SUBDIVISION REGULATIONS

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SUBDIVISION REGULATIONS

FAYETTE COUNTY, OHIO

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ARTICLE I
GENERAL PROVISIONS

Section 1.01 Title

These regulations shall be known and may be cited as the

SUBDIVISION REGULATIONS FOR FAYETTE COUNTY, OHIO

Section 1.02 Authority

The authority for the preparation, adoption and implementation of these regulations is derived from Section 711.001 et. seq. of the Ohio Revised Code. This statute enables the Fayette County Planning Commission to adopt uniform rules and regulations governing plats and subdivisions of land, and to establish standards and specifications for the construction of streets and improvements to lands being platted within its jurisdiction.

Section 1.03 Purposes

The purpose of these regulations shall be to promote and protect the public health, safety and general welfare by providing uniform standards and procedures for subdivision of lands within the unincorporated area of Fayette County. These standards and procedures are established to:

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

Section 1.04 Scope and Jurisdiction

It shall be unlawful for any person, organization or entity to subdivide any land within the unincorporated area of Fayette County, unless said subdivision complies with these regulations. No plat shall be recorded and no land or lot shall be sold until said plat has been approved as herein required. These regulations shall apply to all subdivisions of land; however, they shall not apply to any subdivisions of land that occurred prior to enactment of these regulations.

Section 1.05 Relation to Other Restrictions

These regulations shall be minimum requirements. Whenever these requirements are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, resolutions or laws of the State of Ohio or other local

authority within the areas of jurisdiction specified in Section 1.04 above, as may be subsequently amended, or other lawfully adopted rules or regulations, the provisions of the most restrictive, or that imposing the higher standard, shall govern.

Section 1.06 Severability

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

Section 1.07 Exempt Parcels

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

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

All exempt parcels as described above, shall be subject to review by the Fayette County Planning Commission, or its authorized agent, to ensure that the required conditions have been met.

ARTICLE II
DEFINITIONS

Section 2.01 Interpretation

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

Section 2.02 Definitions

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

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

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

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

"Board" or "Subdivision Review Board" means the group consisting of representatives from the offices of the County Engineer, local health department, Soils and Water Conservation District, and others as appropriate, which is established in Article IV of these regulations, and shall function as the designated agent of the Fayette County Planning Commission in the processing of minor subdivisions and large lot divisions.

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

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

"Corner lot" means lot that is located adjacent to a the intersection of two (2) streets or roadways and having frontage on both such streets or roadways.

"County" means Fayette County, Ohio.

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

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

"Dedication of land" means the granting of property to a public enttity for public use in the course of the subdivision process.

"Ditch" or "swale" means an open drainage course.

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

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

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

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

"Frontage" or "lot frontage" means the distance of that portion of a lot or parcel that directly abuts the street or roadway, and has direct access thereto.

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

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

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

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

"Lot of record" means a lot which is part of a subdivision recorded in the Office of the Fayette County Recorder, or a lot described by metes and bounds, the description of which has been recorded in a deed in the Office of the Fayette County Recorder as of the effective date of these regulations.

"Original tract" means the property as described in the Office of the Fayette County Recorder on the effective date of this Resolution.

"Owner/Developer" shall mean the owner of the property being proposed for development, or the person having l;egal authority to develop the property.

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

"Personal recreational purposes" means a parcel or parcels that are devoted exclusively to personal recreational use of a private type and nature that is

conducted by the owner(s) of such parcel(s) or the individual(s) entitled to exclusive use and possession of such parcel(s), without fee or consideration of any kind, excluding any commercial or membership recreational type of use whether or not for fee or profit.

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

A. "Construction plan" means a plan which gives information required to construct improvements including plan views, sections, profiles, details, quantities, reference specifications and standard drawings.

B. "Grading plan" means a plan which shows the proposed grades for the development in a manner that reflects the scope of earthwork required and the finished site grades.

C. "Preliminary plan" means a tentative subdivision plan showing approximate street and lot layout on a topographic map as a basis for consideration prior to preparation of a plat. When used in the general sense, the term "preliminary plan" includes all plans and supplementary material submitted to the Planning Commission, as required in Section 5.04 of these regulations.

"Plat" means a plan of a proposed subdivision of land made by a surveyor registered in the State of Ohio showing public dedications, property lines, lot lines and such other information as is required herein.

"Planned Unit Development" or "PUD" shall mean a single property in which a variety of uses and/or housing types are accommodated in a planned environment, under more flexible standards, such as lot size and setbacks, than would normally apply under standard zoning or subdivision regulations.

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

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

A. "Major Arterial " means a roadway which primarily carries high speed, high volume, long distance through traffic for interstate, intrastate, and interregional travel. Traffic speed is generally 65 miles per hour (MPH) or greater.

B. Minor Arterial " means a roadway which primarily carries relatively high speed, high volume, long distance through traffic for interstate, intrastate, interregional, and some inter city travel. Traffic speed is generally 55 MPH or greater.

C. "Major Collector " means a thorough road not located within a development which primarily carries intercounty and intercity traffic and traffic from other collector roads to arterial roads. . Traffic speed is generally 55 MPH.

D. "Minor Collector " means a thorough road not located within a development which primarily carries traffic from streets or local roads to other collector or arterial roads. Traffic speed is generally 45 MPH or greater.

E. "Local Road" means a roadway not located within a development which primarily provides access to abutting property. Traffic speed is generally 35 MPH or greater.

F. "Collector Street" means a street within a residential, industrial, commercial or other type of development which primarily carries traffic from local streets to higher classification streets or roads, including the principal entrance streets of residential developments and primary circulation routes within such developments.

G. "Local Street" means a street within a residential, industrial, commercial or other type of development which primarily provides access to residential, commercial or abutting properties.

H. "Cul-de-sac" means a local street having but one end open for motor traffic and the other end terminated by a vehicular turn-around or back-around.

I. "Industrial Street" means a street on which more than twenty-five percent (25%) of the traffic is comprised of trucks, or where more than fifty percent (50%) of the abutting property is either occupied by industrial uses or planned so as to permit such future industrial uses.

J. "Private Street" means a strip of privately-owned land providing access to abutting properties.

K. "Public Street" means a strip of land providing public access to abutting property, as dedicated to Fayette County upon a plat which has been duly approved, filed and recorded in the Fayette County Recorder's Office.

"Subdivision" means either of the following:

A. the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax list and duplicate of real and public utility property, into two (2) or more parcels, sites or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the following are exempt:

(1) A division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access,

(2) The sale or exchange of parcels between adjoining lot owners, where such that sale or exchange does not create additional building sites and where the lots resulting are not reduced below minimum sizes required by law, or

B. the improvement of one (1) or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any public or private street or streets, except private streets serving industrial structures; , or involving the division or allocation of land as open spaces for common use by owners, occupants or leaseholds or as easements for the extension and maintenance of public or private sewer, water, storm drainage or other similar facilities.

"Thoroughfare Plan" means a plan, now or hereafter adopted by Fayette County, which sets forth the location, alignment and/or classification of existing and proposed streets.

ARTICLE III
ADMINISTRATION AND ENFORCEMENT

Section 3.01 Enforcement Authority

Pursuant to Chapters 711 of the Ohio Revised Code, the Fayette County Planning Commission is hereby designated as the platting authority of and for the unincorporated area of Fayette County. It shall be the duty of the Planning Commission, acting through the Subdivision Review Board as its designated agent, to enforce these regulations.

