTICLE I

- A. LAND USE: All of the Lots in the Subdivision shall be used for single-family residential purposes only. No building shall be erected, altered, placed or permitted to remain on any Lot that would exceed two and one-half (2 1/2) stories in height and in no event shall any building be erected to a height exceeding thirty-five (35) feet from the finish grade at the front of the building, together with necessary accessory buildings and structures, including a garage, an uncovered or covered and/or enclosed patio, wood or decorative metal fencing, an in-ground swimming pool and a bath house. No other structure shall be constructed, erected, placed or permitted to remain upon any Lot without the express written consent of Declarant. The word "structure" as used herein includes any thing or object the placement of which upon any Lot may affect the appearance of such Lot, including, but not limited to, an above-ground swimming pool, barn, greenhouse, coop, cage, animal run, house trailer or any other temporary or permanent improvement on such Lot.
- B. PLAN APPROVAL: For the purpose of maintaining specific architectural guidelines and standards for the development of all said Lots within the Subdivision, each Lot Owner shall be required to submit two (2) sets of complete building and site plans with specifications for the building(s) and structure(s) intended to be erected on a Lot to the Declarant, or its assignee, setting forth the general arrangements of the interior and exterior of the building(s) and/or structures including the color and texture of the building materials, the type and character of all windows doors, exterior light fixtures and appurtenant elements such as decorative walls chimneys, driveways and walkways and detailing the location of the building(s) and/or structure(s) on the Lot including setbacks, driveway locations, garage openings, orientation or the buildings

and/or structures to the topography and conformance with the grading and drainage plan. Each Lot Owner covenants that no excavation shall be made, no building and/or structure shall be erected and no materials shall be stored upon a Lot by said Lot Owner or his agents, heirs successors or assigns until the Declarant shall have approved said plans and specifications in writing. If the Declarant fails within twenty (20) days after receipt of said plans and specifications to either approve or disapprove said plans and specifications, they shall be deemed to have been approved and the requirements herein fulfilled. If the Declarant disapproves said plans and specifications, the lot Owner may revise and resubmit said plans and specifications until approval is received. If satisfactory plans and specifications are not received and approved by Declarant within one (1) year following conveyance of title to said Lot Owner (or such extension of time as Declarant may at its sole option, extend), Declarant reserves and each Lot Owner by acceptance of a deed to a Lot, hereby acknowledges the right of Declarant, at its option, to repurchase the Lot at the original purchase price thereof as evidenced by the closing statement executed at time of purchase.

If Declarant ceases to exist as an entity and this right of approval has not been specifically assigned to a successor in interest (which assignment shall be in Writing and filed With the Recorder of Wayne County, Ohio) then the approval required hereunder shall be unnecessary and the provisions of the above paragraph shall be inoperative.

Each Lot Owner by his acceptance of a deed to a Lot, further acknowledges that in considering plans and specifications submitted, Declarant Will take into consideration plans and specifications already approved or in the process of being reviewed for approval of proposed improvements on adjacent Lots and the effect of said proposed improvements on the Lot With reference to its effect upon the neighboring properties and the overall development of the Subdivision and acknowledges that the Declarant may require submission of samples of materials to be used in the construction of said single-family residence as a condition of the approval of said plans and specifications. Each Lot Owner further acknowledges that the Declarant shall not be responsible or liable to said Lot Owner or to any other owner of Lots in the Subdivision by reason of the exercise of its judgment in approving or disapproving plans submitted nor shall it be liable for any expenses entailed to any Lot Owner in the preparation, submission and, if necessary' resubmission of proposed plans and specifications.

Each Lot Owner further agrees that no tree removal, excavation, construction or other site work which would in any way alter a Lot from its present state shall be commenced until the plans and specifications shall first have been approved in writing by Declarant in accordance herewith. All construction on any Lot shall be completed Within a reasonable time after the start thereof.

Within the stone water management easement areas designated on the recorded plat of the Subdivision, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and the direction of the flow of the drainage channels or water over said easement areas. The easement areas of each Lot and all surface improvements thereon shall be maintained continuously by the owner of said Lot, except for those improvements for which a public authority or public utility company is responsible.

Easements for the installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat.

C. **BUILDING LOCATION**: No building shall be located on any Lot nearer to the front line or nearer to a side street line than the minimum building setback lines shown on the recorded plat. No dwelling shall be located nearer to an interior lot line than permitted by code. Fireplaces may project into required side or rear yards up to the permitted amount per code. For this purpose, eaves, steps, decks and open porches shall not be considered. However, general set-backs may be modified in individual cases upon receipt of a variance from the (**NAME OF JURISDICTION**). No portion of any Lot nearer to any street than the building setback lines shall be used for any purposes other than that of a lawn nor shall any fence or wall of any kind for any purpose, be erected, placed or suffered to remain on any Lot nearer to any street now existing, or any hereafter created, than the front building lines of the building thereon, excepting ornamental railing, or fences not exceeding three (3) feet in height located on or adjacent to entrance platforms or steps. Nothing herein contained, however, shall be construed as preventing the use of such portion of the Lots for walks driveways, the planting of trees or shrubbery the growing of flowers or other ornamental plants, or for small statuary entranceways fountains or similar ornamentation for the purpose of beautifying said premises. No weed underbrush or other unsightly growth shall be permitted to grow or remain anywhere on said Lots and no unsightly object shall be allowed to be placed or suffered to re-explain anywhere thereon. Nothing herein contained shall be construed so as to permit a violation of any applicable law, ordinance or governmental regulations.

