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CLINTON COUNTY SUBDIVISION REGULATIONS 2006

ARTICLE 100 GENERAL PROVISIONS

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100.01 TITLE

These Regulations shall be known and may be cited and referred to as the “Subdivision Regulations for Clinton County, Ohio” and shall hereinafter be referred to as “these Regulations” or “Regulations.”

100.02 PURPOSES AND INTENT

The purpose of the Subdivision Regulations for Clinton County, Ohio include the following:

- A. To protect and provide for the public health, safety, and general welfare.
- B. To provide guidance for the creation of minor, large lot and major subdivisions or developments under Section 711.10, 711.131 and 711.133 of the Ohio Revised Code.
- C. To ensure sound, harmonious subdivision development and county growth which will become a permanent County asset by establishing minimum standards for subdivision design and construction.
- D. To help ensure land to be subdivided is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
- E. To secure and provide adequate and convenient open spaces, vehicular and pedestrian circulation, utilities, and access of fire fighting apparatus, recreation, light and air.
- F. To secure and provide for the proper arrangement of streets or highways in relationship to existing or planned streets or highways, and to the County Thoroughfare Plan.
- G. To ensure adequate and convenient traffic movement, and the avoidance of congestion of traffic.
- H. To provide common ground or understanding and a sound working relationship between the County and the subdivider and to help safeguard the interests of the homeowner, the applicant and the County.
- I. To minimize the pollution of air, streams, and ponds, and to ensure that development subject to the Subdivision Regulations is sensitive to and compatible with environmental considerations.
- J. To minimize the scattered and premature platting of lots beyond the effective operating range of existing public utilities and improvements.
- K. To establish reasonable standards of design and procedures for subdivision and re-subdivision to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.
- L. To cause the cost of design and the installation of improvements in new platted subdivisions to be borne by the subdivider or applicant rather than by any direct or indirect burden upon existing property owners beyond the limits of the subdivision for the improvements serving the property.
- M. To secure the rights of the public with respect to public lands and waters.
- N. To provide for the accurate surveying of land, preparing and recording plats and the equitable handling of all subdivision plats by providing uniform approval procedures for observance by both the approving authority and the applicant.
- O. To help provide a strong sense of community identity based on a shared, coherent, functionally efficient physical environment.

100.03 AUTHORITY

- A. The Authority to adopt rules and regulations governing plats, subdivisions of land and site development, and to approve, conditionally approve or disapprove plat, subdivisions of land and site developments within the unincorporated portions of Clinton County shall be derived from the authority provided pursuant to Chapters 711 and 713 of the Ohio Revised Code, as amended, and Senate Bill 115 authorizing the County to adopt rules pertaining to lots in size from five (5) acres to twenty (20) inclusive and making other changes to the subdivision law.
- B. The Subdivision Regulations of Clinton County, Ohio shall apply to all division of land and all development of land situated within the unincorporated portion of Clinton County, Ohio. Rules and regulations may be adopted pursuant to and in support of the Subdivision Regulations, including stormwater management regulations, access management policies and erosion and sedimentation controls. (Please see the Appendix for a list of current regulations.)

100.04 JURISDICTION

- A. These Regulations shall be applicable to all plats and all subdivision of land within the unincorporated area of Clinton County, and pursuant to these Regulations the Clinton County Regional Planning Commission shall have the power of final approval of all plats and all subdivisions within such territory.

100.05 ENACTMENT

- A. The Subdivision Regulations for Clinton County, Ohio are enacted by Resolution Number _____, duly adopted by the Board of Clinton County Commissioners, Clinton County, Ohio, on _____, 2006, and do hereby serve as a replacement of the existing Clinton County Subdivision Regulations, as amended.

100.06 INTERPRETATION, CONFLICT AND SEVERABILITY

A. INTERPRETATION AND CONFLICT

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

1. Public Provisions:

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

2. Private Provisions:

These Subdivision Regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provision of these Regulations are more restrictive or impose a higher standard, or regulations than such easement, covenant or other private agreement or restriction, the requirements of these Regulations shall govern. Where the provision of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive or standards that are higher than the requirement of these Regulations or determinations of the Regional Planning Commission in approving a subdivision or in enforcing these Regulations, then the private provision shall be operative and supplement to these Regulations and the determinations made under these Regulations.

B. SEVERABILITY

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

100.07 SAVING PROVISION

- A. The Subdivision Regulations for Clinton County, Ohio shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the County under any section or provision existing at the time of adoption of the Subdivision Regulations, or as vacating or annulling any rights obtained by any persons, firm or corporation by lawful action of Clinton County except as shall be expressly provided for herein.

100.08 REVISIONS AND REPEALS

- A. Upon the adoption of the Subdivision Regulations according to the Ohio Revised Code, the regulations of Clinton County adopted November 27, 1995, as amended, are hereby repealed, except as to those sections expressly retained in these Regulations.

100.09 AMENDMENTS

- A. For the purposes of protecting the public health, safety and general welfare, the Clinton County Regional Planning Commission may periodically amend or propose amendments to these Regulations, which are generally approved by the Board of Clinton County Commissioners at a public hearing/meeting following a public notice. At a minimum, once every three to five years, the administrative officer shall conduct a review of the Regulations and shall issue a report to the Regional Planning Commission with recommendations for proposed amendments as necessary.

100.10 PUBLIC PURPOSE

- A. Regulations of the subdivision of land and the attachment or reasonable conditions to land subdivision are an exercise of the valid police power delegated to counties by the state of Ohio. The developer and/or subdivider has the duty of compliance with reasonable conditions required by the Regional Planning Commission for design, dedication, improvement and restrictive use of the land to conform to the physical and economic development of Clinton County and to the health, safety and general welfare of the future lot owners in the subdivision and the community as a whole.

100.11 VARIANCES, ADMINISTRATIVE WAIVERS AND APPEALS

- A. **VARIANCES:**
The Clinton County Regional Planning Commission may grant variances to the Subdivision Regulations following the variance procedure and criteria. Variances shall be considered to be substantive modifications to existing regulations and standards, and are not otherwise subject to the provisions of the Administrative Waiver. Each case shall be decided on an individual basis and the physical evidence and burden of proof shall rest with the applicant.
 1. Procedure:
 - a. An applicant requesting a variance to a provision of the Subdivision Regulations shall complete an application form provided by the Regional Planning Commission and shall submit that application form with all requested supplementary materials and necessary fees and other such materials as may be required by the Regional Planning Commission. Application for variances shall be submitted at least fifteen (15)

business days prior to a scheduled meeting of the Planning Commission. A total of twenty (20) copies of the application package shall be submitted.

- b. Upon a review of the submittal and determination that the submittal is complete and meets all requirements per this Section, the Administrative Officer shall place the application for variance on the agenda for the next Regional Planning Commission meeting. The Administrative Officer shall review the request and prepare a written recommendation, following review and comments from the Technical Coordinating Committee and other offices as may be appropriate. The recommendations shall accompany a copy of the application package that is forwarded to the Regional Planning Commission with the meeting notice. Notice of the variance request shall be posted in the Planning Commission office.
 - c. The Regional Planning Commission shall hear the request and make a decision within 30-days of the hearing of the request if the decision is not possible at the time of the meeting. The Regional Planning Commission may require conditions or modifications to the application that, in its collective judgment, secure substantially the objective of the standards or requirements so varied or modified which protect the public health, safety, and general welfare.
2. Criteria:
The Regional Planning Commission in consideration of a request for a variance shall use the following criteria. In order to approve a variance, the Regional Planning Commission must cite at least one of the following criteria to justify an approval:
 - a. That an extraordinary and obviously unnecessary hardship may result from the strict application of the Subdivision Regulations due to exceptional topographic or other physical conditions. Such hardships may not be considered if it was brought upon by the actions of the applicant or prior landowner.
 - b. Those truly unique circumstances are present that create a hardship with the strict application of the Subdivision Regulations. Such hardship may not be considered if it was brought upon by the action of the applicant.
 3. Planning Commission Action Must Not Conflict with Certain Policies:
In approving the application for a variance, the Regional Planning Commission action must not conflict with the following policies:
 - a. Under no circumstances shall a variance be granted for the sole purpose of increasing economic benefit to the applicant.
 - b. Under no circumstances shall a variance be granted which has the effect of nullifying the intent and purpose of the Subdivision Regulations, the Clinton County Comprehensive Plan, as amended or the Rural Zoning Resolution.
 4. Effect of Approval and Period of Validity:
The approved variance and its conditions shall be noted on the Final Plat. The date of adoption and variance number shall be noted on the plat. If approved, the variance shall remain in effect for 12-months from the date of approval or as long as the subdivision is being actively processed in accordance with the Subdivision Regulations. Subdivisions, which fail to meet the processing requirements, will be required to submit a new variance request.

B. ADMINISTRATIVE WAIVERS:

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

1. Procedure:
 - a. The applicant for approval at any stage under the Subdivision Regulations may request an Administrative Waiver by submitting an application and attach information as required, as provided under Subsection 2. The Administrative Officer shall not consider the application package until determining that it is complete. Following that determination the Administrative Officer shall render a written decision within 15-business days.

- b. The applicant requesting the waiver may appeal the Administrative Officer's decision to the Clinton County Regional Planning Commission. The Appeal shall be heard and considered by the Regional Planning Commission at its next regularly scheduled meeting. The Commission shall decide upon the appeal at that meeting, unless the applicant agrees to a tabling of the appeal for no more than 31-days, in which the Commission shall reconsider the appeal and render a decision.
- 2. Regulations Subject to an Administrative Waiver:
The Administrative Officer may issue an Administrative Waiver for any one of the following actions. The Officer, in deciding whether the request is appropriate under the Subdivision Regulations, shall base his/her decision on whether the request is sufficiently substantive as to require a consideration as a request for a variance by the Planning Commission.
 - a. A variance of no more than ten (10) percent of any required setback or dimension.
 - b. Slight modification to application and/or submittal requirements that do not substantially conflict with the requirements of the Subdivision Regulations or which would otherwise inhibit the Regional Planning Commission from rendering a decision.
 - c. Minor modification to a Final Plat after Regional Planning Commission approval and before recording.
- 3. Criteria:
The Administrative Officer shall approve a request for an Administrative waiver provided that all of the following criteria have been addressed:
The applicant has submitted a request that fully demonstrates the desirability of the waiver.
 - a. In no instance shall a waiver be granted for the sole purpose of increasing economic benefit to the applicant.
 - b. Under no circumstances shall a waiver be granted which has the effect of nullifying or compromising the intent and purpose of the Subdivision Regulations, the Clinton County Comprehensive Plan, as amended or the Rural Zoning Resolution.
- 4. Effect of Approval and Period of Validity:
Any relaxation of the minimum requirements of the Subdivision Regulations in regard to a particular subdivision or development shall be appropriately noted on the Final Plat. If approved, the waiver will remain for 12-months from the date of approval or as long as the subdivision is being actively processed in accordance with the Subdivision Regulations. Subdivisions, which fail to meet the processing requirements, will be required to submit a new waiver request.
- 5. Appeals:
Any person who believes he or she had been aggrieved by the Subdivision Regulations or the action of the Clinton County Regional Planning Commission, has all the rights of appeal as set forth in Chapter 711 of the Ohio Revised Code or any other applicable section of the Ohio Revised Code, as amended.

100.12 NON CONFORMANCES

- A. Subdivisions approved prior to the adoption of these Amended Subdivision Regulations shall be classified as legally non-conforming subdivisions.

100.13 ENFORCEMENT, VIOLATIONS AND PENALTIES

- A. Whoever violates any rule or regulation adopted by the board of Clinton County Commissioners for the purpose of setting standards, and requiring and securing the construction of improvements with a subdivision or fails to comply with any order pursuant thereto is creating a public nuisance. The creation of the public nuisance may be enjoined and abated by action of the County. Whoever is found to be in violation of the Subdivision Regulations by a court of competent jurisdiction shall be fined not less than one hundred fifty (150) dollars nor more than one thousand (1,000) dollars. The person is in noncompliance from the date of the court decision. Such sum may be recovered with cost in a civil action

brought in the Court of Common Pleas of Clinton County, Ohio and be deposited in the general fund of the County.

- B. Whoever, being the owner or agent of the owner of any land the unincorporated area, transfers any lot, parcel or tract of such land from or in accordance with a plat or a subdivision before such plat has been recorded in the office of the Clinton County Recorder, shall forfeit and pay the sum of not less than one hundred fifty (150) dollars nor more than five hundred (500) dollars for each lot, parcel or tract of land so sold. The description of such lot, parcel or tract by metes and bounds in the deed of transfer shall not serve to exempt the seller from the forfeiture provided in the Section. If such land is within a municipal corporation, such sum may be recovered in a civil action brought in the Court of Common Pleas of Clinton County, Ohio (Ohio Revised Code 711.13).
- C. Any person who disposes of, offers for sale or lease for a time exceeding five years any lot or any part of a lot in a subdivision before provisions of the Subdivision Regulations are completed shall forfeit and pay the sum of not less than one hundred (100) dollars nor more than five hundred (500) dollars for each lot or part of a lot so sold, offered for sale or lease, to be recovered with cost in a civil action, in the name of Clinton County Treasurer for the use of the Clinton County Regional Planning Commission.

100.14 PROHIBITIONS

- A. **RECORDING OF A PLAT:**
No plat or deed for any subdivision shall be recorded by the office of the Clinton County Recorder or have any validity until said plat or deed receives final approval in the manner prescribed in these and other County Regulations.
- B. **REVISION OF PLAT AFTER APPROVAL:**
No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the Clinton County Regional Planning Commission and endorsed in writing on the plat unless said plat is first submitted to the Planning Commission for revision per the Subdivision Regulations. Once recorded, the plat cannot be revised without re-platting.
- C. **SALE OF LAND WITHIN SUBDIVISION:**
No owner or agent of the owner of any land located within a subdivision shall transfer or sell any lot, parcel or tract of land by reference to, exhibition of or by the use of a plat of subdivision before such plat has been recorded in the manner prescribed in the Subdivision Regulations. The description of such lot, parcel or tract by metes and bounds or in the deed of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of the Subdivision Regulations. These provision shall not preclude the presale of lots pending subdivision approval.
- D. **ONE DWELLING PER LOT:**
To properly ensure and provide for the best planned use of land in Clinton County pursuant to Section 711.10 of the Ohio Revised Code, it is the policy of the board of Clinton County Commissioners and the Clinton County Regional Planning Commission to require that, without an officially approved variance from the Clinton County Health Department and the Board of Zoning Appeals, no more than one permanent dwelling be permitted on any individual land parcel as officially filed with the county Recorder or Tax Map office as the case may be. It shall be the responsibility of all County agencies and departments to enforce this policy. In those instances where such a variance is requested by the Clinton County Health Department, the County Sanitarian should consult with the Regional Planning Commission in reviewing and commenting on the proposal to avoid approving such a variance if it would constitute a clear violation of the intent of these Regulations.
- E. **NO BUILDING OR IMPROVEMENT IN AN EASEMENT:**
No buildings or other improvements shall be placed within a recorded easement, unless provided for or as approved by the Regional Planning Commission and the utility agency having the easement, such as telephone or electric power lines.

100.15 ADMINISTRATION

A. ADMINISTRATIVE OFFICER

The Subdivision Regulations shall be administered and enforced by the Administrative Officer, who will be the director of the Clinton County Regional Planning Commission, or his/her designated representative and is hereby empowered herein. The Administrative Officer is responsible for the following activities:

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

B. REGIONAL PLANNING COMMISSION

The Clinton County Regional Planning Commission is responsible for the following:

1. Final approval of concept plans.
2. Final approval of preliminary plans.
3. Coordination with office of the Clinton County Engineer and final approval of the improvement or construction plans.
4. Final approval of the final plat/plans.
5. Final approval of applications for variance to the Subdivision Regulations.
6. Hear appeals of decisions of the Administrative Officer.
7. Administration of the Subdivision Regulations for Clinton County, Ohio.
8. Initiation and/or recommendation of amendments to the Subdivision Regulations.
9. Adopting bylaws for the conduct of the Commission's meetings.

C. BOARD OF CLINTON COUNTY COMMISSIONERS

The board of Clinton County Commissioners is responsible for the following:

1. Adopting the Subdivision Regulations and amendments thereto.
2. Approving rights-of-way dedications.
3. Accepting public improvements for public use and releasing said improvements for maintenance by the appropriate public entity.

D. TECHNICAL COORDINATING COMMITTEE

1. The Technical Coordinating Committee was created to aid in the approval of applications for subdivisions and review and comment on applications for building permits; and does not diminish the authority of the Regional Planning Commission. At a minimum, the Technical Coordinating Committee is comprised of representatives from: the office of the Clinton County Engineer (including the Map Office), Clinton County Health Department, Clinton Soil and Water Conservation District, Clinton County Building and Zoning Department, and the Clinton County Regional Planning Commission. Additional agencies, including township trustees and fire departments may be invited to participate with the group.
2. The periodic meetings of the Committee representatives are open to the public.
3. An applicant for a Minor Subdivision or Lot Split shall submit an application for Minor Subdivision to the Regional Planning Commission along with appropriate fees and supporting data. The Regional Planning Commission has no less than seven (7) days to review and approve the application. However, the applicant will be required to execute a permission statement for the Regional Planning Commission to extend the seven (7) day review period to allow the Commission the benefit of review comments from other County agencies. As an alternative, the applicant or his/or her representative may personally secure the approval(s) of the appropriate County review agencies prior to making an application for Minor Subdivision to the Clinton County Regional Planning Commission.
4. Upon receipt of an application for a Major Subdivision, the Clinton County Regional Planning Commission forwards a copy of the plans to the review representatives and other County, State or area departments or interests for their review and comments on

the Major Subdivision. Each review agency has the responsibility to forward, in writing its review comments and recommendations to the Regional Planning Commission for consideration during the next regularly scheduled meeting. Should the Planning Commission not receive the review comments and/or recommendations, the Regional Planning Commission may table action on or not approve the agenda item.

E. GENERAL PROCEDURES:

1. Whenever any subdivision of land hereafter is laid out, the applicant thereof or his agent shall apply for and receive approval on drawings and plans and/or relating thereto, which shall in all respects be in full compliance with these Regulations.
2. Until formal subdivision plans for a subdivision are approved, improvements such as sidewalks, water supply, storm water drainage, sanitary sewerage facilities, gas service, electric service or lighting shall be made only at the developer's risk. The Regional Planning Commission shall not be bound by the location or construction of such facilities in the review of the subdivision and may require the removal of such facilities and restoration at the developer's expense.
3. All land offered to the County for use as streets, alleys, easements, parks and other public uses shall be referred to the Regional Planning Commission for review and recommendations before being accepted by the board of Clinton County Commissioners or other body as may be appropriate.
4. In all subdivisions, due regard shall be given to innovative design concepts for the preservation of natural features such as large trees, water courses, and scenic views.
5. In the case of a plan review for parts of a tract, where it appears necessary to the Regional Planning Commission and/or the office of the Clinton County Engineer for the satisfactory overall development of an area, an owner or developer may be required to prepare at least a street design of his entire tract based upon proper topographic surveys before approval of any portion of such plan.
6. In addition to compliance with these Regulations, all plats and all subdivisions and every act of platting or subdividing shall be in strict compliance with all provisions and requirements set forth in Section 711.001 to 711.40 of the Ohio Revised Code.

F. SUBDIVISION AND ALLIED REVIEW FEES

1. The Clinton County Regional Planning Commission shall periodically establish fees to cover the administrative costs associated with administration of these Regulations. All fees as established by Resolution shall be paid in full at the time of submittal of an application. Application package shall be considered incomplete and will not be approved for placement on the agenda or otherwise processed, until the required fees are paid in full.

100.16 PLANNED UNIT DEVELOPMENTS AND CLUSTER OR CONSERVATION DEVELOPMENTS

The planned unit development and/or the cluster or conservation development or subdivision approach to development is encouraged. These Regulations may be modified by the degree necessary to accomplish the objectives and standards required for the planned unit development or the conservation development. Nothing however, shall exempt the subdivider or developer from the requirements of subdivision plat approval as specified in these Regulations.

ARTICLE 200

ADMINISTRATIVE PROCESS, PROCEDURE AND CONDITIONS FOR MINOR, AND LARGE LOT DEVELOPMENTS OR SUBDIVISIONS

.01	Purpose	05	Outline of Conditions for Approval
.02	General Procedure	06	Development Standards
.03	Design Plan Option	07	Submission Requirements
.04	Submission of and Administrative Approval – Minor Subdivision or Large Lot Development	08	Site Master Plan
		09	Transfer of Property Between Adjacent Owners

200.01 PURPOSE

- A. The purpose of this Article is to establish the procedures for review and approval of Minor and Large Lot Subdivisions and the Platting as authorized under the Ohio Revised Code. This guidance is intended to provide orderly and expeditious processing of such applications.

200.02 GENERAL PROCEDURE

- A. Before any land is subdivided the owner of the property, or an authorized agent, shall apply for and obtain approval of the proposed subdivision in accordance with these Regulations. A Lot Split or Minor Subdivision and Large Lot Development represent activities that are processed by an individual designated by the Clinton County Regional Planning Commission (administrative approval) and require a survey drawing (mylar), a deed with a legal description, fees and may include a sketch plat as recommended by the Regional Planning Commission. The split does not involve a site improvement to be dedicated to the public.

The definition of a Minor Subdivision is provided in the Ohio Revised Code Chapter 711 and is summarized as (also refer to the Definitions section of these Regulations):

1. A Minor Subdivision or Lot Split – Large Lot Development is a division of a parcel of land that does not require a plat to be approved by the Regional Planning Commission as defined under Ohio Revised Code Chapter 711-131 and Chapter 711.133.
2. A Minor Subdivision or Large Lot Development shall be located along an existing public road meeting minimum frontage requirements and shall involve no opening, widening or extension of any street or road.
3. The creation of any lot twenty acres in size or smaller is defined as a Minor Subdivision or Large Lot Development.
4. A Minor Subdivision is limited to no more than five (5) lots including the host parcel, any one of which is less than twenty acres.

A Large Lot Development is provided for in Chapter 711.133 of the Ohio Revised Code and is defined in the Definitions Article of these Regulations.

200.03 DESIGN PLAN OPTION

- A. In order for the developer / subdivider to ascertain whether the planned basic design factors of a proposed subdivision are acceptable and comply with applicable subdivision standards, the developer / subdivider may submit a design plan for review and tentative approval prior to the formation and submittal of detailed improvement drawings. If the developer / subdivider intends to develop the subdivision in sections or phases, the design plan shall be inclusive of all sections or phases. The design plan review is conducted solely for the developer's benefit and at his option and does not constitute a formal subdivision review pursuant to these Regulations. This review may be conducted during the Technical Coordinating Committee meeting or the applicant may discuss the proposal individually with each county agency involved with review of the plans.

- B. In submitting a design plan for review, the applicant waives any rights to an approval under 711 of the Ohio Revised Code until such time as an application for Subdivision Plan Review is submitted to the Regional Planning Commission for review and approval. The design plan shall conform to the requirements set forth in these Regulations and shall be prepared by a qualified engineer or surveyor.

200.04 SUBMISSION AND ADMINISTRATIVE APPROVAL OF A MINOR SUBDIVISION OR LARGE LOT DEVELOPMENT

- A. An application for a minor subdivision, or large lot development, available at the office of the Clinton County Regional Planning Commission, shall be filed by the landowner or designated representative. A completed application shall contain a survey drawing (mylar), legal description for each lot being created (including the host parcel), a fee as set forth by the Clinton County Regional Planning Commission, and certification (signature) or approval by the Clinton County Health Department, office of the Clinton County Engineer, the Clinton County Sanitary Engineer (if applicable), Clinton Soil and Water Conservation District, the Clinton County Building and Zoning Department (if applicable), the Clinton County Map Office, and if applicable, the Ohio Department of Transportation, the Township Trustees and/or other agencies. The agency approvals may be obtained by either contacting each agency and/or during the Technical Coordinating Committee meeting(s).
- B. After the split(s) has (have) been given approval by any other departments with review authority and responsibility, certifications (signature) from the applicable county review agencies, and a copy of the survey drawing (mylar) is checked by the designated representative of the Clinton County Regional Planning Commission for its conformity to these Regulations. The designated representative of the Planning Commission will stamp and sign the mylar (survey drawing) "approved – no plat required under Ohio Revised Code 711.131," if the lot in question meets all requirements as specified in these Regulations, within seven (7) working or business days after submission to the Clinton County Regional Planning Commission.
- C. Conditions for approval of the large lot development are as follows:
 Approval without a plat of subdivision may be granted by the Clinton County Regional Planning Commission if the proposed division of land or parcels between five acres and twenty acres (inclusive) under Section 711.133 of the Code. Exemptions shall be for lots or parcels certified by the owner for *agricultural or personal recreational use only*. Such certification shall appear on the survey map or mylar. A separate deed restriction stating that the parcel or lot shall not be used for any other use except agricultural or personal recreation shall be attached to the property. For parcels of land that are exempted as a result of the agricultural or personal recreational purposes, the Clinton County Regional Planning Commission shall first determine that such parcel complies with the rules. The following apply to the large lot development:
 The proposed development is not contrary to zoning regulations with certification of approval is required.
 The proposed development is not contrary to health and sanitary standards with certification of approval required.
 The proposed development is not contrary to access management regulations with certification of approval required.
 The proposed development is not contrary to building code regulations regarding existing surface and subsurface drainage with certification of approval required.
 The property has been surveyed and a survey sheet in the form as required in these Regulations and a legal description of the property is submitted with the application for large lot development.
 The proper filing fee is paid to the appropriate agencies.
- D. The Administrative Officer of the Clinton County Regional Planning Commission shall approve or disapprove the large lot development parcels within certain time frames that vary with the number of lots or parcels that are submitted with the application

Number of Parcels or Lots

1 – 6
7 – 14
15 or more

Up to the Number of Days

7 calendar days
14 calendar days
21 calendar days

- E. After securing the Planning Commission's approval the applicant submits the mylar to the County Tax Map Office to have said mylar placed on file with the County. Upon the sale of the property, the deed shall be taken to the County Map Office for approval and County Auditor for the transfer of property and subsequently to the office of the Clinton County Recorder where the lot will become a legal lot of record.
- F. The representative of the Clinton County Regional Planning Commission shall not approve incomplete or deficient proposals. The applicant will be notified of the issues and/or reasons for disapproval. If the owner or owner's agent disagrees with the decision of the Commission's Representative, the owner or his agent may appeal to the Clinton County Regional Planning Commission.
- G. The Commission's Representative has been granted limited discretion should the County Health Department and/or the office of the Clinton County Engineer for documented health or safety reasons recommend variations from the strict standard.
- H. Where a proposed parcel is to be used for public utility equipment and sheltering, the Commission's Representative may grant approval of a lot for that restricted purpose only regardless of acreage or dimension, provided that it has at least 40-foot minimum access to a public street and that the proposed acreage and dimensions are reasonable to achieve the require purpose. The size of the parcel shall be adequate to contain the structure if it were to collapse.