Section 3.02 Violations and Penalties

The County Auditor and/or County Recorder shall not transfer property or record deeds, leases or contracts that seek to convey property, contrary to the provisions of these regulations. In cases of doubt, the County Auditor or County Recorder may require the person(s) presenting the deed, lease or other document to give evidence that such action is in compliance with these regulations, or is exempt pursuant to Section 1.07 of these regulations.

The designated agent of the Fayette County Planning Commission shall serve a written notice or order, by first class mail or in person, upon the person responsible whenever any work being done or transaction being made is in violation of these regulations. Such notice shall direct the discontinuance of illegal action and the remedy of the condition that is in violation. The designated agent is also hereby authorized to notify other offices of the County, and shall request same to withhold their approval of action on such property where such violations exist, until these regulations are complied with. The offender shall, within the period of time stated in such notice, permanently cease all violations.

In case such notice is not complied with or violation has not ceased within fourteen (14) days from the date of the notice, the designated agent shall request the County Prosecutor to institute appropriate action or proceedings at law or equity to restrain, correct, remove or prosecute such violation, in accordance with the provisions of Section 711.102 of the Ohio Revised Code, as may be amended.

Section 3.03 Appeal

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

Section 3.04 Fees

The Board of County Commissioners shall establish a schedule of fees, charges, and expenses and a collection procedure for preliminary and final plans and plats, and other matters pertaining to these regulations. The schedule of fees shall be posted at the Office the Fayette County Engineer and may be amended by the County Commissioners by Resolution. In addition to the payment of fees so established, the Owner/Developer shall also be responsible for costs associated with inspections, testing and other similar activities required by these regulations. The County may require payment of all or a portion of such costs prior to initiating such inspections.

ARTICLE IV
MINOR SUBDIVISIONS AND LARGE LOT DIVISIONS

Section 4.01 Minor Subdivisions ("Lot Splits")

Pursuant to Section 711.131 of the Ohio Revised Code, if the proposed subdivision of land meets the following criteria, then it shall be classified as a *minor subdivision*:

A. the proposed subdivision has frontage along an existing or previously dedicated public street or roadway, and shall not involve opening, widening, extension or improvement of any existing roadway, and

B. such action creates no more than five (5) lots , including the remainder, any one of which is less than five (5) acres, from the original parcel, as defined as any parcel that existed as a unit, as defined by ORC Chapter 711, prior to the effective date of these regulations.

If the subdivision is considered as a minor subdivision and meets the standards of Section 4.03 below, it may be approved without a plat, subject to the procedures as specified below, and only such drawings and information as described in Section 4.04 below are required.

Section 4.02 Procedures for Approval of Minor Subdivisions

A. Authority
The Subdivision Review Board, as defined in Article II and established herein, shall function as the designated agent of the Fayette County Planning Commission in the processing of minor subdivisions and large lot divisions.

B. Pre-Application Meeting
The purpose of the pre-application meeting is to acquaint the Owner/Developer with the procedures and standards for approval of a minor subdivision. At the pre-application meeting the Owner/Developer shall submit a sketch plan of the proposed minor subdivision, showing the location, approximate lot dimensions and area, surface drainage patterns, existing subsurface tile, and other material or information pertinent to the proposed minor subdivision. Generally, the Owner/Developer should provide specific material to enable the Subdivision Review Board to determine the feasibility of the proposed subdivision related to the standards of this Article.

C. Review of Pre-Application Material
After the pre-application meeting, members of the Subdivision Review Board shall review and evaluate each site to determine its suitability for development. After this review, the Subdivision Review Board will prepare a recommendation on the proposed minor subdivision, and transmit same to the Owner/Developer. If the proposed project is not recommended for approval, the Board may make recommendations for physical improvements which the Owner/Developer can utilize in a revised submittal.

D. Application for Approval of Minor Subdivision
After completion of the pre-application process as cited above, the Owner/Developer may submit an application for approval of a minor subdivision on forms as provided by the Subdivision Review Board or the County Commissioners. The application shall be submitted not prior to the recommendation of the Subdivision Review Board as cited in Section 4.02 C, above, and shall contain such drawings and information as required in Section 4.04 below. The time of filing shall be the date that such application is received by the Subdivision Review Board.

E. Approval of Minor Subdivision
After determination that the proposal meets the criteria for a minor subdivision and that such subdivision meets the standards below, the Subdivision Review Board shall, within seven (7) business days, approve or otherwise take action on said minor subdivision. If such subdivision is approved, the deed or instrument of conveyance shall be marked "*APPROVED, FAYETTE COUNTY PLANNING COMMISSION, NO SUBDIVISION PLAT REQUIRED UNDER ORC 711.131*".

Section 4.03 Standards for Minor Subdivisions

In addition to the criteria cited in Section 4.01 above, a minor subdivision shall meet the following standards:

A. The proposed minor subdivision, including the remainder of the original tract, is consistent with these subdivision regulations and any applicable zoning resolution.
B. The proposed minor subdivision does not block or restrict natural drainage swales or watercourses.
C. The proposed subdivision has been reviewed and approved by the Fayette County Health Department regarding suitability of the proposed parcel(s) for on-lot well and sewage disposal system and/or the Ohio Environmental Protection Agency (OEPA) or applicable municipal authority for alternate public utility availability.
D. The proposed subdivision has been reviewed by the Fayette County Engineer and is consistent with current access management regulations. All minor subdivisions requiring new points of access onto the federal or state highway system(s) must be approved by the Ohio Department of Transportation (ODOT).
E. Historically, drainage problems are one of the most critical development issues in Fayette County. The Owner/Developer shall show that the proposed lot(s) are approved in accordance with applicable flood plain, storm water management and erosion and sedimentation control regulations.
F. The proposed minor subdivision has been surveyed and a legal description, as approved by the County Engineer and Fayette County Tax Map Office is submitted.
G. Evidence is presented documenting the dedication of easements as may be required for drainage, utility and/or roadway purposes, as identified during the pre-application phase.

Section 4.04 Submittal Materials

The applicant for a minor subdivision shall submit the following items to the Subdivision Review Board:

A. Three (3) copies of a drawing of the proposed minor subdivision.
B. A written legal description of the property from which the minor subdivision is divided.
C. Evidence of compliance with the provisions of Sections 4.01 and 4.02 above.
D. All applicable fees, pursuant to Section 3.04.
E. In specific cases, the Subdivision Review Board shall have the authority to require any or all of the following drainage information:
   1. A USGS topographic map of the watershed area within which the proposed subdivision is located.
   2. A drawing showing topographic vertical contours at one (1) foot intervals if the general slope of the site is ten percent (10%) or under, and vertical contours at five (5) foot intervals if the general slope of the site is more than ten percent (10%).
   3. Location and size of any existing subsurface drainage systems, roadside drainage patterns, or other pertinent drainage characteristics.
   4. Soil types, ground water elevation and other information available in the *Fayette County Soils Survey (1973)* as may be subsequently amended.
   5. Easements for ingress/egress, maintenance or repair for upstream property owners to maintain natural surface and/or subsurface drainage systems.
   6. Easements granted to Fayette County for maintaining drainage systems placed under permanent maintenance, as per ORC 6131.
F. After all approvals are obtained, the applicant shall provide a survey of the lot(s) that have been subdivided. Such survey shall be made by a registered surveyor in the State of Ohio, in accordance with the Minimum Standards for Boundary Surveys of Fayette County and the State of Ohio.

