

**HENRY COUNTY, OHIO  
SUBDIVISION REGULATIONS AND DESIGN STANDARDS**

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## **PREAMBLE**

A RESOLUTION OF THE COUNTY OF HENRY, OHIO, ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND THE PROVISIONS OF CHAPTER 711, OHIO REVISED CODE, TO REGULATE AND CONTROL THE SUBDIVISION OF LAND WITHIN THE UNINCORPORATED PORTIONS OF THE COUNTY; SECURING AND PROVIDING FOR THE PROPER ARRANGEMENT OF STREETS OR OTHER HIGHWAYS IN RELATION TO EXISTING OR PLANNED STREETS OR HIGHWAYS OR TO THE COUNTY OR REGIONAL PLAN; PROVIDING FOR ADEQUATE AND CONVENIENT OPEN SPACES FOR TRAFFIC, UTILITIES, ACCESS OF FIRE FIGHTING APPARATUS, RECREATION, LIGHT AND AIR; AVOIDING CONGESTION OF POPULATION; PROVIDING FOR THE ADMINISTRATION OF THIS RESOLUTION, DEFINING THE POWERS AND DUTIES OF THE ADMINISTRATIVE OFFICERS AS PROVIDED HEREAFTER, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS RESOLUTION OR ANY AMENDMENT THERETO, ALL FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, COMFORT AND GENERAL WELFARE; AND FOR THE REPEAL THEREOF.

THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HENRY COUNTY, STATE OF OHIO:

## ARTICLE I

### GENERAL PROVISIONS

#### 100 TITLE

These regulations shall be known and may be cited to as the “Henry County, Ohio Subdivision Regulations,” except as referred to herein, where it shall be known as “these Regulations.”

#### 102 PURPOSE

These Regulations are enacted for the general purpose of promoting the public health, safety, comfort, and general welfare of the residents of Henry County; to protect the property rights of all individuals by assuring the compatibility of land subdivision; to facilitate the provision of public utilities and public services; to lessen congestion on public streets, roads, and highways; to provide for the administration and enforcement of these Regulations, including the provision of penalties for its violation; and for any other purpose provided by these Regulations, the *Ohio Revised Code*, or under common law rulings. Specifically these Regulations will serve to:

- A. Promote the proper arrangement of streets and lots, insure safe and convenient vehicular traffic and pedestrian circulation, and maintain adequate access for service and emergency vehicles.
- B. Plan for the provision of adequate and convenient recreational and open space areas, school sites, and other public facilities.
- C. Insure the adequate provision of water, drainage, and sanitary sewer facilities, and other health requirements.
- D. Provide the orderly development of land to obtain an overall harmonious and stable community environment.
- E. Coordinate land development in accordance with applicable zoning resolutions, thoroughfare plans, comprehensive plans, water and sewer master plans, and other regulations of Henry County, Ohio.

#### 104 ADMINISTRATION

These Regulations shall be administered by the Henry County Planning Commission and/or

its representatives.

**106**    **JURISDICTION**

These Regulations shall be applicable to all subdivisions of land within the unincorporated areas of Henry County. The Henry County Planning Commission shall have the power of final approval of all plats in territory subject to its jurisdiction.

**108**    **INTERPRETATION**

In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements, adopted for promotion of the public health, safety, comfort and general welfare. Whenever the requirements of these Regulations conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall govern.

**110**    **CONFORMITY TO DEVELOPMENT PLANS AND ZONING**

The arrangement, character, width and location of all arterial and collector thoroughfares or extensions thereof shall conform with the requirements of any existing major thoroughfare plan of Henry County. Thoroughfares not contained in the aforementioned plan shall conform to the recommendations of the Henry County Planning Commission based upon the design standards set forth in these Regulations. In addition, no final plat of land within the area in which an existing zoning resolution is in effect should be approved unless it conforms with all applicable zoning requirements.

**112**    **SEPARABILITY**

Should any section or provision of these Regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these Regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

**114**    **REPEAL OF CONFLICTING REGULATIONS**

All other regulations in conflict with and/or inconsistent with the provisions of these Regulations are hereby repealed to the extent necessary to give these Regulations full force and effect.

**116**    **EFFECTIVE DATE**



These Regulations shall become effective from and after the date of its approval and adoption, as provided by law.

## ARTICLE II

### DEFINITIONS

#### 200 INTERPRETATION OF TERMS

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

- A. The word “persons” includes a firm, association, organization, partnership, trust, company, or corporation as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
- D. The words “used” or “occupied” include the words “intended, designated, or arranged to be used or occupied.”
- E. The word “lot” includes the words “plot” or “parcel.”

#### 202 DEFINITIONS

**Alley:** A dedicated public way affording a secondary means of access to abutting property and not intended for the general traffic circulation. (*See Thoroughfare*)

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

**Building:** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

**Building Setback Line:** (*See Setback Line*)

**Channel:** A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

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

**Condominium:** A building or group of buildings in which units are individually owned but the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners. The land, together with all buildings, improvements, and structures thereon, all easements, rights and appurtenances belonging thereto, and all articles of personal property are subject to the provisions of *Chapter 5311 Ohio Revised Code*.

**Crosswalk:** A public right-of-way which cuts across a block in order to provide pedestrian access to adjacent streets or properties.

**Cul-de-sac:** *(See Thoroughfare)*

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

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

- A. Gross Density: The number of dwelling units per acre of the total land to be developed.
- B. Net Density: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

**Developer:** Any person, subdivider, partnership, corporation, or duly authorized agent who constructs, contracts to construct improvements, or subdivides land. A developer may not be the current owner of land to be subdivided.

**District:** A part, zone, or geographic area within the county, municipality and/or township within which certain zoning or development regulations apply.

**Dwelling:** Any building or structure (except a house trailer or mobile home as defined by *Section 4501.01 Ohio Revised Code*) which is wholly or partly used or intended to be used for living or sleeping by one (1) or more human occupants.

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

**Easements:** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his and/or her property.

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

**Essential Services:** The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

**Factory-Built Housing:** Factory-built housing means a factory-built structure designed for long term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of these Regulations, “factory-built housing” shall include manufactured/mobile homes, modular homes, and shall not include recreational vehicles or campers.

**Flood, 100-Year:** The base flood that is likely to occur once every 100 years or that has a one (1) percent chance of occurring each year, although the flood may occur in any year.

**Floodplain:** That land, including the flood fringe and the floodway, subject to inundation by the base flood (100-year flood). Such land is identified as a special flood hazard area on the Henry County Flood Insurance Rate Map (FIRM).

**Floodway:** That portion of the floodplain, including the channel, which is reasonably required to convey the base flood (100-year flood). Floods of less frequent recurrence are usually contained completely within the floodway.

**Floodway Fringe:** That portion of the floodplain, excluding the floodway, where development may be allowed under certain restrictions.

**Grade:** The amount of rise or descent of a sloping land surface, usually measured as a percent where the numbered percent represents the amount of vertical rise or fall, in feet, for every 100 feet horizontally. For example, a one (1) foot vertical rise over 100 horizontal feet represents a one (1) percent slope.

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

**Historic Area:** A district or zone designated by a local authority, state or federal government within which the buildings, structures, appurtenances and places are of basic and

vital importance because of their association with history, or because of their unique architectural style and scale, including materials, proportion, form and architectural detail, or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.

**Improvements (Public):** Street pavement or resurfacing, curbs, gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, lines and drains, landscaping and other related matters normally associated with the development of land and/or building sites.

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

**Letter of Credit:** A written statement from a bank or loan company, written against the good standing of a developer, guaranteeing necessary funds, the amount to equal a professional engineer's cost estimate for subdivision improvements, to complete such improvements should the developer fail to complete them within the time frame and conditions as specified in the subdivision approval agreements. *(See Performance Bond)*

**Loading Space, Off-Street:** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

**Location Map:** *(See Vicinity Map)*

**Lot:** For the purposes of these Regulations, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of *(See Appendix III., Illustrations 2 & 3):*

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

**Lot Frontage:** The front of a lot shall be construed to be the portion nearest the street.

**Lot, Minimum Area:** The area of a lot computed exclusive of any portion of the right-of-way of any public or private street in a platted (major) subdivision. The minimum area for a lot described by metes and bounds description includes the right-of-way of any public or private street.

**Lot Measurements:** A lot shall be measured as follows:

- A. Depth: The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- B. Width: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the setback line.

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

**Lot Types:** Terminology used in these Regulations with reference to corner lots, interior lots and through lots is as follows (*See Appendix III., Illustrations 2 & 3*):

- A. Corner Lot: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
- B. Interior Lot: A lot with only one (1) frontage on a street.
- C. Through Lot: A lot other than a corner lot with frontage on more than one (1) street, and may also be referred to as double frontage lots.
- D. Reversed Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.
- E. Flag Lot: A lot whose only frontage on a public street is through a narrow strip of land which is generally wide enough to accommodate a driveway, but too narrow to accommodate any structures.

**Major Subdivision:** A division of a parcel of land into 5 or more parcels, each under 5 acres, or the division involves the opening (dedication), widening, or extension of any public or private street. A plat of the subdivision is required for approval by the Planning Commission and the Board of County Commissioners, and is recorded in the office of the County Recorder.

**Major Thoroughfare Plan:** The portion of a comprehensive plan developed by the Henry County Engineer's Office and adopted by the Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

**Maintenance Bond:** An agreement between a developer and the County guaranteeing the maintenance of physical improvements for a period of one (1) year from the release of the performance bond.

**Manufactured/Mobile Home Park:** Any tract of land upon which 3 or more manufactured/mobile homes used for habitation are parked, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended to be used as a part of the facilities of such park.

**Minor Subdivision:** A division of a parcel of land into 2 or more parcels, any one (1) of which is under 5 acres, that requires a metes and bounds description and plat of survey (not recorded in the office of the County Recorder) to be approved by the Planning Commission according to *Section 711.131 Ohio Revised Code* and *Article IV* of these Regulations. Also known as "Lot Splits."

**Monuments:** Permanent concrete or iron markers used to establish identity to all lines of the plat of a subdivision, including all lot corners, boundary line corners, and points of change in street alignment.

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

**Out Lot:** Property shown on a plat outside the boundaries of the land which is to be developed and which is to be excluded from the development of the subdivision.

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

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

**Performance Bond (or Surety Bond):** An agreement between a developer and the County for the amount of the estimated construction cost (as approved by the Board of County Commissioners and/or County Engineer) guaranteeing the completion of physical

improvements according to plans and specifications within the time prescribed by the agreement. *(See Letter of Credit)*

**Planned Unit Development (PUD):** An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these Regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

**Planning Commission:** The Henry County Planning Commission.

**Plat:** A layout, plan, map or chart of a subdivision of land, such as the following:

- A. Preliminary Plat: Showing all requisite details of a proposed subdivision submitted to the Planning Commission for purpose of preliminary consideration, and prepared in conformance with these Regulations.
- B. Final Plat: Showing all or part (phase) of a subdivision providing substantial conformance to the preliminary plat of the subdivision prepared in conformance with these Regulations and suitable for recording by the County Recorder.

**Public Service Facility:** The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether public or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

**Public Utility:** Any individual firm, association, syndicate, corporation, partnership, governmental agency, board or commission, duly authorized to furnish, and furnishing under governmental regulations to the public: facilities, products or services, such as gas, steam, electricity, sewage disposal, communication, telegraph, water, etc.

**Public Walkway:** A right-of-way dedicated for the purpose of pedestrian access through residential areas, and located so as to connect to two or more streets, or a street and a public land parcel.

**Public Way:** An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel viaduct, walk, bicycle path; or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not. *(See Right-of-Way)*

**Replat:** A subdivision or plat, the site of which has heretofore been platted or

subdivided with lots or parcels of land. It may include all or any part of a previous subdivision or plat.

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

**Setback Line:** A line established by these Regulations, or a respective zoning resolution, generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure, other than an accessory building or structure, may be located above ground. (*See Yard*)

**Sewers, Centralized (or Package):** An Ohio EPA approved sewage disposal system which provides a collection network, disposal system and central sewage treatment facility for a single development, community, or region.

**Sewers, On-site:** A sewage tank on an individual lot which utilizes a bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to approval by the Henry County Health Department.

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

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

**Structure:** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.

**Subdivision:** The division of a lot, tract, or parcel of land shown as a unit or as contiguous units on the last preceding tax role, into 2 or more lots, tracts, parcels or other divisions of land, any one (1) of which is less than 5 acres, for the purpose, whether immediate or future of transfer of ownership. (*See Major and Minor Subdivision*)

**Surveyor:** Any person registered to practice surveying by the State Board of Registration as specified in *Section 4733.02 Ohio Revised Code*.