No swimming pool measuring more than one hundred (100) square feet shall be constructed or shown maintained above the finish grade at its location as shown on the master grading plan for the Subdivision.

D. **DWELLING REQUIREMENTS**: All dwellings shall conform to the following building requirements:

1. All mailboxes within the Subdivision shall be of a coordinated design and construction as determined by Declarant.
2. All landscaping requirements set forth for the Subdivision must meet or exceed the Landscaping Ordinance.

E. **LOT SPLIT**: No Lot shall be split, divided, or subdivided for sale, resale, gift, transfer or otherwise, so as to create a new Lot.

F. **TRADE OR COMMERCIAL ACTIVITY BARRED**: No trade or commercial activity shall be conducted upon any Lot, nor shall anything be done thereon which may become an annoyance or nuisance to any other owners of any of said Lots in the Subdivision. Notwithstanding the foregoing, Declarant, its successors and assignees, may perform its development and lot sales activities within the Subdivision and one or more single-family builders may maintain home sales models within the Subdivision and may conduct sales activities from such models.

G. **TEMPORARY RESIDENCE**: No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any Lot at any time as a residence, either temporarily or permanently.

H. **TEMPORARY STRUCTURE**: No temporary building, trailer, garage, storage building or structure shall be placed upon any Lot for storage without the express written consent of Declarant.

- I. ANIMALS: No animals, birds, insects, livestock, or poultry of any kind shall be raised, bred, or kept on any Lot except dog, cats, or other household pets which are kept for domestic purposes only, and are not kept, bred or maintained for any commercial purpose No more than two (2) dogs and/or two (2) cats may be kept on any Lot except such dogs or cats in excess of such numbers that are less than three (3) months of age.
- J. WASTE DISPOSAL: No Lot shall be used or maintained as a dumping ground for rubbish. Trash garbage or other waste shall not be kept except in sanitary containers. All equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition and removed from view from the street and abutting properties.
- K. SOIL REMOVAL: No soil shall be removed for any commercial purpose.
- L. CLOTHES LINES: No clothing or any other household fabrics shall be hung in the open on any Lot and no outside clothes drying or airing facilities shall be permitted.
- M. NUISANCES: No obnoxious or offensive activity shall be permitted on any Lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
- N. VEHICLES NOT IN USE: No automobile or motor driven vehicle shall be left upon any Lot for a period longer than thirty (30) days in a condition wherein it is not able to be operated upon the public highway after such period the vehicle shall be considered a nuisance and detrimental to the welfare of the Subdivision and shall be removed therefrom.
- O. HOBBIES: Hobbies or other activities which tend to detract from the aesthetic character of the Subdivision and any improvements used in connection with such hobbies or activities shall not be permitted unless canted out or conducted within the building erected upon the Lot and not visible from either the street or adjoining properties. This restriction refers specifically but not exclusively to such activities as automobile bicycle moped motorboat and sailboat repair.
- P. PLEASURE AND UTILITY VEHICLE AND EQUIPMENT PARKING AND STORAGE: No truck trailer boat camper or other recreational vehicles commercial vehicles or utility vehicles and equipment including mowers tractors and other lawn or-garden equipment shall be parked or stored on any Lot unless it is in a garage or other vehicles and/or equipment enclosure out of view from the street and abutting properties provided however that nothing herein shall prohibit the occasional nonrecurring temporary parking of such truck trailer boat camper recreational vehicle or commercial vehicle on the premises for the period not to exceed seventy-two (72) hours in any period of thirty (30) days. The word "truck" shall include and mean every type of motor vehicles other than passenger cars and other than any pickup truck which is used as an automobile vehicle by an owner of a Lot and his family
- Q. GARAGE: No dwelling may be constructed on any Lot unless an enclosed garage for at least two (2) automobiles is also constructed thereon and no more than three (3).
- R. SIGNS: No signs of any kind shall be displayed to the public view on any Lot except one (one (1) temporary sign of not more than six (6) square feet advertising the property for sale or rent and signs used by a builder or Declarant to advertise the property during the construction/sales period and/or signage utilized by Declarant at the entranceways to the Subdivision denoting the name of tile Subdivision and builder

participants. Signs used by builders and Declarant larger than six (6) square feet must meet the **(NAME OF JURISDICTION)** Ohio zoning resolution requirements.