Section 4.05 Large Lot Divisions

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

A. the proposed division has required frontage according to Section 4.08 along an existing or previously dedicated public street or other dedicated right of way. In addition, such division shall not involve opening, widening, extension or improvement of any existing roadway, and
B. the proposed division shall consist of lots more than five (5) acres and not greater than twenty (20) acres in size

Large lot divisions shall not be considered subdivisions and shall be subject to the rules as cited in Sections 4.06 through 4.08 below.

Section 4.06 Procedures for Approval of Large Lot Divisions

The procedures for approval of a large lot division shall be the same as for a minor subdivision, as specified in Section 4.02 A through D above.

After determination that the proposed large lot division meets the criteria cited in Section 4.07 below, the Subdivision Review Board shall approve or otherwise take action on the proposed large lot divisions within the following time frames:

A. if the proposed large lot division consists of one (1) through six (6) parcels, the action shall be taken within seven (7) calendar days.
B. if the proposed large lot division consists of seven (7) through fourteen (14) parcels, the action shall be taken within fourteen (14) calendar days.
C. if the proposed large lot division consists of fifteen (15) or more parcels, the action shall be taken within twenty-one (21) calendar days.

If such large lot division is approved, the deed or instrument of conveyance shall be marked "*APPROVED, FAYETTE COUNTY PLANNING COMMISSION, NO SUBDIVISION PLAT REQUIRED UNDER ORC 711.133*".

Section 4.07 Submittal Materials

The items to be submitted for approval of a large lot division shall be the same as for a minor subdivision, as specified in Section 4.04 above.

Section 4.08 Standards for Large Lot Divisions

A large lot division shall be approved when such division meets the following standards:

A. The proposed lot, including the remainder of the original tract, is consistent with these rules and any applicable township zoning resolution.
B. The proposed lot has been reviewed and approved by the Fayette County Health Department regarding suitability of the proposed parcel(s) for on-lot well and sewage disposal system.
C. The proposed subdivision has been reviewed by the Fayette County Engineer and is consistent with any applicable access management regulations. All divisions requiring new points of access onto the federal or state highway system must be approved by the Ohio Department of Transportation (ODOT).
D. All proposed large lot divisions shall have sufficient frontage along an existing or previously dedicated public street or other dedicated right of way, according to the following:
   (1) In zoned areas, the parcel shall comply with frontage and depth-to-width ratio of the applicable zoning resolution.
   (2) In order to maintain a minimum acceptable depth-to-width ratio in unzoned areas, lots of five to twenty (5-20) acres in size shall have not less than 300 feet frontage.
E. The proposed lot(s) are consistent with applicable flood plain, storm water management and erosion and sedimentation control regulations.

Section 4.09 Exempt Parcels

An *"EXEMPT"* stamp, as previously described in Section 1.07 of these regulations, will be used for parcels approved because they are exempt from subdivision regulations pursuant to Section 1.07 of these regulations and Chapter 711 of the Ohio Revised Code. An exemption under this Section shall require a statement, signed by the grantor and grantee, that certifies that the parcel shall only be used for agricultural or personal recreational purposes (see APPENDIX A)

ARTICLE V
MAJOR SUBDIVISION APPROVAL

Section 5.01 Applicability

If the proposed subdivision does not meet the standards for a minor subdivision, as specified in Section 4.01 above, a large lot division as specified in Section 4.05, or an exempt parcel as specified in Section 1.07, the review and approval procedures as specified in this Article shall apply.

Section 5.02 Pre-Application Meeting

Prior to preparation of a preliminary plan, an Owner/Developer shall meet with the Subdivision Review Board to familiarize himself/herself with the provisions of these regulations as well as the requirements of the Fayette County Engineer, Board of Health and other review agencies as referenced below. The submittal of a concept or sketch plan for the proposed development is recommended.

Section 5.03 Application for Preliminary Plan

Upon determining to proceed with a preliminary plan, the Owner/Developer shall submit five (5) copies of the preliminary plan to the Planning Commission through the County Engineer, along with applicable fees. The Fayette County Planning Commission shall have the authority to require such preliminary plan to cover that portion of the entire contiguous ownership of the Owner/Developer which shall be developed within the next two (2) years.

Section 5.04 Contents of Preliminary Plan

The preliminary plan shall, at a minimum, include the following information and shall be prepared and sealed by a Registered Engineer or Surveyor in the State of Ohio:

A. Proposed name of the subdivision and its location, referenced by Virginia Military Survey and township;
B. Names, addresses and telephone numbers of owners and/or developers;
C. Name, address and registration number of the Professional Engineer or Professional Surveyor preparing the plan.
D. Date, north arrow and plan scale;
E. Boundary lines of the proposed development and the total contiguous lands owned or controlled by Owner /Developer, along with the acreage of both;
F. Location map, showing names of adjacent subdivision(s) and owners of adjoining parcels of unsubdivided land
G. Zoning classification(s) of the tract and adjoining properties, and a description of proposed zoning changes, if applicable.
H. Existing physical features , including structures, wooded areas, watercourses, and other natural features. Topography shall be shown, including contours at vertical intervals of one (1) foot intervals if the general slope of the site is ten percent (10%) or under, and vertical contours at five (5) foot intervals if the general slope of the site is more than ten percent (10%). Such topographic information shall be verified by the Professional Engineer or

Professional Surveyor preparing the plan. The date of the field work or the aerial photography on which such topographic information is based, shall be included

I. Existing sewers, water mains, transmission lines, culverts and other underground structures and drainage systems, including farm field tile systems, within the tract, adjacent to the tract or that will be used in developing the tract, indicating pipe sizes, grades and locations;

J. Portions of the site identified by the Federal Emergency Management Agency (FEMA) as within the Official Flood Hazard Area for the 100-Year Flood, as specified on Flood Hazard Boundary Maps for Fayette County, as may be amended.

K. Portions of the site subject to previous mining activity and subject to potential mine subsidence, and/or reclaimed strip mine land.

L. Portions of the site subject to federal wetlands requirements, based on soils maps made available by the Fayette County Soil and Water Conservation District or other government agency having jurisdiction thereof.

M. Soil types with soil descriptions of each map unit must be accurately shown and incorporated into the preliminary plan. Soil types shall be designated as listed on the ***Soils Survey for Fayette County (1973)***.

N. Method(s) for sewage treatment and disposal, and water supply.

O. When on-lot water and/or wastewater treatment systems are proposed, the preliminary plan shall also include the following information to ensure there is adequate lot area to accommodate improvements.

1. Proposed preliminary locations for the dwelling, primary and alternative well location(s) and isolation distances, and primary and secondary leaching locations, along with septic tank location.
2. Collector and gradient drain layout (plan view) and associated drainage easements.
3. Any other information as may be required by the Fayette County Board of Health.

P. Proposed lot layout, including dimensions, street rights-of-way widths, water, sanitary sewer and storm sewer layout and pipe sizes, along with grades and elevation of proposed streets, storm sewers and sanitary sewers.

Q. Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the conditions proposed for such covenant, and for the dedications.

R. Preliminary stormwater management plan, including all proposed drainage features, stormwater detention and flood routing.