200.05 OUTLINE OF CONDITIONS FOR APPROVAL

- A. Approval without a plat of a Minor Subdivision or Large Lot Development may be granted by the designated representative of the Clinton County Regional Planning Commission if the proposed subdivision on the parcel of land meets all of the following conditions:
 - 1. The proposed division involves no more than five (5) lots including the host parcel, any one of which is less than twenty acres (inclusive of the remaining parcel).
 - 2. The proposed subdivision is along an existing public street, and involves no opening, widening, or extension of any street or road or public utility.
 - 3. The proposed division is not contrary to applicable subdivision, zoning and other regulations or has received any required variances.
 - 4. The proposed subdivision is approved by the office of the Clinton County Engineer, County Sanitary Engineer (if necessary), the County Building and Zoning Department, County Health Department, County Soil and Water Conservation District and other agencies or departments having interest and jurisdiction.
 - 5. The proposed subdivision shall have sufficient area to accommodate the building envelope outside hydric soils and any other natural constraints found on the proposed parcel.
 - 6. The property has been surveyed and a survey sheet (mylar) and a legal description of the property are submitted with the application.

200.06 DEVELOPMENT STANDARDS

- A. Dimensional Standards:
Minimum dimensional standards are required to be met by all Minor Subdivisions an Large Lot Developments to ensure lot size is adequate to address a variety of development-related requirements. Those standards are provided in the Planning Principles and Design Standards part of these Regulations and for the townships that have embraced zoning, the Clinton County Zoning Resolution.

200.07 SUBMISSION REQUIREMENTS

In order to be complete and to be acceptable for review and processing, all Minor Subdivision (lot splits) and Large Lot Development proposals shall be legible and include or comply with the following:

- A. An application form provided by the Clinton County Regional Planning Commission must be completed in its entirety and signed by the applicant. The application form (along with appropriate filing fees) shall contain at least the following:
 1. Name, address, telephone number, fax number and E-mail address of existing property owner(s).
 2. Name, address, telephone number and fax number of surveyor or individual preparing the submittal, if different from the property owner.
 3. Location and size of existing and proposed parcels, including date of creation of existing parcel to be split.
- B. The application for Minor Subdivision or Large Lot Development shall include the following graphic data:
 1. The survey map shall show the host parcel and lot(s) created there from. The survey map shall show how the new lots fit within the context of the host parcel. The acreage involved in the lot (s) and the remaining acreage shall be shown. Should the remaining land or acreage be sufficient for further division, subdivision or development, a Site Master Plan shall be submitted, as recommended in this Article.
 2. Registration number, seal, and signature of the land surveyor responsible for the survey map. Also, the map or mylar shall state that the map is a Minor Subdivision or Large Lot Development as applicable.
 3. Date, north point/arrow, bar scale, and acreage of the host parcel and lots created.
 4. Name of the owner(s) of parcels(s) and name(s) of owners of adjoining parcels.
 5. The location or vicinity map for the purposes of locating the site and host parcel to be subdivided in relation to the surrounding neighborhood and community. The vicinity map should be at a scale of not less than 2,000-feet per 1 inch. The location map shall show adjacent or frontage roads, and easements or rights-of-way.
 6. Plat boundaries and lot lines drawn to scale presented on an 18" x 24" sheet and at a scale of 1" = 10' through 1" = 100'. In addition, the application shall include a report size plat (8 1/2" x 11" or 11" x 17") map of the site for file and distribution purposes.
 7. All dimensions shall be shown in feet and hundredths of a foot.
 8. Acreage of all proposed lots and acreage of all remaining property resulting from the division of the original parcel, including existing and proposed boundaries.
 9. Proposed building envelope (front, side, and rear yard setback), existing and proposed building footprints and existing and/or proposed location of on-site well and wastewater facilities, including leach fields and proposed site drainage and grading as may be required by the Technical Coordinating Committee or the Clinton County Regional Planning Commission if existing data indicates a situation where development constraints should be addressed in sufficient detail for approving the development proposal.
 10. Soils indicating hydric and prime agricultural soils.
 11. Site drainage and 100-year floodplain (floodway and floodway fringe, elevation and boundaries). Flooding levels for drainage areas greater than 50-acres may be required by the Technical Coordinating Committee or the Regional Planning Commission, if existing data is not sufficient for a determination of existing flooding conditions or the potential impacts of the proposed development on flooding levels on site or downstream.
 12. Woodlands, wetlands, and other natural features relevant to the ability of the proposed lots (s) to be improved per these Regulations.
 13. Existing topography at an interval of 2 feet or less for areas with an average land slope of 10 percent or less, and at least an interval of 4 feet or less for areas with an average land slope greater than 10 percent. The Regional Planning Commission may require smaller contour intervals where topographic traits of the site and/or adjacent properties indicate

a situation where development constraints should be addressed in additional detail prior to approving the development proposal.

14. All proposed easements, reserves, or no build zones.
15. Location proposed driveways or points of ingress and egress, and locations of nearest existing driveways within 300-feet of the proposed lot(s).
16. House number of existing properties or adjacent property, if available.
17. Location of monuments and their descriptions.
18. The Regional Planning Commission on the advice of the Clinton County Health Department or the County Soil and Water Conservation District may require a soil survey and/or soil borings.
19. Other items or provisions deemed necessary because of site-specific conditions, by the Regional Planning Commission.
20. Certifications placed on the Plat shall include:
 - a. Notarized certification of ownership of the land being subdivided.
 - b. Certifications or signatures of approval from the appropriate County and/or state review agencies.
 - c. In the case of the Large Lot Development, a certification that the parcels of land are for agricultural or personal recreational purposes.

200.08 SITE MASTER PLAN

- A. If the result of the division leaves the land capable of being divided into more building lots or when the total number of building lots divided from a host or original parcel or tract of land exceeds three (3) building lots in a two (2) year period, is recommended that the subdivider submit to the Clinton County Regional Planning Commission an overall Site Master Plan of the land involved before any further subdivision activity may be approved.
- B. The Site Master Plan shall illustrate the following features in general terms without necessity of a detailed engineering design:
 1. The property lines of the host parcel and of all lots previously subdivided.
 2. Generalized lot layout with intended considerations for sewer, water, roadway, and storm drainage control.
 3. Generalized location of major topographic features such as swales, watercourses, rock outcropping, and natural features.
 4. Generalized indication of the proposed use or uses of the property regarding the terms of these Regulations.
 5. The Site Master Plan shall be submitted at a scale of not smaller than 1" = 200'.
- C. The Site Master Plan will be used by the County to assist in evaluating further subdivision submittal of the applicant. If further divisions depart substantially from the Site Master Plan, a revised Plan shall be required prior to approval of the lot split.

200.09 TRANSFER OF PROPERTY BETWEEN ADJOINING OWNERS

- A. Where a transfer of property between adjoining owners, which is less than twenty (20) acres in size, results in a residual parcel, which is also less than twenty (20) acres in size, said residual parcel shall be subject to the requirements of these Regulations; and, the transfer of property shall be approved only if the residual parcel meets these Regulations.
- B. The procedure for approval of a transfer of property between adjoining owners shall be as provided for Minor Subdivisions, with the following exceptions:
 1. If the transfer of property is not within a recorded subdivision, it may be submitted as a Minor Subdivision or Large Lot Subdivision, regardless of the number of lots, less than five (5) acres, which have previously been subdivided from the original tract.
 2. If the transfer of property is within a recorded subdivision, it may be submitted as a Minor Subdivision, if it does not involve the elimination or creation of any subdivision lot as a separate building site.

ARTICLE 300 PROCEDURES & CONDITIONS FOR APPROVAL OF MAJOR LAND SUBDIVISIONS - COMMERCIAL AND INDUSTRIAL SUBDIVISIONS

01	Purpose and Intent	09	Optional Procedures
02	Outline of Conditions for Major Subdivisions	10	Replats, Subdivision Vacations, Plats or Streets, Open Spaces, Easements for Public Purposes and Combining Entire Existing Tax Parcels
03	General Procedure	11	Homeowner's Association
04	Types of Major Subdivisions	12	Posting Notice of Development / Subdivision
05	Submission Requirements & Review Process of Major Subdivisions	13	Submittal Requirements
06	Certification of Approval of Final Plat	14	Commercial and Industrial Subdivisions
07	Filing the Final Plat (Plan)	14.0	Purpose and Intent
		1	
08	Approving and Recording the Final Plat	14.0	Development policies and Standards
		2	

300.01 PURPOSE AND INTENT

- A. It is the purpose and intent of Clinton County to ensure the creation of sound, buildable lots that are in keeping with the County's rural character and compatible with environmental constraints. In particular, it is the policy of the board of Clinton County Commissioners and the Clinton County Regional Planning Commission to ensure that lots created under these Regulations are suitable and appropriate as sites for homes. These Regulations are intended to prevent the creation of lots for which health and building standards cannot be addressed. In particular, this Article establishes the procedures for review and approval of major subdivisions and the platting as authorized under the Ohio Revised Code.

300.02 OUTLINE OF CONDITIONS FOR MAJOR SUBDIVISIONS

- A. A proposal involving any of the following shall be subject to Major Subdivision procedures:
1. A proposal involving five (5) lots, any one of which is 20 acres, including the host or original tract.
 2. Creating, widening or extending of a street or access easement.
 3. Division or allocation of land as a utility or drainage easement.
 4. Subdivision platted land to create additional building lots in a recorded subdivision.

300.03 GENERAL PROCEDURE

- A. Before any land is subdivided the owner of the property, or an authorized agent, shall apply for and obtain approval of the proposed subdivision in accordance with these Regulations. A Major Subdivision or Platted Subdivision represents an activity that involves the approval or action of the Clinton County Regional Planning Commission. The approval process for a Major Subdivision or Development, whether a subdivision, cluster development, planned unit development (PUD), conservation subdivision, or commercial or industrial subdivision, is essentially the same, and includes the following principle steps: (a) an optional sketch plan, (b) an optional but strongly recommended preliminary plan, (c) a construction or improvement plan, (d) a final plat. The Major Subdivision involves improvements or an allocation of land for new vehicular access or easement of access or extension or maintenance of public facilities

300.04 TYPES OF MAJOR SUBDIVISIONS

- A. Clinton County promotes creative approaches to site design and construction of residential communities, as required in the Comprehensive Plan. Major Subdivision application for a Concept Plan and Preliminary Plan shall indicate the type of subdivision proposed by the developer as provided for in this Section. Design standards provided herein must be reflected in the submitted Concept Plan and Preliminary Plan and will serve as one factor in the review

by the Regional Planning Commission. The following Major Subdivision are permitted in Clinton County:

1. Rural Subdivision:

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

2. Urbanizing Areas Subdivisions:

An Urbanizing Subdivision is a conventional neighborhood design with a curvilinear street pattern. These subdivisions may be developed with or without central utility services. With utilities, especially public water and sanitary sewer, the Urbanizing Subdivision is expected to accommodate traditional suburban development patterns exhibiting higher densities.

3. Cluster or Conservation Developments:

A Cluster or Conservation Development is a clustered neighborhood design with a gross density comparable to the rural and urbanizing subdivisions. Cluster or Conservation Developments sets aside a substantial amount of permanent open space (for example, 40% of project total) as a reserve on the plat and is a self-contained development. Depending on the design, the investment in supporting infrastructure can be less than the conventional subdivision, and a higher density may be permitted as an incentive per the Comprehensive Plan.

4. Planned Unit Development:

The Planned Unit Development may be residential, commercial and industrial or a combination thereof. The Planned Unit Development is a contiguous area to be planned and developed as a single entity containing one or more structures to accommodate residential, commercial and/or industrial uses in accordance with the applicable zoning regulations. The zoning approval for a Planned Unit Development does not constitute subdivision approval.

300.05 SUBMISSION REQUIREMENTS AND REVIEW PROCESS OF MAJOR SUBDIVISIONS

A. PRE-APPLICATION CONFERENCE

1. Prior to preparing a preliminary plan, the subdivider or his representative should meet with the executive director of the Clinton County Regional Planning Commission. The applicant may wish to attend a Technical Coordinating Committee meeting. The purpose or intent of the pre-application conference is to discuss, early and informally, the purpose and effect of these Regulations and the criteria and standards contained therein; to familiarize the subdivider with the County Comprehensive Plan, the Thoroughfare Plan; Erosion and Sedimentation Control, Drainage Plans, and other planning documents, fees, or filing of the plat with the Clinton County Regional Planning Commission.
2. The subdivider / applicant may combine the pre-application conference and the sketch plan steps.

B. SKETCH PLAN (OPTIONAL STEP)

1. A sketch plan outlining the applicant's proposal may be submitted by the applicant at the pre-application conference or soon thereafter. Issues such as streets, zoning requirements, compliance with other standards such as health and flood hazards should be addressed at this conference. The sketch plan, drawn to an appropriate scale depending upon the project size, may serve as an invaluable tool in saving time and expenses.

C. PRELIMINARY PLAN SUBMISSION (A VOLUNTARY SUBMISSION)

1. The Preliminary Plan phase is used to allow the developer or subdivider to better ascertain whether the proposed design may be acceptable and comply with the applicable subdivision and other regulations. The Preliminary Plan submission does not constitute a formal subdivision review pursuant to Section 711.10 of the Ohio Revised Code. The

Preliminary Plan submission option is conducted for the benefit of the subdivider and at his discretion. With the submission of the Preliminary Plan for review, the applicant waives any rights to an approval under Section 711.10 of the Ohio Revised Code until such time as application is made for Final Subdivision Plan or Plat review and is submitted to the Clinton County Regional Planning Commission for review and approval as contained in these Regulations.

D. PRELIMINARY PLAN APPLICATION PROCEDURES

1. The application for Preliminary Plan approval shall include:
 - a. A completed application form - available from the Regional Planning Commission.
 - b. Ten (10) copies of the Preliminary Plan containing all required information plus one (1) mylar or reproducible copy.
 - c. Four (4) copies of the drainage map and supporting data as requested.
 - d. One (1) 8 1/2 x 11 inches or 11 x 17 inches report size map of the site development.
2. The Planning Commission may request additional copies.
3. The deadline for filing the Preliminary Plan for review by the Regional Planning Commission at their regular monthly meetings shall be fifteen (15) business days prior to the date of the meeting.

E. PRELIMINARY PLAN REVIEW AND APPROVAL

1. When a proposed development presents difficult or unusual problems, the Clinton County Regional Planning Commission may request additional information necessary to render a reasonable decision.
2. The Clinton County Regional Planning Commission shall forward copies of the Preliminary Plan to such officials and agencies as may be necessary for the purpose of study and recommendations. After receipt of reports from such officials and agencies, the Regional Planning Commission shall determine whether the Preliminary Plan shall be approved, approved with modifications and comments, or disapproved. If a Plan is disapproved, the reasons for such disapproval shall be stated in writing. The Regional Planning Commission shall act on the Preliminary Plan within thirty (30) days after proper filing, unless such time is extended by agreement with the subdivider. When the Commission has approved a Preliminary Plan, the Chairperson or Secretary of the Commission shall affix his / her signature to the Plan and return one (1) copy to the subdivider. Approval of the Preliminary Plan will be conditional upon compliance with all other applicable statutes, ordinances, resolutions, and regulations of Clinton County.
3. The approval of the Preliminary Plan by the Clinton County Regional Planning Commission shall be effective for a period of twelve (12) months, unless the Commission has granted an extension of the approval period in writing.
4. The Clinton County Regional Planning Commission on its own initiative may, or upon petition by a citizen of Clinton County or neighboring property owner shall, prior to acting on a plat of a subdivision, hold a public hearing at such time and upon such notice as the Commission may designate. Such public hearing shall be held after providing 10 to 14 days notice in the local newspaper. All expenses associated with the public hearing, including advertising and court recorder if required, shall be the burden of the individual requesting such public hearing.
5. The designated representative of the Planning Commission may recall un-platted portions of the Preliminary Plan for consideration, and re-approval, modification, or disapproval by the Clinton County Regional Planning Commission. A recall may occur if:
 - a. Incomplete, inaccurate or fraudulent information influenced approval.
 - b. The subdivider has failed to satisfactorily pursue platting or conditions of approval.
 - c. Previously unknown or new health, safety, or environmental concerns arise.
 - d. The subdivider shall be notified by letter no later than 30-days before the recall is scheduled for consideration.

F. SUBMISSION TO THE STATE HIGHWAY DIRECTOR

1. Before any plat is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as desired in the certification to local officials by the State Highway Director of an land within a radius of five hundred (500) feet from the point on intersection of said centerline with any public road or highway the Commission shall give notice by registered or

certified mail to the Highway Director. The Commission shall not approve the Plat for one hundred twenty (120) days from the date the notice is received by the Highway Director. If the Highway Director notifies the Commission that he shall proceed to acquire the land needed, the Commission shall refuse to approve the Plat. If the Highway 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 Highway Director and the property owner, the Commission shall, if the plat is in conformance with all provisions of these Regulations, approve the Plat.

G. IMPROVEMENT OR CONSTRUCTION PLAN (DRAWINGS)

1. The subdivider shall submit a minimum of six (6) sets of the Improvement or Construction Plans consisting of all construction drawings and specifications for the improvements required for the subdivision. The Improvement Plans shall be submitted to the Regional Planning Commission at least 15 business (or working) days prior to the Planning Commission's next monthly meeting, who shall forward the plans to the office of the Clinton County Engineer, the Soil and Water Conservation District, the Clinton County Sanitary Engineer, the Clinton County Health Department and other interested agencies as may be applicable for review. Any changes on the plans as originally submitted to the Commission shall be submitted to the Commission for distribution prior to consideration of the Final Plat for the subdivision. The Commission's Representative has been granted authority to approve the Improvement Plan only upon receiving notification from other County Review agencies that the improvement plan is approved.
2. Prior to the granting of approval of the Final Plat the subdivider shall have complied with the requirements related to the construction or bonding of required improvements.

H. FINAL PLAT

1. Having received the approval of the Preliminary Plans and Improvement or Construction Plans if applicable, the subdivider shall submit a Final Plat (plans) of the subdivision. If the Preliminary Plan has been previously approved, the Final Plat shall incorporate all changes in the Preliminary Plans as may have been required by the Regional Planning Commission. Otherwise, it shall conform to the Preliminary Plan; and it shall constitute only that portion of the approved Preliminary Plan, which the subdivider proposes to record and develop at that time.
2. Should the subdivider submit a Final Plat without having previously received Preliminary Plan approval, the Final Plat submission shall include all the information and documentation as may be required for the Preliminary Plan approvals plus the information required for Final Plat approvals per the following Sections.
3. A qualified registered surveyor shall prepare the Final Plat and the improvements shall be prepared by a qualified registered engineer licensed to practice in the State of Ohio.

I. APPLICATION FOR FINAL PLAT (PLAN) APPROVAL

1. The application for the Final Plat, together with ten (10) sets or copies, one (1) reproducible tracing or mylar of the plat, construction drawings and specifications and supplemental or additional information specified herein, and one (1) 8 1/2 x 11 inch copy of the site plan or final plat shall be submitted to the Clinton County Regional Planning Commission no later than fifteen (15) business or working days prior to the meeting at which the data is to be considered. Within five (5) calendar days of submission, staff shall accept or reject and if accepted, schedule the plat for the next appropriate Regional Planning Commission meeting.
2. After receipt and disposition of review comments, the Regional Planning Commission shall determine whether to approve or disapprove the Final Plat. The Improvement or Construction Plans shall be reviewed and approved by the office of the Clinton County Engineer, the Soil and Water Conservation District and the Clinton County Sanitary Engineer if applicable, prior to the approval of the Final Plat for the subdivision.
3. Prior to the granting the approval of the Final Plat, the subdivider shall have installed the required improvements, or shall have furnished a performance guarantee for the ultimate installation of said improvements. The board of Clinton County Commissioners shall administer the requirements, approval and length of term for the performance guarantee.

300.06 CERTIFICATION OF APPROVAL OF FINAL PLAT

A. The following certification (signatures) shall be placed on the Final Plat and are mandatory for the final approval and recording of the plat:

1. Certification by a registered surveyor to the effect that the plat represents an accurate survey and that all monuments shown thereon actually exist and that their location is shown correctly.
2. Notarized certification of ownership of the land being platted and acknowledgment and adoption of the plat and dedication of streets and open spaces.
3. If applicable, for the purposes of maintaining easements, the following statements shall be place on all plats:

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

Easements: Easements shown on this plat are for the construction, operation and maintenance, repair, replacement, or removal of water lines, gas lines, storm sewer drainage, sanitary sewer, electric, telephone or other utilities or services, and for the express privilege of removing any and all trees other obstructions to the free use of said utilities and for providing ingress and egress to the property for said purpose, and are to be maintained as such forever."

The following language shall appear on all final plats containing "drainage easements if the subdivision is to be placed on the County Ditch Maintenance program.

Easements: "Easements shown on this plat are for the construction, operation, and maintenance, repair, replacement or removal of water lines, gas lines, sanitary sewer, electric, telephone or other utilities or services and for the express privilege of removing any and all trees and other obstructions to the free use of said utilities and for providing ingress and egress to the property for said purposes, and are to be maintained as such forever."

Drainage Statement: "The Clinton County Commissioners assume no legal obligation to maintain or repair any open drainage ditches or channels designated as 'drainage easements' on this plat. The easement area of each lot and all improvements within it shall be maintained continuously by the Clinton County Ditch Maintenance Program.

Within the easements, no structure, planting, fencing, culvert, or other material shall be placed or permitted to remain which may obstruct, retard, or divert the flow through the watercourse."

4. Certifications of subdivision plan approval by the Clinton County Health Department where centralized sewer and water facilities are not available. A similar certification shall be required in the area under the review of the Clinton County Health Department and the Clinton County Sanitary Engineer where centralized sanitary sewer and/or water systems are available within the County Sewer and Water Districts.
5. Certification of approval by the Clinton County Regional Planning Commission.
6. Certification of approval by the Clinton County Building and Zoning Department indicating that a zoning change, if involved, has been granted and is in effect.
7. Certification of approval by the Auditor or Treasurer of Clinton County stating that all taxes and assessments on the land within the subdivision have been paid.
8. Certification by the office of the Clinton County Engineer, County Health Department, Clinton Soil and Water Conservation District, and township trustees, where the construction of streets, and other improvements are required, that the subdivider has complied with one of the following alternatives:
 - a. All improvements have been installed in accordance with the requirements of these Regulations, and in accordance with any other recommendations of the office of the Clinton County Engineer, Clinton County Health Department, the Clinton County Soil and Water Conservation District, the township trustee and/or the County Regional Planning Commission.

- b. A financial guarantee has been posted with the board of Clinton County Commissioners in sufficient amount to insure completion of all required improvements.
- 9. The Clinton County Regional Planning Commission in the administration of these Regulations may require such other certifications, affidavits, endorsements, or dedications.
- 10. Acceptance of dedications from the board of Clinton County Commissioners.

300.07 FILING THE FINAL PLAT (PLAN)

- A. The final plat shall be filed with the Clinton County Regional Planning Commission no later than twelve (12) months after the date of approval or conditional approval of the Preliminary Plan; otherwise, it will be considered void unless the subdivider's request for an extension and such extension of time is granted in writing by the Clinton County Regional Planning Commission.
- B. The final plat shall be filed at least fifteen (15) business days prior to the meeting at which the plat is to be considered. The final plat shall be considered officially filed on the day it is received and accepted by the Clinton County Regional Planning Commission and shall be so dated.
- C. A fee as specified by Resolution, shall be required for the filing of the final plat.

300.08 APPROVING AND RECORDING THE FINAL PLAT

- A. The Regional Planning Commission shall consider the Final Plat at a regularly scheduled public meeting. The administrative officer shall present the proposal, comments and a recommendation. The developer / subdivider shall present their comments regarding the proposal and the administrative officer's comments and recommendations. The general public shall be permitted opportunity to comment. The Planning Commission may call experts to answer questions and to provide additional comment.
- B. The Regional Planning Commission shall approve or disapprove the Final Plat within thirty (30) calendar days of receipt of a complete application package unless the applicant agrees to a continuation of the Commission's deliberations. In making a motion to approve, the Commission shall base its approval on all of the following criteria, which shall be cited in its decision:
 - 1. The Final Plat fulfills the purpose and intent of the Subdivision Regulations.
 - 2. The Final Plat meets the standards and requirements of the Subdivision Regulations.
 - 3. The Final Plat is in concurrence with the approved 'Preliminary Plan'.
- C. The approval of a Final Plat by the Regional Planning Commission shall be effective immediately following the meeting at which approval was granted, but may not be recorded until all signatures have been placed on the plat.
- D. If the Final Plat is disapproved, the developer / subdivider must re-file the plat with the required corrections. Or the developer / subdivider may file within sixty (60) calendar days of disapproval a petition in the County Court of Common Pleas to reconsider the action of the Regional Planning Commission.
- E. Whenever a subdivision abuts a public street designated in the Official Thoroughfare Plan, the subdivider shall grant or dedicate to the appropriate governmental jurisdiction, the required amount of right-of-way specified in the Official Thoroughfare Plan. Said easement or right-of-way shall be measured from the centerline of the public road.
- F. Once the Final Plat has been approved, the original tracing shall be made available to the developer / subdivider for any and all modifications as required of the Commission. Once complete, the original tracing shall be forwarded to the administrative officer for processing. All Final Plats must be recorded within sixty (60) calendar days of the final approval; otherwise the Final Plat approval shall expire and become void. It shall be the responsibility of the subdivider to gain all necessary certifications before filing the Plat with the County Recorder.

300.09 OPTIONAL PROCEDURES

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

- A. Expedited Subdivision Procedure
In cases where the size of the proposed subdivision does not warrant the full submittal procedure as determined by the Administrative Officer, the applicant may combine the Preliminary Plan and Final Plat procedures. In doing so, the same procedural steps will occur, however a single set of documents will be submitted as directed by the Administrative Officer. The timeframe for review and approval of a Major Subdivision under this procedure shall be consistent with the general timeframe as provided for the normal Final Plat reviews.
- B. Single-lot Major Subdivision
Major subdivision plats that consist of one lot may be submitted to the County under the procedure. The Regional Planning Commission hereby authorizes the Administrative Officer to review and approve single-lot Major Subdivisions. The decision of the Administrative Officer can be appealed to the Regional Planning Commission.
- C. The Administrative Officer can submit the Preliminary Plan and the Final Plat as a single set of documents for review and approval. The Administrative Officer will identify the appropriate documents for submittal. The requirement to place a public notice sign on the site may be waived if the subdivision is five (5) acres or smaller in area.
- D. The timeframe for review and approval of a Major Subdivision under this procedure shall be consistent with the general timeframe as provided for in routine Major Subdivisions.

300.10 REPLATS, SUBDIVISION VACATIONS, PLATS OF STREETS, OPEN SPACES, EASEMENTS FOR PUBLIC PURPOSES AND COMBINING ENTIRE EXISTING TAX PARCELS

- A. A subdivision proposing the re-subdivision of a plat previously recorded in the office of the County Recorder shall follow the same procedure as for a new plat and in accordance with the Ohio Revised Code Section 711.17 through 711.40, except that a Preliminary Plan may not be required if changes in street alignment or like changes are not included in the proposal.
- B. Proposals of subdivision abandonment; plat of street openings, widening, and extensions; open spaces for common use by owners, occupants, or leaseholders; and easements of the extension and maintenance of public sewer, storm water drainage, or other public utility shall have the same plat requirements as stated above.
- C. Provision for the subdivision of land for use by utility companies shall be considered on the basis of the special conditions in each case. Primary consideration of any proposed use shall be that it is not detrimental to the area in which the property is located.

