

# **Subdivision Regulations For Ashland County**

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# **ARTICLE I: TITLE, PURPOSE, JURISDICTION, AND ADMINISTRATION**

## **Section 100 - Title**

These regulations shall be known and may be cited and referred to as the "Subdivision Regulations of Ashland County, Ohio," and shall hereafter be referred to as these regulations.

## **Section 101 - Purpose**

The purpose of these regulations is to regulate the subdivision of land in the unincorporated portions of Ashland County. These regulations are intended to:

1. Promote the proper arrangement of streets to encourage the safe and convenient circulation of pedestrians and vehicles.
2. Encourage the orderly platting of lots to allow for the creation of a pleasing neighborhood.
3. Plan for the provision of adequate and convenient recreational, open space, educational and other public facilities.
4. Ensure the development of an adequate water supply, sewage disposal systems, drainage standards and other health related requirements.
5. Coordinate land development in accordance with applicable zoning resolutions, the Comprehensive Plan and other regulations of Ashland County.
6. Manage the natural resource base for present and future use on a sustained basis.
7. Provide for the dedication or public ownership of the rights-of-ways for public transportation and utility purposes.

## **Section 102 - Jurisdiction**

These regulations shall apply to the subdivision or division of land in the unincorporated portions of Ashland County, Ohio.

It shall be unlawful for any person to subdivide or lay out into lots any land within the unincorporated portions of Ashland County unless it is done with a survey or plat complying with the regulations herein contained, and no plat shall be recorded or survey filed and not lot or land shall be sold from any such plat or survey until said survey or plat has been approved as herein required.

## **Section 103 - Administration**

These regulations shall be administered by the Ashland County Planning Commission under the authority of the Ohio Revised Code.

## **Section 104 - Relation to Other Laws**

The provisions of these regulations supplement any and all laws of the State of Ohio, resolutions by the County, or any and all rules and regulations promulgated by authority of such law or resolution relating to the purpose and scope of these regulations. Whenever the

requirements of these regulation are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive or that imposing the highest standard will govern. These regulations will/are interpreted as minimum requirements.

### **Section 105 - Planned Unit Developments**

Planned unit developments are permitted. This form of development is especially promoted for those areas where configuration or natural features pose problems for the more conventional development patterns. These regulations may be modified and required standards relaxed to the degree necessary to accomplish the objectives and standards required for the planned unit development of residential, commercial, or industrial subdivisions, or a mixture thereof. Nothing within this section, however, will exempt the developer from meeting the requirements of subdivision plat approval as specified in these regulations.

### **Section 106 - Amendments**

These regulations may be amended after public hearings and other requirements as required by the Ohio Revised Code.

### **Section 107 - Separability**

If, for any reason, any clause, sentence, paragraph, section, or other part of these regulations is decided by a court of competent jurisdiction to be invalid, such judgement will not affect the validity of these regulations as a whole, or any part thereof, other than that part so her to be invalid.

### **Section 108 - Disclaimer of Liability**

Neither submission of a plat under provisions of these standards, nor compliance with provisions of them, shall relieve any person from responsibility for damage to any persons otherwise imposed by law, nor impose any liability upon the Ashland County Planning Commission or the Ashland County Commissioners for damage to any person or property.

## ARTICLE II: DEFINITIONS

### Section 200

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

1. The present tense includes the future tense, the singular number includes the plural, the plural number includes the singular, and the masculine includes the feminine.
2. The word "lot" includes the words "plots" or "parcel".
3. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as individuals.
4. The word "shall" or "will" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a recommendation.

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

**Ashland County Engineering Code** - Regulations adopted by the Ashland County Board of Commissioners to provide standard specifications for subdivision development in Ashland County which define the minimum requirements for surveying, engineering and construction.

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

**Building** - Any structure built for the support, shelter or enclosing of persons, animals, chattels or moveable property of any kind.

**Building Site** - A plot or parcel of land that is suitable to build a structure. Said parcel must meet the applicable zoning requirements, be of size, location and configuration to construct a home, and must have access to a public road.

**Commission** - The Ashland County Planning Commission.

**Commissioners** - The Ashland County Commissioners

**Coordinator** - The Coordinator of the Ashland County Planning Commission (also known as the Director).



**County Engineer** - The County Engineer of Ashland County, Ohio.

**County** - Ashland County, Ohio

**Covenant** - A recorded requirement that impacts the use of the parcel of ground. This is also known as a restrictive covenant.

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

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

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

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

**Director** - The Director of the Ashland County Planning Commission.

**Drive Intersection Site Distance** - That distance measured on a diagonal from ten feet off the line of the pavement edge at the driveway to the center of the travelled road. The height of vehicle shall be above the edge of the pavement at the drive centerline. Vehicle and object heights shall be in accordance with ODOT Location and Design Manual for Intersection Sight Distance.

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

**Easement** - Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

**Easement of Access** - The authorization granted to use another owner's land for the purpose of access.

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

**Escrow** - A deposit from a subdivider made with an approved financial institution in an account controlled by the Board of County Commissioners and payable to them in lieu of an amount required and still in force on a performance or maintenance bond.

**Flood Plain** - The area of land that has a history of being flooded or is expected to be flooded as a result of a combination of severe weather, surface conditions and soil factors. The flood plain determination is made by maps as developed by Housing and Urban Development (HUD), now the Federal Emergency Management Act (FEMA). The calculated expectancy of occurrence flood plain inundation is 100 years.

**Health Department** - The Ashland County Board of Health

**Highway Director** - The Director of the Ohio Department of Transportation

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

**Lot** - A parcel or tract of land.

**Lot Area** - The area of the parcel of land as computed within the boundaries inclusive of the right-of-way, the side lot lines and the rear lot line.

**Lot Depth** - The mean horizontal distance between the front lot line and the rear lot lines.

**Lot Frontage** - The width of the lot as measured along the right-of-way line.

**Lot of Record** - A lot which is part of a subdivision recorded in the offices of the Ashland 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:

- A corner lot is defined as located at the intersection of two or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees. Front yard setback requirements shall apply for areas adjoining each right-of-way.
- An interior lot is a lot with frontage on only one side.
- A through lot is a lot, other than a corner lot, with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- A reversed frontage lot is a lot on which frontage is at right angles to the general pattern the area. A reversed frontage lot may also be a corner lot.

**Lot Width** - The width of the lot measured at the building setback line.

**Main Structure, Major Structure** - The dwelling unit. The building on the lot which is used for habitation.

**Major Subdivision** - Subdivisions resulting in more than five (5) lots less than five (5) acres off the original parcel of ground, or any development requiring the extension of streets or dedication of open spaces for common use. This is also known as Type II or record plat subdivision.

**Major Thoroughfare Plan** - The comprehensive plan adopted by Ashland County, Ohio indicating the general location recommended for arterial, collector and local thoroughfares within the County. Refer to the Ashland County Comprehensive Plan.

**Map Office** - The Ashland County, Ohio Tax Map Office.

**Marsh, Wetland** - Land as defined by the U.S. Army Corp of Engineers as being public assets due to soil type, water table and vegetative matter.

**Minor Subdivision** - A division of a parcel of land that does not require a plat to be approved by a planning authority, but does require the approval of a survey, according to Section 711.131 of the Ohio Revised Code. Also known as a lot split or a Type I Subdivision.

**Monuments** - Permanent markers used to establish all corners of a plat of a subdivision, including all lot corners, boundary line corners, and points of change in street alignment and shall meet the minimum boundary survey standards in OAC 4733.37.03.

**Non Residential Subdivisions** - Commercial or industrial developments.

**Ohio Administrative Code** - Abbreviated OAC for reference purposes in these regulations.

**Ohio Revised Code** - Abbreviated ORC for reference purposes in these regulations.

**Original Parcel** - A piece of property that existed as a separate parcel as of 14 May, 1964.–or a piece of property created after 14 May, 1964 that is capable of being subdivided into separate parcels, each of which meets local township zoning requirements and the minimum requirements of these regulations.

**Performance Guarantee** - A written agreement including surety between a subdivider or developer and the County for an amount based on the estimated construction cost, guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the agreement.

**Plan** - The document as prepared by a Professional Engineer that formalizes the ideas of the developer and provides the public statement of the intended infrastructure for the subdivision.

**Planned Unit Development** - An area of land in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a preplanned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions which 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.

**Plat** - The drawing as prepared by a Registered Surveyor, on which the developer's subdivision is presented to the County Planning Commission for approval, and after such approval, to the County Recorder for recording.

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

**Public Way** - An alley, avenue, boulevard, bridge, channel, ditch, easement, subway, tunnel, viaduct, land, walk or other ways in which the general public or a public entity has a right or which are dedicated thus, whether improved or not.

**Regional Flood** - A flood having an expectancy of occurrence on the order of once in one hundred (100) years.

**Regulatory Flood Plain** - See regional flood plain.

**Replat** - A change in the drawing of an approved or recorded subdivision such that the change significantly affects any street layout, the size or location of parcels served for public uses, or involves the creation of new building sites or impacts any plan legally recorded before the adoption of these regulations and results in a change in the intent of the County Planning Commission's original approval. All replats must be reviewed by the Planning Commission or the community with extraterritorial jurisdiction over the area.

**Right-Of-Way** - A strip of land over which the public has an interest. This right-of-way may occur by prescription, (It has existed for long periods of time without written documentation as to its creation or existence.) or by dedication.

**Setback Line** - A line on the plat that defines the area adjacent to the right-of-way on which no above ground structure may be located. The setback line is measured along the parcel's side lot lines and is 60 feet from the right-of-way line unless the applicable township zoning resolution is more restrictive.

**Sewage Treatment- Central Treatment** - A sewage disposal system approved by the Ohio Environmental Protection Agency which provides a collection network, central sewage treatment facility, and a disposal system for a single development, community, or region.

**Sewage Treatment - On Site** - A household sewage disposal system installed on an individual lot which provides for the proper treatment and disposal of sewage and is subject to the approval of the County Board of Health. A commercial on site disposal system is subject to the approval of the Ohio EPA.

**Subdivider** - Any individual, developer, firm, association, syndicate, partnership, corporation, trust or any legal entity commencing proceedings under these regulations to effect development of land hereunder for themselves or for another.

**Subdivision** - The division of any parcel of land shown as a unit or as contiguous units on the preceding tax roll, into two (2) or more parcels, sites or lots; any one of which is less than five (5) acres for the purpose, whether immediate or future, for transfer of ownership, provided, however, that the division or partition of land into parcels of more than five (5) acres each not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining landowners where such sale or exchange does not create additional building sites shall be exempted or;

2. The improvement of one or more parcels of land for residential, commercial, or industrial structures involving the division or allocation of land for the opening, widening or extension of any street or streets except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm draining, or other public facilities.

**Subdivision Review Committee** - Committee composed of a member of the staff of the County Planning Commission, the County Engineer, and representatives of the County Board of Health, the Ashland Soil & Water Conservation District, zoning inspector from the township where the parcel is located and if necessary a representative of a community with interest in the development. If the parcel is not zoned, then said zoning inspector is not required.