S. Other items as deemed necessary by the reviewing agency for proper review of the plan.

Section 5.05 Review by Planning Commission

Within seven (7) business days, the Planning Commission shall submit said application and preliminary plan to the County Engineer, the Fayette County Board of Health, and other County departments and entities as deemed appropriate. The Fayette County Planning Commission reserves the right to require additional information regarding the proposed development. Such information may include, but is not limited to, independent analyses regarding traffic impacts of the proposed developmenmt and other environmental characteristics specific to the site. After review, the Planning Commission shall compile comments and inputs received from all contacted sources, along with written recommendations for action.

the preliminary plan as approved. The Owner/ Developer may apply for a final plat covering that portion of an approved preliminary plan which he/she proposes to develop and record at the time, provided that such portion conforms to all provisions of these regulations. Nonetheless, final plats for all portions of the tract covered by the preliminary plan shall be developed within a two (2) year period, unless an extension of time is granted by the Planning Commission.

Section 5.09 Plans and Specifications for Site Improvements

At least thirty (30) days prior to submittal of the application for approval of the final plat, the applicant shall prepare construction and grading plans, specifications and cost estimates of any required site improvements, and submit a minimum of four (4) copies to the County Engineer. The estimates shall be grouped according to the following:

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

Cost estimates shall be developed to reflect construction of improvements at established prevailing wage levels.

Section 5.10 Review by County Engineer

The County Engineer shall review the plans submitted pursuant to Section 5.09 above, and, after review, they shall be returned to the Owner/Developer with comments. Submittal of an application for final plat approval shall not occur until all construction and grading plans have been approved by the County Engineer. Any work undertaken prior to approval by the County Engineer will be at the Owner/Developer's risk.

Section 5.11 Construction of Improvements or Performance Guarantees

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

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

Section 5.12 Application for Approval of Final Plat

Application for the final plat approval shall be submitted in writing to the Planning Commission, together with the original mylar and eight (8) prints of the final plat and such other maps and data as required. The application shall include all fees as applicable for the final plat, as established by the Board of County Commissioners under separate Resolution.

The application shall be submitted within two (2) years after approval of the preliminary plan; otherwise, approval of the preliminary plan shall become null

the preliminary plan as approved. The Owner/ Developer may apply for a final plat covering that portion of an approved preliminary plan which he/she proposes to develop and record at the time, provided that such portion conforms to all provisions of these regulations. Nonetheless, final plats for all portions of the tract covered by the preliminary plan shall be developed within a two (2) year period, unless an extension of time is granted by the Planning Commission.

Section 5.09 Plans and Specifications for Site Improvements

At least thirty (30) days prior to submittal of the application for approval of the final plat, the applicant shall prepare construction and grading plans, specifications and cost estimates of any required site improvements, and submit a minimum of four (4) copies to the County Engineer. The estimates shall be grouped according to the following:

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

Cost estimates shall be developed to reflect construction of improvements at established prevailing wage levels.

Section 5.10 Review by County Engineer

The County Engineer shall review the plans submitted pursuant to Section 5.09 above, and, after review, they shall be returned to the Owner/Developer with comments. Submittal of an application for final plat approval shall not occur until all construction and grading plans have been approved by the County Engineer.

Section 5.11 Construction of Improvements or Performance Guarantees

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

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

Section 5.12 Application for Approval of Final Plat

Application for the final plat approval shall be submitted in writing to the Planning Commission, together with the original mylar and eight (8) prints of the final plat and such other maps and data as required. Such application shall be submitted not less than ten business (10) days prior to the next regular meeting of the Planning Commission. The application shall include all fees as applicable for the final plat, as established by the Board of County Commissioners under separate Resolution.

The application shall be submitted within two (2) years after approval of the preliminary plan; otherwise, approval of the preliminary plan shall become null

and void unless an extension is granted by the Planning Commission. The Planning Commission shall submit copies of the application to the Fayette County Board of Health for review and comment, along with notification of the date when the plat will be considered by the Planning Commission.

Section 5.13 Contents of Final Plat

The final plat shall be prepared by a registered Professional Surveyor in accordance with the Minimum Standards for Boundary Surveys in the State of Ohio and conveyance standards as may be adopted by Fayette County. Such plat shall be made on mylar, or medium of equal quality, drawn to a scale of one inch equals not more than 100 feet, and shall be presented on sheets of 24" X 36", or such other size and/or scale as may be agreed to by the Fayette County Engineer. All information shall be legible and capable of duplication by equipment immediately available to the Fayette County Engineer. The plat shall also be submitted in digital format consistent with the requirements of the Fayette County Engineer. The information shown shall include, but not be limited to the following:

A. Name of the subdivision and the political township, name, range, section, military quarter and lot number, and/or village name in those cases where the subdivision occurs within an unincorporated village, as appropriate;.
B. North arrow and scale;
C. Sheet and total number for each sheet;
D. The bearings and distances of the boundary lines of the subdivision based on actual field survey performed to accepted surveying standards, stated in English units;
E. The bearings and distances of all lot lines and/or areas dedicated to public uses, including street rights-of-way and centerlines. Curved lot lines shall be identified by direction of the curve (right or left), length of arc, the radius (in feet and decimal parts thereof), the long chord bearing and distance, and points of curvature;
F. Lot numbers. Lot numbers shall be continuous within contiguous subdivision(s) having the same name, as approved by the Fayette County Engineer;
G. Base floor elevation and location of septic leach fields of all lots, as applicable.
H. Street names and right-of-way widths;.
I. The location of all permanent survey markers and/or monuments;
J. Building setback lines with their distance from the right-of-way lines;
K. Dimensions of utility and other easements;
L. A vicinity map showing the location of all existing structures, the names of all adjacent property owners, and the names and lot numbers of any abutting subdivisions.
M. All required certifications and approvals, including construction guarantees and acceptance of streets and other public areas;
N. Protective covenants and/or deed restrictions, if any;

In addition to the above, the Owner/Developer shall provide proof that he/she has free and clear certificate of title for the subject property and that all existing easements on such property shall be subordinate to all proposed public improvements on the property.

Section 5.14 Review by Planning Commission

If the application for final plat approval, as submitted to the Planning Commission pursuant to Section 5.12 above, conforms to the provisions of the Ohio Revised Code and these regulations, and is consistent with the preliminary plan with such changes as required by the Planning Commission, such application for final plat approval shall be reviewed by the staff of the Planning Commission.

The final plat shall be considered as officially filed after it has been examined by the Planning Commission and found to contain all of the information required by Section 5.13 above.

Section 5.15 Action by Planning Commission

Within five (5) calendar days after submission of the plat for final review, pursuant to Section 5.14 above, the Planning Commission shall schedule a meeting to consider the plat, and send written notice by first class mail, to the Clerk of the Board of Township Trustees of the township within which the proposed plat is located. The notice shall inform the Trustees of the date, time and location of the meeting at which the Planning Commission will consider or act on the final plat. Such meeting shall take place within thirty (30) calendar days from submittal of the plat, and no meeting shall be held until at least seven (7) calendar days have passed from the date the notice was sent by the Planning Commission.

Section 5.16 Other Approvals

The documented approval of other applicable agencies shall be required prior to action by the Planning Commission on the final plat.

Section 5.17 Approval by the Planning Commission

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

If the Commission fails to act upon the final plat within the time allotted, the plat shall be considered as approved, and the certificate of the Planning Commission as to the date of the submission of the plat for approval, pursuant to Section 5.15 above, and the failure to take action thereon within such time, shall be issued on demand and shall be sufficient in lieu of the written endorsement or other evidence of approval.