300.11 HOMEOWNERS ASSOCIATION

A Homeowner's Association is a viable tool for owning and maintaining various aspects of a subdivision, including the common open space and areas, private roads, and sidewalks, and landscape elements. Major subdivisions with private dedicated features shall provide for a Homeowner's Association in accordance with Chapter 5311 of the Ohio Revised Code and in conjunction with the Preliminary Plan and Final Plat.

300.12 POSTING NOTICE OF DEVELOPMENT / SUBDIVISION

- A. In order to notify adjacent property owners, landowners, and residents in the immediate vicinity and the public of impending development activity, the applicant for the Preliminary Plan and Final Plat approval shall post a notice or sign (in accordance with sign size prescribed in the Zoning Resolution) of pending subdivision or development on the subject property.
- B. Placement of the sign shall occur within five (5) calendar days of receipt of the application by the Administrative Officer. The notice sign shall be a minimum 30 inches by 40 inches (or in conformance with the Zoning Resolution requirements) in area and erected on the site, outside of, but within 25 feet of the right-of-way, readily legible from the most traveled

thoroughfare to the property. The Regional Planning Commission will not consider the plat until this notice has been posted in accordance with the provision of this Section. The wording of the sign must include the following:

"This site to be developed or subdivided. Call the Clinton County Regional Planning Commission at 973.382.3582."

- C. The sign must be maintained throughout the review process until the beginning of construction or the Final Plat is recorded. The developer / subdivider shall remove the sign within ten (10) calendar days of the beginning of construction or recording of the Final Plat.

300.13 SUBMITTAL REQUIREMENTS

A. PRE-APPLICATION CONFERENCE AND SKETCH PLAN (OPTIONAL)

1. Prior to preparing a sketch plan, the subdivider may request an informal discussion with the Technical Coordinating Committee and/or the Regional Planning Commission to discuss the procedures for approval of the subdivision plan and to familiarize the developer with the Comprehensive Plan, Thoroughfare Plan, drainage and sewerage requirements, fire protection, and the availability of existing utility services.
2. The application may combine a pre-application conference with the sketch plan. The sketch plan shall include: a completed and signed application and eight (8) copies of the sketch plan illustrating the site design.
3. Sketch plan submitted to the Regional Planning Commission, prepared in pen or pencil, shall be drawn to a convenient scale of not more than one hundred (100) feet to an inch and shall show the following information:
 - a. Location or vicinity map.
 - b. Ownership of property and adjacent properties.
 - c. Existing and proposed public and private roads and easements.
 - d. Existing structures.
 - e. North arrow or point.
 - f. Outline of areas to be subdivided.
 - g. Approximate proposed lot lines.
 - h. Important natural features and drainage ways.
 - i. A written statement about storm drainage, sewage disposal, water supply, and other facilities that exist in the area and the likely impacts of the development on those systems.

B. PRELIMINARY PLAN

The Developer / subdivider may submit a Preliminary Plan for review and tentative approval prior to the formulation and submittal of detailed construction drawing. The Preliminary Plan is conducted for the developer's benefit and at his discretion; its submission does not constitute a formal subdivision review pursuant to Section 711.10 of the Ohio Revised Code. With the submission of the Preliminary Plan, the applicant waives any rights to an approval under Section 711.10 of the Ohio Revised Code until such time as application is made for final subdivision plat review and is submitted to the Regional Planning Commission for review and approval as detailed in these Regulations.

1. Preliminary Plan Form

The Preliminary Plan along with eight (8) copies shall be submitted on the following form:

- a. Drawn at a scale between one hundred (100) feet to the inch and ten (10) feet to the inch inclusively.
- b. Plats shall be on one or more sheets twenty-four (24) by thirty-six (36) inches or 18" x 24" in size and shall be clearly and legibly drawn. One copy of the Preliminary Plan shall be copies or otherwise reproduced on a report size map no larger than 11" x 17".
- c. Drawn on mylar material along with blue or black line paper prints.

2. Preliminary Plan Content

a. Base Information

- I. Name and address of developer / subdivider, property owner, land planner, landscape architect, engineer and/or surveyor; and the registration number and seal of the professional completing the site design or survey.
- II. Adjoining property owners, deed references and/or recorded subdivision names, recording references and adjoining property structures within 200 feet or as specified by the Administrative Officer.
- III. Vicinity Map drawn to a scale of not less than 2,000 feet to the inch, showing all roadways in the immediate area and an outline of the subdivision and host parcel locating the subdivision within the geography of Clinton County and within the host parcel. Should the remaining acreage be capable of further division, subdivision, development, a Site Master Plan as discussed above shall be presented.
- IV. The ownership, acreage and boundaries within 200 feet of the subdivision or as specified by the Administrative Officer. If a recorded subdivision adjoins the subject tract, the subdivision name, lot numbers, block numbers and recording number shall be indicated with dashed lines.
- V. Scale of the Plan/Plat, north point (arrow) and date along with location by Military Survey Number, Township, County and State.
- VI. Title block shall be in the lower right-hand corner. The title block shall include the title "Preliminary Plan for (name of subdivision)", sheet title, proposed subdivision name, type of subdivision, developer and preparer, scale of the plan, tax map and parcel numbers, sheet index, date and revisions numbered and dated.
- VII. Boundary of the proposed subdivision clearly indicated by a heavy line with bearings and distances.
- VIII. Existing topography at an interval of 2 feet or less for areas with an average land slope of 10 percent or less, and at an interval of 4 feet or less for areas with an average slope greater than 10 percent.

b. Existing Conditions Map or Overlay

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

- I. Existing generalized natural features including the limits of the 100-year floodplain (floodway and floodway fringe depicted separately, including elevations and boundaries); hydric soils; prime agriculture soils; wetlands; wooded areas; landmark trees; vegetative fencerows; streams; steep slopes and ravines with buffer indicated as required by the Subdivision Regulations of Clinton County, Ohio. The developer / subdivider shall calculate the 100-year storm flooding levels for drainage areas greater than 50-acres and show the area of flooding on the map.
- II. Identify and show potentially hazardous areas, and environmentally sensitive areas (waters of the United States, USGS blue line stream, delineated U.S. Fish and Wildlife wetlands, etc.).
- III. Existing generalized land use, structures, buildings, and drainage structures.
- IV. Existing utilities including water, sanitary sewer, and stormwater facilities (including approximate pipe sizes and directions of slope); underground transmission lines; oil and natural gas wells; water well heads; electric and telephone poles; street lights; fire hydrants; landfills or dumping area; public utility easements; and existing underground drainage tile systems, or information related to whether the property was drained.
- V. Existing streets and roads, including: locations, widths and names of all streets and roads; existing easements; and streets which have been preliminarily approved or recorded but which remain unimproved shall be indicated with dashed lines.

- VI. Location and approximate age of any burial grounds, historical, archaeological and cultural resources.
- VII. Comprehensive Plan recommendations for the subject site and applicable zoning districts and standards.

c. Proposed Subdivision Plan or Overlay

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

- I. Proposed generalized land use, including proposed building envelope and soils clearly demarcated from the Clinton County Soil Survey.
- II. Layout of all proposed and existing lots with approximate dimensions and minimum area in square feet, section number, phase number and part number, building lines, lot frontages and required setbacks.
- III. Lot numbers in numerical order throughout the entire subdivision.
- IV. The location, dimensions, use, and area of all property to be reserved or temporarily reserved for public use, or reserved for the use of all property owners in the subdivision and the location, dimensions and purposes of any proposed easements.
- V. Total number of lots, area of lots and parcels, areas of public roadways, areas of open spaces dedications, and total area of the subdivision.

d. Proposed Environmental Plan or Overlay

The following changes are to be superimposed on top of the proposed street system, utility system, lot lines, building sites and on-site utility areas (including leach fields or alternative technologies per the standards of the Clinton County Health Department and/or the Ohio Environmental Protection Agency) and all of which shall be superimposed on a legible aerial photograph:

- I. Soils map indicating the type and location according to the Clinton County Soil Survey drawn to scale with the boundary plotted and mapped symbols indicates within the mapping boundaries, and a legend.
- II. Proposed alterations to the existing generalized natural features indicated on the Existing Conditions Map. The applicant shall certify on the plan that the proposed alterations are the only available alternative to modifications to the proposed subdivision plan. This certification, however, does not prevent the Regional Planning Commission from requesting modifications.
- III. All appropriate documentation from County and State Regulatory agencies.
- IV. A signature block for the County Health Officer, office of the Clinton County Engineer, County Sanitary Engineer, County Soil and Water Conservation District, County Building And Zoning Department shall be provided on the Plan/Plat.

e. Proposed Water and Wastewater Plan or Overlay

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

- I. Proposed water system, including location of on-site wells.
- II. Proposed wastewater system, including location of on-site treatment and disposal facilities (including leach fields or other technologies) per the Clinton County Health Department standards. If a private wastewater system is to be used, location of facilities (for example, leach fields) per the standards of the Clinton County Health Department shall be shown on the Plan/Plat for each parcel.
- III. The applicant shall submit a Feasibility Report in duplicate concerning the availability and/or adaptability of sewerage and water facilities in or near a proposed land development or subdivision. Such report shall be prepared by a professional engineer registered in Ohio and submitted with the Preliminary Plan application. In the case of Subdivisions of five or fewer lots, the water supply feasibility study is not required. For subdivisions or development having greater than five lots, a water test well shall be required for the initial three lots and for every additional three lots. A test well shall be situated or located so that it is

representative of the proposed lots. Ohio Department of Natural Resources data may be used in place of the test well(s).

- IV. A signature block for the County Health Official and the County Sanitary Engineer shall be provided of the plan.

f. Proposed Stormwater Management Plan

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

- I. Proposed drainage and stormwater management systems, including: the type of structures; drainage easements; proposed changes in topography, the 100-year floodplain (floodway and floodway fringe shall be indicated separately) and flood levels for drainage areas greater than 50-acres. Any proposed deviations from standards shall be indicated. Justification shall be provided for any variations of preferred stormwater management measure in favor of less preferred measures unless predetermined by the office of the Clinton County Engineer and/or the County Soil and Water Conservation District, of which documentation shall accompany the Plan. The subdivider shall calculate the 100-year flood for areas greater than 50-acres in size and show on data plans.
- II. All related major watershed boundaries within one mile of the subdivision, and indicating in which watershed the subdivision is located, and all known underground drainage tile system. This may be presented as a map insert on the same sheet.
- III. A preliminary storm drainage study including an elevation of drainage structures and/or drainage systems, both upstream and downstream, affected by the drainage from the area covered by the Preliminary Plan, as directed by the office of the Clinton County Engineer.
- IV. Preliminary grading plans for the entire area covered by the Preliminary Plan.
- V. A signature block for the office of the Clinton County Engineer shall be provided on the Plan.

g. Proposed Circulation Plan or Overlay

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

- I. Proposed streets and roads, including widths of rights-of-way and pavements; tentative profiles of each street centerline; tentative horizontal and vertical curve data; and typical cross sections for each type of street proposed. The plan view shall show proposed roads, streets, or alley alignments, pavement and rights-of-way widths and radii, centerline bearings and distances, stationing, curve data (PC & PT stationing), and existing and proposed drainage structures. The profiles shall show elevations of existing and proposed centerlines, stationing, grades, curve data (length, PVC & PVT stationing, "K" values), and existing and proposed drainage structures. The typical sections shall show the proposed right-of-way width, pavement width and composition, cross slopes, ditch slopes and ditch depths.
- II. Proposed sidewalks and bike paths, including: locations; widths of right-of-way; surface widths; and typical sections.
- III. Proposed locations of street trees and landscape features (for example entry features and cul-de-sac landscaped islands).
- IV. Points of ingress and egress or driveways and the distance to any other existing driveways.
- V. All thoroughfares as shown on the Official Thoroughfare Plan wherever they traverse or adjoin the plat.
- VI. Signature block for the office of the Clinton County Engineer shall be provided on the Plan.

h. Additional Information for the Preliminary Plan

The following information may not apply to all projects and may be requested during the site review or required during the review and approval of applications.

- I. Statements or proposed use of lots, giving type and number of dwelling units and/or type of business or industry.
- II. Conceptual plan for commercial and industrial development, showing proposed parking, loading areas, alleys, pedestrian walkways, streets, points of vehicular ingress-egress to the development and landscape features.
- III. A drawing of all present and proposed grades and facilities for storm water drainage in cases where natural drainage is altered.
- IV. A feasibility study on sewer and water facilities for land development of two or more dwelling units.
- V. Screening, buffering and/or noise abatement measures.
- VI. Typical cross-section and centerline profiles for each proposed street, and preliminary engineering designs of any new bridges, or culverts proposed on the project.
- VII. Other information, studies, items, or provisions deemed necessary or prudent to create buildable sites and to promote the public health, safety and welfare.
- VIII. A Traffic Impact Study as required by the office of the Clinton County Engineer. For all subdivision containing 10 or more lots (all phases) or containing new roadways, a Traffic Impact Study shall be required which shall, at a minimum, investigate sight distance. For all subdivisions containing 50 or more lots (all phases), a Traffic Impact Study shall be required which shall, at a minimum, investigate sight distance, trip generation, turning lane warrants, and traffic signing / signal warrants. Additional information may be requested by the office of the Clinton County Engineer in areas with known safety or congestion issues.
- i. Proposed Preliminary Plan**
The Preliminary Plan shall be a composite drawing of all of the following:
 - I. Subsections 2 through 5 of the Proposed Subdivision Plan.
 - II. Proposed Water and Wastewater Plan.
 - III. Proposed Thoroughfare Plan.
 - IV. Proposed Landscape and Street Tree Plan (if applicable)

C. CONSTRUCTION PLAN

The construction plans shall include a set of construction drawings and specifications of improvements. This shall be a set of construction plans prepared by a registered professional engineer, that shall include typical sections, plan and profile views, construction details, estimates of quantities, stormwater calculations, and Engineer's Construction Estimate and further information as described in the Specifications adopted by the office of the Clinton County Engineer.

1. Proposed Erosion and Sedimentation Control Plan or Overlay

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

- a. Locations and extent of tentative erosion and sedimentation control measures, as required by the Clinton Soil and Water Conservation District and/or the office of the Clinton County Engineer.
- b. Preliminary grading plans for the entire area covered by the Preliminary Plan.
- c. A signature block for the County Soil and Water Conservation District and the office of the Clinton County Engineer shall be provided on the Plan.

2. Drawings:

Three (3) sets of construction drawings and specifications for all improvement shall be provided to the office of the Clinton County Engineer *via* the Clinton County Regional Planning Commission.

D. DEVELOPMENT AGREEMENT:

A draft of the Development Agreement, containing the following information and conforming to these Regulations shall be submitted.

- a. A summary of all proposed improvements including
 - I. Water, sanitary sewer and stormwater management facilities.
 - II. Streets, curbs and gutters, sidewalks, bike paths, traffic control improvements, fire hydrants or fire protection ponds, street lighting.
 - III. Landscape buffers, entry features and landscape easements.
 - IV. Open space dedications and conservation easements.
- b. The Performance Agreement with appropriate security guaranteeing installation of all required public improvements is required by the board of Clinton County Commissioners. The Agreement also requires the applicant to sign an agreement regarding compliance with all applicable environmental protection and a management requirement, including all plans submitted and approved with the Preliminary Plan.

E. FINAL PLAT

1. **Application package:** A complete application shall contain:
 - a. Completed and signed application form available from the Regional Planning Commission along with filing fees as set forth by the Commission in a separate resolution.
 - b. Original plat document signed by the subdivider and lien-holder with notary and seal and the profession surveyor or engineer seal and signature.
 - c. Eight (8) sets of copies of the Final Plat and one (1) reproducible tracing (mylar) of the Final Plat.
 - d. Five (5) sets or copies of approved construction drawings and engineering specifications as required for grading, streets, stormwater management, waterlines, sanitary sewer, and similar improvements. Applicants are encouraged to file the application for the Final Plat approval only after the appropriate authority approved the construction drawings and engineering specifications. Failure to do so shall result in non-acceptance of the application.
 - e. One (1) copy of the Final Plat on a sheet size of no larger than 11" x 17" or report size format.
 - f. Supplemental and additional information as required by these Regulations.
2. **Final Plat Form:** The Final Plat shall be submitted in the following form:
 - a. Drawn at a scale between one hundred feet to the inch and ten feet to the inch inclusively.
 - b. Plats shall be on one or more sheets twenty-four (24) by thirty-six (36) inches or eighteen (18) by twenty-four (24) inches in size and shall be clearly and legibly drawn. The original shall be drawn on reproducible material capable of reproducing blue or black line paper prints. A report size map for filing shall also be submitted.
 - c. The Clinton County Regional Planning Commission may also require the Plat to be files in a vectorized digital format.
 - d. No ditto marks shall be used on the Final Plat and a legend of all symbols and abbreviations used shall be included on the Plat.
3. **Final Plat Content:** The Final Plat shall contain the following data:
 - a. Name of the subdivision / development, location by township and Virginia Military Survey Number.
 - b. The Plat shall comply with the Minimum Standards for Boundary Surveys in the State of Ohio and the measurement specifications as contained in Chapter 4733-37 of the Ohio Administrative Code.
 - c. Title designating the submission as a Final Plat and name of Subdivision.
 - d. Date, north point (arrow), acreage.
 - e. Name and address of the subdivider, the professional engineer (name and address) who prepared the improvement or construction plans, and the registered engineer or

- surveyor (name and address) who prepared the Plat and the appropriate registration numbers, seals and signatures.
- f. The basis for the bearings shall be stated. All dimensions, both lineal and angular, shall correspond with a field survey employing techniques that the most remote point encompassed by the survey shall register in both distance and azimuth to an error ratio of one (1) part in 10,000.
 - g. Bearings and distances to nearest established street lines or other recognized permanent monument(s), or other surveys of record.
 - h. Names, exact locations, dimensions, and rights-of-way widths of all existing and proposed streets and railroads within and adjoining the Plat.
 - i. The size of the subdivision in acres and ten thousandths of an acre with a breakdown of the area contained in lots and the area contained in street rights-of-way and easements.
 - j. Layout, number, dimensions of each lot, and set back lines (a note listing setback dimensions may be added in lieu of showing lines if the Plat will be made more legible). The proposed placement of each building may be required.
 - k. Outline of areas to be dedicated or reserved for public or common use of property owners within the Plat, and previous lots or blocks and their numbers indicated by a contrasting line style in the case of a re-plat. The uses permitted in each easement shall be noted.
 - l. Radii, internal angles, points of curvature, tangent bearings, length of arcs, and lengths and bearings of chords of all streets, within the Plat. This information shall be shown for either the street or the right-of-way lines.
 - m. Location of all streams, rivers, canals, or lakes and flood hazard boundaries of the area.
 - n. The developer's engineer shall determine the base flood elevations.
 - o. Lot sizes, lot numbers and lines with accurate dimensions in feet and hundredths of a foot. When lots are located on a curve or when side lot lines are not perpendicular or radial to street lines, the lot width at the front yard setback line shall be illustrated. Information shall be provided for all lot lines, which are not radial or perpendicular to right-of-way lines indicating their angle of deflection.
 - p. A copy of any restrictive covenants in form for recording shall be presented with the Final Plat; along with any other notes, items, restrictions or provisions required by these Regulations, the Regional Planning Commission, or its designated representatives or other plat-signing authority.
 - q. Accurate location and description of all monuments.
 - r. The owners of record, size and deed book and page reference for all abutting tracts; the names of all abutting subdivisions, with lot lines, and lot numbers and plat book and page references.
 - s. All subdivisions not served by sanitary sewer must include an individual lot site plan, which illustrates a designated area for optional areas for an on-site sewage disposal system. All designated areas are subject to approval by the Clinton County Health Department or Environmental Protection Agency. For information concerning the specific locations of designated areas and/or other limitation, contact the Clinton County Health Department.
 - t. Location or vicinity map for the purposes of locating the site to be developed in relation to the surrounding neighborhood and community. The location map should be at a scale of not less than two thousand (2000) feet to the inch.
 - u. Statements, certifications, and signature blocks as required by these Regulations. All signatures, certifications and notarizations shall be waterproof ink and shall be legible and reproducible.
4. **Additional Information** for the Final Plat as may be required:
- a. If a zoning change is involved, certification from the Clinton County Building and Zoning Department that the proposed action has been approved and shown on the Plat.
 - b. A letter or certification from the permitting agency indicating that a driveway permit has been issued or will be issued by the office of the Clinton County Engineer or the

appropriate township, or the Ohio Department of Transportation on existing roadways.

5. Filing of the Final Plat

The Final Plat shall be filed with the Clinton County Regional Planning Commission not later than one (1) year after the date of approval of the Preliminary Plan; otherwise it will be considered void unless an extension granting continued approval of the Preliminary Plan is requested by the subdivider and granted in writing by the Regional Planning Commission.

6. Public Improvements

Before granting approval of the Final Plat, the Regional Planning Commission may require that all public improvements be installed prior to the signing of the final Plat. If the Regional Planning Commission does not require that all public improvements be installed and dedicated prior to signing of the Final Plat, the Planning Commission shall require that the applicant furnish to the board to Clinton County Commissioners a performance guarantee for the ultimate installation of said improvements. The Regional Planning Commission, in consultation with the office of the Clinton County Engineer, shall determine the requirements, approval and length of terms of the performance guarantee.

7. Certificates of Approval

The following certifications 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 to the effect 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 acknowledgment and adoption of the plat and dedication of streets and open spaces.
- c. If applicable, for the purposes of maintaining easements, the following statements shall be placed on the Plat:

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

Easements: Easements shown on this plat are for the construction, operation and maintenance, repair, replacement, or removal of water lines, gas lines, storm sewer drainage, sanitary sewer, electric, telephone or other utilities or services, and for the express privilege of removing any and all trees other obstructions to the free use of said utilities and for providing ingress and egress to the property for said purpose, and are to be maintained as such forever."

The following language shall appear on all final plats containing "drainage easements if the subdivision is to be placed on the County Ditch Maintenance program.

Easements: "Easements shown on this plat are for the construction, operation, and maintenance, repair, replacement or removal of water lines, gas lines, sanitary sewer, electric, telephone or other utilities or services and for the express privilege of removing any and all trees and other obstructions to the free use of said utilities and for providing ingress and egress to the property for said purposes, and are to be maintained as such forever."

Drainage Statement: "The Clinton County Commissioners assume no legal obligation to maintain or repair any open drainage ditches or channels designated as 'drainage easements' on this plat. The easement area of each lot and all improvements within it shall be maintained continuously by the Clinton County Ditch Maintenance Program. Within the easements, no structure, planting, fencing, culvert, or other material shall be placed or permitted to remain which may obstruct, retard, or divert the flow through the watercourse."

- d. Certification of subdivision plan approval by the Office of the Clinton County Engineer or Township Trustees where new street construction is involved.

- e. Certifications of subdivision plan approval by the Clinton County Health Department where centralized sewer and/or water are not available. A similar certification shall be required in the area under the review of the Clinton County Health Department on behalf of the Ohio Environmental Protection Agency, and by the Clinton County Sanitary Engineer regarding the sanitary sewer district policies and procedures.
- f. Certification of approval by the Clinton County Regional Planning Commission.
- g. Certification of approval by the Clinton County Rural Zoning Commission or the township zoning commission indicating that a zoning change has been granted.
- h. Certification of approval by the Auditor of Clinton County stating that all taxed and assessments on the land within the subdivision have been paid.
- i. Certification to transfer by the Clinton County Recorder's Office.
- j. Certification of approval by the office of the Clinton County Engineer.
- k. Certifications by the County Engineer, the County Health Department, and township trustees where the construction of streets and other improvements are required, that the subdivider has complied with one of the following alternatives.
 - I. All improvements have been installed in accordance with the requirements of these Regulations, and in accordance with any other recommendations of the County Soil and Water Conservation District and/or the Regional Planning Commission.
 - II. A financial guarantee had been posted with the Board of Clinton County Commissioners in sufficient amount to insure completion of all required improvements.
- l. A statement shall be placed on the Plat and all deeds requiring the future connection to centralized water and sewerage facilities when either or both become available as determined by the Clinton County Health Department, the County Sanitary Engineer, and/or the Ohio Environmental Protection Agency.
- m. The Clinton County Regional Planning Commission in the administration of these Regulations may require such other certifications, affidavits, endorsements, or dedications as necessary.
- n. Acceptance of dedications from the board of Clinton County Commissioners.

300.14 COMMERCIAL AND INDUSTRIAL SUBDIVISIONS

300.14.01 PURPOSES AND INTENT

It is the purpose and intent of Clinton County through these Regulations to ensure that commercial and industrial development occurs in a way that meets the planning and economic development goals of the County, yet being sensitive to the rural traits and character, responsive to the environmental parameters, and appropriate to available infrastructure. Commercial and industrial subdivisions should be located based on the development plan and policies of the County and should minimize their impacts on the natural environment, including prime agriculture soils.

300.14.02 DEVELOPMENT POLICIES AND STANDARDS

The following development policies are intended to provide direction to the design and development of industrial and business parks. These specific policy statements augment the other requirements contained in the Subdivision Regulations for Clinton County, Ohio to include the Planning and Design Standards, Environmental Planning Standards, the Stormwater Management Regulations, soil erosion and sedimentation measures and the access management policies.

A. SETBACKS

- 1. Along all roads, the building setback should be per the Subdivision Regulations. The parking setback should be 80 percent of the building setback.
- 2. A minimum setback of 35-feet should be provided with a minimum of 100-feet if adjacent to existing residential property. Parking lots should be set back a minimum of 25-feet from property lines.

3. Cross easement parking should be encouraged between uses. If cross easement parking is developed between two similar uses, the side yard pavement setback may be eliminated between the two uses. The side yard setback for pavement should be in effect for all perimeter side yards.
4. Maximum lot coverage is 20,000 square feet per acre for buildings or 70 percent of lot coverage for impervious surfaces and a minimum of 30 percent of site should be green space containing no buildings, structures, off-street parking or loading or storage areas.

B. UTILITIES

1. All visible new or relocated utility lines, including water supply, sanitary sewer service, electricity, telephone, gas, cable, and related connections or feeder lines should be placed underground.
2. All utility connections should be kept to the rear or side of the buildings.

C. CIRCULATION AND PARKING FOR COMMERCIAL SUBDIVISIONS

1. Streets serving business developments and accessory parking areas shall connect with collector or arterial streets. Driveways serving business developments and parking areas should connect with collector streets only.
2. All parking that allows access to full service intersections by all parties should grant a permanent cross access easement.
3. The intersection of driveways from parking areas shall be offset from other driveways or intersections by a minimum of 200-feet.
4. The Clinton County Regional Planning Commission may require marginal access roads or streets to provide maximum safety and convenience.
5. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall not be considered separate properties in relations to the access standards of these Regulations. The number of connections permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for the frontage.
6. All access to the out parcels must be internalized using the shared circulation system of the principle development or retail center. Access to out parcels shall be designed to avoid excessive movement across parking aisles and queuing across surrounding parking and driving aisles.
7. The out parcels shall have a minimum lineal frontage of 200 feet per out parcel or greater where spacing standards for that roadway require. This frontage requirement may be waived where access is internalized using the shared circulation system of the principle development or retail center. In such cases the right of direct access to the roadway shall be dedicated to the County (or state) and recorded with the deed.
8. All waste and refuse should be containerized and fully screened from view by a solid wall or fence with materials that are harmonious with the building architecture.