**Survey** - A drawing of a lot prepared by a surveyor. Said drawing shall meet the minimum standards of the State of Ohio Board of Registration for Professional Engineers and Surveyors as stated in OAC 4733.37 and be in a form acceptable to the County Engineer and the Planning Commission. The survey includes the legal description as prepared by the surveyor. The survey drawing will need to meet the requirements of the Ashland County conveyance standards.

**Surveyor** - Any person registered by the State of Ohio Board of Registration for Professional Engineers and Surveyors to practice surveying in the State of Ohio as per the requirements of Section 4733.14 of the Ohio Revised Code.

**Terrain Classification** - Terrain within the entire area of the plat is classified as level, rolling, or hilly for street design, drainage, and on site sewage disposal systems. The descriptions of the terrain are in accordance with the Location and Design Manual of the Ohio Department of Transportation and are generally as follows:

1. Level Terrain - This is grade of less than 5%.
2. Rolling Terrain - This is a grade of from 5% to 12%.
3. Hilly Terrain - This is a grade greater than 12%.

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

1. **Arterial:** Arterials are those roads linking urban areas of greater than 50,000, those that provide for interstate travel, or those that serve traffic generators or other major centers of activity. On an arterial, travel service or traffic movement subordinates land access. Arterials are frequently multi-lane with access control. A functional by ODOT determines arterials.
2. **Collectors:** Collectors are those roads linking local roads to arterials, and those which serve travel of intra-county rather than state wide importance. Collectors may be major collectors serving intra-county traffic generators such as schools, parks, and shipping points and connecting those facilities with towns or routes of higher classifications. Major collectors may serve the important intra-county corridors. Minor collectors are spaced at intervals to collect traffic from local roads, provide service to small communities, and link traffic generators with rural areas. Major collectors are defined on the ODOT functional classification map. Most county roads are collectors.
3. **Local:** The primary purpose of a local road is to provide land access. Local roads serve travel over relatively short distances and connect to higher classification of roads. Local roads can be further sub classified as residential, marginal access, cul-de-sacs, and commercial and industrial. Most township roads are local roads. Most development involves local roads.
4. **Commercial and/or Industrial Street:** A commercial or industrial street primarily provides access to an industrial or commercial area or is intended to become so in the future.

**Township Trustee** - The administrative elected or appointed official that is part of a board which governs a township.

**Type I Subdivision** - See minor subdivision.

**Type II Subdivision** - See major subdivision.

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

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

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

# **1ARTICLE III: Type Ia and Ib Subdivisions**

## **Section 300 - Type Ia Subdivision<sup>2</sup> (Small lot less than 5 acres)**

These regulations apply when an individual wishes to create new lots of record of less than 5 acres by subdividing an original parcel along an existing maintained right-of-way according to Section 711.131 of the Ohio Revised Code. Such a subdivision may be submitted to the Commission for approval without the requirement of a record plat. The proposed subdivision will be approved within seven (7) business days by the County Planning Commission if it meets the applicable subdivision or zoning regulations; the requirements of the County Engineer, the Ashland County Health Department and the Ashland County Soil and Water Conservation District.

Once the Subdivision Review Committee completes their review of the proposed parcel, a letter summarizing that review as well as letters with detailed review notes from each committee member will be provided to the applicant/surveyor. For situations that do not meet the Subdivision Regulations the owner/applicant may submit a variance request to the Planning Commission.

In addition to the requirements of Section 301, proposed Type Ia subdivisions shall meet the requirements of Sections 514, 800, 801, 802, 807, 904, and 905. These Sections are included here by reference.

## **Section 301 - Submission Standards<sup>3</sup>**

<sup>4</sup>The owner of the land being considered for Type Ia Subdivision shall submit or cause to be submitted an official request on forms prescribed by the Commission and said Subdivisions shall conform to these standards. Type Ia Subdivision applications that do not meet these standards shall not be accepted.

1. <sup>5</sup>The proposed lot shall be located on an existing maintained public right-of-way. Easements of access are not permitted.
2. A maximum of five (5) lots of less than five (5) acres each may be subdivided from the original parcel, excluding the remainder of the original parcel after the proposed lots have been transferred . In cases where the creation

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<sup>1</sup> 2007 splits Type I Subdivision defined in 2004 into Type Ia and Type Ib Subdivisions. In Sections 300-309 the additions and deletions noted refer to how the 2004 text was adapted to Type Ia. In Sections 310-319 the additions and deletions noted refer to how the 2004 text was adapted to Type Ib. Footnotes point out parallels or lack thereof between the sections dealing with Type Ia and Ib.

<sup>2</sup> Parallels Section 310 - Type Ib. Subdivisions

<sup>3</sup> Parallels Section 312 - Submission Standards

<sup>4</sup> This paragraph is based on 2004's Section 302 - Format.

<sup>5</sup> This list is based on 2004's Section 301 - Submission Standards

of more than one lot off the an original parcel is being proposed, each lot shall be considered as a separate application and shall require the completion of a separate application and supporting documents.

3. The proposed lot shall be in total compliance with all applicable zoning and subdivision regulation standards and requirements.
4. The proposed lot shall meet the requirements of the Ashland County Health Department and the State of Ohio regarding sewage treatment system rules, the Ashland County Engineer right-of-way permit application and the Ashland County Soil and Water Conservation District recommendations for surface/subsurface drainage.
5. The boundaries of all lots shall be clearly marked at the time of survey.
6. The survey shall be conducted by a Professional Surveyor licensed to practice in the State of Ohio, shall meet the Minimum Standards for Boundary Surveys, Administrative Code Chapter 4733-37 and shall contain the following:
  - a. Completed application form
  - b. Legal description for the parcel being split
  - c. A survey drawing signed and sealed by the surveyor showing the proposed lot shall accompany the application. The drawing shall include the following: proposed lot, names of owners of adjacent parcels, dimensions and bearing of proposed lot lines, existing structures, easements, public facilities, setbacks, sewage treatment improvements, wells, water supply lines, roads, etc., location of natural features, drainage ways, swales and other drainage features, north arrow, vicinity map, list of any lots previously subdivided off the original parcel by the owner or previous owners since May 14, 1964 and signed certification by township Zoning Inspector (where zoning has been adopted) that proposed lot split meets minimum township zoning requirements.

### **Section 302 - Subdivision Review Committee<sup>6</sup>**

A Subdivision Review Committee composed of either the Department Head or Office Holder or their designated representative of the following organizations: Ashland County Planning Commission, Ashland County Engineer, Ashland County Health Department, Ashland County Soil and Water Conservation District, and the zoning inspector for the township in which the parcel is located shall review all applications for Type Ia Subdivisions. An appointee of the Executive Committee of the Ashland County Planning Commission shall also be on the Committee. If the township where the parcel is located is not zoned, then said Zoning Inspector is not required.

### **Section 303 - Application Submission<sup>7</sup>**

The owner of the land being considered for a Type Ia Subdivision shall submit or cause to be submitted the application for approval of the proposed split to the Ashland County Planning Commission. Said application will not be accepted unless it is complete as described in Section 301.

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<sup>6</sup> Parallels Section 313 - Subdivision Review Committee

<sup>7</sup> Parallels Section 314 - Application Submission



The official application submission date for a Type Ia Subdivision shall be designated weekly deadline established by the Subdivision Review Committee.

### **Section 304 - Application Review and Approval<sup>8</sup>**

The Subdivision Review Committee shall conduct a weekly review of applications for Typela Subdivisions. Applications for Type Ia Subdivisions accepted for review shall be examined for compliance with State and local regulations by the various relevant offices over the next week. Each office reviewing the application shall prepare comments addressing its area of expertise about the proposed lot split on forms that it has prepared for that purpose. The Office Holder or Department Head of each organization shall affix his/her signature to said comments and his/her recommendation of either approval or disapproval of the application. Said forms shall be attached to the application and shall become part of the permanent record of that application. The Director of the Ashland County Planning Commission will review said comments and determined whether to approve or disapprove the proposed Type Ia Subdivision.

The Director of the County Planning Commission shall make such approval or disapproval within seven (7) business days of submission<sup>9</sup>. Approval will be made only if applicable zoning, subdivision, septic system and drainage regulations are met. Disapproval, and the reasons therefore will be made on the records of the Commission.

### **Section 305 - Signatures<sup>10</sup>**

Upon any approval of a Type Ia Subdivision under these provisions, the Director of the County Planning Commission shall stamp the application "Approved by Ashland County Planning Commission; No Plat Required per O.R.C. 711.131" and shall affix his/her signature. The signed original copy of the approved application shall be returned to the applicant upon approval.

### **Section 306 - Reserved for Future Use**

### **Section 307 - Reserved for Future Use**

### **Section 308 - Reserved for Future Use**

### **Section 309 - Reserved for Future Use**

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<sup>8</sup> Parallels Section 315 - Application Review and Approval

<sup>9</sup> "within seven (7) business days is redundant. See Section 300

<sup>10</sup> Parallels Section 316 - Signature

### **Section 310 - Type Ib Subdivision<sup>11</sup> (Large lot 5 acres to 20 acres)**

These regulations apply when an individual wishes to create new lots of record of between 5 acres and 20 acres by subdividing an original parcel along an existing maintained right-of-way according to Section 711.133 of the Ohio Revised Code. Such a subdivision may be submitted to the Commission for approval without the requirement of a record plat. The proposed subdivision will be approved by the County Planning Commission if it meets the applicable subdivision or zoning regulations; the requirements of the County Engineer, the Ashland County Health Department and the Ashland County Soil and Water Conservation District.

Once the Subdivision Review Committee completes their review of the proposed parcel, a letter summarizing that review as well as letters with detailed review notes from each committee member will be provided to the applicant/surveyor, For situations that do not meet the Subdivision Regulations the owner/applicant may submit a variance request to the Planning Commission. In addition to the requirements of Sections 311 and 312, proposed Type Ib Subdivisions shall meet the requirements of Sections 800, 801, 802, 807, 904, and 905. These Sections are included here by reference.

### **Section 311 - Lot Requirements<sup>12</sup>**

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

1. 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.
2. All lots shall conform to the requirements of these regulations and any applicable zoning requirements.<sup>13</sup> Where these regulations conflict with applicable township regulations, township zoning standards shall apply.
3. Each lot shall front on an existing maintained right-of-way.
4. Minimum lot widths and maximum Width to Depth Ration standards shall be as specified in the following table. Width to Depth Ratio measurements are measured to the centerline of the right-of-way.

<b>Lot Size</b>	<b>Minimum Width</b>	<b>Maximum Width-Depth Ratio</b>
5.00 - 20.00 acres	150 ft.	5.5

5. All side lot lines shall be substantially at right angles to the street lines or radial to curved street lines. In some cases variations may be allowed if they would benefit the public interest as determined by the Commission.
6. Flag shaped lots may be approved in Type Ib Subdivisions. Flag shaped lots will be discouraged whenever adequate frontage exists to allow for the creation of a new lot immediately adjacent to an existing maintained right-of-way. Flag shaped lots MAY BE approved subject to the following conditions:
  - a. Said proposal shall only be permitted to allow for the sale of existing structures on the parcel.