Section 5.18 Conditional Approval

The Commission may grant conditional approval to a final plat by requiring the Owner/Developer to alter the plat or any part of it, within a specified period after

the end of the thirty (30) calendar days, as a condition for final approval. Once all conditions have been met within the specified period, the Commission shall cause its final approval to be endorsed on the plat. No plat shall be recorded until it is so endorsed with the Commission's final or unconditional approval.

Section 5.19 Appeal of Plat Denial

Within sixty (60) calendar days after refusal to approve the final plat, the Owner/Developer may file a petition in the Court of Common Pleas, in which he/she shall be named plaintiff. Pursuant to Section 711.09 of the Ohio Revised Code, the petition shall contain a copy of the plat sought to be recorded, a statement of facts justifying the propriety and reasonableness of the proposed subdivision, and a request for an order directed to the Fayette County Recorder to record such plat. Such petition may include a statement of facts to support the claim that the rules and regulations are unreasonable and/or unlawful. A Board of Township Trustees is not entitled to appeal a decision of the Commission under this Section.

ARTICLE VI
VARIANCES

Section 6.01 Variances

Pursuant to ORC 711.10, where the Planning Commission finds that extraordinary and unnecessary hardship may result from strict compliance with these regulations due to unusual topographical and/or other exceptional conditions, it may modify these regulations so as to relieve such hardship, provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these regulations or the desirable development of the neighborhood and community.

Section 6.02 Criteria for Variances

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

Section 6.03 Additional Variance Standards

A. One or more variance(s) may be requested by the applicant at the time of submission of the preliminary plan or final plat. Such variances will be addressed in the normal processing of the proposed plan or plat.

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

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

ARTICLE VII
AMENDMENTS

Section 7.01 Amendments

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

ARTICLE VIII
OBLIGATIONS OF OWNER/DEVELOPER AND COUNTY

Section 8.01 Required Improvements

The Owner/Developer who desires to develop any major subdivision subject to this Resolution shall provide and pay the entire cost of improvements applicable to the proposed development, as follows:

A. Streets and parking areas, including drainage structures, bridges, curbing, on-site improvements to existing roadways and other improvements as may be required by the County Engineer, pursuant to the provisions of these regulations.
B. Sanitary sewers (including manholes, services and appurtenances) and water distribution system (including mains, services, valves, fire hydrants and all appurtenances) as applicable.
C. Monuments, stakes and property pins.
D. Street signs designating the name of each street at each intersection within the development and regulatory signs required for traffic safety control.
E. Utilities, including electric, telephone and cable television services; however, these costs may be shared with the respective utility companies according to such arrangements as may be made between said utilities and the Owner/Developer.
F. All other improvements shown on the plans as approved by the County Engineer.

Section 8.02 Obligations of Owner/Developer

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

A. All construction work and materials used in connection with improvements shall conform to the requirements of, and be installed under the general supervision of the County Engineer. The Owner/Developer shall be responsible for the payment of all fees and costs incurred by the County pertaining to the review and inspection of the improvements, pursuant to Section 3.04.
B. The Owner/Developer, or his agent, shall give three (3) working days notice to the County Engineer for any inspection to be conducted. The Owner/Developer shall also insure that no work shall be covered or obscured prior to inspection.
C. The Owner/Developer shall furnish proof of insurance, and shall hold the County free and harmless from any and all claims for damage of any nature arising or growing out of the construction of improvements or resulting from improvements and shall defend, at his own cost and expense, any suit or action brought against the County by reason thereof;
D. All improvements and utilities will be satisfactorily installed within one year from the date of approval of the Construction Plans or within such time schedule as presented and approved by the Fayette County Planning Commission.
E. As an alternative to the construction and approval of the required public improvements prior to recording the final plat, an acceptable performance assurance equal to one-hundred twenty-five percent

(125%) of the estimated cost of all required improvements shall be deposited with the County. Such performance assurance shall consist of one of the following:

1. A performance or construction bond equal to one hundred twenty-five percent (125%) of the estimated construction cost as approved by the County Engineer for the public improvements. Such bond shall be without time limit and shall be on approved bond forms as provided by the County;
2. A certified check equal to one hundred twenty-five percent (125%) of the estimated construction cost as approved by the County Engineer for the public improvement; or

F. All permits and approvals, including those from other federal, state or local agencies or entities, shall be obtained and all fees paid prior to beginning any construction of improvements;

G. During construction and prior to acceptance of any public improvement, the Owner/Developer shall remove or cause to be removed such dirt and debris and foreign matter from all public rights of way, improvements and/or easements as were deposited, left or resulted from the construction of improvements of any nature within the development. Such removal shall take place within twenty-four (24) hours after being notified by the County that such work is required, and shall be completed to the satisfaction of the County Engineer.

H. All public improvements shall be guaranteed by the Owner/Developer for a period of one year from the date such improvement is accepted, in writing, by the County Engineer. Such guarantee shall consist of a maintenance bond, certified check or other acceptable instrument, for ten percent (10%) of the total cost of the improvements. Such guarantee shall include any and all defects and deficiencies in workmanship and materials. The cost of all labor, materials, equipment and other incidentals required to maintain, repair and replace any or all of such improvements and to maintain them in good and proper condition, excluding ordinary wear and tear, but including filling trenches and restoring lawns, sidewalks, yards, streets, sewers, pipe lines, etc., during the one year guarantee period shall be assumed by such Owner. In the event the Owner fails to make such maintenance, repairs or replacements within a reasonable time after notice in writing by the County, or in the event of an emergency which may endanger life or property, the County may make or cause to be made, such repairs or replacements from the above guarantee.

I. The Owner/Developer shall execute a development agreement with the County, specifying the terms and conditions required under this Section of this Resolution. Such development agreement shall be approved by the County Engineer and County Prosecutor.

J. No person or owner shall violate any of the regulations established in this Section and upon violation the County shall have the right to:
   1. Stop all work on the development site forthwith;
   2. Hold the bonding company responsible for the completion of the public improvement according to the approved construction drawings and the agreement.

K. The Owner/Developer shall provide as built drawings of all public improvements.

ARTICLE IX
MINIMUM DESIGN STANDARDS AND REQUIREMENTS

Section 9.01 Conformity with Requirements

The standards and requirements of this Article shall control the manner in which streets, driveways, infrastructure, lots and other elements of a subdivision are constructed on the land. These design standards shall apply to all subdivisions of land as defined in Article II.

A. Conformity with County Standards

All public improvements, including private streets, undertaken in any subdivision shall conform to the standards of this Article and the ***Fayette County Technical Design Standards***, as may be adopted and subsequently amended by the Fayette County Engineer.

B. Conformity with Zoning

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

C. Land Use / Master Planning

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

Section 9.02 General Subdivision Design

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

A. Wetlands, as defined in Section 404, Federal Water Pollution Control Act Amendments of 1972, subject to field verification by the US Army Corps of Engineers, USDA Natural Resources Conservation Service, or other agency authorized to make such determination;

B. Lands subject to flooding, as specified in Section 9.03 below;

C. Areas with unsuitable soils, as specified in Section 9.03 below.

D. Slopes in excess of fifteen percent (15%) unless appropriate engineering methods are employed to address erosion, stability and resident safety.

Section 9.03 Land Not Suited for Development

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

A. Unsuitable Soils

Particular soil types have been identified as unsuitable for development due to excessive wetness, high water table and/or inadequate drainage in the ***Soil Survey of Fayette County, Ohio*** and may be so identified in future technical bulletins or publications adopted by the Fayette County Planning Commission, the Fayette County Board of Health and/or the Fayette County Soil Conservation Service.