**Thoroughfare Plan:** The portion of a comprehensive plan developed by the Henry County Engineer's Office and adopted by the Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate



jurisdiction.

**Thoroughfare, Street, or Road:** The full width between property line bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows (*See Appendix II., Illustration 1*):

- A. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- B. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
- C. Boulevard Street: A street developed into 2 multi-lane, one-way pavements, separated by a median.
- D. Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- E. Cul-de-sac: A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.
- F. Local Street: A street primarily for providing access to residential or other abutting property.
- G. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the 180 degree system of turns are not more than 1000 feet from said arterial or collector street, and generally not more than 600 feet from each other.
- H. Limited Access Highway: A divided multi-lane highway for through traffic with all crossroads separated in grade and with controlled access and exit.
- I. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector Streets.

**Use:** The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

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

**Vicinity Map:** A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

**Watershed:** The drainage basin in which the subdivision drains or that land whose drainage is affected by the subdivision.

**Yard:** A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure designated as follows (*See Appendix III., Illustration 2*):

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

**Zoning Inspector:** The zoning inspector is the person designated by the respective governmental jurisdiction to administer and enforce zoning resolutions/ordinances.

### ARTICLE III

#### MAJOR SUBDIVISION PROCEDURES AND REQUIREMENTS

##### 300 PURPOSE

The purpose of this article is to establish the procedures for review and approval of platted subdivisions, as authorized under *Chapter 711 Ohio Revised Code*. The procedures are intended to provide orderly and expeditious processing of such applications between the Planning Commission, the developer and other respective reviewing agencies.

##### 302 CONDITIONS FOR MAJOR SUBDIVISIONS

A subdivision proposal involving any of the following shall be subject to the provisions of this article:

- A. When more than 5 parcels or lots, each less than 5 acres, are subdivided simultaneously from an original tract or parcel. *(See Section 408 H.: Five-Lot Rule)*
- B. When more than 5 parcels or lots, each less than 5 acres, are subdivided cumulatively by the current landowner of an original tract or parcel. *(See Section 408 H.: Five-Lot Rule)*
- C. When any tract, parcel or lot, regardless of size, is subdivided or altered in a manner that involves the opening (dedication), widening or extension of any public or private street.
- D. When an existing lot(s) in a recorded plat is subdivided and results in the creation of additional new lots. *(See Section 304: Replats)*

**304**    **REPLATS**

A developer proposing the re-subdivision of a plat (replat) previously recorded in the office of the County Recorder shall follow the same procedures required for major subdivisions, except that a preliminary sketch and/or plat may not be necessary if changes in street alignment and/or right-of-way dedication are not included in the replat proposal.

A developer proposing to subdivide a lot(s) within an existing recorded major subdivision by means of a deed transfer process may not be required to replat if the proposed subdivision does not create any additional new lot(s), and does not cause any existing lot(s) to become smaller in acreage. Any deed transfer process shall be subject to a review by the Henry County Tax Map Department prior to approval.

**306**    **SUBDIVISION VACATIONS, PLATS OF STREETS, COMMON OPEN SPACES AND EASEMENTS FOR PUBLIC UTILITIES**

Proposals of subdivision vacation/abandonments shall meet the requirements of *Section 711.25 Ohio Revised Code*. Plats of street openings, widenings, and extensions; platting open spaces for common use by owners, occupants, or leaseholders; and easements for the extension and maintenance of public sewer, storm sewer drainage, or other public utilities shall follow the same procedures required for major subdivisions. Provision for the subdivision of land for use by utility companies shall be considered on the basis of the special conditions in each case.

**308**    **SUBMISSION TO THE STATE HIGHWAY DIRECTOR**

If a proposed subdivision plat affects land within 300 feet of the centerline of a proposed new interstate, toll road, highway, or major throughway, or one to which changes are proposed by the State Highway Director, and/or if a proposed plat affects land within 500 feet from the point of the intersection of the proposed centerline with any public road or highway, the developer shall forward notice, by registered or certified mail, to the highway director. The director shall have 120 days, or any extension thereof agreed upon, from the date notice is received to acquire necessary property and unless the director advises that no acquisition is necessary during that period of time, the plat shall not be approved until this time limit passes. However, the plat may be submitted to the Planning Commission for review during this period.

**310**    **PRE-APPLICATION MEETING**

The developer is encouraged to seek the assistance of the Henry County Planning Commission or its designated representative(s) prior to submitting the preliminary and/or

final plat. The purpose of this meeting will be to discuss the reasons and effect of these Regulations, and the criteria and standards contained therein. The Planning Commission or its designate will familiarize the developer with all applicable laws and regulations including any existing Henry County comprehensive plan, major thoroughfare plan, parks and open space plan, comprehensive water and sewer plan, applicable zoning standards and the general drainage, sewage and water systems for both Henry County and the State of Ohio.

The developer shall also be informed that a final plat may officially be filed for review without prior submittal of a preliminary sketch plan and/or a preliminary plat. The Planning Commission must act upon the final plat within 30 days after submittal, and failure to act within such time shall constitute approval. However, if all required information and procedures are not in conformance with these Regulations within the 30 days, then the final plat shall be denied, and the developer must reapply for final plat review. Therefore, it is highly recommended that the developer first submit a preliminary sketch plan and preliminary plat to the Planning Commission in order to minimize time delays and increased costs, to mitigate potential problems and/or issues, and to promote a cooperative work effort.

### **312 PRE-APPLICATION SKETCH PLAN (Optional)**

The developer is encouraged to submit a sketch plan to the Planning Commission for review and comment. The sketch plan should be legibly drawn at a suitable scale and shall contain the following information (*See Appendix IV., Illustration 4*):

- A. General location or vicinity map.
- B. Approximation of proposed lot lines and outline of areas to be subdivided.
- C. Existing and proposed structures, public roads, easements, and other significant infrastructure.
- D. North directional arrow.
- E. Ownership of property and adjacent properties.
- F. Important natural features and drainage ways.
- G. Written statement concerning the anticipated impacts of the proposed development on storm drainage, sewage disposal, water supply, and other facilities that may exist in the area or are planned for installation.
- H. A filing fee shall be charged and must be paid in full prior to Planning Commission review, or the sketch plan will not be accepted. (*See Appendix VIII.*)

**314 PRELIMINARY PLAT (Optional)**

After the pre-application sketch, the developer shall be encouraged to submit a preliminary plat of the proposed subdivision which shall conform to the requirements set forth in these Regulations. The preliminary plat shall be prepared by a registered, certified engineer or surveyor. The developer is required to obtain an application for each proposed subdivision. The preliminary plat application must be fully completed and submitted to the Henry County Planning Commission.

The preliminary plat is conducted for the developer's benefit at his/her discretion, and its submission does not constitute a formal subdivision review pursuant to *Section 711.10 Ohio Revised Code*. With the submission of the preliminary plat, the applicant waives any rights to an approval under *Section 711.10 Ohio Revised Code* until such time as application is made for final subdivision plat review. (See *Section 334: Final Plat*)

The applicant will indicate on the application that he/she understands the waiver and agrees to an extension of the 30 day approval limit.

**316 PRELIMINARY PLAT APPLICATION FILING**

The preliminary plat application filing shall consist of the following:

- A. 15 copies of the written application in full, including the surveyor's plat and legal description, must be submitted to the Henry County Planning Commission. The application form is available at the Planning Commission Office. A filing fee shall be charged and must be paid in full prior to Planning Commission review, or the application will not be accepted. (See *Appendix VIII.*)
- B. The developer or his/her agent must schedule to appear before the Planning Commission on the date of consideration. Planning Commission action will be delayed until all required information is received by the developer/applicant.
- C. Within 5 days of submission of the preliminary plat application, the Planning Commission shall schedule a meeting to consider the plat and send a written notice by certified mail to the clerk of the board of township trustees of the township in which the proposed preliminary plat is located. The notice shall inform the trustees of the submission of the proposed plat and of the date, time and location of the meeting at which the Planning Commission will consider the proposed plat. No meeting shall be held until at least 7 days have passed from the date the notice was sent by the Planning Commission.
- D. The preliminary plat application shall be considered officially filed after submittal to

the Planning Commission and its designated representative examines the application and determines it to be in full compliance with these Regulations, and shall be so dated. The Planning Commission shall act on the preliminary plat application within 30 days after the date of official filing. Failure of the Planning Commission to act upon the preliminary plat within such time shall be deemed an approval.

### 318 **PRELIMINARY PLAT CONTENTS**

The preliminary plat shall consist of the following information (*See Appendix IV., Illustration 5*):

#### **A. Identification And Description**

1. The subdivision's proposed name shall not duplicate, by the same in spelling, or alike in pronunciation with any other recorded subdivision.
2. Location by section, town, and range, or by other professional legal description shall be indicated on the plat.
3. The scale and size of the plat shall be one (1) inch equals 100 feet and a minimum of 18 inches by 24 inches respectively, unless otherwise required by the Planning Commission. A north directional arrow and date of survey shall be indicated, and the plat shall bear the seal, signature and date of a certified registered surveyor.
4. Boundaries of the subdivision shall be indicated by a heavy bold line and an accurately estimated acreage for the entire subdivision tract shall be typed or legibly printed.

#### **B. Existing Conditions**

1. A vicinity map highlighting the relationship of the subdivision to its surroundings within one-half (½) mile. This map shall display all existing subdivisions, roads, tract lines, open spaces and the nearest existing thoroughfares whenever possible.
2. Property lines and names of the owners of adjoining (adjacent) parcels of land, including those across abutting roads.
3. Location, widths, centerlines, and names of all existing public and private streets, railroad and utility rights-of-way and related easements; permanent buildings or structures; corporation and township boundary lines; and location of wooded areas and other significant topographic and natural

features within and immediately adjacent to the proposed subdivision.

4. Existing zoning classifications of the proposed subdivision and adjacent parcels (if different) and a description of proposed zoning changes if applicable.
5. Location of existing sewers, water mains, storm drains, drainage tile and any other underground facilities; and pipe sizes, depth and grade indicated within and immediately adjacent to the proposed subdivision.
6. Topography mapping only when requested by the Henry County Planning Commission, the Henry County Soil and Water Conservation District and/or the Henry County Board of Health. Proposed topography contours shall have an interval of not less than 2 feet. Topography data is to be based on United States Geological Survey (U.S.G.S.) datum (1- 24,000 maps). Existing contours will follow an interval of:
  - a. One (1) foot where average slopes do not exceed 5%.
  - b. 2 feet where average slopes exceed 5% but do not exceed 15%.
  - c. 5 feet where average slopes exceed 15%.
7. Soil information only when requested by the Henry County Planning Commission, the Henry County Soil and Water Conservation District and/or the Henry County Board of Health. This includes soil types, location and engineering properties related to intended uses, and should be identified on the plat for existing soils or proposed fill sources. In addition, soil capabilities and limitations for the intended land use shall appear. This information may be obtained at no charge from the Henry County Soil and Water Conservation District.
8. Flood hazard information in applicable areas as required by the Henry County Special Purpose Flood Damage Prevention Regulations, and as identified on the current Henry County Flood Insurance Rate Maps (FIRM). Copies of the regulations and maps are available for review at the Henry County Planning Commission Office.

**C. Proposed Conditions**

1. Location, names and dimensions of existing and proposed streets, alleys, crosswalks, and other easements. Names shall not duplicate or closely approximate any existing street in Henry County, Ohio.



2. Layout, numbers and approximate dimensions of lots, including front yard setback lines with dimensions displayed graphically along all streets.
3. Indication of parcels of land intended to be dedicated or set aside for public use, or for the use of all property owners within the proposed subdivision.
4. Indication of any proposed water supply and sewage disposal systems, storm drainage systems, and soil erosion and sedimentation control measures according to the standards established by the Henry County Board of Health, the Henry County Water and Sewer Advisory Board, the Board of County Commissioners, the Henry County Engineer, and any other applicable agency.
5. The developer shall include any proposed general layout for the entire area. Any portion of the subdivision which will be subdivided in future phases shall be included with the overall plan, including general property and right-of-way boundary lines (if applicable). This will enable the Planning Commission to understand the method of development which the developer intends to follow.
6. Commercial and industrial developments shall include the location, dimensions and approximate grade of proposed parking and loading areas, alleys, pedestrian walks, streets, and the points of vehicular ingress and egress to the development.
7. Commercial and industrial developments shall approximate dimensions of all existing and proposed buildings and proposed use of lots, indicating type and number of dwelling units, and type of business and/or industry.
8. The preliminary plat shall include a description of any proposed covenants and restrictions.