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<sup>11</sup> Parallels Section 300 - Type Ia Subdivisions

<sup>12</sup> There is no parallel Section for Type Ia Subdivisions

<sup>13</sup> Redundant - see Item 3, Section 312

- b. Access to the proposed lot is provided via a sixty (60) foot wide strip of land owned by the same individual as the proposed lot.
- c. Lot size requirements shall be exclusive of the area occupied by the access strip.

**Section 312 - Submission Standards<sup>14</sup>**

1. <sup>15</sup>The owner of the land being considered for Type Ib Subdivision shall submit or cause to be submitted an official request on forms prescribed by the Commission and said Subdivisions shall conform to these standards. Type Ib Subdivision applications that do not meet these standards shall not be accepted.
2. <sup>16</sup>The proposed lot shall be located on an existing maintained right-of-way. Easements of access are not permitted.
3. In cases where the creation of more than one lot off an original parcel is being proposed, each lot shall be considered as a separate application and shall require the completion of a separate application and supporting documentation.
4. The proposed lot shall be in total compliance with all applicable zoning and subdivision regulation standards and requirements.
5. The proposed lot shall meet the requirements of the Ashland County Health Department and the State of Ohio regarding sewage treatment system rules, the Ashland County Engineer access management regulations and the Ashland County Soil and Water Conservation District recommendations for surface/subsurface drainage.
6. The boundaries of all lots shall be clearly marked at the time of survey.
7. The survey shall be conducted by a Professional Surveyor licensed to practice in the State of Ohio, shall meet the Minimum Standards for Boundary Surveys, Administrative Code Chapter 4733-37 and shall contain the following:
  - a. Completed application form
  - b. Legal description for the parcel being split
  - c. A survey drawing signed and sealed by the surveyor showing the proposed lot shall accompany the application. The drawing shall include the following: proposed lot, names of owners of adjacent parcels, dimensions and bearings of proposed lot lines, existing structures, easements, public facilities, setbacks, sewage treatment improvements, wells, water supply lines, roads, etc., location of natural features, drainage ways, swales and other drainage features, north arrow, vicinity map, list of any lots previously subdivided off the original parcel by the owner or previous owners since May 14, 1964 and signed certification by township Zoning Inspector (where zoning has been adopted) that proposed lot split meets minimum township zoning requirements.

**Section 313 - Subdivision Review Committee<sup>17</sup>**

A subdivision Review Committee composed of an appointee of the Executive Committee of the Ashland County Planning Commission, either the Department Head or Office Holder or their designated representative of the following organizations: Ashland County Planning Commission, Ashland County Engineer, Ashland County Health Department, Ashland

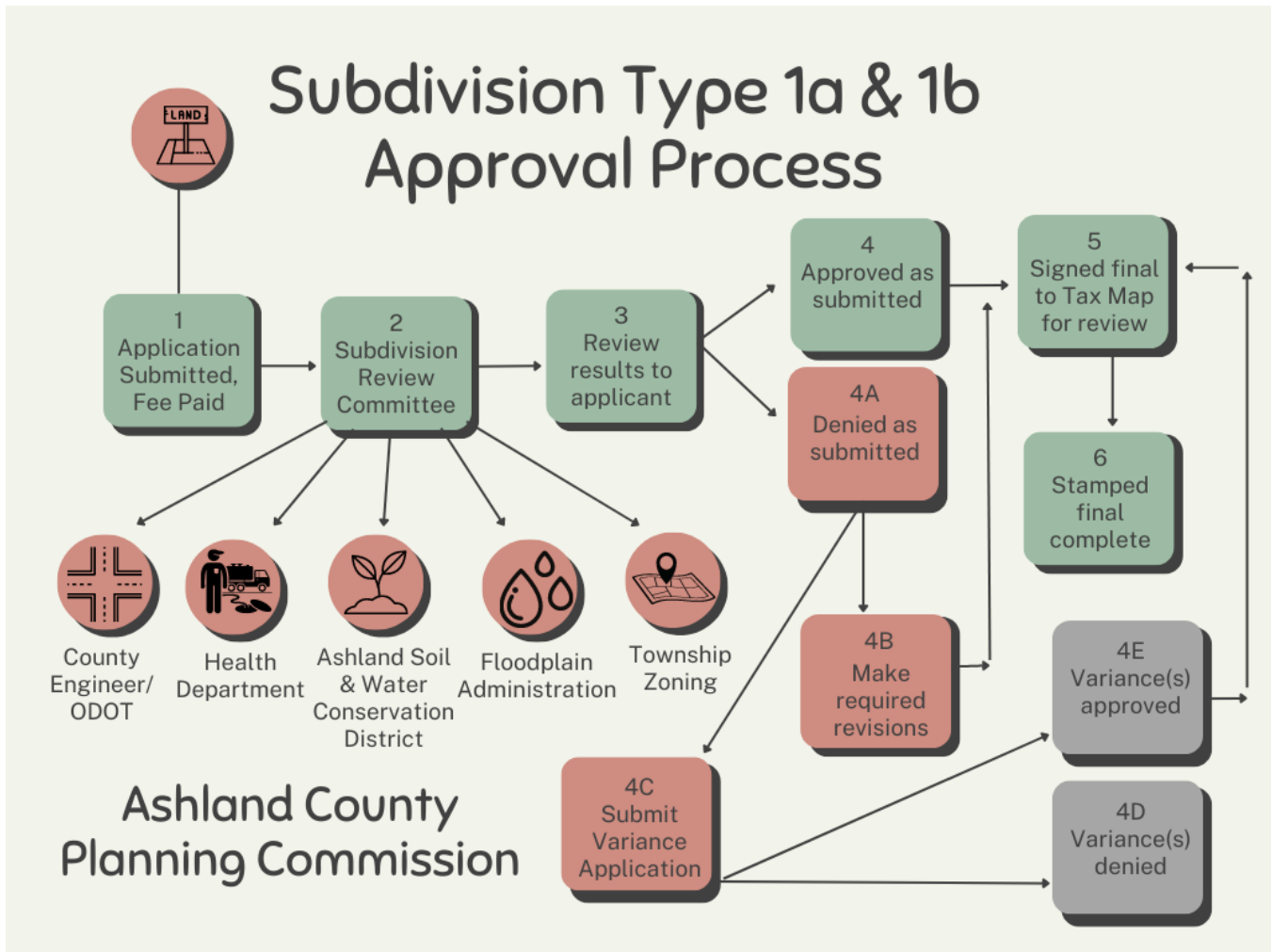
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<sup>14</sup> Parallels Section 301 - Submission Standards

<sup>15</sup> This paragraph is based on 2004's Section 302 - Format.

<sup>16</sup> This list is based on 2004's Section 301 - Submission Standards

<sup>17</sup> Parallels Section 302 - Subdivision Review Committee



County Soil and Water Conservation District and the Zoning Inspector for the township in which the parcel is located shall review all applications for Type 1b Subdivisions. If the township where the parcel is located is not zoned, then said zoning inspector is not required.

**Section 314 - Application Submission<sup>18</sup>**

The owner of the land being considered for a Type 1b Subdivision shall submit or cause to be submitted the application for approval of the proposed split to the Ashland County Planning Commission. Said application will not be accepted unless it is complete as described in Section 312. The official application submission date for a Type 1b Subdivision shall be the designated weekly deadline established by the Subdivision Review Committee.

**Section 315 - Application Review and Approval<sup>19</sup>**

The Subdivision Review Committee shall meet weekly to accept applications for Type 1b Subdivisions. Applications for Type 1b Subdivisions accepted for review shall be examined

<sup>18</sup> Parallels Section 303 - Application Submission

<sup>19</sup> Parallels Section 304 - Application Review and Approval

for compliance with State and local regulations by the various relevant offices. Each office reviewing the application shall prepare comments addressing its area of expertise about the proposed lot split on forms that it has prepared for that purpose. The Office Holder or Department Head of each organization shall affix his/her signature to said comments and his/her recommendations of either approval or disapproval of the application. Said forms shall be attached to the application and shall become part of the permanent record of that application. The deadline for approving Type Ib Subdivisions shall be approved according to the following table.

<b>Number of Parcels</b>	<b>Max. Review Period</b>
1-6	7 Calendar Days
7-14	14 Calendar Days
15+	21 Calendar Days

The Director of the County Planning Commission shall make such approval or disapproval based on his/her review and comments prepared by other reviewing agencies. Approval will be made only if applicable zoning, subdivision, septic system and drainage regulations are met. Disapproval and the reasons therefore will be made on the records of the Commission.

**316 - Signatures<sup>20</sup>**

Upon any approval of a Type Ib Subdivision, the Director of the County Planning Commission shall stamp the application “Approved by Ashland County Planning Commission; No Plat Required per O.R.C. 711.133” and shall affix his/her signature. The signed original copy of the approved application shall be returned to the applicant upon approval. A fee as specified in Section 904 of these regulations shall be paid by the applicant and is due upon delivery of the approved application.

**Section 317 - Reserved for Future Use**

**Section 318 - Reserved for Future Use**

**Section 319 - Reserved for Future Use**

**<sup>21</sup>Section 320 - Agricultural and Personal Recreational Uses Exemptions**

A proposed lot split or transfer of a parcel 5 acres or larger in size, along an existing road, not involving the opening, widening or extension of any road or street that is to be used EXCLUSIVELY for agricultural or personal recreation uses (as defined in these Regulations)

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<sup>20</sup> Parallels Section 305 - Signature

<sup>21</sup> It is unclear if Sections 320-325 apply to Types Ia and Ib or just to Type Ib.

shall be exempt from the requirements of Sections 310, 311, and 313-316 inclusive of these Regulations.

### **Section 321 - Submission Requirements**

To qualify for this exemption, the applicant shall present a legal description of the parcel, a sketch of said parcel meeting the requirements of Section 312 Item 6.(c) and a notarized certification signed by the current property owner and proposed buyer, if property is being transferred, describing the proposed use of the parcel. The notarized certification shall include the statement "No change in use shall occur unless approved by the Ashland County Planning Commission."

### **Section 322 - Approval**

Upon presentation of these materials, the parcel shall be approved by the Director of the Commission and stamped "No Approval or Plat Required per O.R.C. 711.133; FOR AGRICULTURAL AND PERSONAL RECREATION USES ONLY". A fee as specified in Section 904 of these Regulations shall be paid by the applicant and is due upon delivery of the approved application.

### **Section 323 - Approval of Deeds**

Deeds prepared for new exempted parcels or for existing parcels that were previously reviewed and exempted by Section 320 shall be reviewed by the Director of the County Planning Commission and stamped: "No Approval or Plat Required per O.R.C. 711.133; FOR AGRICULTURAL AND PERSONAL RECREATION USES ONLY" prior to recording.

### **Section 324 - Exclusions**

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

### **Section 325 - Change of Use**

When parcels exempted by Section 320 are subsequently used for other than agricultural or personal recreation uses, the property owner shall submit an application meeting the requirements of Sections 311 and 312 to the Commission for review and approval as described in Section 313-316 inclusive.