- S. ANTENNAS: Unless provided below no television and radio antennas including dish-type satellite signal receiving earth stations shall be prohibited on the exterior of any house or building. No towers of any kind including but not limited to television radio and/or microwave towers shall be erected placed or maintained on any Lot in the Subdivision. No television satellite receiver (“dish”) in excess of two (2) feet in diameter shall be placed outside on any Lot. No solar panels or collectors extending more than twelve inches (12”) above the finished grade of the roof shall be placed upon any dwelling
- T. FUEL STORAGE: Any tank for the storage of fuel placed or maintained on any Lot in the Subdivisions shall be located below the surface of the ground or within the confines of the dwelling. However no storage tank(s) larger than ten (10) cubic feet including but not limited to those used for storage of water gasoline oil or other liquid or any gas shall be permitted on any Lot. All fuel tanks installed on any Lot must satisfy State of Ohio Environmental Protection Agency requirements
- U. FENCING LOTS: No chain link cyclone wire or other similar type metal fencing shall be constructed on any Lot. However a transparent wire screen shall be allowed behind a split rail fence or other wood fence.
- V. PERMANENT OUTSIDE STORAGE BUILDINGS: No metal storage building shall be erected placed or suffered to remain upon any Lot. However permanent outside buildings or sheds may be constructed only with the approval of the Declarant as required by Article I and in any event may only be constructed with the same building materials and colors as the residence on the Lot. If approved by the Declarant Owner must also obtain a building permit from the **(NAME OF JURISDICTION)** for such construction.
- W. GRADING AND DRAINAGE: No construction grading or other improvements shall be made to any Lot if such improvement would interfere with or otherwise alter the general grading and drainage plan of the Subdivision or any existing swales floodways or other drainage configurations
- X. ENTRANCEWAY EASEMENTS: Easements are herein reserved over the recorded easement and set-back (or building line) areas as shown on the recorded plat of the Subdivision for the installation of improvements repairs and maintenance of the entranceway facilities. The portions of the easements containing such entranceway facilities shall at all times be kept accessible for maintaining and repairing the entranceway facilities.
- Y. DRAINAGE RESERVE EASEMENT: An easement is herein reserved over tile areas designated as Reserve(s) on tile Subdivision plat for the installation of improvements and the repair and maintenance of facilities installed by Declarant including but not necessarily limited to fencing signage and grass.
- Z. SIGHT DISTANCE AT INTERSECTIONS: No fence wall hedge or shrub planting which obstructs sight lines at elevations between two (2) and six (6) feet above the roadways shall be placed or permitted to remain on any corner Lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five feet (25) from tile intersection of the street line or in the case of a

rounded property corner from the intersection of the street property lines extended. The same sight line limitations shall apply on any lot within ten feet (10') from the intersection of a street property line with the edge of a driveway. No tree shall be permitted to remain within such distance of such intersections unless the foliage line is maintained at sufficient heights to prevent obstruction of such sight lines.

AA. WATERCOURSE EASEMENT-The following restrictions shall apply specifically to lots numbered _____ through _____. Watercourse means storm flow above and below ground level.

1. No structure or improvements of any kind including sheds, fences, flower beds, rock gardens and trees (but excluding grass and approved bank protection) shall be erected or planted within the easement provided for the watercourse.
2. No owner shall take any action or permit any action to be taken that might change or divert the flow of the watercourse nor shall he within the easement provided alter the ground level or the course of the stream as shown on this plat. An owner may provide lip-rap walls or other bank protection upon securing written approval from the Wayne County Engineer's Office or the Wayne County Flood Plain Administrator or other authority or entity which control this jurisdiction.
3. Every owner of property along the watercourse shall maintain the portion of said watercourse in his property and keep the same free of debris and obstruction of all kinds. The County or other authority or entity, which control this jurisdiction, shall be free of any responsibility toward maintaining the watercourse.
4. These restrictions and agreements shall run with the land and shall bind the owner his successors and assigns unless and until a modification or change thereto is agreed to and approved by Wayne County or other authority or entity, which control this jurisdiction.
5. Said restrictions and agreements may be enforced by Wayne County and its successors and assigns and are for the benefit of said County and owners of neighboring property in such proximity to the above described premises that the violation of said restrictions and agreements would adversely affect the value of such property or the enjoyment of the use thereof.
6. The failure of said County or other authority or entity which control this jurisdiction to take prompt action by injunction or otherwise with regard to a violation of any of these restrictions and agreements shall not be deemed to be a waiver of its (county) rights to take action for said violation or any further violation of any said restrictions and agreements.

ARTICLE II

- A. TERM: These covenants are to run with the Lots and shall be binding on all Owners of the above described real estate until (**DATE OF EXPIRATION**) after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a Majority of the Lot Owners is recorded agreeing to change said covenants in whole or in part.
- B. ENFORCEMENT: Enforcement shall be proceedings by law or in equity or both by any owner of any part of the above described real estate or by Declarant against any person or persons violating or attempting to violate any covenant either to restrain

violation or recover damages. No failure to object to any violations of any restrictions or to enforce any restrictions shall be deemed a waiver of tile right to do so thereafter either as to the same violations or as one occurring prior or subsequent thereto.