**320 WATER AND SEWER AUTHORIZATION**

Where a proposed subdivision will connect with and/or create a public water or sanitary sewage disposal system, authorization from the Henry County Water And Sewer Advisory Board and respective city and/or village administrator, council or board of public affairs shall be required prior to submittal of the final plat.

**322 PUBLIC HEARING – PRELIMINARY PLAT**

The Planning Commission, on its own initiative, or upon petition by a citizen, or neighboring property owner(s) may, prior to acting on a preliminary plat application, hold a public

hearing thereon at such time and upon such notice as the Planning Commission may designate.

**324 PLANNING COMMISSION REVIEW – PRELIMINARY PLAT**

The Planning Commission or its designated representative shall forward copies of the completed preliminary plat application to such officials and agencies as may be necessary for the purpose of study and recommendation prior to the Planning Commission’s scheduled review meeting. These officials and agencies include at a minimum:

- A. All current members of the Planning Commission.
- B. Respective Township Clerk as required under *Section 316 C*.
- C. The Henry County Health Department, Henry County Engineer’s Office, Henry County Auditor’s Office, Henry County Soil And Water Conservation District Office, and the Henry County Tax Map Department if any of these agencies are not represented on the Planning Commission at the time of the application’s review.

The Planning Commission shall review all details of the proposed subdivision within the framework of applicable zoning regulations, within the various elements of the current comprehensive development plan, and within the standards of these Regulations. The Planning Commission shall approve, conditionally approve or disapprove the preliminary plat application as follows:

- D. Approval:** The Planning Commission found that all conditions have been satisfactorily met. On approval, the Planning Commission President or his/her designate shall make a notation of approval on the preliminary plat application original.
- E. Conditional Approval:** Said conditions shall be satisfied by the developer/applicant within a time frame set by the Planning Commission or the preliminary plat application shall be rejected. The Planning Commission President or his/her designate shall make a notation of conditional approval on the preliminary plat application original.
- F. Disapproval:** The Planning Commission shall record the reasons for disapproval in the minutes of the review meeting. A copy of the minutes shall be sent to the developer/applicant. The Planning Commission President or his/her designate shall make a notation of disapproval on the preliminary plat application original.

**326 PRELIMINARY PLAT EXPIRATION**

The approval of the preliminary plat application by the Planning Commission shall be effective for a maximum period of one (1) year from the date of its approval unless an extension of the approval has been granted in writing by the Planning Commission. If the final plat application is not accepted within one (1) year, then the preliminary plat application shall expire and become void. Preliminary plat approval shall guarantee that the terms under which the approval was granted will not be affected by changes or amendments to these Regulations during that period.

**328 PRELIMINARY PLAT RECALL**

The Planning Commission or its designated representative may recall unplatted portions of the preliminary plat application for consideration, and may require re-approval, modification, or disapproval of those portions. A recall may occur if:

- A. Incomplete, inaccurate or fraudulent information influenced approval.
- B. The developer has failed to satisfactorily pursue final platting or conditions of approval.
- C. Previously unknown or new health, safety or environmental concerns arise.

The developer shall be notified by certified mail, return receipt requested, no later than 30 days before the recall is scheduled for consideration by the Planning Commission.

**330 GRADING OF SITE PRIOR TO PRELIMINARY PLAT APPROVAL**

Subsequent to preliminary plat application approval the developer may receive approval from the Planning Commission to begin earth excavation and construction to the grades and elevations required by the approved preliminary plat application.

**332 MODEL HOMES**

For the purpose of allowing the early construction of model homes in a subdivision, the Planning Commission may permit a portion of a major subdivision involving no more than 2 lots to be created in accordance with the procedures for minor subdivision approval (*See Article IV*), provided the portion has access from an existing public or private road, and provided no future road or other improvements are anticipated where the lots are proposed. An application for minor subdivision approval shall be submitted to the Planning Commission simultaneously with the preliminary plat application. Subsequent to preliminary plat approval, the model homes may be constructed, subject to such additional

requirements as the Planning Commission may require.

**334 FINAL PLAT**

Having received approval of the preliminary plat application from the Planning Commission if applicable, the developer shall submit the final plat of the subdivision along with the required drawings and specifications of improvements. The final plat shall conform to the approved preliminary plat and it shall represent only that portion of the preliminary plat which the developer intends to record and develop at present time. The final plat shall be prepared by a certified, registered surveyor or engineer and the construction improvement drawings and specifications shall be prepared by a certified, registered engineer. Submittal of the final plat shall be in accordance with *Section 711.10 Ohio Revised Code*.

**336 FINAL PLAT APPLICATION FILING**

The final plat application filing shall consist of the following:

- A. 15 copies of the written application in full, including the original surveyor's plat and legal description, must be submitted to the Henry County Planning Commission. The application form is available at the Planning Commission Office. A filing fee shall be charged and must be paid in full prior to Planning Commission review, or the application will not be accepted. (*See Appendix VIII.*)
- B. The developer or his/her agent must schedule to appear before the Planning Commission on the date of consideration. Planning Commission action will be delayed until all required information is received by the developer/applicant.
- C. Within 5 days of submission of the final plat application, the Planning Commission shall schedule a meeting to consider the plat and send a written notice by certified mail to the clerk of the board of township trustees of the township in which the proposed final plat is located. The notice shall inform the trustees of the submission of the proposed plat and of the date, time and location of the meeting at which the Planning Commission will consider the proposed plat. No meeting shall be held until at least 7 days have passed from the date the notice was sent by the Planning Commission.
- D. The final plat application shall be considered officially filed after submittal to the Planning Commission and its designated representative examines the application and determines it to be in full compliance with these Regulations, and shall be so dated. The Planning Commission shall act on the final plat application within 30 days after the date of official filing. Failure of the Planning Commission to act upon the final plat within such time shall be deemed an approval of the plat.

**338 FINAL PLAT FORM**

The final surveyor's plat shall be legible and prepared in waterproof ink on mylar or other material of equal permanence. It shall be drawn at a scale and size of one (1) inch equals 100 feet and 18 inches by 24 inches respectively, unless otherwise required by the Planning Commission. If more than one (1) sheet is needed, each sheet shall be numbered and the relations of one (1) sheet to another clearly shown. No ditto marks or abbreviations shall be used on the plat. The Henry County Recorder's requirements shall be met.

**340 FINAL PLAT CONTENTS**

The final plat shall contain the following information (*See Appendix IV., Illustration 6*):

- A. The developer and lien holder (if different) shall sign the plat with notary seal.
- B. Name of the subdivision and location by section, town and range.
- C. Legal description of the outer boundary of the subdivision included on the plat.
- D. Date, north directional arrow, and total acreage of subdivision shall be indicated.
- E. The registered surveyor/engineer who prepared the plat and his/her appropriate registration number and seal.
- F. Primary control points and descriptions or ties to such, shall be shown on the plat.
- G. All plat boundaries, proposed lot lines, and bearings to half minutes with length of courses to 1/100 a foot.
- H. Centerlines and rights-of-way of streets, alleys and easements with accurate dimensions, bearings or deflection angles and radii, arcs and central angles of all curves. Linear dimensions shall be expressed by bearings and distances in feet and hundredths thereof. All dimensions, both linear and angular, are to be determined by an accurate control survey in the field which must balance and close within the limit of one (1) in 5,000.
- I. Names of existing and proposed streets or other rights-of-way (names shall not duplicate or closely approximate other street names).
- J. Location, width, and purpose of easements.
- K. Number to identify each lot, site, or block. When lots are located on a curve, the lot

width at the front yard set back line shall be displayed.

- L. Dedication of streets, reserve areas, or other applicable areas within the boundaries of the plat.
- M. Excepted parcels or out lots which shall be marked "Not Included in Plat."
- N. Minimum front yard setback lines on all lots and other sites displayed graphically with dimensions from street lines. For large numbers of lots, a typical lot may be shown.
- O. Accurate location and description of all monuments. If in place, a letter so stating their placement shall be submitted.
- P. Previous lots or blocks and their numbers indicated by relatively thinner lines or other visible method (only in the case of a replat).
- Q. A copy of any available restrictive covenants in form for recording shall be presented with the final plat application to the Planning Commission.
- R. Flood hazard information in applicable areas as required by the *Henry County Special Purpose Flood Damage Prevention Regulations* and as identified on the current Flood Insurance Rate Maps (FIRM). Copies of the regulations and maps are available for review at the County Planning Commission Office.
- S. Minimum finish grade elevations at the established setback lines of the subdivision lots, only when requested by the Henry County Planning Commission.

### **342 SUPPLEMENTAL FINAL PLAT APPLICATION INFORMATION**

The following information shall be provided in addition to the above required data as appropriate:

- A. One (1) set of approved construction drawings and engineering specifications as required for grading, streets, storm water management, waterlines, sanitary sewer, and other related improvements. Applicants are encouraged to file the final plat application only after the appropriate authority approves the respective construction drawings and engineering specifications. Failure to do so shall result in the rejection and non-acceptance of the application.
- B. Appropriate certification or written notification from the respective township zoning inspector or clerk that the proposed subdivision is in accordance with applicable zoning regulations, and any proposed zoning changes have been approved. The final plat application will not be accepted as complete without this information.

- C. Any additional information as required by these Regulations.

**344 PUBLIC HEARING – FINAL PLAT**

The Planning Commission, on its own initiative, or upon petition by a citizen, or neighboring property owner(s) may, prior to acting on a final plat application, hold a public hearing thereon at such time and upon such notice as the Planning Commission may designate.

**346 PLANNING COMMISSION REVIEW – FINAL PLAT**

The Planning Commission or its designated representative shall forward copies of the completed final plat application to such officials and agencies as may be necessary for the purpose of study and recommendation prior to the Planning Commission’s scheduled review meeting. These officials and agencies include at a minimum:

- A. All current members of the Planning Commission.
- B. Respective Township Clerk as required under *Section 336 C*.
- C. The Henry County Health Department, Henry County Engineer’s Office, Henry County Auditor’s Office, Henry County Soil And Water Conservation District Office, and the Henry County Tax Map Department if any of these agencies are not represented on the Planning Commission at the time of the application’s review.

The Planning Commission shall review all details of the proposed subdivision within the framework of applicable zoning regulations, within the various elements of the current comprehensive development plan, and within the standards of these Regulations. The Planning Commission shall approve, conditionally approve or disapprove the final plat application as follows:

- D. Approval:** The Planning Commission found that all conditions have been satisfactorily met. Upon approval, the Planning Commission President or his/her designate shall make a notation of approval on the final plat application original. The original tracing shall be returned to the developer/applicant for filing with the County Auditor and County Recorder after approval by the Board of County Commissioners and all other necessary certifications are obtained. The Planning Commission shall act on the final plat within 30 days after it has been filed, unless such time is extended by agreement with the developer/applicant. Failure of the Planning Commission to act upon the final plat within such time shall be deemed an approval of the plat.

- E. **Conditional Approval:** Conditional approval of a final plat shall be limited to minor clerical and other unsubstantial errors as determined by the Planning Commission. Said errors shall be satisfied by the developer/applicant within a time frame set by the Planning Commission or the final plat application shall be rejected. The Planning Commission President or his/her designate shall make a notation of conditional approval on the final plat application original.
  
- F. **Disapproval:** If the final plat is disapproved, the grounds for disapproval shall be stated in the records of the Planning Commission, and a copy of said record shall be forwarded to the developer/applicant. The Planning Commission President or his/her designate shall make a notation of disapproval on the preliminary plat application original. The Planning Commission shall not disapprove the final plat if the developer has done everything that he/she was required to do and has proceeded in accordance with the conditions and standards specified in the approved preliminary plat, if applicable. The developer/applicant shall make necessary corrections and resubmit the final plat within 30 days to the Planning Commission for its final approval. If a final plat is refused by the Planning Commission, the person resubmitting the plat, which the Planning Commission refused to approve, may file a petition in the Henry County Court of Common Pleas within 60 days after such refusal.

348 **CERTIFICATIONS OF APPROVAL**

The following certifications shall be indicated on the final plat application signed and dated, and are mandatory for final approval and recording of the plat:

- A. **Henry County Engineer** confirms that all improvement plans and survey(s) are accurate, and also requires the **Henry County Tax Map Department** to confirm that all potential deed, transfer and recording requirements can be met.
  
- B. **Henry County Health Department** confirms that all applicable water and sewage disposal regulations are satisfied.
  