### **Section 326 - Reserved for Future Use**

### **Section 327 - Reserved for Future Use**

### **Section 328 - Reserved for Future Use**

## **Section 329 - Reserved for Future Use**

### **Section 330 - Variances**

Any variance sought to relax the requirements of Sections 300-325 inclusive of these Regulations shall be in accordance with Section 902, Variances<sup>22</sup>. Any application for Variance to said Sections of these regulations shall be reviewed by the Subdivision Review Committee for a recommendation on the variance to the entire commission. If a township zoning variance is also required for Type Ia and Type Ib Subdivision, such variance shall be applied for and approved by the the relevant township prior to being accepted by the County Planning Commission.

### **Section 331 - Appeal by Applicant**

An applicant who has been denied approval for a Type Ia or Type Ib may, within thirty (30) days, file an appeal with the full Commission. Within thirty (30) days of filing of the appeal, the full Planning Commission will review the action and approve or disapprove the decision of the Director.

### **Section 332 - Aggrieved Party Appeal**

A party aggrieved by a decision made under Article III of these regulations may appeal the decision of the Commission to the Court of Common Pleas of Ashland County.

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<sup>22</sup> Should be changed to Section 902 - Variances

## ARTICLE IV: TYPE II SUBDIVISION

### OFFICIAL JURISDICTIONS (Involving Approval of Plans, Tests, Inspection and Installation)

#### Type of Improvement Agency or Individual

Roads and Streets	County Engineer and Planning Commission
Curbs and Gutters	County Engineer and Planning Commission
Sidewalks	County Engineer and Planning Commission
Water Supply	Board of County Commissioners, County Board of Health, OEPA
Sanitary Sewers	Board of County Commissioners, County Board of Health, OEPA
Household Sewage Disposal Systems	County Board of Health, OEPA
Culverts	County Engineer
Monuments	County Engineer and Planning Commission
Flood Plain	Planning Commission, Ashland Soil & Water Conservation District, County Engineer

### Summary of Steps

#### Preapplication

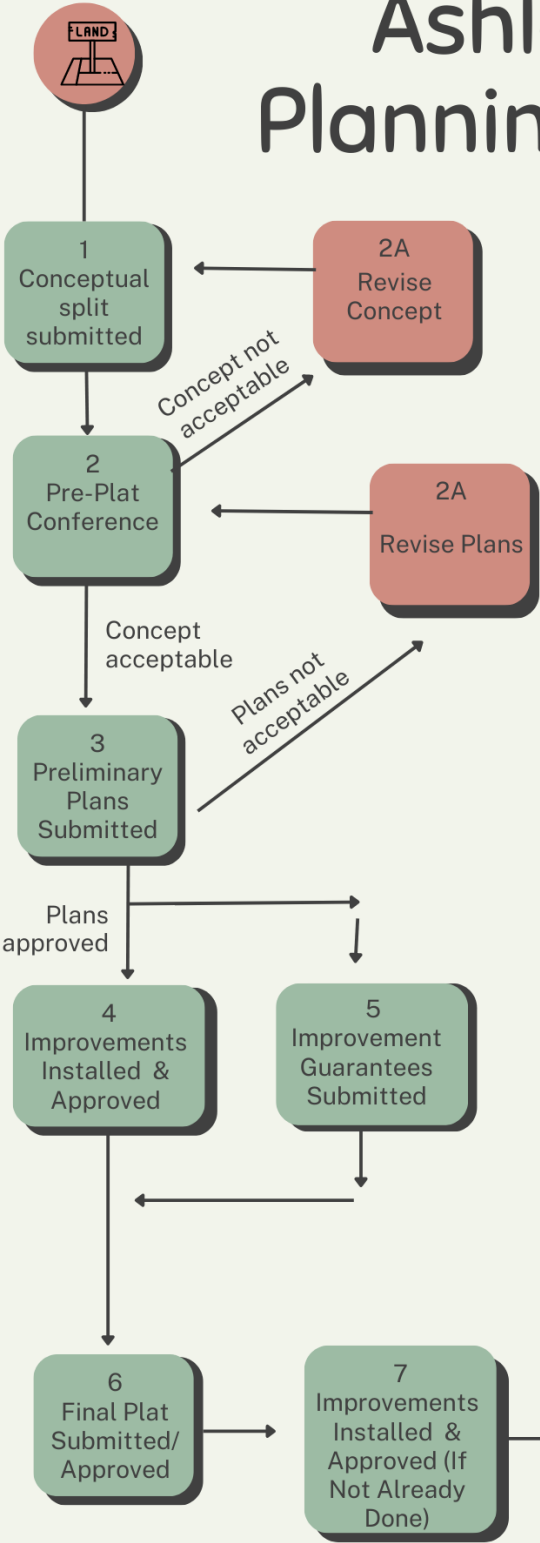
1. *Subdivider:* Determines the suitability of the site for development and prepares legible sketches of the proposed layout. Schedules preplan conference with Director/Coordinator of the County Planning Commission.
2. *Subdivision Review Committee:* The Subdivision Review Committee is composed of the Director/Coordinator who meets with the County Engineer and representatives of the Ashland County Board of Health, Ashland Soil & Water Conservation District and if necessary a representative of a community with interest in the development. This committee reviews the proposal with respect to the County Comprehensive Plan, general designs and standards, Township Zoning Resolution, right-of-way requirements, drainage standards, etc. and makes such recommendations as necessary to assure conformity with existing regulations and as will benefit and improve the proposal.

#### Preliminary Plan

3. *Subdivider:* If a reapplication proposal is acceptable, proceeds with the project and prepares a Preliminary Plan. The Preliminary Plan is not an official plat but is prepared according to the standards and rules contained in these regulations. The Plan is submitted to the Commission Office at least twenty one (21) days prior to the meeting date.
4. *The Subdivision Review Committee:* The Subdivision Review Committee reviews the Preliminary Plan for conformance to these regulations, and makes a request for any changes considered necessary. The Plan is submitted to the Commission for review and action. The subdivider is notified of the Commission's action.
5. *Commission:* Approves, conditionally approves or disapproves, the Preliminary Plan.



# Ashland County Planning Commission



## Subdivision Type 2 Approval Process

## **Final Plat**

6. *Subdivider*: The property is surveyed, staked and construction drawings are prepared. If the drawings are satisfactory, the improvements are made or provisions for their installation are made. A Final Plat is prepared according to these regulations and submitted to the Commission at least twenty (21) days prior to the meeting date. This is the Official and Final Plat.
7. *The Subdivision Review Committee*: The Subdivision Review Committee reviews the Final Plat for conformance to these regulations and for the conformance with the Preliminary Plan. The Subdivision Review Committee may request changes on the Plat necessary for it to conform to these regulations, submits the Plat to the Commission and notifies the subdivider of the Commission's action.
8. *Commission*: Approves or disapproves the Final Plat.
9. *Subdivider*: Records the Final Plat when approved and proceeds with the development proposal.

### **Section 400 - Purpose**

The purpose of this part of these regulations is to outline the steps that an individual shall follow when creating a Type II or Major Subdivision. For definition of a Major Subdivision, see Article II, Definitions. A checklist and flow chart are provided to assist the subdivider and the surveyor in preparing a Preliminary Plan containing the required information:

### **Section 401 - Preapplication Meeting Required**

The subdivider shall meet with Subdivision Review Committee which is composed of a member of the staff of the County Planning Commission, the County Engineer, and representatives of the County Board of Health, the Ashland County Soil and Water Conservation District and, if necessary, a representative of a community with interest in the development prior to the submission of the Preliminary Plan. The purpose of this meeting is to discuss early and informally, the purpose and effect of these regulations and associated standards. Said meeting is designed to familiarize the subdivider with the Comprehensive Plan, applicable Zoning Resolution and other related plans, regulations and standards as apply to the subdivision of property in Ashland County, Ohio.

If during the consultation or at a later date, it is determined that the proposed subdivision is feasible to the developer and acceptable to the Commission, from a planning standpoint, the Director/Coordinator shall advise the subdivider to proceed with the preparation of a Preliminary Plan. Any comments made during consultation by The Subdivision Review Committee shall not be construed or interpreted to be as final acceptance of the Preliminary Plan. Final acceptance of the Plan can be granted only by the Commission.

### **Section 402 - Preapplication Sketch and Data**

The subdivider shall submit to the County Planning Commission a sketch, legibly drawn and containing the following information.

1. The proposed subdivision in relation to existing community facilities, thoroughfares and other transportation modes, shopping centers, manufacturing establishments, residential developments and existing natural and man-made features such as soil types, vegetation, contours, and utilities in neighboring areas.
2. The layout of streets, lots and any non-residential sites such as, commercial, manufacturing, school or recreational uses within the proposed subdivision.
3. The location of utilities in the proposed subdivision, if available, or the locations of the nearest sources for water and public facilities for the disposal of sewage and storm water.
4. The scale and name of the proposed subdivision, north arrow and the date.
5. Name, address and telephone number of the owners and developer.

### **Section 403 - Preliminary Plan Required**

After the preapplication stage, the subdivider shall submit a Preliminary Plan of the proposed subdivision which shall conform with the requirements set forth in Article IV. The Preliminary Plan shall be prepared by a registered surveyor. The purpose of the Preliminary Plan shall be to display the proposal in its proper context and thus, enable the Commission to determine its merits based on aspects of proper planning and the public welfare and interest. In extreme cases, such as one lot record plat or small subdivisions along existing right-of-ways, the Commission may waive the Preliminary Plan if just cause is shown.

### **Section 404 - Submission to Director of ODOT**

Before any plat or plan is approved affecting any land within three hundred (300) feet of the center line of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Transportation Director of any land within a radius of five hundred (500) feet from the point of intersection of said center line with any public road or highway, the Commission shall give notice, by registered or certified mail to the Director. The Commission will not approve the plat for one hundred twenty (120) days from the date the notice is received by the Director. If the Director notifies the Commission that he shall proceed to acquire the land needed, then the Commission will refuse to approve the plat. If the Director notifies the Commission that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director and the property owner, the Commission shall, if the plat is in conformance with all provisions of these regulations, approve the plat.

### **Section 405 - Application for Preliminary Approval**

An application is writing for the approval of the Preliminary Plan on forms provided by the Commission, together with twelve (12) copies of the Preliminary Plan and the supplemental information specified in Section 407-409 inclusive, shall be submitted to the Commission.

### **Section 406 - Preliminary Plan Form**

The Preliminary Plan shall be drawn on one or more sheets not larger than 24" x 36" in size and drawn to a scale no less than 1" = 100 feet. No ditto marks shall be used.