- C. SEVERABILITY: Each of these covenants contained herein is independent and separate and in the event any one or more such covenants shall for any reason be held invalid or unenforceable all remaining covenants shall nevertheless remain in full force and effect.

ARTICLE III

- A. ACCEPTANCE: By accepting a deed to any of the above described real estate a grantee accepts the same subject to the forgoing covenants and agrees for himself his heirs successors and assigns to be bound by each of such covenants jointly.

ARTICLE IV

- A. MAINTENANCE OF ENTRANCEWAY AND DRAINAGE RESERVE BY DECLARANT AND ASSOCIATION: Until the completion and sale of not less than seventy-five percent (75%) of the dwellings in the Subdivision Declarant shall be responsible for the installation and reasonable and proper maintenance of the Entranceway and Drainage Reserve. On the January 1st immediately following the date upon which seventy-five percent (75%) of the Lots with residential dwellings thereon have been conveyed to bona fide purchasers the Declarant covenants and agrees to turn over the Association and the Association shall accept the responsibility for maintaining the Entranceway and Drainage Reserve. Until such turnover date all improvements and maintenance costs in connection with the Entranceway and Drainage Reserve shall be complete and paid for by Declarant. improvements shall include such fencing walls, landscaping and signage as Declarant in its sole discretion deems necessary and desirable complying at all times with applicable governmental restrictions. Declarant by an instrument in writing in the nature of an assignment will vest the Association with the rights privileges and powers regarding such maintenance responsibility to be assumed by the Association.
- B. ASSOCIATION MEMBERS: Every owner of a Lot in the Subdivision shall become a member of the Association and each such owner including Declarant shall be entitled to one vote on each matter submitted to vote of the members for each Lot owned by him or it; provided however that where title to a Lot is in more than on person much co-owners acting jointly shall be entitled to but one vote.
- C. ALTERATIONS TO ENTRANCEWAY(S): Once the Association has assumed the responsibility for maintaining entranceway and Drainage Reserve, no building, wall, fence, other structure or landscaping shall be added to or removed from the entranceways improvements installed by Declarant without the consent, expressed in writing, of the Association. Such consent shall be provided for by tile Association according to its rules and regulations established for maintenance of the Entranceway(s).
- D. ASSESSMENTS: The Association shall be empowered to collect assessments for the maintenance of the Entranceway and Drainage Reserve as hereinafter provided. Any assessments established by the Association, from time to time shall be levied in equal amounts as to each of the Lots. As soon as shall be practicable after determination

that an assessment is needed, the Association shall send a written statement to each Lot Owner setting forth the amount and method of calculation of the amount assessed against each Lot, and the time when the same is due. The assessment may be billed in a lump sum or in installments, as the Association shall in its sole discretion determine. No assessment shall become due and payable unless written notice has been sent or delivered to the Lot Owner obligated to pay the same at least ten (10) days prior to the due date thereof, or if payable in installments the due date of the first installment.

In the event any amount so assessed or levied is not paid when due and remains in arrears for more than thirty (30) days, the Association may charge interest on the entire unpaid balance at the highest rate of interest then permitted by law or such lower rate as the Association may from time to time determine, and cause to be filed with the Wayne County, Ohio Recorder, a notice of lien describing the Lot, the assessment amount and interest due and executed in accordance with the formalities then required to record a lien against real estate. All assessments, together with interest and costs, shall be a charge and a continuing lien in favor of the Association upon the Lot against which each such assessment is made. Each assessment, together with interest and costs, shall also be the joint and several personal obligation of the Lot Owners who owned the Lot at the time when the assessment fell due.

Upon written demand by a Lot Owner the Association shall, within a reasonable period of time, issue and furnish to each Lot Owner a certificate stating that all assessments or installments thereof (including interest and costs, if any) have been paid with respect to any specified Lot as of the date of such certificate, or, if all assessments and installments thereof have not been paid, setting forth the amount (including interest and costs, if any) due and payable as of such date. The Association may make a reasonable charge for the issuance of such certificates, which must be paid at the time that the request for such certificate is made. Any such certificate, when duly issued as herein provided, shall be conclusive and binding with regard to any matter therein stated as between the Association and any bona fide purchaser of, or lender on, the Lot in question.

Notwithstanding the foregoing, the lien of the assessments provided for herein shall be subject and subordinate to the lien of any duly executed first mortgage on a Lot recorded prior to the date on which such lien of the Association arises, and any holder of such first mortgage which comes into possession of a Lot pursuant to the remedies provided in the mortgage, foreclosure of the mortgage, or deed or assignment in lieu of foreclosure, and any purchaser at a foreclosure sale, shall take the Lot free of any claims for unpaid installments of assessments or charges against the mortgaged Lot which became due and payable prior to the time such holder or purchaser took title to that Lot.

E. AUTHORITY TO ASSIGN OR ENTER IN CONTRACTS: Any of the rights, powers, duties and obligations of the Association, which in this instrument are to be assumed by the Association, may after such assumption, be assigned or transferred by the Association to any one or more corporation, associations or entities which will agree to assume said rights, powers, duties and obligations and carry out and perform the same. Further the Association shall have the power and authority to contract with any person, corporation, firm or other entity for the exercise of any one or more of the various powers and authority granted to and duties to be performed by the Association hereunder.