- C. **Henry County Auditor** confirms that all taxes and assessments on the land in the subdivision have been paid.
  
- D. **Henry County Soil and Water Conservation District** confirms that unnecessary or excessive soil erosion and runoff will not result upon the land or adversely affect maintenance ditch drainage.
  
- E. **Henry County Planning Commission President** confirms that all applicable standards and conditions of these Regulations are satisfied.
  
- F. **Henry County Board of Commissioners** confirms the acceptance of any street,



highway, or public right-of-way whose dedication has been requested.

- G. **Township Board of Trustees President** (from which the subdivision is located) confirms that all applicable township zoning regulations are satisfied.

**350 FINAL PLAT EXPIRATION**

The developer/applicant shall record the final plat within 60 days of final approval, unless otherwise determined by the Planning Commission, or the final plat shall expire and become void. Final plat approval shall guarantee that the terms under which the approval was granted will not be affected by changes or amendments to these Regulations during that period.

**352 PUBLIC IMPROVEMENTS**

The Planning Commission may require that all public improvements be installed and dedicated prior to formal acceptance or recording of the final plat. If the Planning Commission does not require the prior installation and dedication of all public improvements, then the Planning Commission shall require that the developer furnish a performance guarantee for the installation of said improvements. *(See Article VII.)*

**354 RECORDATION AND TRANSMITTAL OF FINAL PLAT**

The developer/applicant shall submit the original final plat tracing, within 60 days of Planning Commission approval, with all required certifications for processing to the County Auditor, County Tax Map Department and County Recorder. The developer/applicant shall provide the Planning Commission one (1) copy of the recorded original final plat. Submittal of approved final plats to the County Auditor and County Recorder shall conform to the Henry County Land Transfer Policy *(See Appendix VII.)*

## ARTICLE IV

### MINOR SUBDIVISION PROCEDURES AND REQUIREMENTS

#### 400 **PURPOSE**

The purpose of these minor subdivision procedures and requirements are to provide for the orderly growth and harmonious development of Henry County, and are in accordance with *Section 711.131 Ohio Revised Code*.

#### 402 **INTERPRETATION**

The proposed subdivision of land in an unincorporated area of Henry County where such division creates 2 or more parcels, any one (1) of which is less than 5 acres is subject to this

Article. Such subdivision shall be submitted with application to the Henry County Planning Commission for review and approval without the requirement of a recorded plat.

**404     PRELIMINARY APPLICATION REVIEW**

The developer and/or applicant is encouraged to seek the assistance of the Henry County Planning Commission or its designated representative, prior to submitting an application, in order to understand and discuss all relevant issues and information. This preliminary review shall include the following:

- A.     Determine if the proposed subdivision is major or minor.
- B.     Explain applicable township zoning and County subdivision requirements to the applicant.
- C.     Review a rough sketch or map of the subdivision to determine if it meets the design requirements of applicable township and County requirements.
- D.     Present a formal application to the developer and/or applicant with complete instructions.

**406     APPLICATION FILING**

**A.     Application Form**

Application for minor subdivision approval shall be made on the forms supplied by the Henry County Planning Commission. Required information shall include:

- 1.     Name, address and phone number of applicant.
- 2.     Number of proposed lot splits.
- 3.     Name of the owner and location of each proposed lot split.
- 4.     Acreage and parcel number (if applicable) of each proposed lot split.
- 5.     The applicant must sign and date each application.

**B.     Fee**

An application filing fee is required for each proposed lot split and must be paid in full prior to review, or the application will not be accepted. *(See Appendix VIII.)*

**C. Plat of Survey**

A plat of survey shall be prepared by a certified and registered surveyor in the State of Ohio. The proposed subdivision must be physically marked to allow for inspection by County officials. All dimensions, both linear and angular, are to be determined by an accurate control survey in the field which must balance and close within the limit of one (1) in 5,000. The plat of survey shall also indicate a date the survey was performed and the signature of the current land owner.

**D. Legal Description**

A legal description by a certified and registered surveyor in the State of Ohio or a certified attorney indicating all dimensions of the survey plat of the proposed subdivision.

**E. Sketch Plan of Existing Structures**

Any proposed lot split that contains existing structures must submit a sketch plan indicating the footprint or base outline of all such structures. The sketch plan shall be drawn to a reasonable scale with a north directional arrow, and the front, rear and side yard setbacks shall be indicated in feet for all structures. In addition, if an existing sanitary sewage disposal system is contained on the proposed lot split, then the **approximate** location of that system shall also be indicated on the sketch plan. This includes the septic or aeration tank and any drainage tile or tile field that connects therefrom. The first point of outlet of any such tile shall also be indicated.

**F. Existing Sewage Disposal System Identification**

Any proposed lot split containing an existing sanitary sewage disposal system shall require the applicant to submit a sewage system identification form provided by the Henry County Planning Commission. The form requests that the applicant certify to the best of his/her knowledge the location and type of sewage disposal system that is also indicated on the sketch plan. An easement will be required for any part of a sewage disposal system that is contained and/or drains off-lot.

**G. Storm Water Management**

Any proposed lot split with no existing residential dwelling shall require the applicant to submit a storm water management form provided by the Henry County Planning Commission. The form requests that the applicant certify that provision will be made for management of storm water on the property.

**H. Vicinity Map**

A vicinity map, with a maximum scale of approximately one (1) inch equals 5000 feet, shall cover the general lands within and around the proposed subdivision, including the remaining property owned by the applicant. Upon request, the Henry County Planning Commission will provide a vicinity map reproduced from the most current edition of the *Henry County Plat Directory*.

**I. Deed (optional)**

Where possible, it is recommended that the deed of conveyance be submitted simultaneously with the minor subdivision application for review and approval. This will help expedite the land transfer process with the Henry County Tax Map Department and Henry County Auditor.

**408 MINOR SUBDIVISION DESIGN REQUIREMENTS**

Proposed minor subdivision lots shall conform to the following standards:

**A. Township Zoning Requirements**

The size, width, depth and shape of any proposed subdivision shall be in accord with all applicable township zoning requirements.

**B. Minimum Width and Area**

In areas not zoned, lots which are unable to be served by both public or centralized sanitary sewer and-public water systems, shall have a minimum width of 125 feet measured at the building setback line, and a minimum area of 1 acre.

**C. Depth to Width Ratio (3.5 : 1)**

Excessive lot depth in relation to width shall be invalid and avoided. A depth to width ratio of 3 ½ to one (1) shall be the maximum. Width shall be measured at the building setback line. Where a lot has multiple widths, the ratio will be applied to the average width. Average width shall be determined by adding the width at the narrowest point of the lot to the width at the widest point of the lot and dividing by 2. The Henry County Planning Commission may waive the ratio for lots that encompass or abut existing floodplains, wetlands, and wooded areas that act as a natural boundary in order to promote more efficient land use practice.

**D. Non-Residential Uses**

Lots intended for purposes other than residential use should be specifically designed for such purposes, and have adequate provision for off-street parking, setbacks, and loading and unloading areas in accord with township zoning regulations.

**E. Front or Abut Rule**

Every lot shall front or abut on a duly dedicated, accepted and improved public street. A lot may front or abut a private drive subject to applicable township zoning requirements and the following conditions:

1. The drive shall be an easement for access (ingress/egress) and utilities with a minimum width of 60 feet.
2. The drive shall provide a means of access from an existing public street to one (1) lot exclusively.
3. The drive shall contain a suitable surface capable of supporting motor vehicles with a recommended “lane” width of 12 feet.
4. The drive shall be maintained by the owner(s) of said easement.

These conditions are recommendations only for townships that allow easements, and requirements for areas not zoned. However, under no circumstances shall more than one (1) lot use a private access easement, and the Planning Commission shall not approve such lot(s) until the requirements for a duly dedicated, accepted and approved public street are met, in order to provide safe and proper access. This shall apply to any subdivision tract, parcel or lot regardless of size. The Planning Commission shall also prohibit multiple adjoining private access easements.

**F. Side Lot Lines**

Lots shall be at right angles or radial to the street lines.

**G. Corner Lots**

Where applicable, corner lots shall be laid out with access on the street or road with the lowest average daily traffic flows and/or minimal impacts related to stopping sight distance.

**H. Five-Lot Rule**

Under *Section 711.131 Ohio Revised Code*, a minor subdivision shall not involve no more than 5 lots after the original tract has been completely subdivided and shall be enforced by the Henry County Planning Commission as follows:

1. The Henry County Planning Commission shall only count those lots under 5 acres and previously subdivided by the current landowner of the original tract. However, the original tract residual (portion remaining after subdivision), regardless of size, will count as a lot.
2. July 21, 1972 shall be the furthest date from which lots shall be counted against the current landowner of the original tract.
3. If the current landowner of the original tract subdivides a sixth lot (simultaneously or cumulatively), whereupon 5 total lots each under 5 acres plus the original tract residual result, then the entire original tract and previous lot splits shall meet the major subdivision requirements of *Article III*.
4. When item 3. above results, it is recommended that lots previously split by the current landowner be platted as lots incorporated into the new major subdivision. Said lot owners may sign on the final plat granting approval, and new deeds shall not be required until such time as a future transfer and/or sale of those lots. New deeds shall change the metes and bounds description to reflect the applicable lot number of the new major subdivision. Said lot owners who elect not to become incorporated into the new major subdivision plat shall have their lots shown as out lots or “not included in plat”. All costs associated with platting requirements shall be the burden of the developer and/or current landowner of the original tract.

**410 REPLATS AND EXISTING RESIDUAL AND SINGULAR PARCELS**

When a proposed minor subdivision abstracts land from an existing parcel, and the existing residual parcel becomes less than 5 acres, or if the existing residual parcel is already less than 5 acres and is further reduced, then the existing residual parcel must also meet all applicable requirements of this Article. This shall also apply to any existing singular parcel reduced in size so that it becomes less than 5 acres, or if it is already less than 5 acres and is further reduced. However, any existing parcel less than 5 acres increased in size, or increased over 5 acres, may be exempt from these Regulations.

**412 SEWAGE SYSTEMS**

The Henry County Planning Commission requires all subdivisions and lot splits to be reviewed by the Henry County Health Department for preliminary approval and respective comments of any private sewage disposal system.

**414 FLOODPLAINS**

Proposed lot splits, or portions thereon, that are located within a special flood hazard area as identified on the current Henry County Flood Insurance Rate Maps (FIRM), shall meet all applicable requirements of the *Henry County Special Purpose Flood Damage Prevention Regulations*. Copies of the regulations and maps are available for review at the Henry County Planning Commission Office.

**416 WETLANDS**

Wetland systems, which may seasonally appear to be dry, function as a vital part of the waters and natural drainage areas of Henry County, and constitute a productive and valuable public resource. The benefits of wetlands are the following:

- A. Help control flooding.
- B. Filter polluted surface waters.
- C. Replenish subsurface water.
- D. Act as holding tanks for excessive storm water.
- E. May be used as parks and recreation areas.
- F. Provide breeding and feeding sites for waterfowl and game fish.

As a result, the Henry County Planning Commission strongly recommends that the developer and/or applicant contact the respective U.S. Army Corps of Engineers and/or Ohio Department of Environmental Protection Agency district office prior to development, in order to determine any applicable requirements.

**418 STORM WATER MANAGEMENT**

Subdivision applicants must provide verification of adequate storm water management. It shall be the discretion of the Henry County Planning Commission and/or Henry County Engineer to determine if a proposed subdivision application is located in an area having poor drainage characteristics and/or will require storm water management facilities due to the nature of the proposed use. If necessary, plans and specifications shall be required for review and approval prior to the approval of the application. Storm water management facilities may include the following:



- A. Surface drainage systems.
- B. Storm sewer and tile systems.
- C. Storm water retention structures.
- D. Open ditches and diversion channels.

No existing watercourse shall be altered in such a way as to change the amount or direction of flow, including cut and fill and placement of buildings or structures, without approval from the Henry County Engineer and/or Henry County Planning Commission.

The use of existing Henry County and township road tiles and outlets is discouraged and will not be allowed without review and approval of either the County Engineer and/or the township trustees. Additionally, such uses are subject to applicable local zoning regulations.