The Planning Commission may not allow subdivision of land on the soil types so identified unless it is demonstrated that adequate methods are proposed by the Owner/Developer for alleviating the offending condition(s).

B. Land Subject to Flooding

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

1. No building or other development activity shall be permitted within the identified areas subject to flooding.
2. The determination of areas subject to flooding shall be based on data as established by the Federal Emergency Management Agency (FEMA), the Ohio Department of Natural Resources (ODNR), or other authorized agency, in a flood study or report approved by the County Engineer and the Planning Commission.
3. When the Planning Commission determines that only part of a proposed subdivision can be developed in compliance with these requirements, it shall limit development to only that portion, and shall require that the method of development is consistent with its determination.
4. The Planning Commission may attach other reasonable conditions as are appropriate to the approval of plats impacted by areas subject to flooding.

Section 9.04 Erosion and Sedimentation Control

Measures shall be taken by the Owner/Developer to minimize erosion and impacts during subdivision construction activity. The County Engineer may require detailed erosion and sedimentation plans to be submitted if it determines that the size and/or scale of the proposed subdivision warrants such action. Such plan shall be required for subdivisions comprising more than five (5) lots or, pursuant to permitting requirements of the Ohio Environmental Protection Agency (OEPA), if one acre or more is disturbed. Such plans shall indicate the techniques to be used to control erosion both during construction and permanently, and include a schedule for installing same. The plans shall include, but not be limited to, the following requirements:

A. Erosion Plans

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

B. Sedimentation Control

Sedimentation facilities (debris basins, sedimentation traps) and other control measures such as hay bales, berms, interceptor ditches and terraces, shall be installed in conjunction with the initial grading operations and be maintained throughout the development and construction process to remove sedimentation from runoff waters draining the land under development. These shall be maintained by the Owner/Developer to assure functional operation during all phases of construction.

Construction activity on any individual or group of lots shall be conducted only if sedimentation facilities have been installed and maintained. Substantial completion of final grading and initial ground covering shall be completed prior to seeding, sodding, ground covering installation or other vegetative or earth covering techniques.

C. Minimization of Erosion and Sedimentation

The disturbed area and duration of exposure to erosive elements shall be kept to a practical minimum. Land which has been cleared for development, and upon which construction activity has not commenced immediately following this initial clearing shall be protected from erosion and subsequent sedimentation by appropriate vegetation and land covering techniques as specified in the ***Fayette County Technical Design Standards.***

D. Permanent Vegetation

Permanent vegetation and structural erosion control measures shall be installed as soon as practicable immediately following final grading. This includes sod or other methods of retaining seeding material prior to maturation in the lower 1/2 of any drainage ditches.

E. Adjoining Property

Cuts and fills shall not endanger adjoining property.

F. Buffer Areas

An undisturbed natural buffer area of not less than twenty (20) feet shall be maintained from any cut or fill area and any adjacent body of water, except where it is determined by the Planning Commission that a different buffer is more appropriate to the individual case.

Section 9.05 Surface Runoff and Storm Drainage

A. General

No subdivision plan or plat shall be approved that does not make adequate provision for stormwater runoff and flood waters. The Planning Commission shall have the authority to deny subdivision approval for areas of extremely poor drainage, including subdivisions in areas dominated by hydric soils. In any subdivision, the storm drainage system shall be separate and independent of any sanitary sewer system.

B. Preservation of Natural Drainage Courses

The flow of all existing drainage courses, including underground drainage systems, shall not be impeded. Such underground drainage systems, including farm field tile systems, shall be identified and mapped as part of the preliminary plan.

No natural drainage course shall be altered and no fill, buildings or structures shall be located unless provision is made for the flow of storm runoff and/or surface water. An easement shall be provided on both sides of the existing surface drainage course adequate for the purpose of future widening, deepening, enclosing or otherwise improving said drainage course. If such drainage course crosses private property, easements must be obtained by the Owner/Developer for construction and future maintenance. These easements must be shown on the Construction Plans, including the volume and page number of the recorded easement.

C. Outlets

No subdivision plan or plat shall be approved by the Planning Commission unless an adequate outlet for storm water, as shown on the plan or plat, is approved by the County Engineer. Generally it will be necessary to pipe storm water to an adequate watercourse, stream or existing storm system which has the capacity to accommodate the flow, or to utilize acceptable on-site water retention methods adequate to minimize excessive off-site storm water flows.

D. Submittal of Drainage Data

Information and data pertaining to water volumes and velocities for all watersheds entering and on the property, along with calculations

to show that proposed drainage improvements will adequately address such flows, shall be submitted to the County Engineer, along with required Construction and Grading Plans. Storm drainage systems shall be designed so as to be in compliance with *Rainwater and Land Development: Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection* (Ohio Department of Natural Resources: 1996) and the *Stormwater Design Manual* (Mid-Ohio Regioanal Planning Commission: 1977) both as may be subsequently revised.

E. Culverts

All culverts utilized in subdivisions shall have the appropriate headwalls and/or other structures and improvements to protect the facility. Culverts shall be designed to accommodate the 25-year frequency storm.

F. Open Drainage Channels

The detetrmination as to whether a specific drainage course shall be enclosed or open shall be made by the County Engineer. The cross section and profile of any open channel and its banks shall be determined by the County Engineer and the Fayette County Soil and Water Conservation District.

G. Perpetual Maintenance

Provisions shall be made by the Owner/Developer for perpetual maintenance of all stormwater systems, including outlets, such as utilizing the provisions of ORC 6131 and/or 6137.

H. Compliance with Storm Water Management Standards

Notwithstanding the above, no subdivision plan or plat shall be approved unless such plan or plat complies with the ***Fayette County Technical Design Standards***

Section 9.06 Streets

A. General

No major subdivision shall be approved unless the area to be subdivided has frontage and/or access from an existing federal, state, County or township roadway. The Owner/Developer shall provide within the boundaries of the subdivision plat the necessary rights-of-way for widening, continuance or alignment of such streets in conformity with the official Thoroughfare Plan.

B. Street Design

All streets shall be designed with appropriate regard for topography, streams, wooded areas, soils, geologic limitations and natural features. Roadways shall further be designed to permit efficient drainage and utility systems layouts while providing safe and convenient access to property.

C. Conformity with Thoroughfare Plan

Streets shall generally conform to the official Thoroughfare Plan for the County. For streets not indicated on the Thoroughfare Plan, the arrangement shall provide for appropriate extensions of existing streets.

D. Classification, Street Widths and Street Grades

The arrangement and classification of all streets in newly developed areas shall conform to the Thoroughfare Plan, according to the roadway classification system as specified in the ***Fayette County Technical Design Standards.*** The Planning Commission shall make the final determination as to the classification of any new street, based on the proposed development of the site, and its potential traffic volume, expressed in ADT (Average Daily Traffic), the character of the surrounding area, and the Thoroughfare Plan. The material specifications and technical standards for various street classifications, including profiles, shall be as specified in the ***Fayette County Technical Design Standards.***

For any major or minor subdivision along as existing County or township roadway not designated on the Thoroughfare Plan, provisions may be required to set aside the necessary right-of-way for traffic, utilities and drainage with the minimum right-of-way for a local street.