- F. MAINTENANCE OF THE DRAINAGE RESERVE: While it is the intention of Declarant that the **(NAME OF JURISDICTION)** will maintain the area designated herein as the Drainage Reserve, Declarant herein provides that the Association shall have the right, but not the duty or obligation, to assist in the maintenance of the Drainage Reserve. Such maintenance by the Association, if any, will be performed in a manner deemed appropriate by the Association and may include but not necessarily be limited to, tile mowing of grass, weeding and trimming along the roadway, the planting of shrubs, trees and flowers, the removal of dead or diseased trees from the area, cleaning up debris and trash, and the servicing of any improvements to the Drainage Reserve installed by Declarant and/or the **(NAME OF JURISDICTION)**.

ARTICLE V

- A. GENERAL: The plan of covenants, maintenance and assessments set forth herein, has been established with respect to Lots. Declarant presently intends to develop all or a portion of other land adjacent to and/or contiguous to the Subdivision and located to the north, east and west of the Subdivision (the "other land") into similar Lots as those in the Subdivision and with improvements comparable to and of a similar nature to those constructed in the Subdivision. Notwithstanding the foregoing, a portion of this other land is part of the development. In tile event that the other land is so developed, Declarant believes that it would be in the best interest of all Lot Owners that the other land, or so much of it as is so developed, be added to the plan created by this Declaration, in order to affect economies of scale and accomplish similar objectives.
- B. RIGHT TO EXPAND: Consonant with the foregoing, if within six (6) years of the date of the recording of this Declaration, Declarant or its successors or assigns shall plat all or any portion of the other land into lots substantially similar to the layout of tile Subdivisions and if the same is developed with single-family residential homes on the Lots, all or some of those Lots may, at Declarant's sole discretion, be subjected to the provisions hereof, and those Lots made a part of the plan created hereby, by the execution and recording by Declarant, or its designated successors or assigns, of a Supplemental Declaration describing tile property to be subjected to this plan and reciting that the provisions hereof shall be applicable thereto and to tile owners thereof.
- C. EFFECTS OF ANNEXATION: Upon subjection of additional property to the terms hereof:
1. The added portion shall thereafter be subject to all of the terms and provisions hereof, to the same extent and with the same effect as if the added portion had been provided herein as constituting part of the property subjected hereto, that is, the rights, easements covenants, restrictions and assessment plan set forth herein shall run with and bind the added portion in the same manner to the same extent all with the same force and effect as the terms of this Declaration apply to tile property in tile Subdivision;
 2. The owner or owners of the added portion shall thereupon become Lot Owners and members of tile Association to the same extent with the same effect subject to the same obligations and imbued with the same rights as all other Lot Owners and

- 3. In all other respects all of the provisions of this Declaration shall include and apply to all additional property included in such Supplemental Declaration and to the owners mortgagees and lessees thereof with equal meaning and of like force and effect.

WITNESS his hand this ____ day of _____, 20__.

Signed and acknowledged in the presence of:

(NAME OF DEVELOPER)

an Ohio Corporation, it's authorized General Partner

by: _____

(NAME OF OFFICER)

BE IT REMEMBERED that on the ____day of _____, 20__, before me, the subscriber, a Notary Public in and for said County and State, personally appeared the above named **(NAME OF OFFICE)**, of **(NAME OF DEVELOPER)**, an Ohio Corporation, its authorized General Partner by its President, the Declarant in the foregoing, who acknowledged the signing thereof to be his voluntary act and deed, for and on behalf of said partnership and corporation.

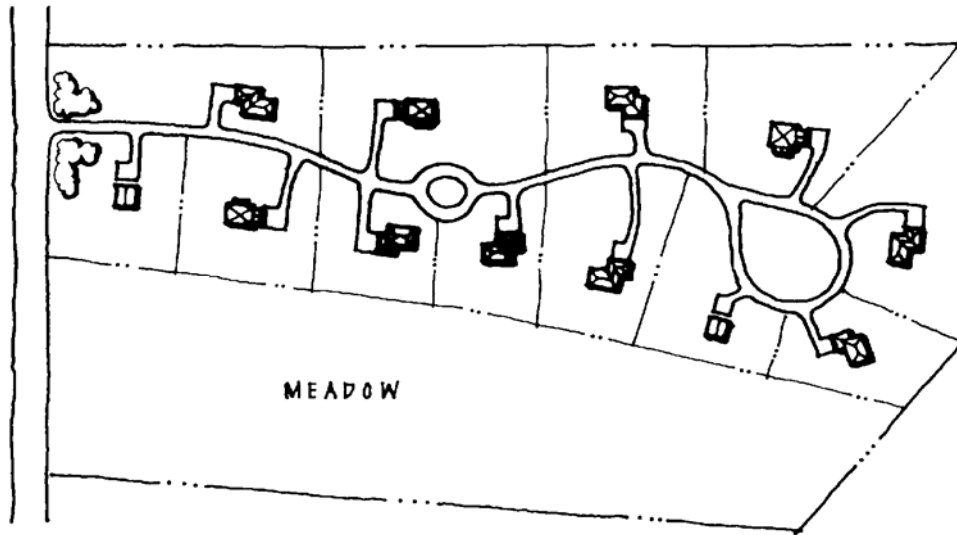
IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid.