**420 CERTIFICATIONS REQUIRED FOR APPROVAL**

The Henry County Planning Commission or its designated representative will upon filing immediately forward one copy of the subdivision application to the following agencies for review and certification of approval:

- A. **Henry County Auditor** confirms that all taxes and assessments on the land in the subdivision have been paid.
- B. **Henry County Engineer** confirms that all improvement plans and survey(s) are accurate, and also requires the **Henry County Tax Map Department** to confirm that all potential deed, transfer and recording requirements can be met.
- C. **Henry County Health Department** confirms that all applicable water and sewage disposal regulations are satisfied.
- D. **Henry County Soil and Water Conservation District** confirms that unnecessary or excessive soil erosion and runoff will not result upon the land or adversely affect maintenance ditch drainage.
- E. **Township Zoning Inspector** (from which the subdivision is located) confirms that all applicable township zoning regulations are satisfied.

The Henry County Planning Commission or its designated representative shall also certify that the subdivision application meets all applicable subdivision and related requirements.

**422 APPROVAL OF MINOR SUBDIVISION APPLICATION**

The Henry County Planning Commission or its designated representative shall within 7 business days after application filing approve or disapprove the minor subdivision application. Disapproval and the reasons therefore shall be made on the application and/or official records of the Planning Commission.

**424 APPEAL BY APPLICANT**

An applicant who has been denied approval of a lot split may file an appeal with the Court of Common Pleas as set forth in *Chapter 711 Ohio Revised Code*.

**ARTICLE V**

**SUBDIVISION DESIGN STANDARDS**

**500 GENERAL STATEMENT**

The following design standards are to control the manner in which streets, lots and other

elements of a subdivision are arranged on the land. These design controls shall help insure convenience and safe streets, the creation of usable lots, the provision of space for public utilities, and the reservation of land for recreational uses. The planning of attractive and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned, haphazard growth.

The Planning Commission and appropriate County officials have the responsibility for reviewing the design of each proposed subdivision early in its design development. The Planning Commission shall insure that all requirements of *Article 5* are satisfied. All design plans shall be prepared by a professional engineer licensed in the State of Ohio.

**502 CONFORMITY TO DEVELOPMENT PLANS AND ZONING**

The arrangement, character, and location of all thoroughfares or extensions thereof shall conform with applicable thoroughfare plans, comprehensive plans, township zoning and other regulations of Henry County. Thoroughfares not contained in the aforementioned plans shall conform to the recommendation of the Planning Commission and the Henry County Engineer based upon the design standards set forth in this Article.

**504 SUITABILITY OF LAND AND PUBLIC FACILITIES**

The developer and/or their representative shall contact the Henry County Health Department for a determination of the method of waste water treatment to be used within the proposed subdivision.

If the Planning Commission finds that the land proposed to be subdivided is unsuitable for development due to inadequate waste water treatment, frequent flooding, poor drainage, unsuitable topography, or inadequate water supply, the commission shall not approve the land for subdivision unless adequate methods for solving the problems are advanced by the developer. Additionally, should the commission decide that the proposed subdivision will create an undue hardship for a public school, transportation facility or cause other conditions which may endanger health, life or property; produce a public nuisance or engender conditions that are not in the best interest of the public, the Planning Commission shall not approve the land for subdivision.

**506 STREET DESIGN**

The arrangement, character, extent, width, grade construction, and location of all streets shall conform with thoroughfare plans, comprehensive plans, applicable township zoning, and other regulations of Henry County. (*See Appendix II. & V.*) All streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed uses of the land to be served by such streets. Through traffic

shall be discouraged within the interior of a subdivision. The developer shall provide, within the boundaries of the subdivision plat, the necessary rights-of-way for the widening, continuance, or alignment of such streets. The Planning Commission reserves the right to disapprove any street plan which does not represent good design or does not insure continuity of existing street systems.

Information regarding Henry County soils, their CBR ratings, traffic counts and most other technical information not otherwise contained herein are available for reference in the Henry County Engineer's Office. Materials and construction procedures shall be in accordance with the current Construction and Materials Specifications of the State of Ohio Department of Transportation or the specifications on file in the Henry County Engineer's Office, whichever are more stringent.

**508 STREET DESIGN STANDARDS FOR CUL-DE-SACS**

The maximum length of a street with a cul-de-sac shall be 1000 feet. The terminal right-of-way shall be a circular area with a minimum radius of 60 feet measured from a point on the street centerline. (See Appendix V.)

**510 STREET NAMES AND SIGNS**

Street name signs or numbers of a type in use throughout Henry County shall be erected by the developer at all intersections. Names of new streets shall not duplicate or nearly duplicate those of existing or platted streets, irrespective of the use of the suffix "street," "avenue," "circle," "boulevard," "drive," etc., and shall be displayed at each street intersection with street signs of the type established by the County. When a new street is a direct extension of an existing street, the name shall remain the same. Sign color shall conform with County requirements. Street names shall be subject to the approval of the Planning Commission. The developer is responsible for the cost of purchasing and installing all signage.

**512 RIGHTS-OF-WAY FOR ALL STREETS**

The rights-of-way for thoroughfares shall be in accordance with thoroughfare plans, and the minimum requirements shall be as follows:

**TABLE 1  
STREET RIGHTS-OF-WAY**

<b><u>Street Type</u></b>	<b><u>R/W Width (Feet)</u></b>
<b>Limited Access Highway</b>	<b>300</b>

<b>Primary Thoroughfare/Arterial</b>	<b>80</b>
<b>Secondary Thoroughfare/Collector</b>	<b>80</b>
<b>Local</b>	<b>60</b>
<b>Marginal Access</b>	<b>60</b>
<b>Cul-de-sac</b>	<b>60</b>

For all street classifications with the exception of cul-de-sacs, the minimum right-of-way width shall be 60 feet and minimum pavement width shall be 20 feet. The minimum pavement width for cul-de-sacs (radius) shall be 45 feet and fully paved. *(See Appendix V.)*

Where an existing roadway is abutting proposed building lots, the right-of-way and/or roadway width must conform to Table 1.

The minimum right-of-way width of local streets in single and two-family districts shall be 60 feet, except where there are unusual topographical or other physical conditions, the Planning Commission may require a greater width for a local street. The minimum right-of-way width of local streets serving multiple family dwellings shall be 80 feet.

**514 SPECIAL STREET TYPES**

The following requirements shall apply to special street types:

- A. Dead-end Streets:** Permanent dead-end streets shall not be permitted. Temporary dead-end streets shall be permitted only as a segment of a continuing street plan subject to extension into undeveloped acreage. Temporary dead-end streets shall extend to the boundary of such undeveloped acreage and shall be provided with an interim turnaround satisfactory to the Planning Commission in design. The Planning Commission shall reserve the right to limit the length of such a dead-end street based on principles of proper planning, and the Planning Commission may require a street to extend to the boundary between a proposed subdivision and the undeveloped acreage to provide for future development.
- B. Half-Streets:** The dedication of new half-streets shall not be permitted if a parcel to be subdivided exists adjacent to a dedicated or platted and recorded half-width street or alley, the other half-width of such street or alley falling within the proposed subdivision shall be platted, providing that, in the opinion of the Planning Commission, such right-of-way is necessary for the proper development of the area.

- C. **Marginal Access Streets:** Where subdivision lots would require direct vehicular access onto an existing or proposed primary or secondary thoroughfare, a marginal access street shall be designed. A planting strip of a minimum width of 20 feet shall be provided between the primary or secondary route and the marginal access street.
  
- D. **Railroad Right-of-way:** Where a subdivision borders on or contains the right-of-way of a railroad or an expressway, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way at a distance which will permit appropriate use of the land situated between such right-of-way and the required parallel streets. Such distance shall also be determined with due regard for the requirements of approach grades and future grade separations. In addition, the commission may also require the provision of buffer planting strips, the platting of loop streets or cul-de-sacs connected to such parallel streets, or any combination of such.
  
- E. **Cul-de-sac:** Cul-de-sac streets shall not exceed a length of 1,000 feet measured to the center of the radius turnaround. The terminus may be circular with a minimum radius of 60 feet measured from a point on the street centerline. Other termini types, such as “T’s” or vegetated islands, are acceptable and subject to review and approval by the Henry County Engineer and Planning Commission. Cul-de-sacs may exceed 1000 feet with an intermediate turnaround depending upon the number of lots served by the street.
  
- F. **Dedication of Land:** In subdividing land along existing streets or roads and within a proposed subdivision, provisions for the dedication of land for one (1) or more streets to undeveloped land not fronting on an existing street or road shall be incorporated. Said access streets shall be spaced no less than 800 feet nor more than 1,400 feet apart.
  
- G. **Alleys:** Alleys shall not be approved in residential subdivisions except where justified by extreme conditions. Alleys may be approved in commercial and industrial subdivisions if no other provisions can be made for adequate service access. The minimum widths for alleys shall be 20 feet and they shall be publicly dedicated. Alley intersections, sharp changes in alignment, and dead-ends shall not be permitted unless extreme conditions would warrant such permission.

**516 COMMERCIAL AND INDUSTRIAL SUBDIVISION STREETS**

Streets in commercial and industrial subdivisions shall be so planned as to minimize conflict between vehicular and pedestrian movement. Such streets shall connect with arterial streets so as not to generate excess traffic on residential streets. The Planning Commission may require marginal access streets in such subdivisions to provide maximum safety and convenience.

**518 HORIZONTAL ALIGNMENT**

Horizontal street curves shall have the following minimum radii of centerline curvature:

**TABLE 2  
HORIZONTAL STREET CURVE ALIGNMENT**

<b><u>Street Type</u></b>	<b><u>Centerline Curvature (Feet)</u></b>
<b>Primary Thoroughfare/Arterial</b>	<b>300</b>
<b>Secondary Thoroughfare/Collector</b>	<b>200</b>
<b>Local</b>	<b>100</b>

A minimum tangent of at least 100 feet shall be provided between reversed curves on all residential streets; greater tangential lengths shall be required on collector and arterial streets and other higher order thoroughfares.

The Planning Commission may modify the aforementioned minimum standards in the following situations:

- A. When a collector or local street's lines deflect from each other at any point by more than 10 degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than 200 feet or with such greater radius as the Planning Commission may deem necessary for the particular situation.
- B. For arterial streets, curves with radii adequate to insure longer sight distances may be required by the Planning Commission.
- C. In subdivisions where the street pattern is curvilinear, curves shall have radii acceptable to the Planning Commission.

**520 VERTICAL ALIGNMENT (Grades)**

No street grade shall be less than one-half percent and shall not exceed the following (with due allowances for reasonable vertical curves):

**TABLE 3  
VERTICAL ALIGNMENT GRADES**

<u>Street</u>	<u>Maximum Grade</u>
<b>Primary Thoroughfare/Arterial</b>	<b>5%</b>
<b>Secondary Thoroughfare/Collector</b>	<b>6%</b>
<b>Local</b>	<b>8%</b>
<b>Intersection Approach (100 ft. minimum)</b>	<b>4%</b>
<b>Rate of Change Grade</b>	<b>4%</b>
<b>Minimum Grade (curbs and gutters)</b>	<b>0.1%</b>

**522 MINIMUM PAVEMENT WIDTH**

The Planning Commission shall require concrete curbs of either the vertical type or the combination curb and gutter within those subdivisions outside the city and village limits but within one (1) mile of said city or village limits. The width of pavement on these streets shall not be less than 25 feet as measured from face to face of curb where curb or curbs and gutters are required. The width of pavements for all other areas shall be 20 feet without curb and gutter or 25 feet with curb and gutters. Roadside ditches shall be provided where curb and gutters are not required. The roadside ditch grade shall be:

- A. Maximum 1%**
- B. Minimum 0.05%**

Catch basins shall be provided at a distance not greater than 1,000 feet apart. The pavement of cul-de-sacs shall have a minimum pavement radius of 45 feet (fully paved). The "T" or "Y" shaped turnarounds, when approved by the Planning Commission, shall be paved entirely across the width of the street right-of-way.

**524 INTERSECTION DESIGN STANDARDS**

Proposed streets shall intersect one another as nearly at right angles as topography or other limiting factors will permit. No intersection of streets at angles less than 60 degrees shall be approved unless justified by extreme topographical conditions. In such a case, special provisions as deemed necessary by the Planning Commission shall be made in designing the intersection to afford a satisfactory sight distance of approaching vehicles from each intersecting street.



Residential street intersections shall be rounded with a 25 foot radius measured at the back of curbs, or 35 foot radius measured at edge of pavement without curbs, if such intersections occur at right angles. Under the same condition and measured similarly, all other intersections shall be rounded with a radius deemed appropriate by the Planning Commission. If an intersection at an angle less than 60 degrees is unavoidable, the radius of curvature shall be such as to allow vehicles, especially trucks and buses, to make right turns and proceed in the proper lane without encroaching upon the high speed lane of a multi-lane thoroughfare or across the centerline of a two-lane thoroughfare.