## **Section 407 - Preliminary Plan Contents**

The Preliminary Plan shall contain the following information:

1. Proposed name of subdivision, which shall not duplicate or closely approximate the name of any other subdivision in the County.
2. Location by section, range and township.
3. Names, addresses and phone numbers of the owner, subdivider and registered surveyor who prepared the plan and appropriate registration numbers and seals.
4. Date of preparation of Preliminary Plan.
5. Scale of the Plan, North point.
6. Boundaries of the subdivision and its acreage.
7. Names of adjacent subdivisions, owners of adjoining parcels of un-subdivided land, and the location of their boundary lines.
8. Locations, widths and names of existing streets, railroad right-of-way, easements, parks, permanent buildings and corporation and township lines, location of wooded areas and natural features within and adjacent to the Plan.
9. Zoning classification of the tract and adjoining properties and a description of proposed zoning changes, if any.
10. Existing contours at an interval of not greater than two (2) feet if the slope of the ground is twelve percent (12%) or less; not greater than five feet (5') where the slope is more than twelve percent (12%).
11. Existing sewer lines, water lines, sewage disposal and water supply systems, culverts and other underground structures, and power transmission poles and lines within the tract or adjacent thereto, with pipe sizes, depth and grade indicated; also location of proposed and existing easements.
12. Location, names and width of proposed streets.
13. Building setback lines with dimensions.
14. Location and dimensions of all proposed utility and sewer lines showing their connections with the existing system.
15. Layout, numbers and approximate dimensions of each lot.
16. Parcels of land in acres to be reserved for public use or to be reserved by covenant for residents of the subdivision.
17. A vicinity map at a preferred scale of 1" = 400' or smaller, shall be provided which indicates the relationship of the subdivision to its surrounding. This map shall display all existing subdivisions, roads, tract lines, and the nearest existing thoroughfares.
18. If no central water and/or sewage system exists, the subdivider shall state the type of system he proposes to use. A proposal for on-lot sewage disposal and/or water supply systems shall require the submission of a Health Department review for the area of the proposed subdivision. A central sewage treatment plant and/or central water system shall be constructed when deemed necessary by the Commission and the County Board of Health after OEPA review. The connection to available central facilities (as determined by the Commission and the County Board of Health) shall be mandatory.
19. High water levels in vicinities of lakes, rivers and other natural bodies of water.
20. Certificate of approval by the Commission shall be located on the Plan.
21. When only a portion of the entire parcel is being developed, there shall be provided a master plan showing the intended or possible development of the entire parcel of land.
22. The proposed plans for the management of soil sediment for earth disturbing activities.
23. A topographic map in accordance with Section 409.

### **Section 408 - Supplementary Information**

The following information shall be supplied in addition to the requirements in Section 407:

1. Statement of proposed use of lots, giving type and number of dwelling units and type of business or industry.
2. Location and approximate dimensions of all existing buildings.
3. For commercial and industrial development, the locations, dimensions, and approximate grade of proposed parking and loading areas, alleys, pedestrian walkways, streets and the point of vehicular ingress and egress to the development.
4. Description of proposed covenants and restrictions.
5. A soils map or drawing relating soil types and boundaries to the building site being developed.

### **Section 409 - Topographic Map**

A topographic map at a scale of not less than one inch (1") to one hundred feet (100') is required for all Type II subdivisions of more than five (5) acres.

1. Contours
  - a. Two foot (2') intervals where average slopes are less than twelve percent (12%).
  - b. Five foot (5') intervals where average slopes exceed twelve percent (12%).
2. Natural Features
  - a. Existing building or structures, rock outcrops, high points, water courses, depressions, ponds, marches, and existing water supply and sewage treatment systems, wooded areas and property boundary lines.
  - b. Alteration of existing topography and proposed changes in grade shall be shown on the contour map or an accompanying sheet. Where grade will affect the runoff pattern of storm water or melting snow, the approval of the Planning Commission and the County Engineer is required. Refer to Article IX & X of the *Ashland County Engineering Code*.

### **Section 410 - Filing of the Preliminary Plan**

The Preliminary Plan will be considered officially filed on the last due date, twenty-one (21) days, prior to the regular meeting of the County Planning Commission. In all cases the Preliminary Plan and all related information must be filed with the Commission. The Planning Commission staff will notify the subdivider of any additional information required and the Commission action on the Plan may be delayed until said data is received. Any Plan received less than twenty one (21) days prior to the regular Commission meeting will be discussed at the following months regular meeting of the Planning Commission. No fee will be required for the filing of a Preliminary Plan.

### **Section 411 - Review and Approval of the Preliminary Plan**

The County Planning Commission will forward copies of the Preliminary Plan to such officials and agencies as may be necessary for the purpose of study and recommendation. These may include the County Engineer, the County Tax Map Office, the County Board of Health and Ashland Soil & Water Conservation District and the Ohio Department of Transportation per Section 404 of these Regulations.

The subdivider, or his agent, may be required to meet with certain agencies and the Commission staff to discuss the Preliminary Plan. Any corrections, clarifications or changes agreed to because of these meetings shall be incorporated into the Preliminary Plan and any subsequent plans or drawings of the subdivision.

After receipt of such reports, the Planning Commission at its next regular meeting, will review and make a decision about the plan. The owner's attendance at the County Planning Commission meeting where preliminary plan is considered is recommended. The subdivider will be notified in writing of the Planning Commission's decision.

Approval of the Preliminary Plan is contingent upon compliance, by the subdivider and his agent(s), of all applicable State, County and Township Laws and Regulations.

### **Section 412 - Approval Period**

The approval or conditional approval of the Preliminary Plan will be valid for a maximum period of twelve (12) months from the date of approval. Approval or conditional approval will guarantee the the terms under which the approval or conditional approval was granted will not be affected by changes in these regulations.

### **Section 413 - Final Plat Required**

The subdivider, having received the approval of the Preliminary Plan from the Commission, shall submit the Final Plat of the subdivision along with the required drawings and specifications of improvements. Said Final Plat shall incorporate all changes in the Preliminary Plan required by the Commission. It shall conform to the Preliminary Plan and may constitute only that portion of the approved Preliminary Plan which the subdivider proposes to record and develop at that time. The Final Plat and the supplementary information shall be prepared by a registered Engineer and Surveyor.

### **Section 414 - Survey Data**

A complete survey shall be prepared for all lands to be subdivided. The survey shall meet the standards of the County Engineer and tie into the established system of monuments and reference points. All points, property lines, easements and right-of-way lines shall be tied into this survey. In some cases the commission may require additional survey information to make its decision. Survey data shall be located with respect to the Ohio State Plane Coordinate System.

### **Section 415 - Application for Approval of the Final Plat**

An application for approval of the Final Plat shall be submitted on forms approved by the County Planning Commission. The application shall be submitted together with one (1) reproducible copy and twelve (12) copies of the Final Plat and any supplementary information specified hereinafter.

### **Section 416 - Regulations Governing Improvements**

The Final Plat shall be prepared by a registered Surveyor. In addition, a set of improvement drawings and construction specifications shall be prepared. The construction specifications shall include plans for any utilities planned for the subdivision and the details for any proposed right-of-way. Said plans shall be prepared by a registered Engineer and shall be submitted to the responsible officials and Planning Commission as specified in Article VI of these regulations.

Approval of the Final Plat will be contingent upon the installation of all required improvements or by providing guarantees that such improvements shall be installed. In lieu of installation of the improvements prior to the final plat approval, the subdivider may post a performance guarantee, deposit such funds needed to complete the improvements with the County or provide other assurances deemed adequate to ensure the ultimate installation of the required improvements. Standards defining the terms the performance guarantee are established in Section 609 of these regulations.

### **Section 417 - Final Plat Form**

The Final Plat shall be legibly drawn in permanent form on Mylar or other material of equal performance. It shall be drawn at a scale of not more than 1" = 100', preferably at a scale of 1" = 50' and shall be on one (1) or more sheets 18" x 24" in size. If more than one sheet is needed, each sheet shall be numbered and the relation on one sheet to another shown.

### **Section 418 - Final Plat Contents**

The Final Plat shall contain the following information. And such other information as enumerated in Article VI, Section 621 and Article XIII of the *Ashland County Engineering Code*.

1. Name of the subdivision, location by section (or Great Lot), range, township, county and state.
2. Date, North point and acreage.
3. Name and address of the subdivider, the registered surveyor who prepared the plat and the registration number and seal of said surveyor.
4. Primary control points and description or ties to such, to which all dimensions, angles, bearings and similar data on the Plat shall also be shown when such adjoin or fall within the Plat.
5. Center lines of streets and rights-of-way of streets, alleys, easements, with accurate dimensions, bearings, or deflection angles and radii, 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 in 5,000.
6. Numbers of existing roads and names of proposed streets or other rights-of-way.
7. Location and purpose of easements.
8. Number to identify each lot, site or block. All lot and blocks shall be numbered progressively.
9. Dedication of streets, reserved areas, or other applicable areas within the boundaries of which shall be completely described by courses and distances.

10. Excepted parcels or lots which shall be marked "Not included in Plat" and the boundaries of which shall be completely described by courses and distances.
11. Minimum building setback lines on all lots and other sites displayed graphically with dimensions from street lines.
12. Accurate locations and descriptions of all monuments.
13. Previous lots or blocks and their numbers indicated by relatively thinner lines (in the case of a replat).
14. A copy of any restrictive covenants in form for recording shall be presented with the Final Plat to the Commission.
15. The location and impact area of all storm water detention/retention improvements.
16. The location and impact area of the 100 year flood plain.
17. The following certification shall be placed on the Final Plat and are mandatory for the final approval and recording of the Plat.
  - a. Certification by a registered surveyor that the Plat represents an accurate survey and that all monuments shown thereon actually exist and that their location is shown correctly.
  - b. Notarized certification of ownership of the land being platted and acknowledgement and adoption of the Plat and dedication of streets and open spaces.
  - c. Certification by the County Board of Health where sewer and/or water is not available.
  - d. Certification of approval by:
    - i. Ashland County Planning Commission
    - ii. Zoning Commission of that particular township that a zoning change, if needed, has been obtained.
    - iii. Board of County Commissioners
    - iv. Auditor of Ashland County, stating that all taxes and assessments on the land in the subdivision have been paid and the Auditor's certificate of transfer.
    - v. County Recorder.
    - vi. County Engineer, of all engineering details and that all improvements have been installed.
    - vii. Ashland Soil & Water Conservation District that an acceptable runoff and erosion plan has been prepared for the subdivision.
    - viii. Such other certificates, affidavits, endorsements or dedications as may be required by the Commission in the administration of these regulations.

A sample of the proposed language for these certifications is available to assist the subdivider in the preparation of the required certificates for the Final Plat. A copy of the Final Plat Checklist is also available to help the subdivider meet the requirements of information that must be included with the Final Plat.

### **Section 419 - Filing of the Final Plat**

The final plat shall be filed with the Commission not later than twelve (12) months after the approval date of the Preliminary Plan. In certain cases an extension may be granted by the Commission, if requested by the subdivider in writing. An extension must be applied for within eleven (11) months of the approval of the Preliminary Plan. A Final Plat filed after the twelve (12) month deadline that has not been granted an extension will be considered void. In such cases a new Preliminary Plan must be prepared.



The Final Plat shall be filed at least twenty-one (21) days before the regular meeting of the Planning Commission, at which the plat is to be reviewed. The plat shall be considered officially filed on the last due date before the regular meeting at which it is being reviewed.