Notary Public

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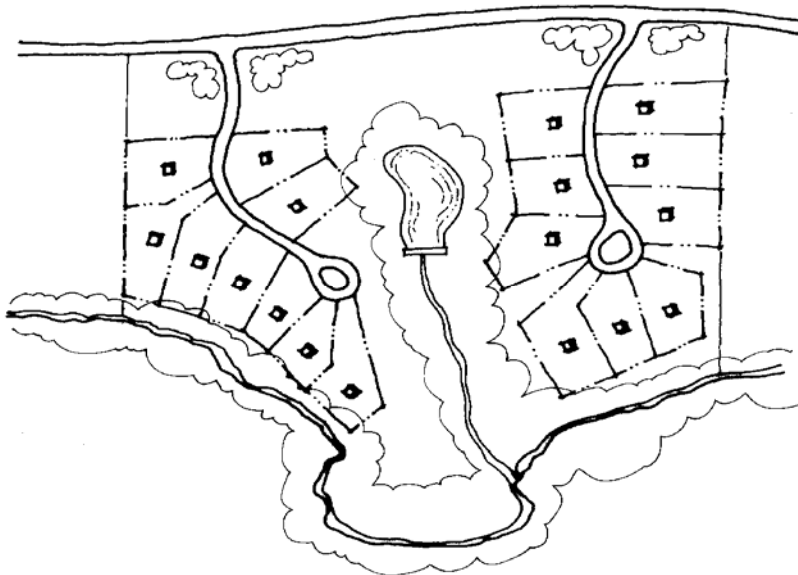
205.05 Typical Drawings

Examples of typical drawings related to subdivisions and requirements of these regulations are provided in this section.



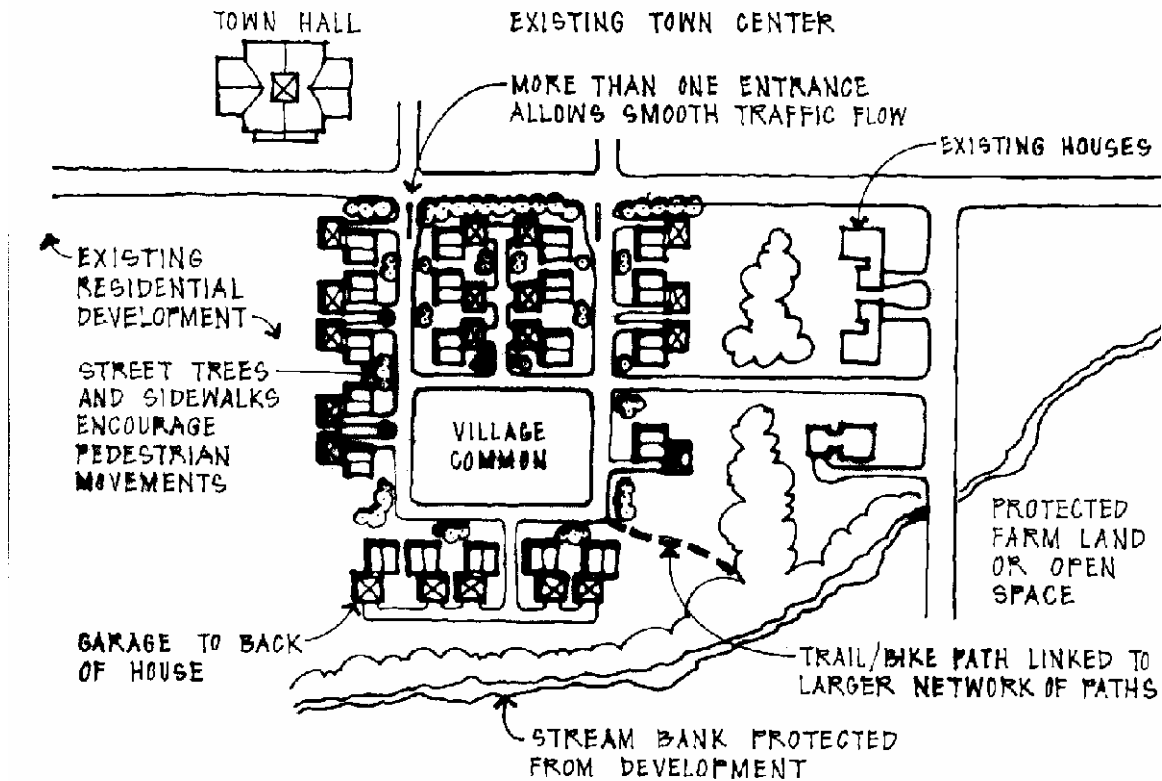
CASE STUDY: Rural and Semi-Rural Subdivision

A rural or semi-rural subdivision should be designed as a self-contained neighborhood, integrated into the landscape. The road network should be closed, as shown above, when a small number of lots are present and a landscaped, less formal cul-de-sac should conclude the road network. Traffic circles are valuable traffic calming devices. An informal gateway treatment welcomes visitors. Open space features can be preserved in a reserve on the plat.