Street jogs at intersections with centerline offsets shall be avoided. Points of access to a primary or secondary route shall be spaced at a minimum of 800 feet.

**TABLE 4  
SUMMARY OF INTERSECTION DESIGN STANDARDS**

<b>Minimum Right-of-way Width</b>	<b>60 ft.</b>
<b>Minimum Cul-de-sac Radius to Right-of-way</b>	<b>60 ft.</b>
<b>Minimum Cul-de-sac Radius to Outer Pavement Edge</b>	<b>45 ft.</b>
<b>Minimum Edge of Pavement Radius at "T" Intersections</b>	<b>50 ft.</b>
<b>Minimum Pavement Width</b>	<b>20 ft.</b>
<b>Minimum Stopping Sight Distance</b>	<b>350 ft.</b>
<b>Minimum Center Line Radius With an Angle Turn of:</b>	
<b>A. Between 80 and 100 -</b>	<b>50 ft.</b>
<b>B. Less than 80 or More than 100</b>	<b>200 ft.</b>
<b>Minimum Grade</b>	<b>0.6 %</b>
<b>Maximum Grade</b>	<b>3 %</b>

**526 EASEMENTS**

All easements shall be a minimum of 20 feet in width. Where utilities are located outside street right-of-way lines, easements at least 20 feet in width centered along rear or side lot lines shall be provided. All easement locations shall be approved by the utility company or

County agency involved, and where necessary, easements of **greater** width may be required by the Planning Commission. Easements shall also be provided along every water course, storm sewer, or drainage channel within a subdivision as provided in *Sections 544 E., 550 and 610* of these Regulations.

## **528 DRIVEWAYS**

Driveways shall not exceed a 15% percent grade. Driveways and curb cuts shall not be located closer than 5 feet from the side lot line. Curb cuts of straight curbs and the flare or rolled curbs shall be a minimum of 5 feet wider than the driveway pavement on each side.

A driveway permit or letter indicating the access point as approved shall be obtained from the office of the Henry County Engineer, or Ohio Department of Transportation. Proof of such permit shall be submitted with the final plat, or plat dedication shall include a statement requiring all lot owners to apply for a driveway permit prior to development.

### **A. Responsibility for Construction and Maintenance**

1. Unless otherwise provided in the *Ohio Revised Code*, the owner of land shall construct and keep in repair all approaches or driveways from the public roads. If in the construction, improvement, maintenance, and repair of any road the approach or driveway of an abutting property owner is destroyed, the authorities constructing, improving, maintaining, or repairing such road shall compensate the property owner for the destruction of his approach or driveway, or in lieu thereof.
2. All material, labor and equipment necessary for construction and proper maintenance of approaches, driveways, and enclosure of roadside ditches shall be furnished by the property owner at his/her expense.

### **B. Design Regulations**

1. Commercial drives shall be designed and installed as detailed in the *Driveway Access Manual* prepared by the Ohio Department of Transportation, Bureau of Location and Design.
2. Approach or drive profile adjoining pavement shall conform to shoulder contour and be so constructed that no surface water will be drained onto the roadway surface.
3. Pipe for drives and/or roadside ditch enclosures shall be laid in line and grade of adjacent roadside ditch, quality and diameter of pipe being specified by the district deputy director and/or the Henry County Engineer at the time the

application for permit is approved. No pipe in diameter will be specified less than 12 inches.

4. To assure proper installation, a qualified representative of the district deputy director and/or the Henry County Engineer shall inspect the installation of the pipe and catch basins authorized by any permit.
5. The property owner shall notify the district deputy director and/or the jurisdiction having proper authority at least 24 hours prior to such installation.

**530 OFF-STREET PARKING**

An adequate number of off-street parking spaces shall be provided in all developments to accommodate residents and visitors. This requirement shall be satisfied per applicable township zoning and/or State of Ohio building codes.

**532 LOTS**

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

- A. The lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development.
- B. All lots shall conform to or exceed the requirements of these Regulations and any applicable township zoning requirements for width, area and frontage.
- C. Each lot shall front on, be contiguous to, abut or border on a duly dedicated, accepted and improved public street or approved private street that meets public street standards.
- D. All side lines of lots shall be at right angles to straight street lines and radial to curved street lines except where a variation to this rule will provide a better street and lot layout. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. Residential lots abutting arterial or collector streets, where marginal access streets are not desirable or possible to attain, shall be designed as reverse lots or with side lot lines parallel to the major traffic streets. These requirements may be waived by mutual consent of the Planning Commission and the Henry County Engineer.

- E. In areas not zoned, subdivisions designed for multiple-family development shall have a minimum lot width of 70 feet at the building setback line and a minimum area of 15,000 square feet.
- F. In areas not zoned, lots which are unable to be served by both public or centralized sanitary sewer and public water systems, shall have a minimum width of 125 feet measured at the building setback line, and a minimum area of 1 acre.
- G. In case of unusual soil conditions or other physical factors which may impair the health and safety of the neighborhood in which a subdivision may be located, the Planning Commission may require larger lot widths and lot areas as may be necessary. The construction plans for the subdivision shall include the soils designation. The soils data may be obtained from the Henry County Soil and Water Conservation District office.
- H. In areas not zoned, no corner lot shall have either width at the building setback line of less than 125 feet, unless served by public water and/or sewer.
- I. The Planning Commission may limit to a maximum ratio of 3.5 : 1 - the depth to width of lots for the most efficient use of land.
- J. Zoned townships establish front yard setback lines which should be met. The Planning Commission may require additional setback in unique situations.
- K. In areas not zoned, a commercial or industrial lot shall have a minimum lot width of 150 feet at the building setback line and a minimum lot area of 21,780 square feet.

**534 SIDEWALKS**

- A. Sidewalks may be required in all subdivisions, subject to applicable township zoning regulations and the Federal Americans with Disability Act (ADA) requirements.
- B. In conventional developments, sidewalks shall be placed in the right-of-way, parallel to the street, unless an exception has been permitted to preserve topographical or natural features or to provide visual interest, or unless the developer shows that an alternative pedestrian system provides safe and convenient circulation. In commercial and high-density residential areas, sidewalks may abut the curb.
- C. Pedestrian related easements 10 feet wide may be required by the Planning Commission through the center of blocks to provide circulation or access to schools, playgrounds, shopping or other community facilities.

- D. Sidewalks shall measure 4 feet in width, but wider widths may be necessary near pedestrian generators and employment centers. Where sidewalks abut the curb and parked cars overhang the sidewalk, widths shall be 5 feet. The width of graded areas shall be the same as for sidewalks.
- E. Public sidewalks may be required for industrial lots, subject to the approval of the Planning Commission.

**536 BUILDING LINES**

Where the subdivided area is not under township zoning control and is to be used for residential purposes, the developer shall establish setback lines in accordance with the character of the development, but in no case shall the front yard setback line be less than 90 feet from the center of the traveled portion of the street or thoroughfare upon which the lot fronts. Restrictions requiring buildings to be set back to such setback lines shall be shown on the plat.

**538 BLOCKS**

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

- A. The arrangement of blocks shall conform to the street design criteria set forth in this Article.
- B. Blocks shall be arranged to accommodate lots and building sites of the size and character required by these Regulations and any applicable township zoning resolution, to provide for adequate community facilities, and to regard the limitations and opportunities of topography.
- C. Irregularly shaped blocks, those intended for cul-de-sacs and loop streets, and those containing interior parks or playgrounds may be approved by the Planning Commission.
- D. No block shall be longer than 1,400 feet nor less than 800 feet. The block shall normally accommodate 2 tiers of lots and shall have a minimum width of 250 feet, except where unusual topography or other extreme physical circumstances exist.
- E. Where blocks are more than 900 feet in length, a crosswalk easement not less than 10 feet in width at or near the halfway point of the block may be required.
- F. Blocks intended for commercial and industrial subdivisions shall be designed specifically for such purposes and shall include adequate provisions for parking,

loading, and delivery services. Such blocks shall not be less than 250 feet in width nor less than 1,000 feet in length.

**540 CURBS AND GUTTERS**

The requirements for curbs and gutters will vary according to the character of the area and the density of development. In areas of notable flash flooding or heavy rain run-off, curbs shall be required to channel the flow of water. Curbs shall be required on all streets designed for areas where the existing or anticipated residential density of the area surrounding the proposed subdivision equals or exceeds 3 dwelling units per net acre. In commercial developments, or where other similar intensive urban uses exist or are anticipated, curbs shall be required. Where curbs exist on abutting properties, their extension shall be required throughout the proposed subdivision. Curbs and gutters, shall be constructed in conformance with the current *Construction and Materials Specifications of the State of Ohio Department of Transportation*.

**542 OPEN DITCHES**

Open ditch construction for roadside drainage shall be permitted in low density areas, and constructed according to Ohio Department of Transportation specifications. Minimum depth of ditches shall be 18 inches below the edge of pavement, and one (1) foot minimum at top of hill and toe of bank. All ditches shall be protected against erosion. Seeding and mulching shall be used in ditches up to 2.5%. Sod or Rip-Rap shall be used in the bottom and sides of ditches up to 5%, and tile or paved gutters shall be used in ditches over 5%.

**544 STORM WATER MANAGEMENT FACILITIES**

Subdivision applicants must provide verification of adequate storm water management. If the proposed subdivision is located in an area having poor drainage or other adverse physical characteristics, the Planning Commission may approve the subdivision provided

the developer agrees to perform such improvements as will render the area safe for the intended use.

Storm water management facilities shall be provided and may include the following:

- A. Surface drainage systems.
- B. Storm sewers and tile systems.
- C. Storm water runoff control structures.

D. Open ditches and diversion channels.

Other storm water management considerations:

- E. Access to storm water management facilities shall be by means of easement. Such easements along existing open ditches and channels shall not be less than 20 feet along one (1) side of the ditch or channel measured from the top of the back of the open ditch or channel.
- F. Adequate measures for the protection of open and closed drainage channels shall be provided. Easements for storm sewers and tile systems shall be a minimum of 20 feet in width centered on the centerline of the storm sewer or tile drain.
- G. Whenever a storm water management facility has a depth of 5 feet or more, or a bank slope of 2 feet horizontal to one (1) foot vertical or steeper, a 5 foot high masonry wall, or a 5 foot high chain link fence and/or guard-rail may be required by the Planning Commission.
- H. The preferred runoff pattern shall be towards the street. The design of streets and grading shall be such that runoff from roofs, driveways, and other impervious surfaces will be collected in ditches and/or gutters in short runs 300 feet to 400 feet in length. The runoff shall then be diverted from the surface into storm sewers or the natural water course. Streets shall be located away from water courses unless storm sewers are to be installed.
- I. Property lines shall be so designed as to follow drainage easements, except that such easements may cross lots larger than one (1) acre.
- J. No existing watercourse shall be altered in such a way as to change the amount or direction of flow, including cut and fill and placement of buildings or structures, without approval from the Henry County Engineer and/or Henry County Planning Commission.
- K. The use of existing Henry County and township road tiles and outlets is discouraged and will not be allowed without review and approval of either the County Engineer and/or the township trustees. Additionally, such uses are subject to applicable local zoning regulations.

## **546 BRIDGE AND CULVERTS**

Where natural drainage channels intersect any street right-of-way, it shall be the responsibility of the developer to have satisfactory bridges and/or culverts constructed. Where culverts are required, minimum requirements shall be observed as follows:

- A. All bridges and culverts shall be designed according to Ohio Department of Transportation design standards and/or as authorized by the Henry County Engineer.
- B. Driveway culverts shall have a minimum length of 20 feet, and a minimum diameter of 12 inches. The driveway culverts shall be laid so as to maintain the flow lines of the ditch or gutter. Depending on existing conditions, head walls may be required.

**548     EXTENSION TO BOUNDARIES**

The developer may be required to extend the necessary improvements (public) to the boundary of the proposed subdivision to serve any adjoining owner(s) of land, as determined by the Planning Commission.

**550     OFF-SITE EXTENSIONS AND RIGHTS-OF-WAY (Shrubbery And Utilities)**

Electrical service, gas mains and other utilities, as well as street tree planting should be provided within each subdivision. No trees, bushes, hedges or other ornamental shrubbery shall be planted or allowed to exist within street or utility rights-of-way nor on a lot within 8 feet of a street line. Utility rights-of-way shall not be fenced off within the easement or obstructed in any manner to interfere with public utility uses.

If streets or utilities are not available at the boundary of a proposed subdivision, and if the Planning Commission finds the extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a County expense until some future time, the developer may be required, prior to approval of the final plat, to obtain easements of rights-of-way and construct and pay for such extensions.