E. Alignment

1. The street pattern shall make provision for the continuance of streets into adjoining areas and for the connection to existing rights-of-way in adjacent areas.
2. If a subdivision adjoins or contains an existing or proposed arterial or major collector street, the Planning Commission may require marginal access streets or reverse frontage with a planting strip of a minimum width of twenty (20) feet on the rear of those lots abutting the street, and no vehicular access across the strip.
3. Local streets shall be laid out so as to discourage use by through traffic.
4. Streets shall intersect one another at ninety (90) degrees, or as near to ninety (90) degrees as possible, but in no case less than eighty-five (85) degrees. The intersecting street must remain within these degree parameters for a distance of not less than one-hundred feet (100') from the intersection.
5. Street jogs shall be discouraged. Where such jogs are unavoidable, in no case shall the centerlines be offset by less than 125 feet.
6. The maximum length of a cul-de-sac shall be 1,000 feet, measured from the centerline of the intersecting street to the middle of the turnaround.
7. Half width streets shall be prohibited.
8. Reserve strips or easements designed in such a manner so as to deny access from owners of adjacent property to the street shall be prohibited.
9. Permanent dead-end streets shall not be permitted. Temporary dead-end streets shall be permitted only as part of a future continuous street plan. When the street is

temporarily dead-ended at the property line, a temporary turnaround shall be required; however, such turnaround cannot be considered as road frontage for the construction of additional lots.

F. Dedication

The necessary rights-of-way for widening or extension of all roadways, as delineated in the Thoroughfare Plan, shall be dedicated to public use. When a subdivision fronts on an existing County or township road, dedication of rights-of-way shall be made to the proper authority.

G. Blocks

Blocks shall be a minimum of 500', and shall not exceed 1,200 feet in length except where specific topographic conditions require a lesser or greater length. Blocks for non-residential subdivisions shall be designed to accommodate the building sites and provide for yards, internal service drives, off-street parking and other facilities pursuant to the applicable zoning resolution.

H. Street Names

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

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

I. Private Streets

Private streets shall be allowed under specific conditions as approved according to Article VI of this Resolution. Unless otherwise approved by the Planning Commission, private streets shall be constructed to the same standard as a public street carrying similar traffic volumes. Private streets shall be subject to the same performance assurances as specified in Section 8.02 E of these regulations. The Owner/Developer shall be responsible for the creation and maintenance of signs for private streets, as deemed necessary by the Planning Commission.

J. Streets in Non-Residential Subdivisions

Non-residential subdivisions shall include subdivisions in any area zoned for any type of commercial or industrial activity, or any mixed-use development that contains such uses. In unzoned areas, any subdivision created to accommodate commercial or industrial uses shall be considered a non-residential subdivision. In addition to the rules and requirements stated in these subdivision regulations, the Owner/Developer of a non-residential subdivision shall demonstrate that the uses, and that the following standards and principles have been incorporated into the design:

1. The street and lot layout is appropriate to the land uses proposed and conforms to any adopted land use plans and/or zoning resolutions in the area.
2. Additional street standards regarding rights-of-way, pavement widths, type and quantities of materials, as well as curbs and gutters may be imposed by the Planning Commission upon recommendation of the County Engineer.
3. Every effort shall be made to protect existing adjacent residential property from any adverse impacts as result of the proposed development.
4. Streets carrying non-residential traffic shall not normally be extended to the boundaries of existing or potential adjacent residential areas, or connected to streets intended for predominately residential traffic.

K. Driveways

Driveway location, construction and spacing shall comply with ***Fayette County Access Management Regulations*** and the ***Fayette County Technical Design Standards.***

L. Curbs and Gutters

Curbs and gutters shall be required where central water or sewer systems are proposed, in any residential subdivision where average lot width is 100 feet or less, and in any non-residential subdivision. Curbs and gutters may also be required by the Planning Commission in areas of documented flash flooding, heavy rain runoff or flat (less than 2% slope) topography. All curbs and gutters shall be constructed according to the ***Fayette County Technical Design Standards.***

Section 9.07 Lots

A. Frontage

All lots shall have the frontage as required by the applicable zoning resolution. In any unzoned area, all lots shall have 300 feet frontage on an approved improved public or private street pursuant to Section 9.06 above.

B. Area Requirements

Individual lots in subdivisions shall meet the dimension and area requirements of the zoning district in which such subdivision is located. In all areas, building setbacks shall be not less than fifteen feet (15') from side and rear lot lines, and not less than thirty feet (30') from the front lot line. The depth and width of lots reserved for commercial and/or industrial purposes shall be adequate to provide for off-street parking and loading facilities.

C. Shape

All residential lots shall be approximately rectangular in shape, and should not have a depth in excess of three (3) times their width, except where extra depth or non-rectangular shape is necessary due to topography and/or natural conditions.

D. Flag Lots

Flag lots, as defined in Aricle II, are prohibited

E. Double Frontage Lots

Double frontage and reverse frontage lots should be avoided, except where required to provide separation from arterial streets, or to overcome specific conditions of topography and/or orientation. In such cases, an easement shall be provided along the rear lot line across which there shall be no vehicular access.

F. Side Lot Lines

Side lot lines should be at right angles or radial to street lines.

G. Easements

When necessary, easements shall be provided along side and rear lot lines for utility lines. Easements shall be provided on both sides of any open drainage course, for the purposes of widening, deepening or general maintenance. Such easements shall comply with the requirements of Section 9.09 below. The removal of any obstruction constructed within such easement shall by the responsibility of the owner of the property at the time such action is required.

Section 9.08 Public Water and Sanitary Sewer Systems

In those cases where the Fayette County Board of Health, Planning Commission, county Engineer and/or the Ohio Environmental Protection Agency (OEPA) determines that a proposed subdivision must be served by a central sewage treatment and disposal and/or water supply and distribution system, such system(s) shall comply with ***Fayette County Technical Design Standards, Ten State Standards,*** and any other local requirements as may be subsequently adopted.

Section 9.09 Easements

A. Utility Easements

Easements shall be required for poles, wire, cable, conduits storm and sanitary sewers, water lines, gas lines and/or other utility lines. Generally, such easements shall be a minimum of fifteen feet (15') in width and be located along front, rear and/or side lot lines. Easements of greater width may be required in particular cases, upon determination of the Planning Commission.

B. Watercourse Easements

When any stream or surface drainage course is located within a proposed subdivision, the Owner/Developer shall provide an easement along each side of such stream or water course for the purpose of widening, deepening, relocating or other maintenance. The width of such easement shall be determined by the Planning

Commission, upon recommendation by the County Engineer Provisions shall be made by the Owner/Developer for perpetual maintenance of all watercourse easements, such as utilizing the provisions of ORC 6131 and/or 6137.

Section 9.10 Public Sites and Open Space

A. Required Dedication or Reservation

Where a proposed park or similar open space resource site, as shown on a land use or open space plan adopted by Fayette County or the township in which the subdivision is located, is situated in whole or in part within a proposed subdivision containing ten (10) or more lots in which the median lot size is less than one (1) acre, the Planning Commission may require the following:

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

B. Minimum Dedication Requirements

In such subdivisions as referenced above, the Owner/Developer shall be required to reserve a minimum of ten percent (10%) of the total area of the land included in the proposed plat as permanent open space. The open space shall either be dedicated to a public entity which has expressed a desire to accept and maintain the open space, or shall be transferred to a private association or entity with acceptable provisions for the perpetual maintenance of the open space, as shall be stated on the final plat.