D. CIRCULATION AND PARKING FOR INDUSTRIAL SUBDIVISIONS

1. Streets serving industrial development and accessory parking areas shall be planned to serve industrial areas exclusively and shall connect with collector or arterial streets so that no traffic from an industrial area will be directed onto a residential street.
2. The intersection of driveways from parking areas shall be offset from other driveways or intersections by a minimum of 200-feet on arterial streets.
3. The Clinton County Regional Planning Commission may require marginal access street to provide maximum safety and convenience.
4. In the interest in promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall not be considered separate properties in relation to the access standards of these Regulations. The number of connections permitted shall be the minimum number necessary to provide reasonable access to the properties, not the maximum available for the frontage.
5. All access to the out parcel must be internalized using the shared circulation system of the principle development or retail center. Access to the out parcels shall be designed to avoid excessive movement across parking aisles and queuing across surrounding parking and driving aisles.

6. The out parcels shall have a minimum lineal frontage of 200-feet per out parcel or greater where spacing standards for that roadway require. This frontage requirement may be waived where access is internalized using the shared circulation system of the principal development. In such cases, the right of direct access to the roadway shall be dedicated to the County (or state) and recorded with the deed.
 7. All waste and refuse should be containerized and fully screened from view by a solid wall or fence with materials that are harmonious with the building architecture.
- E. NUISANCES, SERVICE AND OUTDOOR AREAS**
1. Service courts and loading docks should be screened from all streets and neighboring properties by landscaping, mounding or walls.

ARTICLE 400 ALTERNATIVE TO THE CONVENTIONAL DEVELOPMENTS – PLANNED UNIT DEVELOPMENT AND THE CLUSTER OR CONSERVATION DEVELOPMENT

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| <p>410 Planned Unit Development</p> <p>.01 General Statement</p> <p>.02 Purpose of Planned Unit Development</p> <p>.03 General Requirements</p> <p>.04 Open Space</p> <p>.05 Management of Common Property</p> <p>.06 Open Space Improvement Guarantee</p> <p>.07 Conformity to Existing Streets & Thoroughfare Plan</p> <p>.08 Public Streets</p> <p>.09 Private Streets</p> | <p>.10 Staging of Residential Planned Unit Development</p> <p>420 Cluster or Conservation Development</p> <p>.01 Purpose</p> <p>.02 Application</p> <p>.03 General Design Principles</p> <p>.04 Development and Site Planning Standards</p> <p>.05 Street Principles and Standards</p> <p>.06 Resource Protection Regulations</p> <p>.07 Supplemental Review Criteria</p> |
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410.00 PLANNED UNIT DEVELOPMENT

410.01.1 GENERAL STATEMENT

The Planned Unit Development is a contiguous area to be planned and developed as a single entity containing one or more structures to accommodate residential, commercial and/or industrial uses in accordance with the applicable zoning regulations. Zoning approval of a planned unit development does not constitute subdivision approval. The procedure for approval of a planned unit development is subject to the approval of these Regulations.

410.02 PURPOSE OF PLANNED UNIT DEVELOPMENT

A planned unit development of land may be permitted in order to provide a means for a more desirable physical development pattern than would not be possible through the strict application of zoning and subdivision regulations. The Regional Planning Commission will permit certain variety and flexibility in land development to encourage the subdivider to adjust design to irregular topography, economize in the construction of utilities, and create architectural variation as well as attractive and usable buildings and building sites.

410.03 GENERAL REQUIREMENTS

- A. The gross area of the tract to be developed under the planned unit development approach shall comprise not less than ten (10) acres, unless otherwise approved by the Regional Planning Commission.
- B. The total ground area occupied by buildings and structures shall not exceed eighty (80) percent of the total ground area, unless previous development in the neighborhood has a greater ground coverage, in which case the plan may increase the ground coverage of buildings and structures to correspond with the average in the neighborhood.
- C. A minimum of ten (10) percent of the land developed shall be reserved for open space and similar uses such as an internal park network under these Regulations. Lot widths and required yards may be reduced to eighty (80) percent of the requirements of these Regulations.
- D. The minimum lot size shall not be less than 70 percent of the lot area per family or use, which would otherwise be required under these Regulations. Lot widths and required yards may be reduced to 80 percent of the requirements of these Regulations.
- E. The design of the internal circulation system shall provide for convenient access to dwelling units and non-residential facilities, separation of vehicular and pedestrian traffic, shall be adequate to carry anticipate traffic, including access for emergency vehicles.

410.04 OPEN SPACE

- A. The amount of open space reserved in the planned unit development shall either be held in corporate ownership by the owners of the project area, or for use of those who buy property, be held by an association of property owners within the development.

410.05 MANAGEMENT OF COMMON PROPERTY

- A. A homeowners association, or in the case of non-residential development, an owners association, is a viable tool for owning and maintaining various aspects of the subdivision or development, including the common open space and areas, private roads, and sidewalks, and landscaping elements. Developments with private dedicated features shall provide a homeowner's association or unit owner's association in accordance with Chapter 5311 of the Ohio Revised Code and in conjunction with approved plans.

410.06 OPEN SPACE IMPROVEMENT GUARANTEE

- A. At the time of the application for Final Plat approval, the subdivider shall provide:
 1. A performance guarantee in accordance with these Regulations, in the amount of the estimated cost of the proposed improvements.
 2. A maintenance guarantee, in accordance with these Regulations, in such amount as determined and approved by the Regional Planning Commission that shall be arranged for a period of one (1) year from the date of acceptance of the improvements.

410.07 CONFORMITY TO EXISTING STREETS AND THOROUGHFARE PLAN

Whenever a planned unit development abuts or contains an existing street or proposed major thoroughfare or minor existing street, the roadway standards as contained in these Regulations shall be applicable.

410.08 PUBLIC STREETS

The Regional Planning Commission may require certain streets within the planned unit development be public if it determines that the street classification necessitates the use of public streets for adequate circulation.

410.09 PRIVATE STREETS

Private streets may be permitted in planned unit developments and shall meet the construction requirements of these Regulations. Private streets shall be owned and maintained by the homeowner's association or corporate ownership.

410.10 STAGING OF RESIDENTIAL PLANNED UNIT DEVELOPMENT

- A. Each stage of a planned unit development must be so designed so as to stand independently of future related stages, in the event future stages are not constructed. The construction and provision of all the common open spaces and public and recreational facilities, which are shown on the Final development Plan, must proceed at the same rate as the construction of dwelling units.
- B. If a planned unit development contains non-residential uses, these uses may be constructed first, but only if the Regional Planning Commission approves such construction on the final development plan.

420.00 CLUSTER OR CONSERVATION DEVELOPMENT

420.01 PURPOSE

- A. It is the intent of this section to the Subdivision Regulations to be sufficiently flexible to carry out the conservation development objectives of the County. Conservation development is intended to encourage more efficient use of land and public services through unified development that is principally intended to conserve community resources, preserve open spaces, and protect the health and safety of the community. These objectives are achieved through land development techniques set forth in the Clinton County Zoning Resolution that permit flexibility in the arrangement and construction of dwelling units and roads. Therefore, this section establishes standards and criteria to likewise permit sufficient flexibility in the development of subdivisions to be consistent with the County's conservation development regulations, to maximize the achievement of the conservation development objectives and to promote the following purposes:
1. Minimize development on and destruction of sensitive natural resource areas;
 2. Reduce the quantity and improve the quality of stormwater runoff from expected development;
 3. Maintain natural characteristics such as woods, hedgerows, natural vegetation, meadows, and streams;
 4. Reduce the amount of disturbed land and conservation of natural areas to landscaped areas for lawns and intrusive vegetation; and,
 5. Maintain a traditional rural settlement pattern characterized by compact groupings of development in otherwise wide-open spaces.

420.02 APPLICATION

A. Applicability

All subdivision standards and procedures in these Regulations are applicable to conservation developments unless specifically waived or modified by this section and approved by the Regional Planning Commission.

B. Minimum Project Area for Conservation Developments

The gross area of a tract of land proposed for development according to the conservation development option shall be a minimum of 25 acres, but shall not include area within any existing public streets right-of-way. Further the area proposed shall be in one ownership or, if in multiple ownership, all the owners of the properties shall file the application jointly included in the conservation development.

C. Permitted Density / Restricted Open Space

1. The minimum restricted open space shall be 40 percent of the total project area.
2. The maximum density shall be established by the single-family zoning district regulations in place for the conservation development; or established by the Clinton County Health Department. However, the maximum number of dwelling units permitted in a conservation development shall be calculated by:
 - a. Deducting the following from the total project area:
 - I. Any public rights-of-way within the project boundary existing at the time of the development plan is submitted; and
 - II. Where the underlying minimum lot size exceeds one-half (1/2) acre: the area of a floodway, designated wetlands, isolated land, slopes exceeding 15 percent, or waterbody that exceeds the minimum acreage required for restricted open space as set forth above. Where floodways and wetlands overlap, they shall be counted only once.
 - b. Multiplying the result of the above subsection by the maximum density permitted per acre as set forth in the Section above.

420.03 GENERAL DESIGN STANDARDS

A. General Layout

The design of a conservation development, including the arrangement of streets, lots, building envelopes, utility easements, common areas, and common open spaces, shall be in accordance with the objectives, purposes and principles of conservation development and shall further:

1. Comply with the development standards, criteria, and environmental priorities set forth in the Clinton County Comprehensive Plan and the Clinton County Zoning Resolution;
2. Preserve to the maximum extent practical, the natural features of the site;
3. Avoid areas of environmental sensitivity; and,
4. Minimize impacts and alterations to natural features.

B. Restricted Open Space

The restricted open space as required for conservation developments shall comply with the following:

1. Restricted open space shall be designed and located to conserve significant natural features and historical and cultural elements located on the site.
2. Areas designated for restricted open space purposes may be:
 - a. Preserved in its natural state,
 - b. Designated and intended for the use and/or enjoyment of residents of the proposed development,
 - c. Utilized for farming when authorized in a conservation easement or in the Association's covenants and restrictions.
3. Where possible, restricted open space shall be connected with open space area on land adjacent to the development; and also shall be connected within the applicant's project.
4. Sewage service, stormwater management, and/or water supply facilities may be located partially or entirely within restricted open space areas. Where such facilities are so located, the appropriate parties shall establish easements satisfactory to the Clinton County Sanitary Engineer or the Clinton County Health Department and the Regional Planning Commission to require and enable maintenance of such facilities.
5. In order to encourage the creation of large areas of contiguous open spaces, areas that shall not be considered restricted open space include:
 - a. Private and public road rights-of-way;
 - b. Parking areas, access ways and driveways;
 - c. Required setbacks between buildings, parking areas and project boundaries;
 - d. Required setbacks between buildings, and between buildings and parking areas;
 - e. Minimum spacing between buildings and streets;
 - f. Private yards;
 - g. A minimum of 15 feet between buildings and restricted open spaces; and,
 - h. Other small fragmented or isolated open space areas that have a dimension less than 50 feet in any direction.
6. Any restricted open space intended to be devoted to recreational activities shall be of a usable size and shape for the intended purposes. The maximum percentage of the total project area that may be developed or active recreation areas, including a community center, shall be fifteen (15) percent.
7. Any area within the restricted open space that is disturbed during construction or otherwise not preserved in its natural state, other common areas such as required setback areas, and both sides of new streets shall be landscaped with vegetation that is compatible with the natural characteristics of the site.
8. The restricted open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the development plan.

C. Prohibition of further Subdivision of Restricted Open Space

Restricted open space in a conservation development shall be prohibited from further subdivision or development by deed restrictions, conservation easement, or other agreement in a form acceptable to the County Prosecutor and the Regional Planning Commission and duly recorded in the office of the Recorder of Clinton County.

D. Ownership of Restricted Open Space

Subject to such permanent restrictions as set forth above, restricted open space in a conservation development may be owned by an association, the County or a Land Trust or by a similar entity, or may remain in private ownership.

1. **Offer of dedication** – the County or a land trust may, but shall not be required to, accept dedication in the form of fee simple ownership of the restricted open space.
2. **Associations** – restricted open spaces may be held by the individual members of the condominium associations as tenant-in-common or may be held in common ownership by a Homeowners Association, Community Association or other similar legal entity. The homeowner's association or unit owner's shall be created in accordance with Chapter 5311 of the Ohio Revised Code.
 - a. Membership in the Association shall be mandatory for all purchasers of lots in the development or units in the condominium.
 - b. The Association shall be responsible for maintenance, control and insurance of common areas, including the required open space.
3. **Transfer of Conservation Easements** – With the approval of the Regional Planning Commission, the owner(s) of the restricted open space may, in accordance with the provisions of the Ohio Revised Code Section 5301.67-70, grant a conservation easement to any of the entities listed in the Ohio Revised Code Section 5301.68, provided that:
 - a. The entity is acceptable to the County;
 - b. The provisions of the conservation easement are acceptable to the County; and
 - c. The conveyance contains appropriate provisions for assignment of the conservation easement to another entity to hold conservation easements under the Ohio Revised Code Section 5301.68 in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.
4. **Private Ownership of Restricted Open Space** – restricted open space may be retained in ownership by the applicant or may be transferred to other private parties subject to compliance with all standards and criteria for restricted open space herein.

E. Blocks

The block requirements for subdivisions may be waived in order to conserve natural features and to otherwise satisfy the criteria and objectives of these Regulations and the principles of conservation development.

F. Project on a Dedicated Street

A conservation development shall have a minimum of 70-feet of frontage on a public street. A traffic impact study shall be required for all developments or subdivisions containing ten (10) or more lots (all phases) or containing new roadways. At a minimum, the study shall investigate the sight distance. For all subdivisions or developments containing 50 or more lots (all phases), a traffic impact study shall be required which shall, at a minimum, investigate sight distance, trip generation, turning lane warrants and traffic signing / signal warrants. Additional information may be requested by the office of the Clinton County Engineer in areas with known safety or congestion issues.

G. Access to Lots and Building Envelopes

Each lot and building envelope within the conservation development shall have sufficient access to ensure safe and efficient traffic flow and reasonable ingress and egress for emergency vehicles. To this end:

1. Private streets and common drives in compliance with these Regulations may be considered.
2. A subplot or building envelope is required to have fifty (50) feet frontage on public or private street

420.04 DEVELOPMENT AND SITE PLANNING STANDARDS

Buildings, structures, pavement, and streets shall be located in compliance with the following development and site planning standards:

A. Ownership

Any ownership arrangement, including but not limited to, fee simple lots and condominiums are permitted in a conservation development. Regardless of the ownership of land, the arrangement of the dwelling units shall comply with the spacing requirements of this Section.

B. Lot Requirements

1. Units are not required to be on lots. However, when lots for standard detached single-family dwellings or sublots for single-family cluster or attached dwelling units are included as part of the conservation development, such lots or sublots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing requirements of this Section.
2. The applicant shall depict on the development plan the maximum parameters, or building envelopes, to indicate where buildings shall be located, and shall demonstrate that such building locations will be in compliance with the existing spacing requirements of this Section.

C. Perimeter Building Regulations

1. The minimum setback from an existing public street shall be 70-feet.
2. The minimum setback from the project boundary shall be 30-feet.

D. Interior Building Setback / Spacing Regulations

1. The minimum setback from a proposed local public right-of-way shall be 40-feet.
2. The minimum setback from the edge of the pavement of a private street shall be 40-feet.
3. The minimum separation between dwellings shall be 30-feet.

E. Height

1. The maximum building height shall be 50-feet.

420.05 STREET PRINCIPLES AND STANDARDS

A. Design Principles

1. General Layout

- a. Street alignments should follow natural contours and be designed to conserve natural features.
- b. Locations of streets should be planned to avoid excessive stormwater runoff and the need for storm sewers.
- c. The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate safe movement through the development.

2. Public Streets

Publicly dedicated streets shall be required for the following:

- a. For access to all sublots within the conservation development which are designed as a part of a standard detached single-family subdivision.
- b. For major through streets in any conservation development which connect two existing public streets, or which are intended to provide a future continuing street system beyond the project boundaries going to and from adjacent areas.

3. Private Streets

Streets that are not otherwise required to be public streets pursuant to the subsection above, shall be permitted to be private streets in compliance with the following standards:

- a. A private street shall not be planned or expected to be extended to serve property outside the conservation development.
- b. The subdivider shall demonstrate to the reasonable satisfactions of the Regional Planning Commission that the private roads/streets will be properly controlled and maintained in perpetuity by an Association or other management means acceptable to the Regional Planning Commission. Such Association documents shall be prepared in accordance with Chapter 5311 of the Ohio Revised Code and in

conjunction with approved plans. Deed restrictions shall be required and shall specifically include the following language:

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

- c. A private right-of-way shall be required along the length of the private street and utility easements may be required along the length of the private street.
- d. When a single access private street excess 800 feet in length, a pavement turnaround with a radius equal to that required for public streets shall be provided. When the length of the private street is a 800 for or less, a “Y” or “T” turn-around may be permitted.
- e. The design and construction specifications for private streets shall be completed and certified by a professional engineer certified in the State of Ohio prior to the approval of the final plat by the Clinton County Regional Planning Commission. A maintenance bond shall be provided for a one (1) year period commencing from the date of the certification of the street. Such maintenance bond shall be transferred to the Association and shall be approved by the office of the Clinton County Prosecuting Attorney.

4. Common Driveway

Common drives shall be permitted in compliance with the following requirements:

- a. A common drive shall serve no more than three (3) residential units.
- b. A common drive shall extend from a public or private street and shall not connect to any other existing or planned public or private street.
- c. The subdivider shall demonstrate to the reasonable satisfaction of the office of the Clinton County Engineer and the Regional Planning Commission that the common drive will be properly controlled and maintained in perpetuity by an Association or other management means acceptable to the Regional Planning Commission. Such Association document shall be crafted in accordance with Chapter 5311 of the Ohio Revised Code and in conjunction with the approved plans. Deed restrictions shall be required and shall specifically include the following language:
“The undersigned grantee(s) hereby acknowledge(s) that (he, she, they) understand that the premises described herein is located upon a non-dedicated private street. Further, the grantee(s) understand that no government body is responsible for care and maintenance of said private street.”
- d. Common driveways shall be located in ingress – egress easements and utility easements may be required along the length of the common driveway.
- e. Address signs shall be provided in accordance with the County requirements and shall be coordinated with the emergency officials and the office of the Clinton County Engineer.

5. Walkways

Walkways shall be provided to connect residential areas to common open space areas and to provide pedestrians access throughout the conservation development and from the conservation development to other areas of the community. Where sidewalks are required and it is determined by the Regional Planning Commission that the proposed walkway system provides pedestrian access equal to or better than the provision of sidewalks along street right-of-way, the Regional Planning Commission may determine that sidewalks along public or private streets are not required. Walkways, or a portion of the walkways, may be permitted to be constructed of pervious material such as gravel, wood chips, or similar materials.

B. Modified Construction Standards for Private Streets

1. Public Street Requirements Waived

When the Regional Planning Commission with recommendations from the office of the Clinton County Engineer determines that certain elements of a public street do not or should not specifically apply to a private street due to the circumstances of a particular project or portion of a project, the Commission may waive or permit a modification to the installation of any such element(s) to an extent deemed just and proper provided such

relief may be granted without detriment to the public good. The requirement for curbs and storm sewers may be waived when the applicant demonstrates to the satisfaction of the Regional Planning Commission that, based on the topography of the site, open space, density and other environmental considerations, the proposed open natural drainage system will equally satisfy the County drainage requirements.

420.06 RESOURCE PROTECTION REGULATIONS

A conservation development shall comply with the following resource protection regulations. In the event there is a conflict between these Regulations and resource protection regulations for conservation development set forth in the County or township zoning resolutions, the zoning resolutions shall govern.

A. Floodway Protection

Within a floodway no buildings or structures will be permitted. Land shall be permitted to be used only for uses listed below. These restrictions also apply to subsequent erections, alterations, enlargements, repairs, moving, or design of structure within the floodway.

1. Agriculture;
2. Public or private parks and outdoor recreational facilities including playfields, courts, trails and similar activities;
3. Fencing that allows the passage of water;
4. Off-street parking areas accessory to the above uses provided that such areas are improved with pervious pavement materials, such as pervious asphalt or pervious concrete or combinations of geotextiles with sand, gravel and sod.

B. Wetland Protection

Wetlands that are required by an Army Corps of Engineers to be retained shall be protected by the following:

1. A setback area having a width not less than 20-feet measured from the edge of the designated wetland. The area within this setback shall not be disturbed and shall be retained in its natural state.
2. A minimum construction setback of 35-feet, measured from the edge of the designated wetland.

C. Conservation of Riparian Zones

1. A riparian setback shall be provided along the entire length and on both sides of a river or perennial stream channel. The setback area shall have a width no less than 50 feet (or greater based on the recommendations of the Clinton Soil and Water Conservation District) measured from the river or stream bank.
2. Walkways may be permitted to be located within the riparian setbacks when the Regional Planning Commission determines that such will create minimal change to the Riparian setback.

420.07 SUPPLEMENTAL REVIEW CRITERIA

The Clinton County Regional Planning Commission shall review a proposed Conservation Development for compliance with the following:

A. Conservation of Sloping Land

The road system and shall be located so as to minimize changes in the topography and the need for cutting and filling.

B. Conservation of Woodlands, Vegetation and Other Natural Areas

The design and layout of the site should conserve, maintain, and incorporate existing wooded areas, meadows, and hedgerows and tree lines between fields or meadows, especially those containing significant wildlife habitats.

C. Conservation of Wildlife Habitat Areas

Wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency and/or the Ohio Department of natural Resources should be protected.

D. Conservation of Existing Scenic Vistas and Visual Quality of the Environment

Scenic views and vistas shall be unblocked and uninterrupted to the extent possible, particularly as seen from existing and proposed public thoroughfares. New construction shall be hidden from view to the extent possible through the use of vegetative and landform buffers. Building setbacks along the project boundary shall be sufficient to provide visual protection for existing residences. Buildings shall not be located on prominent hilltops or ridges.

E. Conservation of Cultural Resources

Sites of historic, archaeological, or cultural value and their environs should be protected insofar as needed to safeguard the character of the feature, including stonewalls, earth mounds and burial grounds.

F. Pedestrian Circulation System

1. The pedestrian circulation system shall be included in the Conservation Development and shall be designed to ensure that pedestrians can walk safely and easily throughout the development. The pedestrian system shall provide connections between properties and activities or special features within the common open space system and need not always be located along streets.
2. Trails for which public right of passage has been established should be incorporated in the pedestrian circulation system.
3. The use of motorized vehicles, horses, 4-wheelers and snowmobiles should be discouraged.

ARTICLE 500 REQUIRED STATEMENTS AND SIGNATURES TO BE AFFIXED TO THE PLAN

Required Statements

500.01 REQUIRED STATEMENTS

Some or all of the following statements, or similar appropriate statements, may be required to be affixed on the Subdivision Plat. The Regional Planning Commission may require modifications to the statements. All signatures, except the signatures of the County Auditor, County Recorder, and the Regional Planning Commission shall be obtained by the applicant prior to approval of the Subdivision Plat by the Regional Planning Commission.

Deed Reference:

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

Owner's Consent and Dedication:

We, the undersigned, being all the owners and lien holders of the lands herein platted, do hereby voluntarily consent to the execution of said plat and do dedicate the streets, parks or public grounds as shown herein to public use forever.

Any "Public Utility Easements" as shown on this plat are for the placement of sidewalks and for the maintenance and repair of streets. This easement and all other easements shown on this plat, unless designated for a specific purpose, are for the construction, operation, maintenance, repair, replacement, or removal of water, sewer, gas, electric, telephone, cable television, or other utility lines or services, stormwater disposal and for the express privilege of cutting, trimming or removing any and all trees or other obstructions within said easement, or immediately adjacent thereto, to the free use of said easements or adjacent streets and for providing ingress and egress to the property for said purposes and are to be maintained as such forever. No buildings or other structures may be built within said easements, nor may the easement area be physically altered so as to (1) reduce clearances or either overhead or underground facilities; (2) impair the land support of said facilities; (3) impair ability to maintain the facilities; or (4) create a hazard.

The above public utility easements are for the benefit of all public utility service providers including:

(List all applicable public utility providers in sentence form)

(Signature of owner(s), all lien holders and two (2) witnesses for each signature required)

Certificate of Notary Public:

State of Ohio, S. S.

Be it remembered that on this _____ day of _____, 20__ before me the undersigned, a Notary Public in and for said State, personally came _____ (and _____), who acknowledged the signing and execution of the foregoing plat to be their voluntary act and deed.

In testimony whereof, I have set my hand and Notary Seal on the day and date above written.

(Signature) _____

(Print Name Here) _____

Notary Public
State of Ohio

My Commission Expires _____

Certificate of Surveyor:

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

(Signature) _____

(Print name and Registration Number here) _____

Registered Surveyor

Zoning Inspector or Administrator Approval:

Clinton County Zoning Administrator

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

(Signature) Clinton County Zoning Administrator

Office of the Clinton County Engineer:

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

(Signature)

Clinton County Health Department or District:

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

(Signature)

Clinton County Sanitary Engineer (if Applicable):

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

(Signature)

Clinton County Regional Planning Commission:

This Plat was approved by the Clinton County Regional Planning Commission on this day ____ of _____, 20__.

Signature

Clinton County Recorder:

File Number: _____

Received on this ____ day of ____, 20__, at ____ (am) or (pm)

Recorded on this ____ day of ____ 20__ at ____ (am) (pm)

Recorded in plat book number ____ Page ____.

Fee _____

By: _____
(Signature)

Certificate of Ownership:

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

Name: _____

County:

State of Ohio, } S.S.

Drainage and Easement Statements:

Please refer to Article 300 Section 300.13 E for the required language for the drainage and easement statements.

Acceptance of Dedications:

Be it resolved by the board of Clinton County Commissioner that the dedications shown on this Plat are hereby approved and accepted this ____ day of ____, 20__.

Board of Clinton County Commissioners

ARTICLE 600 PLANNING PRINCIPLES AND DESIGN STANDARDS

- | | | | |
|-----|-------------------------|-----|---|
| .01 | Purpose and Intent | .05 | Buildings |
| .02 | Suitability of the Land | .06 | Lots and Lot Improvements |
| .03 | General Standards | .07 | Standards for Non-Residential Subdivisions |
| .04 | Easements | .08 | Requirements for Out-Parcels and Phased Development Plans |

600.01 PURPOSE AND INTENT

These Regulations shall control the planning principles and the manner in which streets, lots and other elements of a subdivision are arranged on the land. These design controls shall help insure convenient and safe streets, creation of useable lots, provision of space for public utilities and reservation of land for recreational uses among other development issues. The planning of attractive and functional developments shall be promoted, minimizing the undesirable feature of unplanned, haphazard growth.

The Clinton County Regional Planning Commission has the responsibility for reviewing the design of each future subdivision early in its design phase. The Commission shall insure that all the requirements of these Regulations are addressed.

Plat approval may be withheld by the Regional Planning Commission if a proposed subdivision is not in conformance with these planning principles and regulations and in conformance with the guides and resolutions of cooperating County agencies, who are providing technical services and whose regulations apply to that proposed subdivision, or the policy and purposes of the Subdivision Regulations.