CASE STUDY: Open Space Subdivisions

An open space subdivision should be designed as a self-contained neighborhood, integrated into the open space reserve. Development of the total site may be clustered into one or more subareas, with the open space flowing throughout the balance of the development. The residential portions of the site should be linked with the open space set asides to provide residents access through pedestrian paths and trails. The open space set asides can also be intended to create a transition or buffer between the residential portions of the development and adjacent working farms.

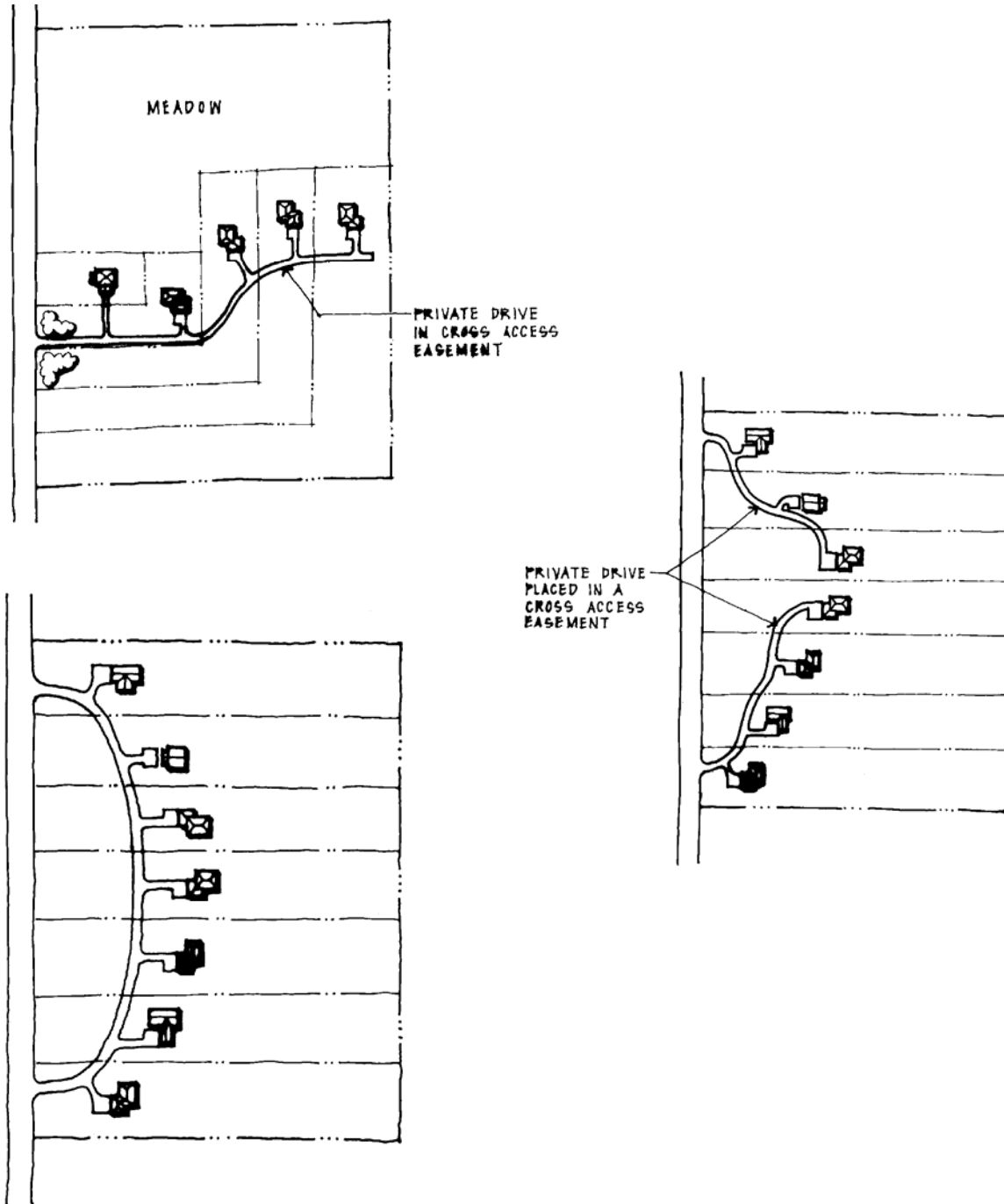


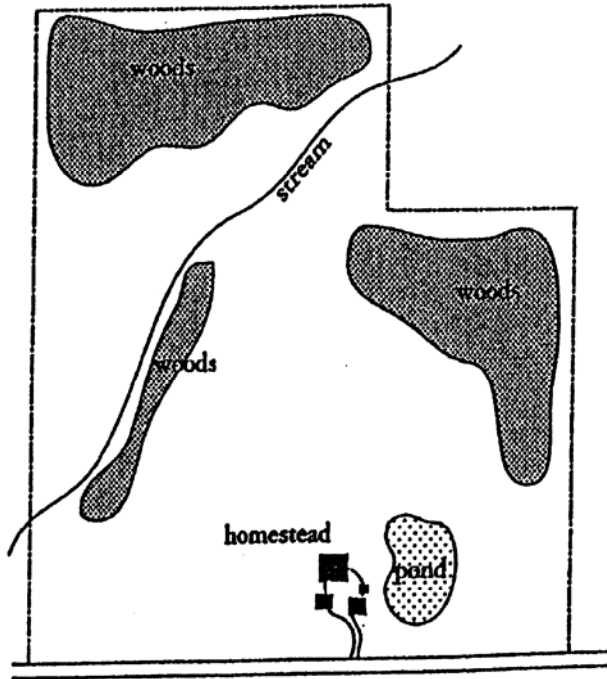
CASE STUDY: Village Center Subdivisions

The Village Center Subdivision is intended as an alternative to Rural and Open Space Subdivisions, and are encouraged to be considered by developers in the appropriate location. These developments should build upon the historic pattern of Wayne County's villages and hamlets, with their common areas, grid street patterns, small lots with shallow front yards, and other human-scale amenities. The Village Center