**552     PUBLIC SITES, OPEN SPACE AND NATURAL FEATURES**

- A. Where a park, playground, school, public access to water frontage, or other public uses, which are contained within any applicable comprehensive plan are located in whole or in part in a proposed subdivision, the Planning Commission may request the dedication of such area within the subdivision or that provision may be made for the acquisition of such area by the proper agency within a period of 2 years or other mutually acceptable period.
- B. The Planning Commission, in conjunction with applicable township zoning regulations, may require up to 5% of a subdivision, exclusive of streets, to be allocated for recreational purposes. Such requirement shall depend upon the size of the proposed subdivision, the density of population, the location of subdivision in



relation to existing public open spaces, and other similar determining factors. Deed restrictions shall be incorporated denoting the mutual maintenance responsibilities of such areas.

- C. Where a large scale subdivision or planned unit development is proposed, the Planning Commission may require that consideration be given to sites for schools, parks, playgrounds, and other such areas for common use and the provision may be made for such reservation or acquisition by the proper agency.
- D. The Planning Commission reserves the right to deny approval to a subdivision that disregards the preservation of natural features such as wooded areas, water courses, beaches, areas of natural or historical significance, and similar irreplaceable assets which add value to residential development and the community.

#### **554 SOIL EROSION REQUIREMENTS**

In the development of a subdivision, the developer shall not create a situation where the erosion of soil may impair a public or private surface ditch, stream, or river; nor shall excessive amounts of sediment be deposited onto an adjoining property. Adequate controls of erosion and sedimentation of both a temporary and permanent nature shall be provided during all phases of clearing, grading and construction to conserve soil resources and to insure water quality.

In the event that any developer shall intend to make changes in the contour of the land to a degree that erosion and sedimentation may occur, the developer shall submit an erosion and sedimentation plan for review and approval to the Planning Commission. Such plan shall be certified by a professional engineer registered in the State of Ohio. The Planning Commission will request review of the plan by the Henry County Soil and Water Conservation District. Failure to employ the recommended practices is cause to restrain the developer from future work until he/she complies with the recommendations.

When a proposed development area consists of 5 or more acres of earth-disturbing activities, the developer and/or owner of record shall develop and submit to the Ohio Environmental Protection Agency for review and approval, a soil erosion and sedimentation control plan. Such a plan shall contain sufficient information, drawings and notes to describe how soil erosion and off-site sedimentation will be kept to a minimum, both during and after construction. A copy of such plan shall be filed with the Planning Commission.

#### **556 FERTILIZING, SEEDING AND MULCHING**

All soil areas within the right-of-way shall be fertilized, seeded, and mulched as soon as possible following grading operations. Work shall be done in accordance with the

*Construction and Materials Specifications of the State of Ohio Department of Transportation.* Seeding formula shall also conform to said specifications for urban areas in character and in front of a residence. Plan gutter grades shall be maintained to prevent localized ponding of water.

**558 FLOODPLAIN AREAS AND FLOOD PREVENTION REGULATIONS**

Any area of a proposed subdivision which is located within or expected to be located within any special flood hazard area of Henry County as depicted on the Henry County Flood Insurance Rate Maps (FIRM), shall be subject to the provisions of the current *Henry County Special Purpose Flood Damage Prevention Regulations*.

## ARTICLE VI

### SUBDIVISION UTILITY PLANNING STANDARDS

#### 600 GENERAL STATEMENT

The following standards shall guide and control the planning of utilities and their placement for the proposed subdivision. A professional engineer, licensed in Ohio, shall design all plans and/or construction drawings for public water and sewer systems, and shall submit them to the Henry County Water And Sewer Advisory Board for approval before installation of the respective facilities. In addition, all utilities located within a street right-of-way shall require proposed design plans and/or construction drawings to be submitted to the Henry County Engineer for approval before installation of the facilities.

#### 602 SANITARY SEWER

The following requirements shall govern sanitary sewer improvements:

- A. Where an adequate public sanitary sewer system is reasonably accessible, in the determination of the Planning Commission, the Henry County Health Department, or the Ohio EPA, public sanitary sewers shall be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the Ohio Environmental Protection Agency, the Henry County Water and Sewer Advisory Board and the political subdivision having jurisdiction. Combinations of sanitary sewers and storm sewers shall be prohibited.
- B. Where a public sanitary sewer system is not reasonably accessible, the developer may provide:
  - 1. Lots served by individual on-lot disposal systems may be permitted as approved by the Henry County Health Department.
  - 2. In special cases, a centralized or package sewerage treatment system may be

permitted by the Planning Commission. Such sewerage systems must be installed in accordance with the requirements of the Ohio Environmental Protection Agency, and the Henry County Water and Sewer Advisory Board.

- C. Where the installation of individual disposal systems is considered, the suitability of the soil for individual systems, the absorptive ability of the soil, surface drainage, ground water level, and topography shall be the criteria for determining whether or not the installation of individual systems is permissible. Criteria shall be in accordance with the requirements of the Henry County Board of Health and the Ohio Department of Health.

#### **604 WATER SUPPLY**

The following requirements shall govern water supply improvements:

- A. Where public water supply is reasonably accessible or required because of groundwater pollution problems, in the determination of the Planning Commission, the subdivision shall be provided with a complete water distribution system, including a connection for each lot and fire hydrants where permitted or required. Public water distribution and public well systems shall meet the requirements of the Ohio Environmental Protection Agency, the Henry County Water And Sewer Advisory Board, and the political subdivision having jurisdiction.
- B. Where public water supply is not available or not required, the developer shall supply acceptable evidence of the availability of water. The developer may be required to drill one (1) or more well tests in the area if such evidence is deemed not acceptable. Copies of well logs, which are obtained, shall include the name and address of the well driller and shall be submitted with the plat to the Planning Commission.
- C. Individual private wells shall be designed and located in accordance with the requirements of the Henry County Board of Health and the Ohio Department of Health; and shall not be located within any areas of flooding.

#### **606 FIRE PROTECTION**

The type and location of hydrants and control valves shall be approved by all applicable agencies including: the fire chief having jurisdiction, Henry County Engineer, Henry County Water And Sewer Advisory Board, the political subdivision having jurisdiction, Ohio Environmental Protection Agency, and the Ohio Inspection Bureau for Commercial and Industrial Subdivisions.

The location of dry fire hydrants may be a consideration for rural subdivisions without water mains of sufficient size for adequate fire protection. Dry hydrants are located in ponds to provide a water source for rural fire fighters.

**608 ELECTRIC, GAS AND TELEPHONE**

- A. Electric service and telephone service shall be provided within each subdivision. Gas service may be required where reasonably accessible. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat.
- B. Overhead utility lines, where permitted, shall be located at the rear of all lots. The width of the easement per lot shall not be less than 10 feet and the total easement width shall be not less than 20 feet.
- C. Whenever a sanitary sewer line, electric and/or telephone line are each placed underground in the same utility easement, the following provisions shall be applicable:
  - 1. The total easement width shall not be less than 20 feet.
  - 2. The sanitary sewer line shall be installed within 5 feet of one (1) side of the easement, and the electric and/or telephone lines shall be installed within 3 feet of the opposite side of the easement.

**610 EASEMENTS**

Easements at least 20 feet in width centered along rear or side lot lines shall be provided where necessary for sanitary sewers, gas mains, water lines, electric lines, watercourses, storm sewers, drainage channels, or streams.

**612 OVERSIZED AND OFF-SITE IMPROVEMENTS**

The utilities, pavements, and other land improvements required for proposed subdivisions may be required to be oversized or extended in order to serve nearby land which is an integral part of the neighborhood service or drainage area when determined by the appropriate agency.

**614 COSTS OF OVERSIZED IMPROVEMENTS**

The developer shall be required to pay for only that part of the construction costs for the respective utilities or improvements which are serving the proposed subdivision as determined by the appropriate agency and approved by the Planning Commission. Henry County may pay the difference between the costs of required improvement for the proposed subdivision and improvements required to service the surrounding areas specified in *Section 612*.

**616 PROVISIONS FOR MAINTENANCE AND OPERATION**

Where the subdivision contains sewers, sewage treatment plants, water supply systems, park areas, street trees or other physical facilities necessary or desirable for the welfare of the area, and which are of common use or benefit, and which are of such character that Henry County does not desire to maintain them, then provision shall be made by trust agreements. These are to be a part of the deed restrictions and are acceptable to the proper agencies of the County for the continuous maintenance and supervision of such facilities by the lot owners in the subdivision.

## ARTICLE VII

### REQUIREMENTS FOR CONSTRUCTION OF IMPROVEMENTS

#### 700 GENERAL STATEMENT

The developer shall be responsible for the design and construction of improvements which must not be less than the standards outlined in these Regulations. All of the required improvements shall be constructed only after the plans and specifications therefore have been approved by the Henry County Planning Commission and endorsed by the appropriate public officials. Arrangements shall be made to provide for inspection of the improvements, sufficient, in the opinion of the Planning Commission and/or the Henry County Engineer to insure compliance with the plans and specifications as approved. However, written approval shall be obtained from the Planning Commission and/or Henry County Engineer to begin construction of the improvements. All improvements shall be constructed to comply to the Construction and Materials Specifications of the State of Ohio Department of Transportation, and other pertinent specifications designated by Henry County. All inspection costs shall be paid by the developer.

#### 702 GUARANTEE FOR INSTALLATION OF IMPROVEMENTS

##### A. **Improvement and Cost Estimate Information**

Before the signing of the final plat, the developer shall be required to complete, to the satisfaction of the Henry County Engineer or other appropriate agency, all the streets, sanitary sewer improvements, and other public improvements, including lot improvements on the individual lots, as listed on the pre-application sketch plan and/or preliminary plat and engineering plans as construction-certified on the final

plat. When required improvements are not completed, the developer shall insure their completion with a performance guarantee acceptable to the Henry County Planning Commission and Board of County Commissioners.

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

**B. Performance Guarantee for Installation and Maintenance of Improvements**

To guarantee the construction and/or maintenance of required improvements prior to the approval and recording of the final plat, the developer shall be required to provide a performance guarantee in one (1) or a combination of the following arrangements:

1. Performance Bond, Certified Check, or Irrevocable Letter of Credit

The developer shall post a bond, executed by a surety company authorized to do business in the State of Ohio, or a certified check or irrevocable letter of credit equal to the estimated cost plus 10 percent of the required improvements. The bond shall be in favor of the Board of County Commissioners, and shall guarantee construction of the improvements according to the plans and specifications approved by the Planning Commission. The term of the bond shall not exceed 2 years plus a one (1) year maintenance period for a total of 3 years. The Planning Commission may grant an extension where due cause can be shown. The bond amount can be reduced to a percentage of its original amount during the one (1) year maintenance period. Under no circumstances shall the required performance bond, cash deposit, or irrevocable letter of credit be tied to or be considered a portion of the developer's financing for the development.

2. Deposit

The developer may make a deposit with the Henry County Treasurer, with a responsible escrow agent, or with a trust company. The deposit shall be money or negotiable bonds in an amount equal to the estimated cost plus 10 percent of the required improvements. If a cash deposit is made, an agreement may be executed to provide payments to the contractor or the developer from the deposit as the work progresses and is approved by the responsible County officials.

3. Contract Documents or Escrow Agreements



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

**C. Completion of Work and Reduction of Security**

As required improvements are completed, the Board of County Commissioners may, with concurrence of the Henry County Engineer and Planning Commission, reduce the amount of the performance bond, cash deposit, or irrevocable letter of credit, in the following increments: 25%, 50% and 75%. 22% of the remaining amount of the guarantee shall be released when all construction, installation, and improvements by the developer's contract have been completed and approved by the respective government authorities. The remaining 3% will be held for a one (1) year maintenance period. Performance bonds, cash deposit, or irrevocable letter of credit for roads, storm drainage, water and sanitary sewer improvements shall not be released independently.

**D. Failure to Complete Improvements**

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

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

The developer shall have properly constructed and maintained all required improvements at the time he requests their acceptance by the Board of County Commissioners. Upon completion of all improvements, the developer shall request that the Henry County Engineer perform an inspection for conditional acceptance. After the inspection, the County Engineer will do one (1) of the following :

1. Issue a letter to the Board of County Commissioners, with a copy to the developer, recommending conditional acceptance and the amount of a maintenance bond.
2. Issue a letter to the developer, with a copy to the Board of County Commissioners listing items of work necessary to accomplish satisfactory completion of the improvements.