600.02 SUITABILITY OF THE LAND

If the Regional Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development because of flooding, drainage, topography, inadequate water supply, transportation facilities, and natural poor drainage that cannot be corrected, other such conditions which may endanger health, life, safety, 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 subdivided or developed for the purpose proposed, the Regional Planning Commission shall not approve the land for subdivision unless adequate methods are advanced by the subdivider or applicant for solving the problems that will be created by the development of the land.

For Major Subdivisions, a statement shall be made by the subdivider, or his representative, regarding the characteristics of the development site, such as geology and soil; topography; existing vegetation; structures and road networks; visual features; past and present use of the land; and notations of any items or area of historical or archaeological interests about the site to be subdivided.

600.03 GENERAL STANDARDS

A. Conformance to Applicable Rules and Regulations

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

1. All applicable statutory provisions
2. All local government zoning resolutions, building and housing codes, and all other applicable laws of the appropriate jurisdictions.

3. The Comprehensive Plan, Official Map and any other official plans or programs, including the capital improvements, of the County or any local government, including all streets and parks shown on these official plans as adopted.
4. The special requirements of the Subdivision Regulations and any rule of the County Health Department, and/or appropriate agencies such as the Ohio Environmental Protection Agency and the Ohio Department of Health.
5. The rules of the Ohio Department of Transportation if the subdivision or any lot contained therein abuts a state highway or connection street.
6. The standards and regulations adopted by the office of the Clinton County Engineer, County Sanitary Engineer, County Health Department, Clinton Soil and Water Conservation District, and all other boards, commissions, agencies, and officials of the County and its local governments.
7. All state and local fire codes and/or similar health and safety-related regulations.

B. Adequate Public Facilities

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

1. Proposed public improvements shall be consistent with and properly related to the Comprehensive Plan, as amended.
2. All habitable building and buildable lots shall be connected to a public water system or individual wells capable of providing water for health and emergency purposes, including fire protection.
3. All habitable building and building lots shall be served by an approved means of wastewater collection and treatment.
4. Drainage improvements shall accommodate potential runoff from the entire upstream drainage area and shall be design to prevent increases in downstream flooding. Stormwater control methods that may be required include retention or detention and/or the construction of off-site drainage improvement to mitigate the impacts of the proposed development.
5. Proposed roads shall provide a safe, convenient and functional system for vehicular, pedestrian and bicycle circulation; shall be properly related to the Comprehensive Plan and the Thoroughfare Plan; and shall be appropriate for the particular traffic traits of each propose development.
6. In general, all public improvements and required easements shall be extended through the parcel on which new development is proposed. The Clinton County Regional Planning Commission may require the developer / subdivider to extend off-site improvement to reach the subdivision or to oversize required public facilities to serve anticipated future development as a condition of plat approval.

C. Plats Straddling Municipal Boundaries

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

D. Monuments – Coordinating Data and Survey Data

1. All lot corners and each reference control corner shall be monumented in accordance with Ohio Administrative Code 4733.37.
2. A certification from the surveyor that permanent monuments and iron pins are in place shall be submitted to the Commissioners before bond will be released.

3. Monuments and iron pins that could be disturbed by the grading work shall be set after the grading work is completed.
4. All monuments and iron pins shall be identified on the Final Plat, and shall be in place at the time the roads and other improvements have final acceptance by the County Commissioners.
5. A complete survey shall be made of all lands to be subdivided. The survey shall tie into the system of permanent monuments established by Clinton County, the nearest road intersection, or other recognized reference points. All monuments, property lines, centerlines of streets, and rights-of-way lines of alleys and easements adjoining or within the tract shall be tied into the survey.

E. Site Analysis for Major Subdivisions

For major subdivisions, a written statement, accompanying the Preliminary Plan application shall be made regarding characteristics of the development site, such as geology and soil, topography, existing vegetation, structures and road networks, visual features, and past and present use of the site (property audit).

F. Subdivision, Site Design and Suitability of Land

1. Design of the development shall take into consideration existing local and regional master plans for the surrounding community.
2. Development of the site shall be based on the site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and the alteration of natural features.
3. The following specific areas shall be preserved as undeveloped open spaces, to the extent consistent with the reasonable utilization of land, and in accordance with applicable state and/or federal regulations:
 - a. Unique and/or fragile areas, including wetlands, as may be defined in Section 404 of the Federal Water Pollution Control Act, as amended; and the Ohio Environmental Protection Agency Standards.
 - b. Lands in the flood plain as identified and mapped using the U.S. Department of Housing and Urban Development Flood Insurance Administration Program, Flood Hazard Boundary Map.
 - c. Steep slopes in excess of fifteen (15) percent as measured over a ten (10) foot interval unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken.
 - d. Habitats of endangered wildlife, as identified on the Federal and State lists.
 - e. Historically significant structures and sites, as listed on the National Register of Historic Places, in Clinton County, on file at the Ohio Historic Preservation Office.
4. The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and, to mitigate adverse effects of noise, odor, traffic, drainage and utilities on neighboring properties.
5. Lands subject to airport noise or land proposed for subdivision which contains residential uses located within the established approach zones for the Wilmington Air Park and the Clinton County Airport shall have a notice of potentially high aircraft noise affixed and recorded with the Final Plat (or in case of a minor subdivision, the deed). Suggested notice shall read as follows:

"All or part of this property is located in an area potentially subject to aircraft noise levels high enough to annoy users of the property, and to interfere with its unrestricted use. Contact local airport, zoning or subdivision authorities for information regarding the calculated levels or current and forecasted aircraft levels on the property."

6. Subdivisions or developments adjacent to lands subject to agricultural operations (farming) shall have a notice of potentially high noise levels, dust, and smells commonly associated with farming operations.
7. Land shall not be subdivided or developed unless adequate methods are formulated by the developer/subdivider and approved by the Clinton County Regional Planning

Commission, to solve problems created by the unsuitable land conditions. Such land shall be set aside for uses, which shall not involve a danger. The Regional Planning Commission may, in such cases, consult with other cooperating County departments.

G. 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 herein.
2. Blocks shall be arranged to accommodate lots and building sites of the size and character required by these Regulations and any applicable zoning resolutions, to provide for adequate community facilities, and to regard the limitations of topography.
3. Irregularly shaped blocks, those intended for cul-de-sacs and loop streets, and those containing inter-lot parks or playgrounds, may be approved by the Regional Planning Commission if properly designed and located and if maintenance of the interior public spaces is covered by a Homeowners Association.
4. No block shall be longer than one thousand four hundred (1,400) feet nor less than eight hundred (800) feet (a variance may be considered when loop streets are incorporated into a subdivision site design). The block width shall accommodate lots and any building sites of the size and character required for the district as set forth in these Regulations or the Zoning Resolution and to provide for the required community facilities.
5. Where blocks are more than nine hundred (900) feet in length, a crosswalk easement no less than ten (10) feet wide at or the near the halfway point of the block may be required.
6. Blocks intended for commercial and industrial subdivision shall be designed specifically for such purposes and shall include adequate provisions for parking, loading and delivery services. Such blocks shall not be less than two hundred fifty (250) feet in width and not less than five hundred (500) feet in length.

H. Development Agreement and Surety for Public Improvements

1. Public improvements must be constructed, inspected and ready for acceptance by the board of Clinton County Commissioners before a Final Plat (Major Subdivision) may be submitted to the Clinton County Regional Planning Commission for review, approval and further processing. If the public improvements cannot meet this requirement, the board of Clinton County Commissioners must approve a performance agreement and surety meeting the requirements of the Subdivision Regulations. Such performance agreement and surety shall be stipulated in the Development Agreement.
2. The Development Agreement shall be submitted with the Preliminary Plan and Final plat for major subdivisions and commercial and industrial subdivisions. The Agreement shall contain the following information and shall be in conformance with these Regulations:
 - a. A summary of all proposed improvements, including:
 - I. Water, sanitary sewer and stormwater management facilities.
 - II. Streets, curbs and gutters, sidewalks, bike paths, traffic control devices and improvements, fire hydrants or fire protection ponds, street lighting and trees.
 - III. Landscape buffers, entry features and landscape easements.
 - IV. Open space dedications, in-lieu fees and conservations easements.
 - b. The Development Agreement with appropriate security (bonding) guaranteeing installation of all required public improvements, as may be required by the board of Clinton County Commissioners.
 - c. The Agreement also requires the applicant to sign an agreement regarding compliance with all applicable environmental protection and management requirements as submitted and approved with the Preliminary Plan.
 - d. Maintenance bonding requirements shall be addressed as required and documented in the agreement.

I. Self-Imposed Restrictions

If the owner places restrictions on any land contained in the subdivision greater than those required by the Subdivision Regulations, such restriction or references thereto shall be required to be indicated on the Final Plat. The Regional Planning Commission shall require that restrictive covenants be recorded with the office of the County recorder.

600.04 EASEMENTS

- A. Location of utility line easements shall be provided along the rear or side lot line as necessary for utility lines. Easements shall give access to every lot, park or public grounds. Such easements shall be a total of not less than twenty (20) feet wide, ten (10) feet from each parcel.
- B. Recommendations on the proposed layout of telephone and electric company easements should be sought from all utility companies serving the areas. It shall be the responsibility of the subdivider to submit copies of the Preliminary Plan to all appropriate public utilities.
- C. Easements shall be provided for storm and surface drainage purposes. Such easements shall conform substantially to the lines of any natural watercourse, channels, streams or creeks which traverse the subdivision or nor any new channel which is established to substitute for an existing natural watercourse, channel, stream or creek. Such easements shall be of sufficient width to provide adequate area for the maintenance, however, shall not be less than twenty (20) feet wide.
- D. Whenever practicable, the utilities shall be placed underground in accordance with the standards of the appropriate utility company.
- E. The location of mailboxes and similar structures in the right-of-way of a public or private street shall be constructed so as to not create a hazard to the public and shall be constructed pursuant to standards of the Ohio Department of Transportation and office of the Clinton County Engineer.

600.05 BUILDINGS

- A. Every dwelling unit hereinafter erected or structurally altered shall be located on a lot of record and in no case shall there be more than one principal dwelling and the customary accessory building(s) on one lot of record.
- B. No new buildings shall be constructed or placed on the site of the proposed subdivision once the proposed subdivision map has been submitted to the Clinton County Regional Planning Commission for approval until the subdivision has been approved.
- C. The storm sewers, and surface drainage ways, sanitary sewers, and roadway base shall be installed before construction of any building within the subdivision. No lot shall be sold or leased, nor shall any building permits be issued for any building unless required improvements are first construction or bonded as specified by these Regulations.

600.06 LOTS AND LOT IMPROVEMENTS

- A. Lot arrangement, design and dimensions shall be such that all lots will provide satisfactory building sites. Driveway access to buildings on the lots shall be from a dedicated public street (existing or proposed or on a private street meeting public street standards, except as herein provided). Lots shall be properly related to topography and the character of the surrounding development, and shall be in compliances with the County or township zoning resolution and health regulations.
- B. The following regulation shall apply to the design and layout of lots:
 - 1. Corner lots shall provide for equal setbacks on both streets.
 - 2. Residential lots shall front on a dedicated public street (existing or proposed) or on an approved private street, except as herein provided.
 - 3. All lots shall conform to or exceed the requirements of the zoning district in which it is located and the use for which it is intended; except as provided below for unzoned property.
 - 4. Where a county or township zoning resolution is not in effect, the minimum lot size, width and frontage shall be as specified in the table entitled "Minimum Lot Area and Width Requirements." Where soil conditions are of such that proper operation of wells and septic tanks may be impaired, the Clinton County Regional Planning Commission, upon the recommendation from the Clinton County Health Department may increase the size of any lot in the subdivision, or not approve the proposed lots.

Minimum Lot Area And Width Requirements¹

Land Use	Sewage Disposal	Lot Area (sq. ft.) ²	Front Yard Setback (feet)	Lot Width (feet)
Single-family Detached	On-site septic system, on site well	65,000	40	150
	On-site septic system & public water system	40,000	40	130
	Public sewer and water system	20,000	40	90
Single-family Attached & Multi-Family	See item 600.06.D below		40	
Commercial	On-site water and Sewerage	2 acres	40	200
	On-site sewerage, Public Water	40,000	40	120
Industrial	Public water and Sewer	15,000	40	80
	On-site water and sewer	80,000	40	200

Note:

1) Where townships have adopted zoning, the requirements of that zoning resolution apply.

2) The Clinton County Health Department may require a larger lot area.

5. In laying out a parcel or subdivision, placement of the building envelopes should avoid to the extent possible, any protected or conserved natural feature.
6. All side lot lines where practical should be at substantially right angles or radial to the street lines (except for accommodating a natural or physical feature such as drainage or existing drainage system. However, side lot lines shall not deflect more than thirty (30) degrees from the perpendicular in relation to street centerlines. Where a lot is situated on a street curve deflection shall be measured against radial lines originating at the centerline of the curve. A side lot line shall maintain the same angle of deflection between the front lot line and the minimum building setback line as established by the zoning or these Regulations. These guidelines shall apply except where natural or physical features of the property require a different alignment.
7. Where a subdivision borders on or contains an existing arterial or proposed arterial road, the Clinton County Regional Planning Commission may require that access to such streets be limited by one of the following means:
 - a. The subdivision of lots so as to back onto the arterial and front onto a parallel local street; no access shall be provided from the arterial, and screening shall be provided in a strip along the rear property line of such lots.
 - b. A series of "U"-shaped streets, short loops or cul-de-sacs entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial street.
 - c. A marginal access or service road (separated from the arterial by a plating or grass strip and having access thereto at suitable points).
8. In all major subdivisions, the number of exclusive ingress / egress points shall be governed by a traffic impact study. The Regional Planning Commission may require a greater number of access points to ensure adequate and reasonable fire, police and maintenance accessibility.
9. In those cases where there is an existing building lot and such lot is recorded prior to the adoption of these Regulations, which does not have any of the necessary road frontage, an easement may be approved by the Regional Planning Commission to that existing building lot. The easement must be an exclusive legal access way with a minimum of 30-foot width for a one-family dwelling and 60-foot width for a two-family dwelling. No such easement will be granted for construction of a dwelling for more than two-family unit.
10. Double frontage lots shall be avoided, except where the Regional Planning Commission determines that it is essential to provide separation of residential development from collector and/or arterial streets.

11. Fifty (50) feet of additional lot depth or a buffer strip in accordance with suitable landscape standards may be required where a residential lots in a subdivision back up to a railroad right-of-way, a high pressure gasoline or natural gas line, open drainage ditch, and/or arterial street or interstate highway, and industrial area or other existing land use which may have detrimental effects on the residential use of the property, and where no local street is provided at the rear of such lot.
 12. Panhandle or flag lots are discouraged. Such lots, however, may be created to subdivide the original farmstead from an existing farm tract, and where development is desired a substantial distance from the street. Such lot design shall be subject to the following criteria:
 - a. The total area of the lot, exclusive of the access strip is two (2) or more acres.
 - b. The access strip or panhandle shall have a minimum street frontage and width of 150 feet.
 - c. All other applicable lot area and dimensional requirements shall apply.
 - d. Panhandle lots shall not be "stacked," one behind the other.
 - e. Only one single-family dwelling with accessory building is constructed on the lot, and not other abutting property uses the strip for access, unless said strip is dedicated as a public street or approved as a private street.
 13. Lots shall be graded to sufficient elevation to secure drainage away from buildings and to prevent the collection of storm water in pools. Topsoil should be preserved and redistributed as cover and shall be suitably planted with perennial grasses or ground cover.
 14. Lots intended for purposes other than residential uses shall be specifically noted and designed for such purposes, and shall have adequate provision for off-street parking, setbacks, and loading and unloading areas.
 15. Lots may not be created by dividing land at the ends of stub streets in adjacent subdivisions, such stub streets being intended to promote continuity of the street systems in adjoining subdivisions.
 16. Residential lots abutting arterial or collector streets, where marginal access streets are not desirable or possible to attain, shall be designed as reverse frontage lots or with side lot lines parallel to the major traffic streets. Loop streets and/or cul-de-sacs streets are encouraged.
- C. The following requirements and standards apply to lot size and tests for soil suitability for septic system usage:
1. Where a public or community sewerage system is not available or not proposed, the subdivider shall arrange for lot evaluations to be made on each lot in order to provide the data necessary for the platting of lots of adequate size.
 2. A soil scientist, or technician, provided by the Clinton County Soil and Water Conservation District, shall make on-site inspections and a study of the area being platted, and a copy of the soils review shall be submitted to the Clinton County Health Department and the Clinton County Regional Planning Commission.
 3. Criteria shall be in accordance with the Clinton County Board of Health regulations governing the installation of individual sewage disposal systems.
 4. The results of these lot evaluations shall be submitted with the Final Plat or Survey Map (Major or Minor Subdivision), in a report signed by the subdivider and by the subdivider's engineer. The report shall clearly show that the provisions of rules for Household Sewage Disposal Systems (3701-29-01 to 37-1-29-21 of the Ohio Revised Code) can be adequately addressed. This applies to all subdivision activities.
- D. In land laid out in multi-family dwellings (e.g. apartments, townhouses, condominiums and row houses) lots sizes shall be sufficient to yield the following net densities.
1. With public water and public sewerage – four (4) units per gross acre.
 2. With public sewerage, but no public water – two (2) units per gross acre.
 3. With public water but no public sewerage – two (2) units per gross acre.
 4. With no public water or public sewerage – one (1) unit per forty thousand (40,000) square feet of area.

- E. For non-residential land use, the lot shall be sufficiently sized to provide adequate space for yards, off street loading, unloading and parking facilities. Subdivision plats for non-residential uses shall be accompanied by plans or contemplated construction on the subdivision lots in sufficient detail to assume that these requirements are being addressed.
- F. Whenever possible, unit shopping centers, based upon sound development standards, should be designed in whole in lieu of platting lots for individual commercial activity.

600.07 STANDARDS FOR NON-RESIDENTIAL SUBDIVISIONS

- A. In addition to the principles and standards in these Regulations, the applicant shall demonstrate to the satisfaction of the Regional Planning Commission that the streets, parcels, blocks and lot patterns proposed are specifically adapted to the uses anticipated and take into account other uses in the immediate vicinity.
- B. Proposed industrial parcels shall be suitable in area and dimension to the types of industrial development anticipated.
- C. Every effort shall be made to protect adjacent residential areas from potential nuisances from a proposed commercial or industrial subdivision, including the provision for extra depth in parcels backing up on existing or potential residential development and provision for a permanently landscaped buffer strip when necessary.
- D. Blocks intended for commercial and industrial subdivisions shall be designed specifically for such purposes and shall include adequate provision for parking, loading and delivery services. Such blocks shall not be less than two hundred fifty feet (250') in width and not less than five hundred feet (500') in length.
- E. Lots intended for other than residential uses shall be specifically noted and designed for such purposes, and shall have adequate provision for off-street parking, setbacks and loading and unloading areas.

600.08 REQUIREMENTS FOR OUT-PARCELS AND PHASED DEVELOPMENT PLANS

In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidate for the purposes of development and comprised of more than one building site shall not be considered separate properties in relation to the access standards of these Regulations. The number of connections permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations required under these Regulations shall be addressed. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of these Regulations and both shall be cited for any violation.

All access to the out-parcel must be internalized using the shared circulation system of the principal development or retail center. Access to out-parcels shall be designed to avoid excessive movement across parking aisles and queuing across surrounding parking and driving aisles.

The number of out-parcels shall not exceed one per ten acres of site area, with a minimum lineal frontage of 300 feet per out parcel or greater where access spacing standards for that roadway requires. This frontage requirement may be waived where access is internalized using the shared circulation system of the principal development or retail center. In such cases the right of direct access to the roadway shall be dedicated to the County and recorded with the deed.

700 STREET DESIGN AND CONSTRUCTION STANDARDS

- | | | | |
|-----|--|-----|---|
| .01 | General | .13 | Driveways |
| .02 | Conformity to Development Plan and Zoning Resolution | .14 | Postal Facilities |
| .03 | Official Road Design Standards | .15 | Walkways, Sideways and Graded Areas |
| .04 | Street Names | .16 | Streets and walkways Lighting |
| .05 | Street and Circulation System Design | .17 | Access Standards |
| .06 | Rights-of-way | .18 | Alternative Roads for - |
| .07 | Horizontal Alignment | | Planned Unit Developments and Cluster - |
| | | | Conservation Developments |
| .08 | Vertical Alignment | | |
| .09 | Special Street Types | | |
| .10 | Intersection Design Standards | | |
| .11 | Streets for Commercial Subdivisions | | |
| .12 | Streets for Industrial Subdivisions | | |

700.01 GENERAL

These regulations shall control the manner in which the road system is arranged on the land to permit the safe, efficient, and orderly movement of traffic; to meet the needs of the present and future population; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.

700.02 CONFORMITY TO DEVELOPMENT PLAN AND ZONING RESOLUTION

No subdivision shall be approved unless the area to be subdivided has frontage on and access from an existing street on the official Thoroughfare Map. Such street or roadway must be suitably improved as required by these Regulations. Further, no Final Plat of land within an existing zoning district shall be approved unless it conforms to the requirements of the zoning district.

700.03 OFFICIAL ROAD DESIGN STANDARDS

The office of the Clinton County Engineer determines design standards and required improvements to roadways or streets. In all cases, right-of-way dedications shall be required for streets leading to new subdivisions.

When developing along one side of an existing street or roadway included in the Official Thoroughfare Plan, the subdivider shall be responsible for construction or replacement of the entire existing pavement, in accordance with the requirements of the office of the Clinton County Engineer.

Upon the recommendations of the office of the Clinton County Engineer and when the Regional Planning Commission determines that certain elements of a public street do not or should not be specifically applied because of unique circumstances of the particular project or portion of the project, the Regional Planning Commission may waive, or permit a modification to the installation of any such element(s) to the extent deemed just and proper provided such relief may be granted without detriment to the public good.

700.04 STREET NAMES

The subdivider at all intersections shall erect street name signs or numbers or a type in use throughout the County. Names of new streets shall not duplicate or nearly duplicate those of existing or platted streets, irrespective of the use of the suffix street, avenue, circle, boulevard, and/or drive and shall be displayed at each street intersection with street signs of the type established by the County. When new streets are direct extensions of existing street(s), the new street shall have the same name. Sign color shall conform to the County or township requirements. Street names shall be subject to the approval of the Regional Planning

Commission and the office of the Clinton County Engineer. The subdivider is responsible for the cost associated with purchasing and installing all signage.

700.05 STREETS AND CIRCULATION SYSTEM DESIGN

- A. The arrangement, character, extent and location of all streets shall conform to access management standards and the Thoroughfare Plan of Clinton County; such streets shall be considered in their relation to existing and planned streets, topographic conditions, public convenience and safety, and in their relationship to the proposed uses of land to be served by such streets. The Regional Planning Commission reserves the right to disapprove any street plan, which does not represent a good design or does not insure continuity of the existing street system.
- B. The road system shall be designed to serve the need of the neighborhood and to discourage through traffic in the interior of such subdivision. Residential driveway access shall not be permitted onto a limited access highway, arterials or major collectors. Major subdivisions should be designed to discourage residential driveway access onto major arterials and collector roadways by using access roads. Minimizing driveway access points or curb cuts by using access roads shall be encouraged.
- C. Where required by density of the development (lot frontages less than 100 linear feet), a pedestrian system shall be located for safety, walks or pedestrian walkways shall be placed parallel to the street, with exceptions permitted to preserve natural features or to provide visual interest. In Planned Developments, walks may be placed away from the roadway system, but they may also be required parallel to the street for safety reasons.
- D. There shall be no private street, lane, road, or way nor any private easement used for the purpose of primary access to any subdivision, including subdivision exempt from platting under Ohio Revised Code Section 711.131, unless constructed and maintained to County Road Specifications and Standards. The cost of maintenance of such private street, roadway and easements shall be borne equitably by benefiting property owners. Proper legal steps shall be taken to guarantee the continuing maintenance of such streets, roadways and easements.
- E. No development shall be approved if such development, at full occupancy, will result in or increase traffic on an arterial or collector so that the street does not function at a Level of Service "C" or better. The applicant may be required to construct approved traffic mitigation measures to provide adequate roadway capacity for the proposed development.
- F. The applicant shall refer to the County Access Management Policies and/or a recommendation of the office of the Clinton County Engineer to ascertain if a Traffic Impact Analysis is required.
- G. All streets shall be properly integrated with the existing and proposed street system of major thoroughfares and dedicated rights-of-way. All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land use.

700.06 RIGHTS-OF-WAY

- A. The right-of-way shall be measured from lot line to lot line and shall be sufficiently wide to accommodate the cartway, curbs, sidewalks, utilities and graded areas, or if required.
- B. The right-of-way of a new street that is a continuation of an existing street shall in no case be continued at a width less than that of the existing street.
- C. Proposed street right-of-way shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topographical or other extreme physical conditions, or unless in the opinion of the Regional Planning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
- D. The right-of-way for thoroughfares shall be in accordance with the Major Thoroughfare Plan and the minimum requirements shall be as follows:

Rights-of-Way Standards by Type of Road

Street Type	R/W Width (feet)
Limited Access Highway	300
Minor Arterial	100
Major Collector	80
Minor Collector	80
Local Street/Road	70
Residential Street	60
Special Streets	-
Cul-de-Sac	60
Marginal Access Street	50
Alley	28

700.07 HORIZONTAL ALIGNMENT

- A. Horizontal centerline alignment on existing streets shall conform to the *Ohio Department of Transportation Location and Design Manual, Volume One – Roadway Design* criteria and shall be designed according to the following:

Street Type	Minimum Speed (mph)
Arterial	55
Major and Minor Collector Streets	45
Local and Residential Streets	35

- B. Horizontal street curves on proposed streets shall have the following minimum radii of centerline curvature:

Street Type	Radii (feet)
Major and Minor Collector Streets	400
Local and Residential Streets	200
All Others	ODOT L&D

- C. A minimum tangent of at least fifty (50) feet shall be provided between reverse curves on all residential streets; 100 feet tangent lengths shall be required on collector and arterial streets and other higher order thoroughfares.
- D. The office of the Clinton County Engineer may modify the aforementioned minimum standards in the following situations:
1. When a collector or residential street's lines deflect from each other at any point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than two hundred and fifty (250) feet or with such greater radius as the Commission may deem necessary for the particular situation.
 2. For arterial streets, the office of the Clinton County Engineer may require curves with radii adequate to insure longer sight distances.

700.08 VERTICAL ALIGNMENT

- A. Vertical street profiles shall conform to the grades listed below. The Township trustees concerned and the office of the Clinton County Engineer shall approve all deviations.