Subdivision should be located adjacent to an existing community or in close proximity to a major road intersection (e.g. two county highways), creating the sense of a crossroads hamlet.

CASE STUDY: Common Access Drives

Options for incorporating a common access drive into a Major Subdivision.

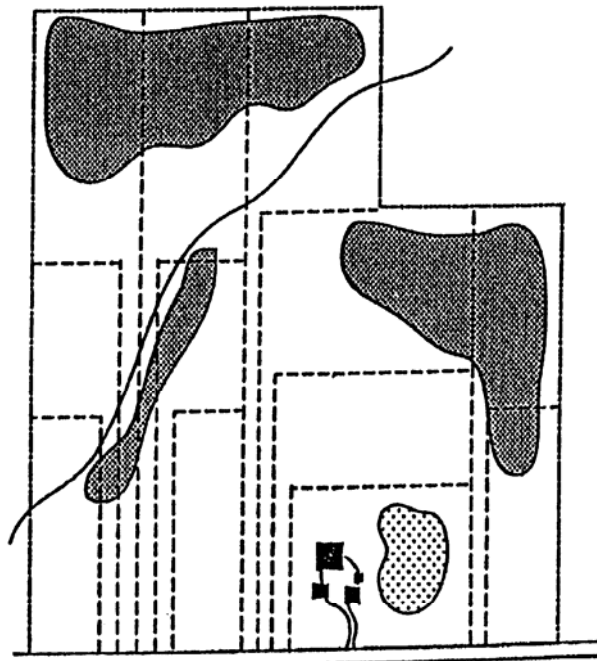




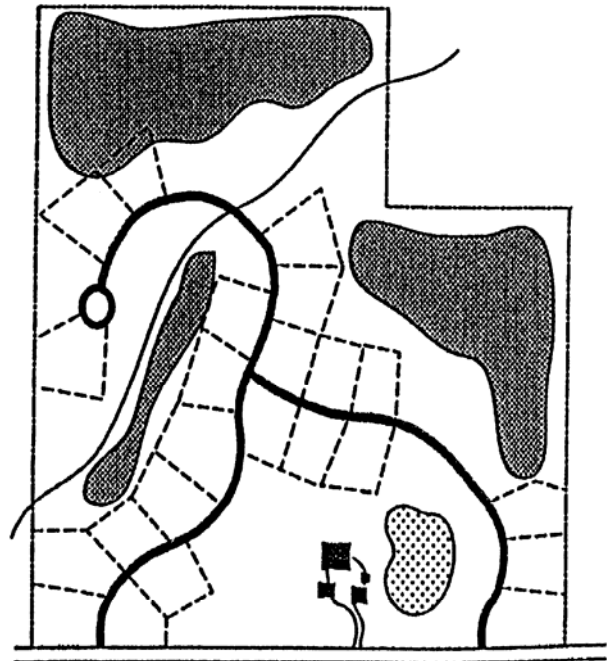
Existing Farm

CASE STUDY: Traditional Subdivision vs. Open Space Subdivision

This case study demonstrates how the yield in buildable lots for an open space subdivision can exceed that for a traditional subdivision of land, with the addition of perpetually protected open space. The open space lots are of more value, which can offset the infrastructure investment.



**Traditional 5-plus-acre Subdivision of Land
12 Lots**



**Open-Space Subdivision
24 Lots**

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205.06 Application Form

The following form is provided for use in the Wayne County subdivision program.
Technical Review Committee Subdivision Application is attached.

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TRC Application Form Sample