A fee, as specified in Section 1004 of these regulations, will be required for the filing of the Final Plat. This fee must be paid upon submission of the Final Plat. A plat will not be reviewed for which the fee has not been paid. The fee is not refundable.

### **Section 420 - Review of the Final Plat**

The Commission, at its regular meeting, will approve or disapprove the Final Plat within thirty (30) days after it has been filed. The owner's attendance at the County Planning Commission meeting where Final Plat is considered is recommended. Failure of the Commission to act upon the Final Plat within such time shall be deemed as approval of the plat. If the plat is disapproved, the grounds for the disapproval will be stated in the records of the Commission, and a copy will be forwarded to the subdivider. If approved, the subdivider will be notified in writing and said subdivider must obtain the signature of the Director/Coordinator of the Planning Commission with sixty (60) days.

### **Section 421 - Transmittal of Copies**

Once the Final Plat has been approved by the Planning Commission, has been signed by the owner(s) and notarized, and has been signed by all other local agencies or officials, the Director/Coordinator will sign the Plat. It shall be the responsibility of the subdivider to gain all necessary certifications before filing the Plat with the County Recorder. All certifications shall be made on the original tracing of the approved Final Plat.

### **Section 422 - Recording of the Final Plat**

All final plats shall be filed with the County Recorder within twelve (12) months of the date of approval by the Director/Coordinator of the Ashland County Planning Commission. The approval of an final plat not filed with the County Recorder will be considered to have expired and a new final plat shall have to be approved by the County Planning Commission before any lots may be sold.

### **Section 423 - Monuments**

All subdivisions shall be monumented in accordance with Article VI, Section 621 and Article XIII of the *Ashland County Engineering Code* or the minimum standards for surveys as established by the State of Ohio, whichever is more restrictive.

## **ARTICLE V: SUBDIVISION DESIGN STANDARDS**

### **Section 500 - General Statement**

The regulations of Sections 501-518 inclusive, control the manner in which streets, lots, and other elements of subdivision are arranged on the land. These controls help to insure convenient and safe streets, the creation of usable lots, the provision of space for utilities, and the reservation of land for recreational uses. The planning of attractive and functional neighborhoods is promoted, minimizing the undesirable features of unplanned haphazard growth.

The County Planning Commission has the responsibility for reviewing the design of each proposed subdivision early in its design development. The Commission will insure that all the requirements of Section 501-518 are met.

### **Section 501 - 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 County's Major Thoroughfare Plan. Thoroughfares not contained in the for mentioned plan shall conform to the recommendation of the County Planning Commission based upon the design standards set forth in Sections 502-514, inclusive. In addition, no Final Plat of land within the area in which an existing zoning resolution is in effect will be approved unless it conforms with such resolution.

### **Section 502 - Suitability of Land**

If the County Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, drainage, topography, inadequate water supply, schools, transportation facilities and other such conditions which may endanger health, life or property; and if from investigations conducted by the public agencies concerned, it is determined that in the best interest of the public the land should not be developed for the purpose proposed, the Commission will not approve the land for a subdivision unless adequate methods are advanced by the subdivider for solving the problems that will be created by the development of the land.

### **Section 503 - Street Design**

The arrangement, character, extent, width, grade, construction and location of all streets shall be in accordance with Article VI and VIII of the Engineering Code and conform to the Major Thoroughfare Plan as identified in the Ashland County Comprehensive Plan. All streets shall be considered in their relation to existing and planned streets, topographical conditions and public convenience and safety; and in their appropriate relation the proposed use(s) of the land to be served by such streets. The street pattern shall discourage through traffic in the interior of a subdivision. The subdivider shall provide within the boundaries of the subdivision plat, the necessary right-of-way for the widening, continuance or alignment of such streets in conformity with the Major Thoroughfare Plan.

Access points (intersections) shall be provided to assure that congestion does not occur and to assure access by safety service vehicles. Access points (intersections), or provisions for same shall be included on plats when recommended by the Subdivision Review Committee and deemed necessary by the County Planning Commission.

#### **Section 504 - Cul-de-sac Standards**

Cul-de-sacs shall be a maximum of one thousand (1,000) feet in length unless otherwise approved by the Planning Commission. The turnaround area shall have a diameter of a minimum of eight (80) feet and a right-of-way width of at least one hundred and twenty (120) feet. Refer to standards in Ashland County Engineering Code, Article VI, Sections 608 and 609.

#### **Section 505 - Right-of-way Standards**

The right-of-way for thoroughfares shall meet the standards below and in conformance with the Major Thoroughfare Plan. These standards are:

Local Streets including residential, commercial, and industrial: 60' right-of-way

In cases where topography or other physical conditions make a right-of-way of required minimum width insufficient, the Commission may modify the above requirement.

#### **Section 506 - Additional Width for Existing Streets**

Subdivisions that adjoin right-of-way that do not meet the required minimum right-of-way width shall dedicate additional land to meet the minimum right-of-way requirements.

#### **Section 507 - Horizontal Alignment**

Refer to Article VI, Section 603 of the *Ashland County Engineering Code*.

#### **Section 508 - Vertical Alignment**

Vertical alignment of all new streets shall meet the standards established in Article VI, Section 604 of the *Ashland County Engineering Code*.

#### **Section 509 - Intersection Design Standards**

Intersections in all subdivisions shall meet the standards established in Article VI, Section 607 of the *Ashland County Engineering Code*.

#### **Section 510 - Special Street Types**

The following requirements apply to a special type of thoroughfare:

1. Permanent dead-end streets shall not be permitted. Temporary dead-end streets will 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 Commission in design. The Commission shall reserve the right to limit the length of such a dead-end street based on the principal of proper planning and the Commission may require a street along the boundary between a proposed subdivision and the undeveloped acreage to provide for future development.
2. The dedication of new half streets will 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 dedicated, providing that in the opinion of the Commission such right-of-way is necessary for the proper development of the area.

### **Section 511 - Dedication of Right-of-Ways**

It is preferred that all right-of-ways, in the process of subdivision, be dedicated and accepted for public use. However, private right-of-ways may be permitted. Private right-of-ways shall meet the design and construction standards required of public right-of-ways. Before a private right-of-way is approved, a maintenance agreement, home owner's association agreement, or other arrangement for the right-of-way shall be prepared and recorded to address ownership, use and maintenance of the right-of-way. In the development of a new street, dedicated right-of-way will be accepted upon completion of all required improvements and only after said improvements have been inspected and approved by the County Engineer.

### **Section 512 - Street Identification**

1. Names of roads or streets in proposed subdivisions shall not duplicate or be similar to the names of existing roads or streets.
2. New streets which are substantially extensions of existing right-of-ways, or in alignment with existing right-of-ways, shall bear the name of the existing thoroughfare.
3. Street names are unofficial, the county road number being the official designation. The official road number will be assigned by the Ashland County Engineer.

### **Section 513 - Blocks**

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

1. The arrangement of blocks shall conform to the street design criteria set forth in Sections 503-514 inclusive.
2. Blocks shall be arranged to accommodate lots and building sites of the size and character required by these regulations and any applicable zoning resolution, to provide for adequate community facilities, and in regard to the limitations and opportunities of topography.
3. Irregular shaped blocks, those intended for cul-de-sacs or loop streets and those containing interior parks or playgrounds, may be approved by the Commission if properly designed and located and if maintenance of interior public spaces is covered by agreements.

4. Blocks shall not be less than four hundred (400) feet in length, nor more than one thousand two hundred (1,200) feet in length, except as the Commission may permit to secure efficient use of the land or desired features of street pattern.
5. Blocks shall be wide enough to allow two tiers of lots of a minimum depth, except where fronting on major streets or prevented by topographical conditions or size of the property, in which case the Commission may approve a single tier of lots of minimum depth.
6. Blocks intended for commercial or industrial types of development shall be designed specifically for these types of uses and shall include adequate. Provisions for parking, loading and delivery services.

**Section 514 - Lots**

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

1. 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.
2. All lots shall conform to or exceed the requirements of these regulations and any applicable zoning requirement.
3. Each lot shall front on an approved street.
4. The minimum lot areas and widths for single family, detached dwellings shall be as specified in the following table. It should be understood that the minimum lot areas are for average situations. In some cases additional square footage may be required by the Ashland County Board of Health, Township Zoning Requirements or due to unique situations on the lot or above average size homes. Minimum lot area requirements are measured to the road right-of-way.

<b>Sanitary Sewer Available</b>	<b>Public Water Available</b>	<b>Minimum Lot Width (ft)</b>	<b>Minimum Lot Area (sq ft)</b>
No	No	150	43,560
No	Yes	150	43,560
Yes	No	80	15,000
Yes	Yes	80	10,000

5. The minimum lot areas and widths for subdivisions intended for two family residential uses shall be increased by twenty-five percent (25%) over those standards for single family uses. Minimum lot areas and widths shall be increased by an additional ten percent (10%) for every dwelling unit in excess of two.
6. In residential subdivisions the minimum building setback line shall be fifty (50) feet from the road right-of-way line. Where lots front on U.S., State, primary or secondary routes, the setback shall be one half (1/2) the width of the right-of-way. Where there are existing residential structures within five hundred (500) feet of the proposed use, the average setback line of these existing structures shall determine the minimum setback for the proposed development. In no case shall a residential structure be closer than fifty (50) feet from the center of the right-of-way.
7. All side lots lines shall be substantially at right angles to street lines or radial to curved street lines. In some cases variations may be allowed if they would benefit the public interest as determined by the Commission.
8. All corner lots shall have a minimum width, as measured from the front setback line, of not less than eighty (80) feet.

9. Lots having double frontage should be avoided, except where deemed necessary by the Commission because of unusual topographic features, physical factors or accessibility needs.
10. Flag shaped lots shall be discouraged in Type II Subdivision, however may be approved in Type I Subdivisions. Flag shaped lots will be discouraged whenever adequate frontage exists to allow for the creation of a new lot immediately adjacent to a dedicated right-of-way. Flag shaped lots MAY BE approved subject to the following conditions:
  - a. Said proposal shall only be permitted to allow for the sale of existing structures on the parcel.
  - b. Access to the proposed lot is provided via a sixty (60) foot wide strip of land owned by the same individual as the proposed lot.
  - c. Said access strip shall provide for ingress and egress to not more than one (1) parcel.
  - d. Lot size requirements shall be exclusive of the area occupied by the access strip.
11. No lot shall have an average depth of more than four (4) times its average width. The average width is considered the width at the building setback line.
12. All lots shall have a minimum depth of one hundred twenty (120) feet.

### **Section 515 - Easements**

Easements may be required where sanitary sewers, water lines, gas mains, storm sewers, drainage channels, or streams impact a subdivision. Refer to Article VI, Section 622 and Article IX, Section 903 of the *Ashland County Engineering Code* for the locations of the utilities within the easement and for the required width of the easement. In no case shall an easement be used to provide primary or principal access to a parcel.

### **Section 516 - Public Sites, Public Open Spaces and Natural Features**

Where a park, playground, school or public access to water frontage which is shown in the Comprehensive Plan is located, in whole or in part, in the proposed subdivision, the Commission shall request the dedication of such area within the subdivision or that provisions be made for the acquisition of the area by the proper agency.