1.	ARTERIAL STREETS	Maximum Grade: 4%
2.	COLLECTOR AND RESIDENTIAL STREETS AND ALLEYS	Maximum Grade: 6% – 8%
3.	INTERSECTION APPROACHES	Maximum Grade: 4% for at least 100 feet.
4.	MINIMUM GRADE	0.4% (with curb and gutter)

- B. Minimum design for stopping sight-distance and sag/crest curves shall conform to the Ohio Department of Transportation's Location and Design Manual and shall be designed for

Arterial	= 55 mph
Collector	= 45 mph
Residential and Local	= 35 mph

700.09 SPECIAL STREET TYPES

- A. The following design requirements shall apply to special street types:
1. **One-way Streets:** One-way streets are permitted in new subdivision if the Clinton County Regional Planning Commission determines that such street(s) is properly integrated with the existing and proposed street system in the area. One-way streets shall be permitted only as residential local streets.
 2. **Dead-End Streets (permanent): Permanent dead-end streets** shall not be permitted. **Temporary dead-end streets** shall be permitted only as a segment of a continuing street plan subject to extension into undeveloped acreage. Temporary dead-end streets shall be extended 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 dead-end street based on principles 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.
 3. **Cul-de-sac Streets:** The cul-de-sac street should not exceed a length of one thousand (1,000) feet measured to the center of the radius of the turnaround. Their terminus may be circular with a radius of fifty (50) feet measured from a point on the street centerline. Other termini types are subject to the review and approval of the office of the Clinton County Engineer and the Regional Planning Commission. Cul-de-sac streets may exceed 1,000 feet with an intermediate turnaround in circumstances of undue hardship or practical difficulty.
 4. **Half Streets:** The dedication of new half-streets shall not be permitted. If a parcel to be subdivided exists adjacent to a dedicated or platted and recorded half-width street or alley, the other half-width street or alley falling within the proposed subdivision shall be platted, provided that in the opinion of the Commission such right-of-way is necessary for the proper development of the area.
 5. **Bordering a railroad or expressway:** Where a subdivision borders on or contains the right-of-way of a railroad or an expressway, the Commission may require a street approximately parallel to and on each side of such right-of-way at a distance, which will permit appropriate use of the land situated between such right-of-way and the required parallel street. Such distance shall also be determined with due regard for the requirements of approach grades and future grade separations. In addition, the Regional Planning Commission may also require the provision of buffer planting strips, the platting of loop streets or cul-de-sacs connected to such parallel streets, or any combination of such.
 6. **Easements or Reserve Strips:** Easements or reserve strips controlling access to streets shall be prohibited except where deemed necessary by the Clinton County Regional Planning Commission and where their control is definitely placed with the County.
 7. **Alleys:** Alleys shall not be approved in residential subdivision except where justified by extreme conditions. Alleys may be approved in commercial and industrial subdivisions if no other provisions can be made for adequate service access. The minimum widths for alleys shall be twenty (20) feet and they shall be dedicated to the public. Alley intersections, sharp changes in alignment, and dead-ends shall not be permitted unless extreme conditions would warrant such permission.
 8. In subdividing land along existing streets or roads and within a proposed subdivision, provisions for the dedication of land for one or more access streets to undeveloped land not fronting on an existing street shall be incorporated. Said access streets shall be

spaced not less than eight hundred (800) feet, or more than one thousand four hundred (1,400) feet apart.

9. In subdividing land along Interstate, Arterial, and Major Collector thoroughfares, as designated on the Thoroughfare Plan, access should be limited by incorporating one of the following into the design of the subdivision: Reverse Frontage; Marginal Access Streets; Loop Street. Points of access to the Arterial, Major Collector streets shall be spaced at a minimum of 1,320 feet. A planting strip having a minimum width of twenty (20) feet shall be provided between the pavement of the marginal access street. The minimum width of the marginal access right-of-way shall be forty to fifty feet. In addition, the Regional Planning Commission may also require the provision of buffer planting strips, the platting of loop streets or cul-de-sacs connected to such parallel streets or any combination thereof.

700.10

INTERSECTION DESIGN STANDARDS

- A. The design and improvement standards for intersections are suggested minimums for all street intersections in the subdivision. All such intersections shall be designed and constructed in accordance with standards as specified on the following table. Multiple intersections involving junctions of more than two (2) streets shall not be permitted. Proposed streets shall intersect one another as nearly at right angles as topography or other limiting factors will permit. No intersection of streets on angles less than seventy-five (75) degrees shall be approved, unless justified by extreme topographical conditions. In such a case, special provisions as deemed necessary by the office of the Clinton County Engineer shall be made.

Intersection Design Standards

Minimum Curb Radius (ft)	
Local - Local	20 – all classes
Local – Collector	30 – all classes
Collector - Collector	35 – all classes
Collector, Marginal Access - Arterial	40 – all classes
Minimum Centerline Offset of adjacent Intersection (ft)	
Local - Local	150 – all classes
Local – Collector	150 – all classes
Collector - Collector	200 – all classes
Collector, Marginal Access - Arterial	1,320 – all classes

700.11

STREETS FOR COMMERCIAL SUBDIVISIONS

- A. Streets serving business developments and accessory parking areas shall be planned to connect with arterial streets so as not to generate traffic on local streets. The intersection of driveways from parking areas with arterial or collector streets shall be located so as to cause the least possible interference with traffic movement on the streets, and shall be located not less than one hundred (100) feet from the intersection of an arterial or collector street with any other street, and shall be spaced not less than two hundred (200) feet from each other. The Regional Planning Commission may require marginal access streets to provide maximum safety and convenience.

700.12

STREETS FOR INDUSTRIAL SUBDIVISIONS

- A. Collector streets for industrial subdivisions shall be planned to serve industrial areas exclusively and shall connect with arterial streets so that no industrial traffic will be directed into any residential streets. The intersections of service streets from parking areas, with arterial or collector streets shall not be less than one hundred (100) feet from the intersection of the arterial or collector street with any other street. Streets shall be planned to be extended to the boundaries of any adjoining land planned for industry, except if severe physical

conditions prevent this or if the Regional Planning Commission finds such extension is not in accordance with the approved plan for the area.

700.13 DRIVEWAYS

- A. When a Planned Unit Development or Conservation Development is proposed, a private driveway may be used to provide vehicular access to no more than three (3) single-family dwelling units. Such a driveway shall accommodate a vehicular passing lane, a turnaround, and overhead and width clearances as necessary to accommodate fire and emergency vehicles. A Homeowners Association or other management technique crafted in accordance with Chapter 5311 of the Ohio Revised Code shall be formed to provide for the long-term maintenance of any private access way. Common driveways shall have a maintenance agreement acceptable to the office of the Clinton County Engineer and the Regional Planning Commission. Any driveway serving more than three (3) single-family detached dwelling units shall be considered a street and shall be designed and constructed according to these Regulations. The following statement shall be placed on the deed and the final plat:
"The undersigned grantee (s) hereby acknowledge (s) that (he, she, they) understand that the premises described herein is located on a non-dedicated private street/driveway. Further, the grantee(s) understand that no governmental body is and will be responsible for care and maintenance of said private access way."
- B. Access roads or vehicular ways within subdivisions containing single-family attached units or multi-family dwellings shall be considered and designed and constructed according to these Regulations.
- C. A driveway permit or letter indicating the access point is approved shall be obtained from the office of the Clinton County Engineer, the Township-issuing the permits, or the Ohio Department of Transportation.
- D. Driveways shall have a maximum of a 15 percent grade. Driveway pipes shall conform to the office of the Clinton County Engineer or the Ohio Department of Transportation specifications. The subdivider or developer shall place the approved drainage structures under intersecting roads, drives, lanes, or property entrances and at other locations where required. Driveways shall be designed so as to drain into the roadside ditch and not into the roadway surface or cartway.
- E. Driveway entrances or aprons within the street right-of-way shall be surfaced to their full width, and in no case shall be less than ten (10) feet, the type of surface as specified for the roadway or street surface. Where sidewalks are installed, the required driveway surfacing shall end at the street side of the sidewalk. Minimum driveway dimensions are shown on the following table:

Driveway Dimensions

	Residential Driveway	Commercial Driveway	Industrial Driveway
Minimum Width *	10	15	20
Maximum Width +	30	40	40
Turn Radius Minimum	10	15	25
Turn Radius Maximum	25	50	50

NOTE:

The minimum width of commercial driveways is intended to apply to one-way operation. In high-pedestrian activity areas, such as in a central business district or in the same block with an auditorium, school or library, the maximum basic width should be 30 feet. The width is intended to be measured along the right-of-way line.

The maximum radii for major generator driveways should be much higher than the values shown. Minimum acute angle measured from edge of pavement, and generally based on one-way operation. For two-way driveways, and in high pedestrian activity areas, the minimum angle should be 70 degrees

- F. When adequate frontage is available on a non-limited access roadway, two driveways to a property used for a single purpose may be permitted.
- G. Drives shall not be located within 100 feet of the centerline of an intersecting road located on the same side of the road.

- H. Roadway base material for the proposed subdivision street providing access to the building lot shall be in place along the entire frontage of the building lot and approved by the office of the Clinton County Engineer prior to the issuance of a building or driveway permit.
- I. The Access Management Plan for the specific roadway corridor shall govern drive sight distance and separation distances. However, in the event that the County has not yet prepared an Access Management Plan for the specific roadway corridor, the more restrictive of the following two standards shall apply:
1. Minimum Intersection Sight Distance as specified by the Ohio Department of Transportation *OR*
 2. Driveway separated a minimum distance prescribed in the table below:

Driveway Separation Distance Based on a 55 MPH Speed Limit

Street Classifications	Minimum Driveway Spacing (feet)
Limited Access	No Driveway Connections
Arterial Routes	600
Collector Routes	
Major	300
Minor	300
Local Routes	275
Streets within Residential Subdivisions	
Lot area greater than 40,000 sq. feet.	125
Lot area from 30,000 through 39,000 sq. feet	100
Lot area less than 29,000 sq. feet.	80

**Local Roads Having Less Than
55 MPH Speed Limit**

Speed Limit	Minimum Driveway Spacing
25	105
35	150
45	230

Note: Subdividers are encouraged to review drawings in the Clinton County Subdivision Handbook for suggestions on subdividing adjacent to thoroughfares having heavy traffic volumes.

3. Driveways shall be located on the lowest order improved public roadway on which the lot has frontage or a shared access point, unless the Ohio Department of Transportation, the office of the Clinton County Engineer, and/or the township having jurisdiction over permits determines that public safety would be better served through access on a higher order roadway. For major subdivisions (Planned Unit Development and/or Conservation Developments) with private roadways, driveway locations shall be governed by the same standards as for public roadways. Flag lots shall not be permitted direct access to an Arterial or Major Collector road and interior parcels shall be required to obtain access via a new public or private road in accordance with the Regulations.
4. Driveway approaches shall be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers is not permitted.

700.14 POSTAL FACILITIES

- A. Vehicle parking or waiting facilities shall be provided to serve combined postal delivery and collection units when they are employed to provide postal service to a subdivision. These facilities shall be located in the following areas:
 1. Roadside pull off areas.
 2. Along the perimeter of cul-de-sacs or mid-block turnarounds, outside the travel way of the street.
- B. The Clinton County Regional Planning Commission shall approve all locations for combined postal delivery and collection units during the review of the preliminary plan for the

subdivision. Combined postal facilities shall be located no closer than one hundred (100) feet from any street intersection.

- C. The mailboxes or postal facilities shall be designed and constructed in accordance with the Clinton County Mailbox Construction and Installation Guidelines for County and Township Roads as issued by the office of the Clinton County Engineer.

700.15 WALKWAYS, SIDEWALKS AND GRADED AREAS

- A. Where the developer proposes sidewalks, the following guidelines shall prevail:
 1. Sidewalks may be required if close to pedestrian generators, to continue a walk on an existing street, to link areas or depending on probable future development as indicated in applicable master plans.
 2. In conventional developments, sidewalks shall be placed in the right-of-way, parallel to the street, unless an exception has been permitted to preserve topographical or natural features or to provide visual interest, or unless the applicant shows that an alternative pedestrian system provides safe and convenient circulation. In commercial and in high-density residential areas, sidewalks may abut the curb.
 3. In planned unit developments and conservation development, sidewalks may be located away from the road system to link dwelling units with other dwelling units, the street, and on-site activity centers such as parking areas and recreational areas. They may also be required parallel to the street for safety and other reasons.
 4. Pedestrian-way easements ten (10) feet wide may be required by the Regional Planning Commission through the center of blocks more than 600 feet long to provide circulation or access to schools, playgrounds, shopping or other community facilities.
 5. Sidewalks shall measure four (4) feet in width; wider widths may be necessary near pedestrian generators and employment centers. Where sidewalks abut the curb and cars overhang the sidewalk, widths shall be five (5) feet. The width of graded areas shall be the same as for sidewalks.
 6. Sidewalks and graded areas shall be constructed according to the specifications set forth in the *Technical Specifications* of the office of the Clinton County Engineer.
 7. Public sidewalks may be required parallel or adjacent to public rights-of-way for industrial and commercial lots, subject to the approval of the Clinton County Regional Planning Commission.
 8. A pedestrian circulation system shall be included in the Conservation Development and shall be designed to ensure that pedestrians can walk safely and easily throughout the development. The pedestrian system shall provide connections between properties and activities or special features within the common open space systems and need not always be located along streets.
 9. Trails for which public right of passage has been established may be incorporated in the pedestrian circulation system.

700.16 STREETS AND WALKWAYS LIGHTING

- A. The Regional Planning Commission may require the subdivider to install street lights in accordance with standards and specifications of the office of the Clinton County Engineer, with consultation provided by the electric company serving the area, in each residential subdivision which contains a majority of lots with an individual lot width of one hundred (100) feet or less at the front property line. Such lights shall be located at each street intersection within the subdivision and at other locations deemed necessary by the office of the Clinton County Engineer. Streetlights shall be designed, with appropriate lamps and reflectors to minimize the light pollution.

700.17 CULVERTS AND BRIDGES

- A. Where natural drainage channels intersect with street rights-of-way, it shall be the responsibility of the subdivider to have satisfactory bridges and/or culverts constructed.
 1. All culverts shall extend for an adequate distance to accommodate the required roadway embankment slopes. The cover over the culvert and its capacity shall be determined by the developer's professional engineer and approved by the office of the Clinton County

Engineer. The minimum diameter of the culvert pipe shall be twelve (12) inches. Depending on the existing drainage conditions, head walls may be required. Where driveway culverts are entirely or partially in the street right-of-way, they shall have a minimum length of thirty (30) feet and minimum diameter of twelve (12) inches. The driveway culverts shall be laid so as to maintain the flow lines of the ditch or gutter.

700.18

ACCESS STANDARDS

A. Frontage on Approved Road

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

B. Access Limitations

Where a subdivision borders on or contains an existing arterial or proposed arterial road, the Regional Planning Commission and/or the office of the Clinton County Engineer may require that access to such streets be limited by one of the following:

1. The subdivision of lots so as to back onto the primary arterial and front onto a parallel local street; no access shall be provided from the primary arterial, and screening shall be provided in a strip along the rear property line of such lots.
2. A series of U-shaped streets, short loops or cul-de-sacs entered from and designed generally at right angles to such a parallel street, with the rear lot lines of their terminal lots backing onto the major arterial
3. A marginal access or service road separated from the primary arterial by a planting or grass strip and having access thereto at suitable points.

C. Access Points in Major Subdivisions

A traffic impact study with a focus on sight distance shall be performed for all major subdivisions designed to accommodate more than ten (10) dwelling units. A more detailed traffic impact study shall be conducted for subdivisions or developments containing 50 or more dwelling units with an emphasis on sight distance, trip generation, turning lane warrants and traffic signal warrants; and , to ascertain the need for more than one point on ingress / egress to the site especially to accommodate emergency fire and police traffic during periods where the intersection is closed.

D. Double Frontage Lots

Double frontage lots and reserve frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantage to topography or orientation, as determined by the Regional Planning Commission.

E. Joint and Cross Access

1. Adjacent commercial and office properties classified as major traffic generators (for example, shopping centers, office parks) may be required to provide a cross access drive and pedestrian access to allow circulation between sites.
2. A system of joint use driveways and cross access easements shall be established wherever feasible along arterial and major collector routs and the building sites shall incorporate the following:
 - a. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;
 - b. A design speed of 10 mph and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles and loading vehicles;
 - c. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive;
 - d. A unified access and circulation system plan that includes coordinated or shared parking areas is encouraged wherever feasible.

3. Shared parking areas shall be permitted a reduction in required parking spaces if peak demand periods for proposed land uses do not occur at the same time
4. Pursuant to this Section, property owners shall:
 - a. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveway and cross access or service drive;
 - b. Record an agreement with the deed that the remaining access rights along the thoroughfare will be dedicated to the County/Township and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
 - c. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
5. The permitting department may reduce the required separation distance of access points where they prove impractical, provided all of the following requirements are addressed:
 - a. Joint access driveways and cross access easements are provided wherever feasible in accordance with this Section.
 - b. The site plan incorporates a unified access and circulation system in accordance with this Section.
 - c. The property owner shall enter a written agreement with the County / Township, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.

700.19 ALTERNATIVE ROADS – FOR PLANNED UNIT DEVELOPMENTS AND CLUSTER – CONSERVATION DEVELOPMENTS

A. Common Access Drives

Common access drives may be permitted for up to three (3) lots. Such drives shall be private, placed within a platted access easement, owned and maintained by the abutting properties, and whose design shall be reviewed and approved by the local fire department to ensure safe and adequate access. The following criteria are intended to minimize the amount of roadway

1. Common access drives may only be permitted where adequate sight distance is available, according to the standards of the office of the Clinton County Engineer and/or the Regional Planning Commission.
2. Common Access drives may be permitted for up to three (3) residential lots.
3. Common access drives may only be permitted in the Planned Unit Development and the Conservation Development subdivisions.
4. Drives in excess of 300 feet shall provide a 10-foot by 30-foot turnaround and the Regional Planning Commission shall determine its location.
5. A minimum of chip and seal shall be required in areas where the drive grade is in excess of one (1) percent.
6. The driveway within the public road right-of-way shall be designed and constricted in conformance with public street standards.
7. A Homeowners Association (or similar technique) agreement and a drive maintenance agreement shall be established for all lots sharing a common access drive, recorded and with comparable language placed on the deeds for all lots with access to the drive.
8. The fire department having jurisdiction within the area shall have reviewed the proposed drive for safety purposes prior to approval.

B. Access Easements

The Clinton County Regional Planning Commission or the Administrative Officer may in certain circumstances where no other solution is possible, approve a 30-foot wide access easement serving one (1) lot, subject to the following criteria:

1. The lot shall meet all applicable requirements of the Subdivision Regulations.
2. The access easement must provide access to a public road.
3. The access easement shall be at least 30-feet wide.
4. The local fire department shall have approved the access easement for safety, with a letter or certification of such approval made part of the application.
5. The access easement shall meet all applicable access standards, including visibility or driveway separation distance criteria.

6. The easement shall be recorded with the County Recorder's Office and shall be transferred with the property to which it is providing access. The Regional Planning Commission may disapprove access easements if such easements are an attempt to circumvent the Subdivision Regulations.

C. Private Roads

1. Private roads may be permitted in the Planned Unit Development and the Conservation Development only, and in accordance with the requirements of this Section and the following general standards:
 - a. All roads shall be constructed to public specifications.
 - b. Private roads that by their existence invite the public in shall have all traffic control features, such as striping or markings, in conformance with the Manual of Uniform Traffic Control Devices.
 - c. The minimum distance between private road outlets on a single side of a public road shall be 660 feet, less where provided by access classifications and standards for state and local thoroughfares that is the Access Management Standards for the Roadway.
 - d. All properties served by a private road shall provide adequate access for emergency vehicles and shall conform to the approved local street numbering system.
 - e. All private roads shall be designated as such and will be required to have adequate signage indicating the road is a private road and not publicly maintained.
 - f. All private roads shall have a posted speed limit not to exceed twenty miles per hour.
 - g. All private roads shall have adequate provisions for drainage and stormwater runoff as provided in these Regulations.
 - h. A second access connection to a public road shall be required for private roads greater than 1,500 feet in length.
2. Application for subdivision approval that includes private roads shall include a drainage plan and road construction plan, prepared by an engineer registered in the State of Ohio.
3. Construction permits are required for connection to public roads. Application for road construction shall be made concurrent with the creation of a lot that does not have frontage on a public road. A road construction permit shall be issued after approval of the private road plan and the entire length of the road shall be inspected during the construction and upon completion.
4. No building permit shall be issued for any lot served by a private road until the private road has been constructed and approved, so that all lots to be served by the private road have access to a public road.
5. A road maintenance agreement, approved by the office of the Clinton County Engineer and the Regional Planning Commission shall be recorded with the deed of each property to be served by a private road.
6. No private road shall be incorporated into the public road system unless it is built to public road specifications. The property owners shall be responsible for bringing the road into compliance.
7. All private roads shall have a sign and name meeting County Standards and shall include the following notice: "Private Road".
8. An application fee will be established by the office of the Clinton County Engineer to cover administrative, processing and inspection costs.
9. The United States Postal Service and the local school district is not required to use the private road for access to the parcels abutting the private road and may require that service be provided only at the closest public access point.
10. The County shall not accept pre-existing private roads as publicly dedicated roads unless such pre-existing road meets all applicable design and construction standards and is approved by the office of the Clinton County Engineer.

800.00 UTILITY DESIGN AND CONSTRUCTION STANDARDS

.01	General	.05	Drainage and Stormwater
.02	Water Supply	.06	Areas of Poor Drainage & Floodplain Areas
.03	Fire Protection	.07	Utilities (except Water, Sanitary Sewer and Stormwater)
.04	Sanitary Sewers	.08	Oversized & Off-Site Improvements

800.01 GENERAL

- A. A professional engineer, licensed in Ohio, shall design any plans for public water supply, stormwater and wastewater facilities.

800.02 WATER SUPPLY

- A. The Clinton County Sanitary Sewer and Water District standards are incorporated herein by reference.

800.03 FIRE PROTECTION

- A. Fire hydrants with two and one half (2-1/2) inch outlets and one (1) pumping connection shall be provided by the subdivider in all subdivision with adequate public water supplies. Where no public water supply is available, the Regional Planning Commission, upon the recommendation of the Fire District, may require that a fire protection pond and dry hydrant be installed the specifications of which meet those mandated by the Clinton County Soil and Water Conservation District.
- B. Hydrants shall be located between property lines and curbs with all outlets facing or parallel to the street. Hydrants shall be placed at the corners of all blocks and at mid-blocks for blocks exceeding 800 feet in length. Hydrants shall be required at the entrance and end of all cul-de-sacs exceeding 400 feet in length.
- C. Hydrants shall be spaced to provide necessary fire flow. The average area per hydrant shall not exceed 120,000 square feet. In addition, hydrants shall be spaced so that residence shall be within 600 feet of a hydrant.
- D. A hydrant shall be located at all low points and at all high points with adequate means of drainage provided.
- E. The type of hydrant and control valves and the location of the hydrant shall be approved by the chief or person responsible for fire protection for the fire district the subdivision is located.
- F. The minimum size of any water line serving any hydrant shall not be less than six (6) inches in diameter and shall be in circulating water lines. The office of the Clinton County Sanitary Engineer shall approve the size and location of water lines.

800.04 SANITARY SEWERS

A. GENERAL REQUIREMENTS

The developer / subdivider shall install sanitary sewer facilities in a manner prescribed by the Clinton County Sanitary Engineer's Construction Standards and Specification, as required by the Clinton County Sanitary Engineer's Office. All plans shall be designed and approved in accordance with the rules, regulations, and standards of the County Sanitary Engineer, Clinton County Health Department and the Ohio Environmental Protection Agency, as applicable. Necessary action shall be taken by the developer/subdivider to extend or create a sanitary sewer district for the purposes of providing sewerage facilities to the subdivision when no district exists for the land to be subdivided, provided the creation of such district and its service areas is an concurrence with the Clinton County Comprehensive Plan.

However, in general, sanitary sewer systems are not to be extended into or otherwise provided for in areas designated as Agriculture Protection in the Plan.

B. HIGHER DENSITY DEVELOPMENTS - SUBDIVISIONS

Sanitary sewer facilities for subdivisions with lot areas less than one (1) acres shall connect with public sanitary sewerage systems. Sewers shall be installed to serve each lot and to grades and sizes required by approving authorities. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted. Sanitary sewerage facilities (including the installation of laterals in the right-of-way) shall be subject to the specifications, rules, regulations and guidelines of the County Sanitary Engineer, the County Health Department, and the Ohio Environmental Protection Agency, as applicable.

C. RURAL DENSITY RESIDENTIAL SUBDIVISIONS

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

1. When a public sanitary sewerage system is reasonably accessible, the developer / subdivider shall connect with it and provide sewers accessible to each lot in the subdivision.
2. When public sanitary sewerage system are not reasonably accessible but will become available within a reasonable time (not to exceed 15 years), the developer/subdivider may choose one of the following alternatives:
 - a. Central Sewerage systems with the maintenance cost to be assessed against each property benefited. Where plans for future public sanitary sewerage exists, the developer / subdivider shall install the sewer lines, laterals and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains; or
 - b. Individual disposal systems, provided the developer / subdivider shall install sewer lines, laterals and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made. Sewer lines shall be laid from the house to the street line and a connection shall be available in the home to connect from the individual disposal system to the sewer system when the public sewers become available. Such sewer system shall be capped until ready for use and shall conform to all plans for installation of the public sewer system, where such exists, and shall be ready for connection to such public sewer system.
3. When sanitary sewer systems are not reasonably accessible and will not become available for a period in excess of 15 years, the applicant may install individual disposal systems or central sewerage systems meeting the specifications, rules, regulations and guidelines of the County Sanitary Engineer, The Clinton County Health Department, and the Ohio Environmental Protection Agency, as applicable.

D. MANDATORY CONNECTION TO PUBLIC SEWER SYSTEM

If a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley abutting upon property, the owner of the property shall be required to connect to the sewer for the purpose of disposing of waste, and it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewerage disposal system.

E. INDIVIDUAL DISPOSAL SYSTEMS REQUIREMENTS

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

F. LEACH FIELDS IN COMMON AREAS

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

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

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

The standards of the installed aerator-type unit shall be reviewed and approved by the Clinton County Health Department. Each owner shall be responsible for installation, maintenance, and repair of the septic system, including the leaching system, which is connected to the dwelling.

800.05 DRAINAGE AND STORM WATER

- A. All storm drainage design shall be planned and executed so as to preserve natural topographical features and vegetative cover, to minimize change to existing topography, and to preserve natural drainage systems.
 1. Where an adequate public storm sewer is available at the plat boundary, the subdivider shall construct a storm sewer system and connect with such storm sewer line. If such a storm sewer system is not accessible, natural drainage channels with easements of adequate width shall be provided as determined by the office of the Clinton County Engineer, the Clinton Soil and Water Conservation District, and approved by the Clinton County Regional Planning Commission. The Clinton Soil and Water Conservation District may require that ditch maintenance program be implemented. Storm drainage from lots, including drain tile around basements, shall not be permitted to discharge into any sanitary sewer facility, but shall connect to an adequate drainage outlet.
 2. The subdivider shall construct all necessary facilities including underground pipe, drainage tile, inlets, catch basins, or open drainage ditches, as determined by the Regional Planning Commission with advice from the office of the Clinton County Engineer and the Clinton Soil and Water Conservation District, to provide for the adequate disposal of subsurface and surface water and maintenance of natural drainage courses. The subdivider is encouraged to place such systems on the County sponsored maintenance program. The best available technology as referenced in the handbook referenced below shall be used to minimize off-site stormwater runoff, increase on-site filtration, encourage natural filtration functions, stimulate natural drainage systems, and minimize off-site discharge of pollutants to ground and surface water. Best available technology may include measures such as retention basins, recharge trenches, porous paving and piping, contour terraces and swales. Stormwater management and sediment control shall be regulated under the most restrictive standard established in Rainwater and Land Development; Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection, Second Edition, 1996 (Department of Natural Resources, Division of Soil and Water Conservation) or any later version that is published as an update, or the Clinton County Water Management and Sediment Control Regulation adopted in 1997 and as may be amended.
 3. Subdivision development shall not increase the rate of runoff and an increase in the volume of runoff shall require a reduction in the rate of runoff in accordance with the Clinton County Water Management and Sedimentation Control Regulations.
 4. When necessary, outlet ditches of closed sewers of an approved type and size shall be required as part of the construction. If it is across private property, the subdivider or developer for the construction and future maintenance shall obtain rights-of-way or easements. These rights-of-way or easements shall be shown on the construction plans.