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

C. Fee in Lieu of Dedication

Where the Planning Commission determines that the open space as proposed by the Owner/Developer within the subdivision is not suitable for such purposes, the Owner/Developer shall be required to pay a fee in lieu of land provision. Such fee shall be equal to ten percent (10%) of the total true value (i.e., fair market value) of the land within the proposed subdivision.

Fair market value shall equal the average value per acre of all land in the subdivision after filing of the final plat. Such value shall be determined by the Fayette County Planning Commission on the basis of the assessed value for property tax purposes of all land in the subdivision, divided by the total number of acres within the subdivision. In the event that the Owner/Developer objects to the value of the land set forth above, then a qualified independent appraiser, approved by the Planning Commission may be procured. Such appraiser shall use the comparative method of appraisal and

shall document findings. The fee for such appraiser shall be paid by the Owner/Developer.

D. Determination of Open Space Dedication or Fee in Lieu of Dedication

At the time of filing of the preliminary plan, the Owner/Developer shall indicate whether the fee, land or combination of the two will be provided. If the land is to be dedicated, the Owner/Developer shall clearly designate such land on the preliminary plan. The Planning Commission shall make the determination cited in Section 9.11 C above as part of review of the preliminary plan. The following factors shall be considered in making such determination:

1. Land to be dedicated must form a single continuous parcel or consist of several large parcels connected by a trail, path or walkway. Land should relate to open spaces or recreational land in adjoining lands.
2. The land shall be of such minimum dimensions and maximum slopes as to be functionally usable for recreational purposes. Steep slopes, streams, lakes, watercourses and flood plains may constitute a maximum of 60% of such land.
3. Utility, drainage or other easements, road rights-of-way, and retention/detention ponds that are typically required as part of the development process shall not be counted toward the provision of open space.
4. Public access and maintenance access to the land shall be provided.
5. Unique natural features, scenic views and historic/cultural resources shall be identified during the planning process and considered for inclusion as required open space.

E. Limitation on Use of Required Land and Fees

Any land or fees received by Fayette County pursuant to this section shall be used only for the purpose of providing park and recreational facilities to serve the area in which the subdivision is located. Fees paid pursuant to this section shall be deposited in a separate fund to be used for the acquisition, development and improvement of park and recreational facilities. No part of such fees shall be used for paying salaries, wages or general operating expenses.

F. Perpetual Conservation Easements

Perpetual conservation easements may be used in lieu of fee simple acquisition, if the Planning Commission determines that this alternative will better work toward the purposes of this Resolution, particularly the preservation of unique natural features. Under this alternative, more land area may be required than under the dedication requirements of Section 9.1 B above.

Section 9.11 Sidewalks

Sidewalks shall be required for all new subdivisions in unincorporated villages, and in other areas where the average lot width is 100' or less. In subdivisions exceeding fifteen (15) lots, sidewalks may be required regardless of lot size.

Section 9.12 Monuments, Markers and Pins

A. General

Survey and monument activities shall be performed by, or under the direct supervision of, a Professional Surveyor, must meet Minimum Standards for Boundary Surveys in the State of Ohio (Ohio Administrative Code 4737-37-03) and meet the requirements of the County Engineer. Elevations shall be referenced to National Vertical Datum.

B. Number and Location

Permanent markers shall be set according to the provisions of Section 711.03 of the Ohio Revised Code. At a minimum, the complete boundary of the subdivision, or individual phase of a subdivision, shall have permanent markers installed at each corner. The Fayette County Engineer shall have the authority to require additional permanent markers on any plat.

Monuments for street alignment control (one inch diameter solid iron pins, thirty inches long) shall be set at street centerline intersections and at all points of curvature and center of all cul-de-sacs.

C. Benchmarks in Flood Plains

When all or part of a major subdivision is located within a flood plain as defined in Article II, the Owner/Developer shall direct and cause the surveyor to place and set at least one benchmark tied to USGS elevation data.

ARTICLE X
SITE IMPROVEMENTS

Section 10.01 General

The Fayette County Engineer has developed ***Fayette County Technical Design Standards*** for site improvements as required by these subdivision regulations. Those standards, as may be amended, are hereby incorporated by reference.

The Owner/ Developer shall be responsible for the costs of all inspections and tests required by the County Engineer to establish that the materials and methods utilized in construction of the improvements meet the specifications.

Section 10.02 Streets

A. Street Grading

No street grading shall be performed nor improvements installed until the final construction plans have been approved by the County Engineer and inspection fees have been paid. No street grading shall be commenced without three (3) working days notice to the County Engineer.

B. Street Signs

The Owner/Developer shall purchase and install street name, traffic directional and parking signs at intersections and other locations as approved by the County Engineer. The material, graphics and content are subject to approval by the County Engineer.

Section 10.03 Responsibility and Liability During and After Construction

No streets or public improvements shall be the responsibility of any public entity prior to formal acceptance. Approval of a plat and dedication of the public improvements on said plat shall not be interpreted as formal acceptance of such improvements. Until such time as such improvements have been approved and accepted, the Owner/Developer shall assume full responsibility and liability for all areas dedicated to the public, and the improvements thereon. The Owner/Developer shall agree to indemnify and hold harmless the County until such time as the improvements are formally accepted.

ARTICLE XI
HILLSIDE REGULATIONS

Section 11.01 General

These regulations shall apply to all hillside areas, herein defined as areas where the average slope exceeds fifteen percent (15%). The final determination as to whether a particular subdivision is subject to these requirements shall be made by the Planning Commission. If a subdivision is determined to be subject to hillside regulations, the Planning Commission and/or County Engineer is hereby granted the authority to require additional material to be added to that specified in Article V of this Resolution, in order to determine compliance.

Section 11.02 Cut and Fill

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

Section 11.03 Streets

Final grades on all streets shall be as determined by the County Engineer on a case-by-case basis using the ***Fayette County Technical Design Standards***. All fill used on streets shall be compacted in accordance with Ohio Department of Transportation Specifications and the ***Fayette County Technical Design Standards.***

Section 11.04 Retaining Walls

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

ARTICLE XII
PLANNED UNIT DEVELOPMENT

Section 12.01 Purpose

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

Section 12.02 Procedures

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

Section 12.03 General Requirements

The general requirements and standards for the planned unit development shall be as specified by the relevant local zoning requirements.

Section 12.04 Open Space

All open space within the planned unit development shall either be dedicated to a public entity which has expressed a desire to accept and maintain the open space, or shall be transferred to a private association or entity, with acceptable provisions for its perpetual care and maintenance, as shall be stated on the final plat.

Section 12.05 Private Streets

Private streets within planned unit developments shall be subject to the requirements of Section 9.06 I. of these regulations.

Section 12.05 Replatting

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

Section 12.06 Review Criteria

In reviewing the application for a planned unit development, the Planning Commission shall find that the following criteria are met, based on evidence provided by the applicant:

A. The existing public roadway network can accommodate any proposed traffic.

B. The soil and drainage conditions can support the proposed development as proposed.

C. That adequate methods have been proposed to alleviate any adverse impacts associated with modification of the development standards resulting from use of the planned unit development approach.

D. That the planned unit development approach to development offers specific advantages in this case that could not be achieved by conventional development.

E. That the final plat for the planned unit development is consistent with the preliminary and final development plans for the project as approved by the local zoning authority.

A P P E N D I X A

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

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

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

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

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

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

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

GRANTOR(S)		**GRANTEE(S)**	
NAME	DATE	NAME	DATE
NAME	DATE	NAME	DATE