Upon completion of the improvements and conditional acceptance by the Board of County Commissioners, the developer shall furnish a maintenance guarantee in the amount of 3% of the total performance guarantee or \$1000.00, whichever amount is the larger. The developer shall be responsible for routine maintenance of all improvements and shall repair all failures due to faulty construction as soon as they become apparent. Said developer shall also make repairs due to erosion or abuse by utility companies installing utilities and shall repair all failures, for all other reasons, during the one (1) year period. He/she shall restore the improvements at the end of the maintenance period.

The improvements will be eligible for final acceptance one (1) year after the conditional acceptance. The maintenance bond shall remain in effect until final acceptance by the Board of County Commissioners. Before the Board of County Commissioners will release the maintenance bond or maintenance fund, the developer shall submit a sworn statement that all bills and financial obligations incurred for maintenance or restoration of the subdivision improvements have been fully paid.

One (1) year after conditional acceptance, the developer shall, after restoring all improvements to an acceptable condition, and after all monies are paid, request that the Henry County Engineer perform an inspection for final acceptance. After the inspection, the County Engineer will do one (1) of the following:

1. Issue a letter to the Board of County Commissioners, with a copy to the developer, recommending final acceptance of the improvements and release of maintenance bond(s).
2. Issue a letter to the developer, with a copy to the Board of County Commissioners, listing items of work necessary to accomplish before the recommendation for final acceptance can be made.

## **ARTICLE VIII**

### **ADMINISTRATION AND ENFORCEMENT**

#### **800 GENERAL STATEMENT**

The Henry County Planning Commission, assisted by other governmental agencies, legal counsel, and through other advice it may solicit, shall administer and enforce these Regulations. Discretionary, conflicting, or disputed aspects of these Regulations shall be interpreted by the Planning Commission or its designated representative.

#### **802 REVISION OF PLAT AFTER APPROVAL**

No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after approval has been granted by the Henry County Planning Commission and endorsed in writing on the plat, unless said plat is first resubmitted to the Planning Commission.

#### **804 RECORDING OF PLAT**

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

**806 VOIDED APPLICATIONS**

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

**808 SALE OF LAND WITHIN SUBDIVISIONS**

No owner or agent of the owner of any land located within a subdivision shall attempt to transfer any land within the subdivision before such plat has been approved and recorded in the manner prescribed in these Regulations. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these Regulations.

**810 AMENDMENTS**

The Henry County Planning Commission may amend, supplement or change these Regulations in accordance with the appropriate sections of the *Ohio Revised Code*. However, the Planning Commission may only amend, supplement or change these Regulations as recommendations only, and formal adoption shall be at the discretion of the Board of County Commissioners.

**812 VARIANCES**

- A. Where the Henry County Planning Commission finds that extraordinary and unnecessary hardships may result from strict compliance with these Regulations, and exceptional topographic or other physical conditions exist, and the purposes of these Regulations may be served to a greater extent by an alternative proposal, it may grant variances so as to relieve such hardship, provided such relief will not be detrimental to the public health, safety, or welfare, or injurious to other properties, and without impairing the intent and purpose of these Regulations or the desirable development of the neighborhood and community. Such variations shall not have the effect of nullifying the intent and purpose of these Regulations, the comprehensive plan, or township zoning regulations, when they exist.
- B. In granting variances or modifications, the Planning Commission may require such conditions as, in its judgement, will secure substantially the objective of the

standards or requirements so varied or modified.

- C. Variances shall not be granted on the basis of convenience, ignorance, errors in judgement or poor assumptions, or if the **only** evidence presented is that compliance with these Regulations would add significantly to development costs.
- D. Variances for roadway specifications and construction standards can only be approved by the Henry County Engineer. The Planning Commission may offer recommendations for such variances prior to their formal review.
- E. Application for variance shall be reviewed by the Henry County Planning Commission within 30 days of the application filing. The application will be considered filed when all required information is provided by the applicant. A filing fee shall also be charged and must be paid in full before the application is considered filed. (*See Appendix VIII.*) The application form is available at the Planning Commission Office.
- F. Any variance approved or denied shall be entered in the minutes of the Planning Commission setting forth the reasons which justify its approval or denial.

#### **814 EXPIRATION OR EXTENSION**

Failure to comply with stated time periods of these Regulations shall result in the expiration of the respective application and associated Henry County Planning Commission approvals. Before expiration, the developer and/or applicant may provide a letter and extension fee stating why these time periods cannot be met and requesting their extension. The developer and/or applicant is solely responsible for knowing expiration dates and meeting or extending them in accordance with these Regulations. The Planning Commission shall have no duty, obligation or responsibility to remind or notify developers and/or applicants of approaching expiration dates.

#### **816 FEES**

The Board of County Commissioners shall establish a schedule of fees, charges, expenses, and collection procedures for administration of these Regulations. The schedule of fees shall be posted in the Planning Commission Office. Until all applicable fees, charges and expenses have been paid in full no action shall be taken on any application or appeal. The developer and/or applicant shall be solely responsible for submittal of the plat and payment of fees to the local agency having jurisdiction regarding review and/or approval of proposed improvements, including water and sanitary sewage facilities. (*See Appendix VIII.*)

**818**    **VIOLATIONS AND PENALTIES**

Whoever transfers, offers for sale, or leases for a period of more than 5 years any lot, parcel, or tract of land from a subdivision plat before such plat has been recorded in the office of the Henry County Recorder, or that violates these Regulations, shall forfeit and pay the sum of not less than \$10.00 nor more than \$500.00 for each lot, parcel, or tract of land sold. The description of such lot, parcel, or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this section.

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

**820**    **APPEAL**

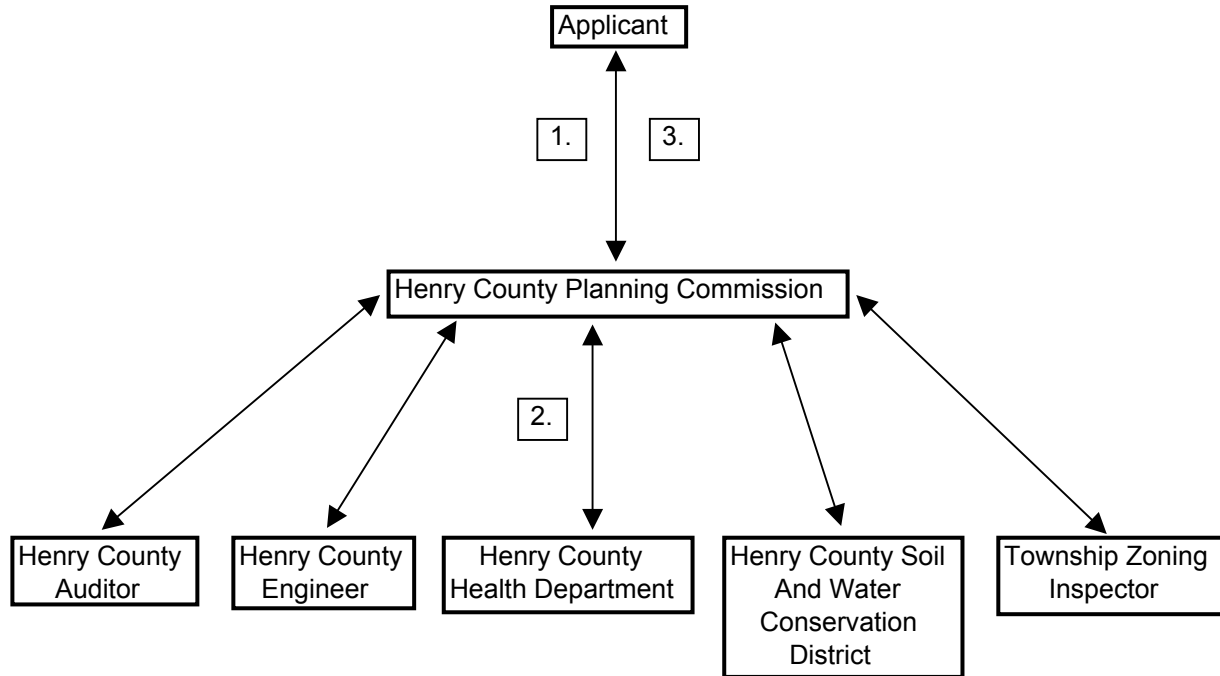
Any person who believes he or she has been aggrieved by these Regulations or the actions of the Henry County Planning Commission has all rights to appeal as set forth in *Section 711 Ohio Revised Code* or any other applicable section.

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## **APPENDIX**

### **I.            MINOR SUBDIVISION APPLICATION PROCESS – FLOW CHART**

## MINOR SUBDIVISION APPLICATION PROCESS - FLOW CHART



1. Applicant submits application to Planning Commission for review and approval.
2. Henry County Planning Commission sends full copy of application to respective reviewing agencies after examining the application for completeness. Each review agency signs and returns application to the Planning Commission or gives verbal approval.
3. Henry County Planning Commission returns original application to applicant. If disapproved, the reasons for disapproval will be listed with application. The entire application process must be completed within 7 business days.

# **APPENDIX**

## **II. THOROUGHFARE SYSTEM**



# **APPENDIX**

## **III. LOT TERMS TYPES OF LOTS**

# **APPENDIX**

## **IV. SUBDIVISION DRAWING EXAMPLES**

# **APPENDIX**

## **V. TYPICAL STREET CROSS SECTIONS CUL-DE-SAC LAYOUT**

# **APPENDIX**

## **VI. HENRY COUNTY PLAT REQUIREMENTS**

## **HENRY COUNTY PLAT REQUIREMENTS**

- A. Location-Title: Location of survey by section and/or quarter section, lot number, township, range, identifying township name, county and state.
- B. Monument Placement: A notation at each corner of the property stating that the boundary monument specified in the deed description was found or that a boundary monument was set. In addition, there shall be a statement describing the material, size, position and condition of every monument found and/or set.
- C. Any lot or outlot referring to an unrecorded plat will be invalid.
- D. Curves: Shall include the lengths of radii, arcs, long chords and long chord bearings. Sufficient mathematical data shall be given so that the curve can be reproduced without ambiguity.
- E. References: At least two (2) points of record (preferably on a common line of the survey) shall be referred to by bearing and distance for some assistance in future locations. Also monumentation, either set or found at these reference points shall be noted on the plat. Examples of points of record would consist of section or quarter section corners, other corners within the rectangular system, lot corners or recorder plats, etc.
- F. Calculation of Areas: All multiple sided irregular areas shall be calculated by the DMD or other appropriate method, and when the parcel lies in two (2) different quarter sections, or in and out of a municipality, or in two or more tax parcels, the acreage shall be broken down, and areas calculated to the nearest hundredth of an acre.
- G. Scale: Scale of the plat, north pint arrow.
- H. Legend: A legend identifying points, lines, symbols.
- I. The parcel to be transferred must have a metes and bounds description. The minimum relative error of closure being 1/5000.
- J. Certification: Certification by a registered surveyor to the effect that the plat represents a correct survey and true return of field notes of a survey made by him, and that all monuments shown thereon actually exist, and that their locations, size and material are shown or described followed by the registered surveyor's signature, registration number and date of certification.
- K. Seal: The surveyor's seal shall appear near his signature.
- L. Reference or retracement plats of surveys (in or out of a municipality) shall be recorded by the surveyor.

# **APPENDIX**

## **VII. HENRY COUNTY LAND TRANSFER POLICY**

# **APPENDIX**

## **VIII. FEE SCHEDULE**

## HENRY COUNTY PLANNING COMMISSION FEE SCHEDULE<sup>1</sup>

Minor Subdivision Application	--	\$200.00/lot
Major Subdivision Application:		
Pre-Engineering Review (If necessary)	--	\$100.00
Pre-Application Sketch Plan (Optional)	--	\$50.00
Preliminary Plat (Optional)	--	\$200.00 + \$200.00/lot
Final Plat	--	\$100.00
Final Plat (If Sketch Plan not submitted)	--	\$150.00
Final Plat (If Preliminary Plat not submitted)	--	\$300.00 + \$200.00/lot
Final Plat (If Sketch Plan and Preliminary Plat not submitted)	--	\$350.00 + \$200.00/lot
Special Flood Hazard Development Permit Application	--	\$100.00
Variance	--	\$200.00 + Expenses <sup>2</sup>

<sup>1</sup>All listed fees are non-refundable except as otherwise noted.

<sup>2</sup>Expenses shall be in addition to the \$200.00 base fee, and shall include, but not limited to, legal notice/advertising, legal and other professional consulting fees, and securities. If applicant's variance is approved, then any unused portion of applicable expenses may be refunded by the Planning Commission.