Whenever possible, post-development drainage patterns shall be same as pre-development drainage patterns. The design of streets and grading shall be such that runoff from roofs, driveways, and other impervious surfaces will be collected in ditches and/or gutters in short runs three hundred (300) feet or four hundred (400) feet in length. The runoff shall then be diverted from the surface, if not already underground, into storm sewers or a natural watercourse. Streets shall be located away from watercourses unless storm sewers are to be installed. The channel downstream of the subdivision shall be improved adequately by the developer to convey the storm runoff from the subdivision and across the adjacent property owner so that damages from flooding are minimized.

5. The subdivider shall guard against the creation or continuation of swampy areas or stagnant pools, unless they are a component of a designed wetlands / open space. The Regional Planning Commission may require fill, swale, and/or channel improvements in order to forestall such problems.
 6. Adequate measures for the protection of open and closed drainage channels shall be provided. The office of the Clinton County Engineer shall determine maintenance easement widths. The velocity flow on an open ditch shall not exceed four (4) feet per second in soil ditches or six (6) feet per second in turf gutters. Paved gutters will be required if velocities of flow are greater than those specified, or if it is otherwise likely that destructive erosion will result. Drainage ditches shall no be permitted to discharge into any sanitary sewer facility.
 7. No watercourse shall be altered in such a way as to change the amount or direction of flow; no fill, building or structure shall be situated in natural watercourses unless provision is made for the flow of water in a manner satisfactory to the office of the Clinton County Engineer.
- B. Roadside drainage shall be accommodated through stormwater facilities meeting the requirements of the office of the Clinton County Engineer.

800.06 AREAS OF POOR DRAINAGE AND FLOODPLAIN AREAS

- A. Whenever a subdivision is proposed for an area that is subject to flooding, but located outside the 100-year floodplain as mapped by the National Flood Insurance Program (NFIP), the Regional Planning Commission in consultation with the Clinton Soil and Water Conservation District and the office of the Clinton County Engineer, may approve such subdivision provided that the developer / subdivider adequately addresses poor drainage concerns.
- B. The County discourages development within the floodplains. The Clinton County Regional Planning Commission may approve a subdivision that is proposed to be located in the 100-year floodplain, as estimated by NFIP mapping, U.S. Federal Emergency Management Agency (FEMA), only as it meets the building standards, Health Codes, Zoning and existing floodplain regulations. A developer / subdivider may challenge the accuracy of the NFIP mapping by filing a map amendment request per FEMA guidelines, which requires the preparation of a hydrologic and hydraulic engineering study. Upon amendment of the maps by FEMA, a subdivision may be proposed which would subsequently be located outside the 100-year floodplain. These floodplain areas shall be preserved from destruction or damage resulting from clearing, grading, or dumping of earth, waste materials or stumps, except at the discretion of the Regional Planning Commission.

800.07 UTILITIES (EXCLUDING WATER, SANITARY SEWER AND STORM WATER)

A. LOCATION

All utility facilities, including but not limited to natural gas, electric power, telephone, and cable television shall be encased underground throughout the subdivision. Permits are required to be submitted to the office of the Clinton County Engineer. Whenever existing utility facilities are located above ground, except when existing on public roads and right-of-way, they shall be where practical removed and placed underground. All existing and proposed facilities throughout the subdivision shall be shown on the Preliminary Plan. Underground service connections to the street property line of each platted lot shall be

installed at the developer's /subdivider's expense. At the discretion of the Regional Planning Commission, the requirement of service connections to each lot may be waived in case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use. Utility construction plans will be submitted as part of the subdivision engineering plan review process, including information on proposed road bores and the size and material of conduit to be employed.

B. EASEMENTS

Easements for utilities shall be provided centered on rear lot lines, side lot lines or outside of road right-of-way. Utility easements shall be established in cooperation with the applicable utility and the County. Coordination shall be established between the developer / subdivider and the applicable utility companies and the County for the establishment of utility easement in adjoining properties.

Easements shall be indicated on the Preliminary Plan and Final Plat.

C. INSTALLATION

All utilities, except for house connections, shall be installed prior to final acceptance for mainenance.

800.08 OVERSIZED AND OFF-SITE IMPROVEMENTS

- A. The board of Clinton County Commissioners, with the advice provided by the Clinton County Regional Planning Commission, may require that utilities, pavements, and other land improvements for the proposed subdivision be designed oversized, and/or with extensions provided, to serve nearby land which is an integral part of the neighborhood service or drainage area as determined by the office of the Clinton County Engineer and/or the Sanitary Engineer for Clinton County.
- B. The subdivider shall be required to pay only his or her percentage of cost of construction of major arterial streets as determined by the office of the Clinton County Engineer.

ARTICLE 900. REQUIREMENTS FOR CONSTRUCTION OF IMPROVEMENTS

- | | |
|--|---|
| .01 Improvement and Cost Estimate Information | .06 Deferral or Waiver of Required Improvement |
| .02 Performance Guarantee for Installation and Maintenance of Improvements | .07 Inspection of Improvements |
| .03 Temporary Improvements | .08 Completion of Work & Reduction of Security |
| .04 Extension of Time | .09 Progressive Installation |
| .05 Failure to Complete Improvements | .10 Acceptance of Streets, Storm Drainage, Sanitary Sewer and Water Distribution Improvements for Use and Maintenance by the Public |

900.01 IMPROVEMENTS AND ESTIMATE OF COST INFORMATION

Before the signing of the Final Plat, all applicants shall be required to complete, to the satisfaction of the office of the Clinton County Engineer, the Clinton County Health Department, other appropriate agencies, and the Clinton County Regional Planning Commission all streets, sanitary sewer improvements and other public improvements, including lot improvements on the individual lots, as listed on the Preliminary Plan and as constructed-certified on the Final Plat. When required improvements are not completed, the subdivider shall insure their completion with a performance guarantee acceptable to the Regional Planning Commission, the office of the Clinton County Engineer, and the board of Clinton County Commissioners.

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

900.02 PERFORMANCE GUARANTEE FOR INSTALLATION AND MAINTENANCE OF IMPROVEMENTS

To guarantee the construction and/or maintenance of required improvements prior to the approval and recording of the Final Plat, the subdivider shall be required to provide a performance guarantee in one or a combination of the following arrangements:

- A. **Performance Bond, Certified Check, or Irrevocable Letter of Credit:** The subdivider shall post a bond, by a surety company, or a certified check or irrevocable letter of credit equal to the estimate of cost plus ten (10) percent of the required improvements. The bond shall be in the favor of the board of Clinton County Commissioners, and shall guarantee construction of the improvements according to the approved Construction Plans and Specification. The term of the bond shall not exceed two (2) years plus a one (1) year maintenance period for a total of three (3) years. The Regional Planning Commission may, with the recommendation of the office of the Clinton County Engineer, grant an extension where due cause can be documented. The bond amount can be reduced to a percentage of its original amount during the one-year maintenance period. Under no circumstances shall the required performance bond, cash deposit or irrevocable letter of credit be tied to or be considered a portion of the developer's financing for the development.
- B. **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 negotiable bonds in an amount equal to the estimated cost plus ten (10) percent of the required improvements. If a cash deposit is made, an agreement may be executed to provide to the contractor or the subdivider from the deposit as the work progresses and is approved by the responsible County officials.

- C. **Contract Documents or Escrow Agreement:** Where contract documents and/or escrow agreements for the proposed improvements are available, copies of such contracts shall be certified to the board of Clinton County Commissioners and, when approved, will continue sufficient guarantee for the installation of required improvements in lieu of other methods stated above.

900.03 TEMPORARY IMPROVEMENTS

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

900.04 EXTENSION OF TIME

If the construction or installation of any improvement or facility, for which guarantee had been made by the developer in the form of a performance bond, cash deposit, or irrevocable letter of credit, is not completed within two (2) years from the date of final approval of the record plat, the developer may request the board of Clinton County Commissioners to grant an extension of six (6) months, provided he can document cause for inability to complete said improvements within the required two (2) year. The request shall be accompanied by revised cost estimates of construction to be completed and a replacement bond may be required and deemed necessary by the office of the Clinton County Engineer.

900.05 FAILURE TO COMPLETE IMPROVEMENTS

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

900.06 DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS

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

Whenever it is deemed necessary by the Regional Planning Commission to defer the construction of any improvement, the subdivider shall pay his share of the costs of the future improvements to the County prior to signing of the Final Plat by the Regional Planning Commission. The developer may provide a separate performance bond, cash deposit or irrevocable letter of credit for the completion of the deferred improvement upon demand of the County.

900.07 INSPECTION OF IMPROVEMENTS

The office of the Clinton County Engineer shall coordinate with the Clinton County Regional Planning Commission, Clinton County Health Department, and/or other appropriate agency (ies) to provide inspection of required improvements during construction and ensure their satisfactory completion. The applicant shall pay to the office of the Clinton County Engineer an inspection fee, and shall notify proper administrative officials at least twenty-four (24) hours before each phase of the improvements is ready for inspection. The developer and inspectors shall finalize work requiring periodic inspections and an inspection schedule before any work begins. If, in the opinion of the inspector, installations are improper or inadequate, the inspector shall issue a "Stop Order." The developer may appeal the inspector's findings to the office of the Clinton County Engineer and/or the Sanitary Engineer within forty-eight (48) hours. Failure to comply with the inspector, county and/or sanitary engineer's directive, will be deemed a violation of these Regulations subject to having the approved Final Plat invalidated.

900.08 COMPLETION OF WORK AND REDUCTION OF SECURITY

As required improvements are completed, the board of Clinton County Commissioners may, with concurrence of the office of the Clinton County Engineer and the Regional Planning Commission, reduce the amount of the performance bond, cash deposit, or irrevocable letter of credit. No less than five (5) percent will be held for a one-year maintenance period. Performance bonds, cash deposits, or irrevocable letters of credit for roads, storm drainage, water and sanitary sewer improvements shall not be released independently.

900.09 PROGRESSIVE INSTALLATION

After the Commission has approved the Preliminary Plan of a proposed subdivision, the subdivider may improve a part of the entire area and submit a Final Plat for that improved portion to the Regional Planning Commission for approval. The subdivider may make the necessary arrangements for completion of the improvements as provided herein and submit a Final Plat for that portion to the Commission for approval.

900.10 ACCEPTANCE OF STREETS, STORM DRAINAGE, SANITARY SEWER AND WATER DISTRIBUTION IMPROVEMENTS FOR USE AND MAINTENANCE BY THE PUBLIC

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

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

Upon completion of the improvements and conditional acceptance by the board of Clinton County Commissioners, the developer shall furnish a maintenance guarantee in the amount of five (5) percent of the total performance guarantee or \$1,000.00, whichever amount is the larger. The subdivider shall be responsible for routine maintenance of all improvements and shall repair all failures due to faulty construction as soon as they become apparent. Said subdivider shall also make repairs due to erosion or abuse from utility companies installing utilities and shall repair all failures, for all other reasons, during the one (1) year period. The developer / subdivider shall restore the improvements at the end of the maintenance period.

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

One year after conditional acceptance, the developer shall, after restoring all improvements to an acceptable condition, and after all monies are paid, request that the office of the Clinton County Engineer will do one of the following:

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

If the surety fails to comply with the requirements of the office of the Clinton County Engineer, or if the County Engineer determines that forfeiture of the remaining deposit or surety balance will not allow completion of the required improvements and if the developer fails to comply with the office of the Clinton County Engineer, the Engineer may:

Suspend the right of anyone to build or construct on the undeveloped portion of the subdivision. For the purpose of this subsection, the undeveloped portion of the subdivision means all lots other than lots, which have been sold for personal use and occupancy or are under bona-fide contract for sale to any person for personal use or occupancy. The office of the Clinton County Engineer shall give the developer ten (10) days written notice of an order under this subsection, with copies to all issuers of letters of credit or sureties, as appropriate, who have outstanding obligations for any undeveloped portion of the subdivision, and shall record an affidavit of such notice with the Recorder of Deeds. If within the ten (10) days period after notice is given, the office of the Clinton County Engineer is not convinced by compelling evidence that completion of the improvements is adequately assured and maintenance of streets assured as provided herein, the County Engineer shall order construction suspended on the undeveloped portion of the subdivision. The order shall be served upon the developer, with a copy to the issuer of the letters of credit or surety as appropriate, and a copy recorded with the Records office. Public notice of said order shall be conspicuously and prominently posted by the office of the Clinton County Engineer at the subdivisions or lots subject to said order. The notice shall contain the following minimum language, which may be supplemented at the discretion of the Engineer:

If said notice is for a lot / subdivision:

“THIS LOT / SUBDIVISION (NAME OF LOT OR SUBDIVISION), HAS BEEN DECLARED IN DEFAULT OF THE CLINTON COUNTY SUBDIVISION REGULATIONS.” Such statement shall be in at least 3 inch letter size and in a type style easily read and seen by the persons reading such statement.

The office of the Clinton County Engineer shall not hereafter authorize construction to take place contrary to the order, nor shall building permits be issued on lots or areas within the subdivision. The suspension shall be rescinded in whole or in part only when the office of the Clinton County Engineer is convinced that completion of the improvement is adequately assured in all or an appropriate part of the subdivision and a guarantee of public street maintenance is provided.

ARTICLE 1000 ENVIRONMENTALLY CRITICAL AREAS – STANDARDS

- | | |
|----------------------------------|---|
| .01 Purpose and Intent | .06 Aquifer and Aquifer Recharge Areas |
| .02 Comprehensive Plan | .07 Historic, Archaeological and Cultural Areas |
| .03 Planning Considerations | .08 Riparian Corridors |
| .04 Approval Process | .09 Buffering |
| .05 Floodplains and Hydric Soils | |

1000.01 PURPOSE AND INTENT

Land use planning is an essential element of the management strategies and the Comprehensive Planning process. Expectations are that growth will continue in Clinton County and will continue to exert pressures on the landscape of the County resulting in quality open spaces becoming increasingly scarce. This diminished land resource coupled with continual growth and development needs lead to increased competition for and reliance on land in an adjacent to environmentally sensitive areas. The County has designated these sensitive lands as “critical areas.”

Existing natural features and amenities that would add value to development to the community or which are nonrenewable and critical to the County’s economy and quality of life, should be preserved, conserved and/or protected during the design of subdivisions, be it classified as minor, major, commercial or industrial. Subdivisions should reflect the uniqueness of the site, responding to its topography, soils, woodlands, streams, and creeks, floodplains, species habitats, aquifers and archaeological, cultural and historical resources.

Efforts should be taken with respect to the requirements of this Article to ensure that natural resources are sufficiently protected and preserved. Trees or other substantial vegetation should not be removed from any subdivision nor any change of grade or the land affected until approval of a Preliminary Plan and/or Final Plat for a Major Subdivision (residential, commercial or industrial) or the approval of a Minor Subdivision has been obtained from the Regional Planning Commission.

In designing a subdivision whether a major or minor, the developer / subdivider should comply with the requirements of this Article of the Subdivision Regulations of Clinton County, Ohio. In designing a site to accommodate development, it is strongly recommended that building envelopes be placed on a parcel in locations that minimize impact to natural features.

When designing a subdivision in Clinton County, the owner or subdivider is encouraged to work closely with the Clinton County Regional Planning Commission, the office of the Clinton County Engineer, the County Soil and Water Conservation District, the U.S. Natural Resource Conservation Service, and the Ohio Department of Natural Resources.

The guidelines and standards contained in this Article are intended to help preserve and protect the County’s critical areas and to ensure that development in association with or adjacent to these areas is managed in such a way that it will not unreasonably impair their ecological value and function.

The Ohio Department of Natural Resources, the Clinton Soil and Water Conservation District, the U.S. Natural Resource Conservation Service, office of the Clinton County Engineer, Clinton County Regional Planning Commission have maps and other data on file that may aid in locating the critical areas. The subdivider should consult with any or all of these offices to ascertain the location of the critical areas.

1000.02 COMPREHENSIVE PLAN

The following policies from the Clinton County Comprehensive Plan serve to augment the standards contained herein:

- Preparing guidelines that provide for development while protecting natural resources and promoting guidelines to all units of local government.
- Using the County geographic information system and the Ohio Capability Analysis Program data to evaluate development proposals at the County and local levels.
- Discouraging development within woodlands and wetlands, and encouraging the use of open space subdivision (conservation developments) to minimize impact on resources and the rural character.
- Adopting environmental assessment requirements in the Subdivision Regulations.
- Promoting development guidelines.
- Discouraging development in the 100-year floodplain.
- Discouraging inappropriate development over or adjacent to groundwater recharge areas and aquifers.
- Discouraging development of prime agricultural soils, timber production areas and similar sensitive areas.

1000.03 PLANNING CONSIDERATIONS

The following considerations are provided as guidance to planning a Major Subdivision in Clinton County, Ohio:

A. Preserving Resources in a Development / Subdivision

1. In the design of open space systems in a subdivision, a decision must be made early in the process as to which natural resource should be preserved. Developers / subdividers are encouraged to meet with the County's Technical Coordinating Committee. Any site may contain a combination of mature woodland, wetlands, prime agriculture soils and floodplains among other assets.
2. Selecting the priority resources to be preserved will identify those portions of a site that are therefore set aside for development. The decision should be based upon the quality of natural resource on the site, preservation efforts in adjacent sites and in the general vicinity and the unique characteristics, such as topography, soil suitability for leach fields, of the site that affects its ability to be improved.
3. In many cases, development of a site may be clustered into one or more sub-areas, with the open space flowing throughout the balance of the site. The residential portions of the site should be linked with the open spaces set asides to provide resident access through pedestrian paths or trails. The open space set asides can also be intended to create a transition of buffer between the residential and adjacent agricultural activities.

B. Guidelines for Greenways

1. Greenways are natural corridors or buffers that may consist of a natural area and pedestrian trail. Greenways are generally located along streams and their tributaries, as a recreational path and as a wildlife corridor. Greenways should be integrated into the design of all subdivisions.
2. Greenway buffers can serve a valuable role in filtering stormwater runoff adjacent to stream and creek systems. These buffers function as a trap for pollutants and excessive nutrients dissolved or suspended in the storm runoff. Slowing runoff velocity allows stormwater to be absorbed into the soil and to be taken up by vegetation.
3. Defining the appropriate buffer width is based on soil permeability, slope, vegetation in the buffer and the amount and type of pollutants likely to be found in the runoff. At a minimum, such buffers should be 50-feet wide. Consultation with the Soil and Water Conservation District is strongly recommended.
4. The following guidelines shall be used for greenways:
 - a. Pedestrian Path or Trail – A minimum of 20-feet in width and a path of five to ten feet in width with an asphalt, gravel or mulched surface.
 - b. Buffer along stream or creek – A minimum 50-feet in width; with consultation with the County Soil and Water Conservation District.

- c. Wildlife Corridor – No less than 300-feet; consult with the Soil and Water Conservation District and the Ohio Department of Natural Resources.
- 5. A pedestrian path or trail should be used to provide recreational opportunities and should connect neighborhoods with open space features, such as a park, pond or a stream corridor. Such paths or trails should meander through the open space reserves and should have sufficient points of interest along the paths or at the end points.

1000.04 APPROVAL PROCESS (OVERLAY OR CONCURRENT WITH MAJOR SUBDIVISION REVIEW REQUIREMENTS)

- A. The applicant or subdivider proposing to conduct an activity in a critical area or its buffer shall submit an initial study application to the Regional Planning Commission. A legal description of the property, planned regulated activities and projected objectives and goals shall accompany the initial study application.
- B. The Regional Planning Commission will use the current critical area inventory maps as referenced in the Clinton County Park and Open Space Plan to aid in establishing locations and/or designate any critical area site. After review of all available pertinent information, the Commission shall determine if the project may be on or near a critical area and if additional review is necessary.
 - 1. If the proposal is either in a critical area or associated buffer, or during preliminary plan reviews, the Regional Planning Commission is unable to determine delineation or potential adverse impacts on the critical areas and / or its adjacent buffer, the Commission may require the applicant to submit special studies.
 - 2. If the proposal is determined to be within a critical area, or associated buffer, the Regional Planning Commission determines that the project will not have adverse impacts on the critical area or its buffer, then no special studies shall be required.
 - 3. If the proposal is determined to be outside of the critical area or its associated buffer, then the requirements of this Article shall not apply.
- C. It is not intended that the standards contained in this Article repeal, abrogate or impair any existing regulations, easements, covenants, or deed restrictions. However, where this Article imposes greater restrictions, provisions of this Article shall prevail.

1000.05 FLOODPLAINS AND HYDRIC SOILS

A. Intent

Hydric soils are not appropriate locations conventional on-site wastewater disposal systems, particularly leach fields. Home sites with on-site wastewater systems should not be approved on hydric soils because such soils have a very slow infiltration rate and are typified by high ground water table and surface ponding. The Clinton Soil and Water Conservation District and the Clinton County Health Department maintain a list of hydric soils.

**List of Hydric Soils in Clinton County
(Current as of 2006)**

Map Symbol	Soil Name
BmA	Blanchester silty Clay Loam, 0 to 1 percent slopes
CmA	Clermont Silt Loam, 0 to 1 percent slopes
DhA	Dunham silt loam, 0 to 2 percent slopes, overwash
DtA	Dunham silty clay loam, 0 to 2 percent slopes
KnA	Kokomo silt loam, 0 to 1 percent slopes
KoA	Kokomo silty clay loam, 0 to 1 percent slopes
ScA	Secondcreek silt loam, 0 to 1 percent slopes, overwash
SeA	Secondcreek silty clay loam, 0 to 1 percent slopes
SnA	Sloan silt loam, sandy substratum, 0 to 1 percent slopes, occasionally flooded
TpA	Treaty silt loam, 0 to 1 percent slopes, overwash
TrA	Treaty silty clay loam, 0 to 1 percent slopes

Source: Clinton Soil and Water Conservation District, 2006

B. Floodplain Areas and Flood Control

1. All subdivisions shall conform to the standards and criteria established under the Federal Emergency Management Agency, Flood Insurance Study and Map for Clinton County, Ohio as may be revised. The “*Flood Boundary and Floodway Maps*” and “*Flood Insurance Rate Maps*” are incorporated herein by reference. Wherever all or part of a subdivision lies within an area of Special Flood Hazard, as identified in the most recent available mapping published by the Federal Emergency Management Agency (FEMA), approval of the subdivision plat shall be conditioned on the following:
 - a. No encroachment by either fill material or future structures shall be permitted in the area identified as “Floodway” on the FEMA mapping. Modification of Floodway areas shall only be permitted if an engineering analysis demonstrates to the satisfaction of the office of the Clinton County Engineer that such modifications will not result in detrimental impacts either up or downstream.
 - b. Development within the Flood Hazard Areas shall not result in any decrease in the flood storage capacity of the floodplain area. Therefore, any subdivision proposed in Flood Hazard Areas shall be accompanied by a grading plan indicating how land balancing may be achieved, and how all building sites can be elevated above the base flood elevations for that location.
2. If a subdivision is located in an area having poor natural drainage or other adverse physical characteristics, the Commission may approve the subdivision provided the subdivider agrees to perform such improvements as will render the area safe for the intended use.
 - a. Where drainage outlets are located off lot, easements will be required to allow drains to outlet into an open ditch or natural stream.
 - b. All underground outlets located on more than one lot or tract of land will meet storm sewer specifications and be non-perforated.
 - c. Outlets designed for subsurface drainage and curtain drainage only will be adequate to conduct a minimum of ½ inch of water from the site daily.
 - d. To guarantee the improvements, the subdivider shall furnish a surety bond or certified check covering the costs of the required improvements or have completed the improvements.
3. Flood control or storm drainage or surface drainage facilities shall be provided as follows:
 - a. All new subdivisions shall be designed in such a manner that the rate of flow of storm water discharge after development does not exceed the rate of stormwater discharge prior to development. The basis for determining stormwater discharges and for designing new storm drainage shall be a five-year storm. Detention – the office of the Clinton County Engineer shall review retention / detention calculations. All lots within recorded subdivisions shall be provided with drainage so as to avoid areas of standing water.
 - b. Access to flood control or storm drainage ditches and surface drainage channels shall be by means of easements. Such easements shall be not less than thirty (30) feet in width, exclusive of the width of the ditch or channel, and an easement of this type shall be provided on one (1) side of the flood control or storm drainage ditch, channel, or similar type facility.
 - c. Flood control or storm drainage and surface drainage easements containing underground facilities shall have a minimum width of ten (10) feet.
 - d. Whenever a flood control or storm drainage ditch or channel has a depth of three (3) feet or more, or a bank slope of two (2) feet horizontal to one (1) foot vertical or steeper, a five (5) foot high masonry wall or chain link fence may be required by the Regional Planning Commission.
4. Warning and Disclaimer of Liability:
 - a. The degree of flood protection required by these Regulations shall be considered reasonable for regulatory purposes. These Regulations do not imply that areas outside of the delineated Flood Hazard Areas or land uses permitted within such areas will be free from flooding and flood damage.

- b. These Regulations shall not create liability on the part of Clinton County or any officer or employee thereof for any flood damage that results from reliance on Regulations or any administrative decision lawfully made there under.

Individual lot splits should not be approved if a building envelope and on-site wastewater system cannot avoid being placed in non-hydric soils.

1000.06 AQUIFER AND AQUIFER RECHARGE AREAS

A. Intent

Aquifers are important geologic features that serve as a source of potable water. Aquifer recharge areas are geologic features that encourage the replenishment of aquifers by surface water. Aquifer and aquifer areas should be protected from adverse impacts associated with development to ensure that current and future residents and businesses conserve water resources for use. Developers are encouraged to work with the Soil and Water Conservation District in addressing these issues.

B. Protection Measures

The following protection measures should be taken:

1. Any development should take into account the type of groundwater resource over which it is to be built.
2. The subdivider should consult with the Clinton County Health Department and the Ohio Department of Natural Resources during the development of the Preliminary Plan phase.
3. Aquifers and aquifer recharge areas should be placed in permanent platted no-build reserves and/or protected through deed restrictions and conservation easements.

1000.07 HISTORICAL, ARCHAEOLOGICAL AND CULTURAL AREAS

Land to be subdivided or developed should be designed and improved to minimize its impact on historical, archaeological and cultural resources. Developers and builders should to the extent possible place structures and improvements as far removed from existing historical, archaeological and cultural resources as possible. Developers of a site containing historic, archaeological and/or cultural resources – whether known or not known – should coordinate with the Ohio Historic Preservation Office in helping in identifying, cataloging and preserving such resources. Baseline data should be based on the Ohio Historic Inventory and records of OHPO, local inventories, surveys, studies and reports, and additional surveys as required by the Regional Planning Commission.