In some cases, the Commission may require a portion of a subdivision to be allocated for recreational uses. The required area shall be a minimum of three percent (3%) and a maximum of ten percent (10%) of the area of the subdivision exclusive of road right-of-ways.

In major subdivisions the Commission may require that consideration for schools, parks, playgrounds and other such uses be included in the preparation of plans for that subdivision and that provisions be made for the acquisition of these sites by the proper agency or their reservation.

The Commission reserves that right to disapprove any subdivision that disregards the preservation of natural features such as water courses and wooded areas; culturally or historically significant areas and similar unique assets. In some cases, the County may be required to purchase the property in question.

### **Section 517 - Flood Plain Requirements**

The limits and elevations of the 100 year flood plain shall be identified on the Preliminary Plan and the Final Plat. Building sites shall not be located in areas subject to the 100 year flood plain. Any fill areas should not impact the 100 year flood plain. Fill areas in or immediately adjacent to a flood plain shall extend beyond the limits of the intended building site and shall incorporate adequate drainage and suitable slope. The Board of Health will determine if a suitable sewage disposal system and water supply can be installed. Where suitable systems cannot be provided, the commission will not approve the subdivision.

The County Engineer will determine the street elevations and help determine the drainage systems required in accordance with Article IX and X of the *Ashland County Engineering Code*.

Flood Plains shall be defined using the best available information. This information may include the Soil Survey of Ashland County, Ohio, and flood insurance rate maps prepared for Ashland County. Refer to the Ashland County flood plain regulations for details.

### **Section 518 - Wetlands**

Wetlands are those areas that have a combination of soil type, plant life and ground water level that makes the area a valuable natural resource. The development within a wetland requires the coordination of the applicable agencies to include the Department of Natural Resources, the U.S. Army Corps of Engineers and USDA Natural Resources Conservation Service. The Ashland County Planning Commission will defer to these agencies where a wetland matter is concerned. The Planning Commission coordinator may request a site review.

### **Section 519 - Soil Sediment Control**

Soil Sediment Control shall be undertaken where necessary in Type II Subdivisions to prevent the pollution of public waters by sediment from accelerated soil erosion caused by earth disturbing activities and land use changes. Control of such pollution will promote and maintain the health, safety and general welfare of all life and inhabitants within Ashland County. Costs for these improvements are to be included in the improvements cost estimate section of these Regulations (Article VI) and any guarantees required for said improvements. Applicable Ohio Environmental Protection Agency regulations shall be followed to control such activities.

## **ARTICLE VI: REQUIREMENTS FOR CONSTRUCTION OF IMPROVEMENTS**

### **Section 600 - General Statement**

All improvements required herein shall be constructed prior to the granting of Final Plat. Approval by the County Planning Commission, or the subdivider shall furnish a performance guarantee to the Ashland County Commissioners for the estimated cost of the improvements as approved by the county Engineer plus ten percent (10%) of the installation of the required improvements. For further information concerning the construction of improvements, refer to Articles II, III, IV and XIV of the Ashland County Engineering Code.

### **Section 601 - Determination of Require Improvements**

The Commission in consultation with the Ashland County Engineer and representatives of the Ashland County Board of Health will determine the type, size, amount and location of the required improvements in accordance with these regulations and based on the location of the subdivision in relation to the development of the surrounding area. The responsible County officials listed herein will assist the Commission in its determination. For further information concerning the construction of improvements, refer to Articles II, III, IV and XIV of the *Ashland County Engineering Code*.

### **Section 602 - Construction Procedure and Materials**

Refer to Article XIV, Section 1401 of the *Ashland County Engineering Code*.

### **Section 603 - Construction Drawing Approval**

Refer to Article IV of the *Ashland County Engineering Code*.

### **Section 604 - Required Information**

A copy of the construction drawings of all improvements, the specifications and cost estimated, together with any additional information deemed necessary by the Commission shall be submitted with the final plat for review by the Commission for conformance with the standards and specifications as outlined in these regulations. For minor subdivisions on existing right-of-way, these regulations may be waived. For additional requirements on improvements, refer to Article IV of *Ashland County Engineering Code*.

### **Section 605 - Plans and Profiles**

Refer to Article IV, Section 406 of the *Ashland County Engineering Code*.

### **Section 606 - Cross Sections**

Refer to Article IV, Section 407 of the *Ashland County Engineering Code*.



### **Section 607 - Improvement and Quantity Estimate Information**

A copy of the Developer's approved estimate shall be filed by the developer's engineer with the final plat for review by the Commission. This estimate is to be submitted to the County Engineer for his review and approval.

### **Section 608 - Guarantee for Installation of Improvements**

All required improvements must be completed prior to the granting of the final plat approval or suitable performance guarantees must be provided. Completed improvements must be in accordance with the preliminary plan and in accordance with Article V of the *Ashland County Engineering Code*. When the improvements are not completed, the subdivider shall insure their completion with a performance guarantee acceptable to the County Planning Commission and the Ashland County Commissioners. All improvements shall be completed within a three (3) year period from the date of the final plat approval by the Planning Commission, unless otherwise provided in Section 609.

### **Section 609 - Types of Performance Guarantees**

To guarantee the construction of required improvements prior to the approval and recording of the final plat, the subdivider will be required to provide a performance guarantee in one or a combination of the following:

1. **Performance bond:** The subdivider may post a bond executed by a surety company equal to the County Engineers' approved estimated cost of the required improvements plus ten percent (10%). The bond is to be to the favor of the Ashland County Commissioners. The bond shall guarantee the construction of the improvements in accordance with the approved plans. The term of the bond shall not exceed two (2) years except the Commission may grant an extension where due cause can be shown.
2. **Deposit:** The subdivider may make a deposit with the County Treasurer, with a responsible escrow agent, or with a trust company. The deposit shall be money or a negotiable guarantee in an amount equal to the County Engineer's approved estimated cost of the required improvements plus ten percent (10%). If a cash deposit is made, an agreement may be executed to provide payments to the contractor or subdivider from the deposit as the work progresses and is approved by the responsible official. Should a deposit be made, as per this section, a receipt in a form as created by the Ashland County Planning Commission will be given.
3. **Special Assessments:** The subdivider may petition the Ashland County Commissioners to have the road improvements constructed and levy assessments against the property as provided in Section 5559 of the Ohio Revised Code. Approval of such petition by official action of the Board of County Commissioners is required.

In the event that the subdivider fails to complete the required public improvements 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 paid out of the surety. Should this occur, the following procedure will be used:

1. The County Commissioners will pass a resolution that the subdivider has failed in the performance of the development, that the surety company will be required to construct the improvement, and that the surety

company will be notified and given a specific time limit to complete the improvements to the satisfaction of the responsible County Official.

2. Should the surety be a deposit, the resolution will cause the deposit to be forfeited to the County.
3. Should the surety company fail to construct the improvements within the time limit set, or should the Commissioners possess a forfeited deposit, the County Commissioners will proceed in the manner as required by the Ohio Revised Code to have the improvements constructed.

### **Section 610 - Progressive Installation**

After the Preliminary Plan of the proposed subdivision has been approved by the Commission, the subdivider may improve a part of the entire area and submit a Final Plat for the improved portion to the Commission for approval. The subdivider must then make the necessary arrangements for completion of the improvements and submit a final plat for that portion to the Commission for approval.

### **Section 611 - Holding the County Harmless**

In the event that the improvements are not completed prior to the recording of the Final Plat, the subdivider shall hold the County harmless for any construction or development activity that would impact a land owner or other interested party. Such hold harmless includes all acts or omissions by the subdivider that causes harm or loss to another. The Planning Commission has suitable forms for this purpose.

### **Section 612 - Fees and Reconstruction Notification**

Refer to Article II, Section 203 and Article XIV, Section 1403 if the *Ashland County Engineering Code*.

### **Section 613 - Inspection**

Refer to Article XIV, Section 1404 of the *Ashland County Engineering Code*. Upon completion of all improvements, the subdivider shall request in writing a final inspection by the County Engineer as required by Section 711.091 of the Ohio Revised Code.

### **Section 614 - Acceptance of Improvements for Maintenance by the Public**

The subdivider shall construct the improvements in accordance with the approved plans and to the satisfaction of Article XIV of the *Ashland County Engineering Code*. Upon completion of the final inspection as itemized above, the subdivider shall request in writing to the Ashland County Commissioners the acceptance of the improvements by the Commissioners for use and maintenance by the public. This acceptance for use and maintenance shall be subject to satisfactory compliance with the following requirements:

1. Inspection and approval of all improvements by the responsible County officials and notification by said official in writing to the Planning Commission and the County Commissioners that the improvements have been satisfactorily completed.

2. When the improvement is completed prior to the recording of the plat, the subdivider shall place on the plat a certificate indicating the acceptance by the Ashland County Commissioners of the streets for use and maintenance by the public. The maintenance by the public will begin upon the receipt by the County Commissioners of a surety equal to ten percent (10%) of the final construction cost, which shall be for the purpose of correcting any deficiencies identified by the County Engineer that occur in the improvement within the first year of use. The surety shall be for a one year period and at the end of that period shall be used to make any repairs required. Any unused portion of the surety shall be returned to the subdivider. The interest earned by the surety shall be to the credit of the subdivider.
3. When the plat has been recorded prior to the construction of the public improvement, the County Engineer will notify the County Commissioners when the construction of all required improvements have been satisfactorily completed. Said notification shall be in writing. After viewing the improvements, the County Commissioners will accept the improvements for use and maintenance by the public. The County Commissioners will at the time of acceptance assign the improvement to the applicable jurisdiction, (County or Township) for maintenance. The maintenance by the public will begin upon the receipt by the County Commissioners of a surety equal to ten percent (10%) of the final construction cost, which shall be for the purpose of correcting any deficiencies identified by the County Engineer that occur in the improvement within the first year of use. The surety shall be for a one year period and at the end of that period shall be used to make any repairs required. Any unused portion of the surety shall be returned to the subdivider. The interest earned by the surety shall be to the credit of the subdivider.

### **Section 615 - Street Requirements**

Refer to Article VI of the *Ashland County Engineering Code*. A thoroughfare plan is in effect for Ashland County.

### **Section 616 - Curbs and Gutters**

Refer to Article VI, Section 613 of the *Ashland County Engineering Code*.

### **Section 617 - Sidewalk Requirements**

1. Sidewalks may be required on both sides of streets in developed areas and in unincorporated villages.
2. All sidewalks shall be four (4) inches thick, minimum.
3. Sidewalks shall be five (5) feet wide in residential areas and ten (10) feet wide in commercial and industrial areas.
4. All sidewalks shall have a transverse grade of two percent (2%).

### **Section 618 - Water Supply Requirements**

Where public water supplies are available, the subdivider shall construct a series of water mains to connect to the public system. Where a public water supply is not available, the subdivision shall be served by County Board of Health approved individual private water systems.

### **Section 619 - Sanitary Sewer Requirements**

All current State and Local regulations relating to individual sewage disposal systems shall be followed regarding the design, location, size, construction, installation and treatment of sewage and type of system required. Where a public sewage system is available, the subdivider shall construct a series of sanitary sewers to connect to the existing system to serve all lots in the proposed subdivision. No sanitary sewer system shall be installed or operated without the approval of the necessary State and Local officials.

### **Section 620 - Culverts**

Refer to Article VII, Section 704 and Article IX, Section 908 of the *Ashland County Engineering Code*.

### **Section 621 - Utility Requirements**

Electric, telephone and cable television are utilities associated with above ground poles and wires. For aesthetic reasons, the Ashland County Planning Commission recommends consideration by the developer of burial of these utilities.

It is recommended that buried utilities be located outside of public right-of-ways. Where this not feasible buried utilities should be located in areas where future roadway maintenance will not be affected. The location of buried utilities near bermed areas or roadside ditches should be avoided.

For utility construction, refer to Ashland County Engineering Code, Article VI, Sections 619 and 622, Article VII, Section 706.

## **ARTICLE VII: PLANNED UNIT DEVELOPMENTS**

### **Section 700 - General Statement**

The planned unit development approach to development is greatly encouraged. The Commission may modify these regulations by the degree necessary to accomplish the objectives and standards required for the planned unit development of residential, commercial or industrial subdivision, or a mixture thereof, in accordance with applicable zoning resolutions. Nothing within this section, however, shall exempt the developer from the requirements of subdivision plat approval as specified in Article IV of these regulations.

### **Section 701 - Required Information**

The Preliminary Plan application for approval of a planned unit development shall contain the following information in addition to that normally required by Article IV.

1. Complete description of the land to be dedicated to common use (open space).
2. Topographical survey of the open space
3. Description of natural features.
4. How legal title will be held.
5. How open space is to be regulated.
6. How taxes are to be paid.
7. Who will be responsible for maintenance.
8. How maintenance will be guaranteed.
9. How maintenance will be financed.
10. Proposed use of the area.
11. Improvements to be constructed and by whom.
12. Cost estimates of improvements (prepared by a registered engineer or architect).
13. Copy of residents association agreement if one is prepared.
14. Other relevant facts concerning the open space.
15. Any other information deemed necessary by the Commission about the proposed Planned Development.

### **Section 702 - Open Space Improvement Guarantee**

At the time of the application for final approval of the plat for Planned Unit Development, the subdivider shall provide a performance bond in accordance with Section 608 and 609 of these regulations in the amount of the estimated cost of the proposed improvements to the open space plus ten percent (10%) to be held by the Board of County Commissioners for a time period set by them or these regulations.

In addition a maintenance bond for the open space shall be provided by the subdivider in accordance with Section 608 and 609 of these regulations. Said bond shall be for an amount determined by the Board of County Commissioners.

# ARTICLE VIII: HILLSIDE REGULATIONS

## Section 800 - General Statement

These regulations apply to all hillside areas in Type II Subdivisions and in some cases to Type I Subdivisions (See Sections 300 and 310). A hillside area as referred to herein is defined as one with an average slope equal to or exceeding twelve percent (12%). The subdivider shall submit sufficient detailed information as to geologic conditions, soil types, and ground water elevation in order that a determination can be made by the County Engineer as to the safety of development of the particular location.

## Section 801 - Determination of Average Slope

The average slope for any hillside development shall be determined by the County Planning Commission during the time of preliminary subdivision design. The determination will be made on an area by area basis with each lot sized according to the average change in elevation falling within each area. The best available data, such as USGS topographic maps will be used to determine existing conditions. Average slope of the site will be determined using normally accepted procedures.

## Section 802 - Minimum Lot Area and Width Requirements

The minimum lot area and width of hillside sites shall be increased by the amount indicated in the following table to provide for enough area for a satisfactory sewage system and water supply for the structure proposed for the lot.

MINIMUM HILLSIDE LOT SIZE STANDARDS		
AVERAGE SLOPE (%)	MINIMUM LOT SIZE	MINIMUM FRONTAGE
12-18	1.5 Acres	200 Feet
19-25	2.0 Acres	250 Feet
26+	3.5 Acres	300 Feet

## Section 803 - Grading Plan and Controls

There shall be a grading plan which shall show the contours at a minimum of five foot (5') intervals. The approximate dimensions shall be shown for each lot and each building site. Where pads are utilized or proposed for building sites, engineering data shall show, prior to consideration of the final plat, the existing topography and the approximate finished grades, location and size of each building site, and the proposed finished grade of streets.

## Section 804 - Cuts and Fills

No land shall be graded, cut or filled so as to create a slope exceeding a vertical rise of one foot (1') for each two and one-half feet (2 1/2') of horizontal distance between abutting lots.

**Section 805 - Retaining Walls**

Retaining walls may be required whenever topographic conditions warrant or where necessary to retain fill or cut slopes within the right-of-way. Such improvements must meet the approval of the County Engineer.

**Section 806 - Street Alignment**

Refer to Article VI of the *Ashland County Engineering Code*.

**Section 807 - Driveways**

The maximum grade on driveways shall not exceed ten percent (10%). For other standards refer to *Ashland County Engineering Code*, Section 702.

**Section 808 - Sidewalks**

When sidewalks are proposed they shall be installed on the uphill side of the street where slopes average more than twelve percent (12%). For other standards refer to section 617 of these regulations.

**Section 809 - Undeveloped Land**

Land with excessive slope and deemed to the County Planning Commission to be undesirable for development, shall not be platted for development, nor for use that may involve danger to health, life, or property or to aggravate erosion or storm water runoff. Such land shall be set aside for uses compatible with the surrounding environment. In some cases the County may be required to purchase the property in question.

## **ARTICLE IX: REVISIONS, VARIANCES, AND ENFORCEMENT**

### **Section 900 - 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 Commission and endorsed in writing on the plat, unless said plat is first resubmitted to the Commission.

### **Section 901 - Sale of Land Within Subdivisions**

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

### **Section 902 - Variances**

The following regulations shall govern granting of variances:

1. Where the Commission finds that extraordinary and unnecessary hardship may result from strict compliance with these regulations, due to exceptional topographical or other physical conditions, it may vary the regulations so as to relieve such hardship, provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these regulations or the desirable development of the neighborhood and community. Such variations shall not have the effect of nullifying the intent and purpose of these regulations, the Comprehensive Plan, or a zoning regulation, if such exists.
2. In granting variances or modifications, the commission may require such conditions as will, in its judgement secure substantially the objective of the standards or requirements so varied or modified.
3. Any variance granted shall be entered in the minutes of the Commission, setting forth the reasons which justify said variance.
4. A fee as specified in Section 904, of these regulations shall be paid to the Commission upon filing for a variance.
5. Corners of proposed lot need to be flagged prior to filing of application for variance. The owner's attendance at the County Planning Commission meeting where variance is considered is recommended.

### **Section 903 - Appeal**

Any person who believes he has been aggrieved by these regulations or any action of the Commission has the rights of appeal to the Common Pleas Court as set forth in Chapter 711 or any other applicable section of the Ohio Revised Code.

### **Section 904 - Fees**

Fees in the amount fixed by the Ashland County Commissioners shall be paid to the County Planning Commission for the review and approval of Type I and Type II subdivisions, variances, and exemptions.



The aforementioned fees shall be paid in legal tender or by check or money order made payable to the Ashland County Planning Commission. No application nor appeal for variance shall be considered filed until said fees have been paid.

Other agencies such as the County Board of Health or the County Engineer may require a fee to defray their costs.

### **Section 905 - Penalties**

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

1. Whoever violates any rule or regulation adopted by the Board of County Commissioners for the purpose of setting standards and requiring and securing the construction of improvements within a subdivision fails to comply with any other pursuant thereto is creating a public nuisance and the creating thereof may be enjoined and the maintenance thereof may be abated by action at suit of Ashland County or citizen thereof. Whoever violates these regulations shall forfeit and pay not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00). Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas Ashland County.
2. A County Recorder who records a plat contrary to the provisions of these regulations shall forfeit and pay not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) to be recovered with costs in a civil action by the Prosecuting Attorney in the name and for the use of Ashland County.
3. Whoever, being the owner or agent of any land, transfers any lot, parcel or tract of such land from or in accordance with a plat of a subdivision before such plat has been recorded in the office of the County Recorder shall forfeit and pay the sum of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each parcel or tract of land so sold. The description of such lot by metes and bounds in the deed of transfer shall not serve to exempt the seller from the forfeiture provided in this section. Such sum may be recovered in a civil action, brought by the Prosecuting Attorney, other corresponding official, or the Commission in the name of Ashland County and for the use of the road repair fund thereof. The sale of lots, parcels, or tracts from a plat of a subdivision on which any and all areas indicated as streets or open grounds are expressly indicated as for the exclusive use of the abutting or other owners in such subdivision and not a. Public streets, ways or grounds shall not serve to exempt the seller from the requirements of Chapter 711 of the Ohio Revised Code as amended or from the forfeiture herein provided.
4. Any person who disposes of, offers for sale or lease for a time exceeding five (5) years any lot or part of a lot in a subdivision before provisions of these regulations are complied with shall forfeit and pay the sum of not less than ten dollars (\$10.00) not more than five hundred dollars (\$500.00) for each lot or part of lot sold, offered for sale or leased, to be recovered with costs in a civil action in the name of the County Treasurer for the use of Ashland County.

**ARTICLE X: ENACTMENT, ADOPTION**

**Section 1000 - Effective Date**

These regulations shall become effective April 1, 2010 after their approval and adoption by the Ashland County Planning Commission and the Board of County Commissioners, Ashland County, Ohio, after a public hearing and certification to the Ashland County Recorder. Henceforth, the "Subdivision Regulations, Ashland County, Ohio", recorded in full on February 26, 1973 and amendments recorded on August 22, 1973, March 31, 1977, August 21, 1981, November 16, 1995, April 5, 2004, November 14, 2018, May 11, 2021, and October 11, 2023 and shall be deemed to be repealed. These regulations shall in no way affect any subdivision having received preliminary approval prior to the effective date provided, however, that no changes to the Preliminary Plan as approved are introduced by the subdivider.

**Section 1001 - Adoption, Recording**

Pursuant to Chapter 711 of the Ohio Revised Code, the Ashland County Planning Commission, after a public hearing held on October 11, 2023 hereby adopts the "Subdivision Regulations of Ashland County, Ohio" on this 11th day of October 2023 to be effective December 1, 2023.

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President of the Commission

Director

Pursuant to Chapter 711 of the Ohio Revised Code, the Board of County Commissioners, after a public hearing held on October 11, 2023 hereby adopts the "Subdivision Regulations of Ashland County, Ohio" on this 30th day of October, 2023 to be affective December 1, 2023.

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CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

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Attest: CLERK, BOARD OF COUNTY COMMISSIONERS

Revised for record the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ o'clock \_\_\_\_, and recorded the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in volume \_\_\_\_\_, Page \_\_\_\_\_, of the Deed Records.

ASHLAND COUNTY RECORDER