1000.08 RIPARIAN CORRIDORS

A. Intent

Land to be subdivided or developed should be designed and improved in reasonable conformity to existing topography and vegetation in order to minimize impact on existing riparian corridors, including stream-side vegetative cover, stormwater runoff, water quality and species habitat. Developers / subdividers and builders should to the extent possible, place structures and improvements as far removed from stream and creek riparian corridors. Baseline data of existing riparian corridors should be established on Clinton County aerial photographs and/or USGS 7.5 minute quad maps, either of which may be field verified by the County review agencies or departments.

B. Protection Measures

The following measures should be taken:

1. Grading, removing of vegetative cover and placement of new buildings and structures should not be permitted within 50-feet of an intermittent stream and with 75-feet of a perennial stream. Such areas should be placed in a no-build reserve or watercourse easement on the Preliminary Plan and Final Plat (Major Subdivision or the Survey Map (Minor Subdivision).
2. Open space reserves in subdivisions should be located to maximize the preservation or riparian corridors.

3. Underground utilities may be placed in the buffers indicated under Section 1 above; however, following construction, the disturbed areas should be returned to a natural, vegetative state within six-months of completion of the construction activities.
4. If the Ohio Department of Natural Resources places a designation on a riparian corridor in Clinton County, the buffer standards established in the Rainwater and Land Development: Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection, Second Edition, 1996 as published by the Ohio Department of Natural Resources shall apply.
5. The Clinton County Regional Planning Commission in consultation with the County Soil and Water Conservation District may require planting of appropriate vegetation in the corridors.
6. Roads should not be located in buffer areas.

1000.09 BUFFERING

A. Function and Materials

Buffering shall provide a year-round visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or combinations thereof to achieve the same objectives.

B. When Required

Every developer shall provide sufficient buffering when topographical or other barriers do not provide reasonable screening and when the Regional Planning Commission determines that there is a need: (1) to shield neighboring properties from any adverse external effects of a development; or (2) to shield the development from negative impacts of adjacent uses such as streets or railroads. In high-density developments, when building design and site plan do not provide privacy, the Regional Planning Commission may require landscaping, fencing, or walls to screen dwelling units for privacy. Buffers shall be measured from side to rear property lines, excluding driveways.

C. Amount Required

1. Where more intensive land uses abut less intensive uses, a buffer strip [twenty-five (25) feet] in width shall be required
2. Parking lots, garbage collection and utility areas, and loading and unloading areas should be screened around their perimeters by a buffer strip a minimum of five (5) feet wide.
3. Where residential subdivisions abut higher-order streets (collectors and arterials), adjacent lots shall front on the lower-order street/road. The buffer strip shall be a minimum of twenty-five (25) feet wide or wider where necessary for the health and safety of the residents. It shall include both trees and shrubs.

D. Design

Arrangement of plantings in buffers shall provide maximum protection to adjacent properties and avoid damage to existing plant material. Possible arrangements include planting in parallel, serpentine, or broken rows. If planted berms are used, the minimum top width shall be four (4) feet, and the maximum side slope shall be 2:1.

E. Planting Specifications

Plant materials shall be sufficiently large and planted in such a fashion that a year-round screen at least eight (8) feet in height shall be produced within three (3) growing seasons. All plantings shall be installed according to accepted horticultural standards.

F. Maintenance

Plantings shall be watered regularly and in a manner appropriate for the specific plant species through the first growing season, and the applicant shall replace dead or dying plants during the next planting season. No buildings, structures, storage of materials, or parking shall be permitted within the buffer area; buffer areas shall be maintained and kept free of all debris, rubbish, weeds, and tall grasses.

ARTICLE 1100 IMPACT ASSESSMENTS

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ARTICLE 1200

CONSTRUCTION STANDARDS

The office of the Clinton County Engineer, the Clinton County Soil and Water Conservation District, the Clinton County Sanitary Sewer District, and the Clinton County Health Department as well as other agencies having jurisdiction over subdivision activities have developed and adopted construction standards and/or policies and procedure manuals. Those standards and/or policy and procedures manuals are incorporated herein by reference. Refer to the appendix for information on selected policies and standards.

ARTICLE 1300 ENACTMENT AND AMENDMENTS

1300.01 ENACTMENT

These Regulations shall become effective from and after the date of its approval and adoption by the Clinton County Regional Planning Commission and the board of Clinton County Commissioners after public hearing and certification to the Clinton County Recorder. Henceforth, any other regulations previously adopted by the board of Clinton County Commissioners shall be deemed to be repealed. These Regulations shall in no way effect any subdivision having received a Preliminary Plan approval prior to the effective date, provided however, that no changes to the Preliminary Plan as approved are introduced by the subdivider / developer.

Adopted: _____

_____, Chairperson

Clinton County Regional Planning Commission

Attest: _____ Executive Director

* * *

Adopted: _____

Board of Clinton County Commissioners

Attest: _____

1300.02 AMENDMENTS

These Regulations were amended on the following dates:

Section or Article	Date of Amendment
_____	_____
_____	_____
_____	_____

ARTICLE 1400 DEFINITIONS

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

- **The particular shall control the general.**
- **The word “shall” is a mandatory requirement; the word “may” is a permissive requirement; and the word “should” is preferred requirement.**
- **The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied.”**
- **The word “lot” includes the words “plot” or “parcel.”**
- **Any word or term not defined herein shall be used with a meaning of common or standard utilization.**

Access	A way or means of approach to provide vehicular or pedestrian entrance or exit to a property.
Access Management	A set of policies and standards that manage the number and location of access points (driveways) on the public road system.
Accessory Buildings and Structures	Buildings and structures that are accessory to the principle building or structure
Active Recreation	Leisure time activities characterized by repeated and concentrated use of land, often requiring equipment and taking place at prescribed places, sites, or fields. Examples of active recreation facilities include golf courses, tennis courts, swimming pools, softball, baseball, and soccer fields. For the purposes of these Regulations, active recreation facilities do not include paths for bike riding, hiking and walking and picnic areas.
Administrative Officer	The staff person so designated by the Clinton County Regional Planning Commission as being responsible for processing and coordinating subdivision proposals on their behalf.
Applicant	An individual submitting an application for approval of a subdivision or other related action under the authority and provisions of the Clinton County Subdivision Regulations.
Association	A legal entity operating under recorded land agreements or contracts through which each unit owner is a member and each dwelling unit is subject to charges for a proportionate share of the expenses of the organization's activities such as maintaining common open space and other common areas and providing services needed for the development. An Association can take the form of homeowners' association, community association, condominium association, or other similar entity.
Aquifer	A consolidated or unconsolidated geologic formation or series of formations that are hydraulically interconnected and that have the ability to receive, store or transmit water.
Aquifer Recharge Area	Saturated geological formations with recharging area having an effect on aquifers used for potable water where an essential source of drinking water is vulnerable to contamination.
Archaeological Resources	The resources; remains or other physical features that are remnants of previous human activity.

Block	That property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, un-subdivided acreage, river or live stream, or between any of the foregoing and any other barrier to the continuity of development.
Block Frontage	Property abutting on one side of a street, and lying between the two nearest intersecting or intercepting streets, or between the nearest intersecting street and railroad right-of-way, waterway, or other definite barrier.
Bond	A form of insurance required of a person to secure the performance of an obligation; as in performance bond.
Buffer	Includes a natural or constructed area along the exterior boundaries of a development which is maintained in order to eliminate or minimize conflicts between such development and adjacent land uses, or to separate a natural feature from development. May include berms or other man-made features.
Building	A structure designed to be used as a place of occupancy, storage, or shelter.
Building Envelope Or Buildable Area	An area that is designated as a location within which a dwelling unit is to be placed in compliance with the building setback and spacing requirements established by the County. The building envelope may or may not be located within a subplot or may or may not have frontage on a public street.
Building Site	A parcel of land meeting all requirements for the issuance of a building permit.
Cartway	That area of the road surface from curb line to curb line or between the edge of the paved or hard surface of the roadway, which may include travel lanes, parking lanes, and deceleration or acceleration lanes.
Channel	A natural or artificial watercourse which continuously or periodically contains moving water or which forms a connecting link between two bodies of water; it has a definite bed and banks which confine the water.
Commission	Clinton County Regional Planning Commission
Comprehensive Plan	A plan or any portion thereof adopted by the board of Clinton County Commissioners showing the general location and extent of present and proposed physical facilities, including housing, industrial and commercial uses, major streets, parks, schools and other community facilities. The Plan establishes development goals, objectives and policies of the County.
Common Area	Any land area, and associated facilities, within a conservation development that is held in common ownership by the residents of the development through a Homeowners' Association, Community Association or other legal entity, or which is held by the individual members of a Condominium Association as tenants-in-common.
Common Drive	A private way that provides vehicular access to multiple units.
Concept Plan	A plan prior to the preparation of the Preliminary Plan (or subdivision plat or survey in the case of a Minor Subdivision) to enable the developer/subdivider to save considerable time and expense in reaching general agreement with the County Review Agencies as to form of the plat and the objectives of the these Regulations.

Condominium	Includes the land, together with all buildings, improvements, and structures thereon, all easements, rights and appurtenances belonging thereto, and all articles of personal property which have been submitted to the provisions of Chapter 5311 of the <u>Ohio Revised Code</u> and which are subject to said Chapter 5311.
Conservation Development	A contiguous area of land to be planned and developed as a single entity, in which housing units are accommodated under more flexible standards, such as building arrangements and setbacks, than those that would normally apply under single-family district regulations, allowing for the flexible grouping of housing in order to conserve open space and existing natural resources.
Conservation Easement	A legal interest in land which restricts development and other uses of the property in perpetuity for the public purpose of preserving the rural, open, natural or agricultural qualities of the property as authorized by <u>Ohio Revised Code</u> 5301.67 through 5301.70.
Construction Plans	The specifications, maps or drawings accompanying a subdivision plat, showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Clinton County Regional Planning Commission and the office of the Clinton County Engineer as a condition for the approval of the Final Plat.
Corner Lot	See Lot Type.
County	Clinton County, Ohio.
Covenant	A written promise or pledge.
Critical Ecosystems	An environmentally sensitive area subject to natural hazards or those landform features which in their natural state carry, hold or purify water and support unique, fragile or valuable natural resources such as fish, wildlife and other organisms. These areas provide flood protection, shoreline and slope stability and aid in recharging valuable groundwater resources. These environmentally sensitive areas include natural resource areas, open space, landslide hazard areas, erosion hazards, flood hazard areas, steep hillsides or slopes, streams and wetlands and their adjacent buffers.
Cross Access	A service drive providing vehicular access between two or more contiguous sites so the drive need not enter the public street system.
Cross Walkway	A public right-of-way, which cuts across a block in order to provide pedestrian access to adjacent streets or properties.
Cul-de-Sac	See Thoroughfare
Cultural Resources	Resources and other physical features that are remnants or components of the community's culture.
Culvert	A transverse drain that channels under a bridge, street, or driveway.
Dead-end Street	See Thoroughfare.
Deed	A legal document conveying ownership of real property.
Dedication	The offering for conveyance of land or public improvements for any general and public uses, reserving to the owner no other rights than those of the general public.

Density	A unit of measure; the number of dwelling units per acre of land.
Density, Gross	The number of dwelling units per acre of total land to be divided.
Density, Net	The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.
Develop	To make a development; to do any grading or filling of land, whether undeveloped or already subdivided, so as to change the drainage or the flow of water, or to do any work upon the land that is capable of serving as a subdivision or development of building sites in the future.
Developer	Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these Regulations to effect a subdivision of land hereunder for himself or for another.
Development Agreement	An agreement between a developer / subdivider and the board of Clinton County Commissioners that outlines the public improvements to be constructed as part of a subdivision and other related matters.
Development, Land	(i) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving: (a) a group of two or more buildings or mobile-homes; or (b) the division or allocation of land or space between or among two or more existing or perspective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; (ii) a subdivision of land.
Development Plan	A proposal including drawing(s) and map(s) prepared in accordance with these Regulations, illustrating the proposed design, layout and other features for the development and including all elements set forth in herein.
Driveway	A vehicular travelway used to provide access from a street to dwelling units or commercial or industrial activities. Driveways are designed for low travel speeds and are often used as, or are integral with, parking areas for vehicles.
Dwelling Unit	Space within a building comprising living, dining, sleeping and storage rooms as well as space and equipment for cooking, bathing, and toilet facilities.
Easement	A grant by the property owner of the use of a strip of land by the public, or other persons, for specified purposes.
Easement, Agricultural Conservation	An easement intended to protect, preserve and conserve farmland and which shall prohibit the development of said ground.
Easement, Private	An easement provided for all interested property owners.
Easement, Public	An easement provided for public entities.
Easement, Utility	An easement provided for entities and companies providing sanitary sewer, water, stormwater, gas, electric, telecommunications, cable television and other public utility services.
Engineer	Any person registered to practice professional engineering by the state board of registration as specified in Section 4733.14, <u>Ohio Revised Code</u> .
Entry Feature	A landscape feature and/or built decorative feature located at the entrance to a development.

Erosion	The wearing away of the earth's soil surface by water, wind, gravity, or any other natural process.
Escrow	A deposit of cash from the developer / subdivider to the local government with an approved bank in an account controlled by the board of Clinton Commissioners and also payable to them, in lieu of an amount required and still in force on a performance bond.
F.E.M.A.	The Federal Emergency Management Agency.
Final Plat	A revised version of the Preliminary Plan showing exact locations of lot lines, rights-of-way, easements, and dedicated areas. The Final Plat is recorded in the office of the County Recorder.
Flag Lot	Flag lot means a lot, the major portion of which has access to a street by means of a comparatively narrow strip of land
Flood	An overflowing of water from watercourses onto land, which is normally, dry.
Flood Elevation	The elevation of the water surface of the flood based on USGS Standards.
Flood, 100-year	The temporary inundation of normally dry land area by a flood that is likely to occur once every 100-years (that is, that has a one percent chance of occurring each year, although the flood may occur in any year).
Floodplain	Any land area susceptible to be inundated by water from the 100-year flood or areas designated as subject to flooding from the base flood (100-year) on the "Flood Boundary and Floodway Map" prepared by the US Department of Housing and Urban Development.
Floodway	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation.
Frontage Road	A public or private drive, which generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial streets.
Grade	The amount of rise or descent of a sloping land surface, usually measured as a percent where the numbered percent represents the amount of vertical rise or fall, in feet, for every 100 feet horizontally. For Example, a one-foot vertical rise over one hundred horizontal feet represents a one percent slope.
Grading	Excavation, fill, or land disturbance, or any combination thereof and shall include the conditions resulting from any excavation, fill, or land disturbance.
Habitat	The ecological area that supports a species.
Homeowner's Association	An organization formed for the maintenance and operation of the common areas of the development / subdivision. The membership in the Association shall be automatic with the purchase of a lot or dwelling unit or other property in the development. The Association shall have the ability to legally assess each dwelling unit or other property which assessment shall be enforced as a lien against the property.
House Number	The house number is the official street address assigned to a tax parcel.

Hydric Soils	A soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part.
Improvements	Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control for drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.
Land Disturbance	Any removal or destruction of trees, ground cover, or other vegetation by means of heavy mechanized equipment (including all equipment weighing in excess of 1,500 pounds) or by any means affecting an area of 5,000 square feet or more in a period of one year or less.
Land Trust	A non-profit, tax-exempt entity whose primary purpose includes the preservation of open space, natural land, rural land, or agriculture land, and which is permitted to hold conservation easements under <u>Ohio Revised Code</u> 5301.68.
Letter of Credit	A written statement from a bank or loan company, written against good standing of a developer, guaranteeing necessary funds, the amount to equal a professional engineer's cost estimate for subdivision improvements, should the developer fail to complete them within the time frame and conditions as specified in the subdivision approval agreement. (Also see, Performance Bond and Surety Bond)
Location Map	See Vicinity Map.
Lot Area	The area of a lot computed exclusive of any portion of the right(s)-of-way of any public or private street.
Lot Depth	The mean horizontal distance between the front and rear lines of the lot.
Lot Frontage	The width of the lot at the street right-of-way line. The front of a lot shall be constructed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Zoning Resolution or the Subdivision Regulations.
Lot, Improvement of	Any building, structure, place or other object or improvement of the land on which they are situated which constitutes a physical betterment of real property or any part of such betterment.
Lot, Minimum Usable Area of	The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street. The Clinton County Health Department determines the minimum usable area for on-site facilities.
Lot, Non-conforming	A lot existing at the time of enactment of these Regulations or any subsequent amendments which does not conform to the lot area and frontage requirements of the zoning district in which the lot is located, or these Regulations.
Lot of Record	A lot of record, which is part of a subdivision recorded in the office of the Clinton County Recorder, or a lot of record or recorded parcel described by metes and bounds, the description of which has been so recorded.
Lot Split	See Minor subdivision.

Lot Types	<p>Terminology uses in these Regulations with reference to lots is as follows:</p> <ol style="list-style-type: none"> 1. Corner Lot: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees. 2. Flag Lot: A lot, which does not adjoin a street but is connected thereto by an access strip of required minimum width. Minimum lot area and other dimensional requirements shall be those of the applicable zoning district (or herein applicable), and shall be met on that portion of the lot exclusive of the access strip. 3. Interior Lot: A lot with only one frontage on a street. 4. Through Lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots. 5. Reverse Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reverse frontage lot may also be a corner lot.
Lot Width	The horizontal distance between side lot lines measured along the required building setback line. When the street line is curved, the measurement shall be made on the arc, parallel to the curve of the street line and as required by the Clinton County Zoning Resolution.
Major Thoroughfare Plan	The Comprehensive Plan adopted by the board of Clinton County Commissioners indicating the general location recommended for arterial, collector, and local thoroughfares within the unincorporated area of the Clinton County.
Maintenance Bond	An agreement by a subdivider or developer with the County guaranteeing the maintenance of physical improvements for a period of one (1) year from the release of the performance bond.
Minor Subdivision (or Lot Split)	A division of a parcel of land that does not require a plat to be approved by the Planning Commission according the Section 711.131 of the <u>Ohio Revised Code</u> . Also known as a lot split.
Monuments	Iron bases or iron pins that will be set at all lot or parcel corners within the subdivision.
Natural Features	An existing component of the landscape maintained as a part of the natural environment and having ecological value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, the natural diversity of plant and animal species, human recreation, reduction of climatic stress, and energy costs.
No-Build Reserve	An area of a lot and/or a subdivision plat designated as an area in which no building, structures or other improvements, including utilities, are to be located.
Open Space	An area that is intended to provide light and air. Open space may include, but is not limited to meadows, wooded areas, and waterbodies. Streets, structures for habitation, and the like are not to be included. See also Restricted Open Space.
Original Parcel or Tract	Any parcel or tract shown as a unit or contiguous land under the same ownership as recorded in the County Recorder's Office at the passage of the Subdivision Regulations as adopted on November 27, 1995, and as subsequently amended.
Out Lot	Property shown on a subdivision plat outside of the boundaries of the land, which is to be developed, and which is to be excluded from the development of the subdivision.

Owner	Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceeding to subdivide the same under these Regulations.
Parcel	Any piece of land described by a current deed.
Parking Space, Off-Street	For the purpose of these Regulations, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.
Pedestrian Friendly	The density, layout and infrastructure that encourages walking and biking within a subdivision or development, including front porches, sidewalks and bikepaths.
Perennial Stream	A natural waterway that contains water throughout the year except in severe drought.
Performance Bond or Surety Bond	An agreement by a developer with the County for the amount of the estimated construction cost (as approved by the office of the Clinton County Engineer) guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement. (See Letter of Credit)
Person	A legal entity including but not limited to: an individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.
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 pre-planned environment under more flexible standards, such as lot size and setbacks, than those restrictions that would normally apply under these Regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.
Plat	The map, or drawing on which the developer's subdivision may be presented to the Planning Commission for approval, and to the County Recorder (final) for recording.
Preliminary Plan	An initial proposal, including both narrative and the site design information, intended to provide the Planning Commission with an understanding of the manner in which the site is to be developed.
Prime Agriculture Soils	Prime agricultural soils as defined by the U.S. Department of Agriculture, are soils that are best suited to producing food, feed, forage, fiber and oilseed crops. Prime agricultural soils produce the highest yields with minimal inputs of energy and economic resources and farming these soils results in the least damage to the environment. These soils are a non-renewable resource.
Private Street	A local private way that provides vehicular access that is not and will not be dedicated to public use, but which is owned and maintained by the Association.
Project Boundary	The boundary defining the tract(s) of land that is included in a development project to meet the minimum required project area for a conservation development. The term "Project Boundary" shall also mean "development boundary."
Prosecutor	The prosecuting attorney for Clinton County, Ohio.
Public	Open to common use, whether or not under public ownership.

Public Way	An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other way in which the public have a right, or which are dedicated, whether improved or not. (See Right-of-Way).
Reasonable Access	The minimum number of access connections, direct or indirect, necessary to provide safe access to and from the thoroughfare, as consistent with the purpose and intent of these Regulations and any applicable plans and policies of the County.
Re-plat	A subdivision or plat, the site of which has heretofore been platted or subdivided with lots or parcels of land. It may include all or any part of a previous subdivision or plat.
Reserve Strip	An area of land adjacent to a public right-of-way, which is retained in ownership by the subdivider for the purposes of denying access to the adjacent land.
Restricted Open Space	Open space within a conservation development that is of sufficient size and shape to meet the minimum zoning requirements or standards herein that is restricted from further development according to the provisions of these Regulations.
Right-of-Way	A strip of land dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features such as grade separation, landscaped areas, viaducts, and bridges.
Screening	A wall, fence, mound, and/or landscaping designed and installed to create a screen between adjacent properties or uses.
Septic System	A system constructed to treat sanitary sewerage in accordance with the Clinton County Health Department.
Service Road	A public or private street or road, auxiliary to and normally located parallel to a controlled access facility, that maintains local road continuity and provides access to parcels adjacent to the controlled access facility.
Setback Line	A line established by the subdivision regulations generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure, other than an accessory building, may be located above ground.
Setback, Riparian	A naturally vegetated area located adjacent to streams and rivers that are intended to stabilize banks and limit erosion.
Sewers, Central or Group	An approved sewage disposal system, which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.
Sewage Disposal Systems, Household	Any sewerage disposal or treatment system or part thereof for a single- two- or three-family dwelling, which receives sewage as approved by the County Department of Health.
Sewers, Central or Package Sewerage System	A complete, independently operating sewer system including collection and treatment facilities constructed by the developer / subdivider to the standards of the County and/or the Ohio Environmental Protection Agency and to serve a new subdivision in an outlying area. Such a system must be approved and accepted by the Clinton County Sanitary Engineer and the board of Clinton County Commissioners for possible transfer of ownership and operation to the County.

Sewers, On-Site	A septic tank or similar installation on an individual lot which uses an approved process for the elimination of sewage, and provides for the proper and safe disposal of the effluent, subject to the approval of the Health Department and sanitation officials having jurisdiction.
Sidewalk	That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.
Site	A lot or parcel proposed for development.
Sketch Plan	An informal drawing which shows how a developer proposes to subdivide a property and which gives sufficient site information for the Regional Planning Commission representatives to offer suggestions for site development.
Soil Survey	The Soil Survey for Clinton County, Ohio as prepared by the U.S. Department of Agriculture, as amended.
Standard Subdivision	A major or minor subdivision, as defined by the <u>Ohio Revised Code</u> , in which property is subdivided into lots having the minimum front, side and rear yards as specified in the Zoning Resolutions and with each lot having the requisite frontage on a dedicated public street.
Stormwater	The rainfall that accumulates on the ground.
Subdivider	<p>The following shall apply:</p> <ol style="list-style-type: none"> 1. A person having an interest in land and who causes it, directly or indirectly, to be divided into a subdivision. 2. A person who directly or indirectly sells, leases, or develops or offers to sell, lease or develop, or advertises to sell, lease or develop any interest, lot, parcel, site, unit, or plat in a subdivision. 3. A person who engages directly to through an agent in the business of selling, leasing, developing or offering for sale, lease or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision. 4. A person who is directly or indirectly controlled by or under direct common control with any of the foregoing.
Subdivision	<p>As per the <u>Ohio Revised Code</u> Section 711.001</p> <ol style="list-style-type: none"> A. The division of any parcel of land as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, site or lots any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of mote than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such dale or exchange does not create additional building sites, shall be exempted; or B. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.
Subdivision, Open Space	A clustered neighborhood designed with a gross density comparable to rural subdivisions. (See Cluster or Conservation Development)
Surveyor	Any person registered to practice surveying in the state of Ohio by the state Board of Registration, as per Section 4733.14 of the <u>Ohio Revised Code</u> .

**Technical
Coordinating
Committee (aka:
ZEEBRAS)**

A committee of representatives of the office of the Clinton County Engineer, the Clinton County Health Department, the Clinton County Building and Zoning Department, the Clinton Soil and Water Conservation District, the Clinton County Regional Planning Commission and others as necessary, who periodically meet with the developers / subdividers or property owners proposing subdivisions or seeking building permits. The Committee shall offer advice and assistance to the Regional Planning Commission during the plan review process per these Regulations and the policies as may be adopted by the respective offices or departments.

**Terrain
Classification**

Terrain within the entire area of the Preliminary Plan is classified as level, rolling, hilly, or hillside for street design purposes. The classifications are as follows:

- **Level:** Land which has a cross slope range of four (4) percent or less;
- **Rolling:** Land having a cross slope range of more than four (4) percent but less than eight (8) percent;
- **Hilly:** Land which has a cross slope range of more than eight (8) percent but not more than fifteen (15) percent; and,
- **Hillside:** Land which has a cross slope range of more than fifteen (15) percent.

**Thoroughfare,
Street, or Road**

The full width between property lines bounding every dedicated travelway, with a part thereof to be used for vehicular traffic and designated as follows:

1. **Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street. Design speed is 10 miles per hour.
2. **Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route. Design speed is generally 55 miles per hour. For design standard purposes, any street projected to carry an average daily traffic (ADT) over 5,000 vehicles may be designated an arterial street. Recommended right-of-way is no less than 100 feet.
3. **Collector Street, Major:** A thoroughfare, whether within a residential, commercial, industrial or other type of development, which primarily carries traffic from major local streets to arterial streets, including the principal entrance and circulation routes within subdivisions. For the purpose of design standards, any street projected to carry ADT between 3,000 and 5,000 vehicles may be designated as a collector street. Recommended right-of-way of 80 feet.
4. **Collector Street, Minor:** A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions. Design speed is generally 35–55 miles per hour. For purposes of design standards, such a street shall have an ADT between 1,000 and 3,000 vehicles. Recommended right-of-way is 60 feet.
5. **Cul-de-Sac:** A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround. Design speed is generally 25 miles per hour.
6. **Dead-end Street:** A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
7. **Local Street:** A street primarily for providing access to residential, commercial, industrial or other property. Design speed is typically 25 miles per hour. A local street shall not have an ADT in excess of 1,000 vehicles. Recommended right-of-way is 60 feet.
8. **Loop Street:** A type of local street each end of which terminated at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eight (180) degree system of turns are not more than three thousand (3,000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
9. **Marginal Access Street:** A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Streets)
10. **Minor:** A street whose sole function is to provide access to abutting properties. It serves or is designated to serve not more than nine dwelling units and is expected to or does handle an ADT of up to 90 vehicles per day.
11. **Private Street:** A strip of privately owned land providing access to abutting properties.

Through Lot	See Lot Types.
Time Limits	<p>Unless otherwise specified, time limits specified in these Regulations shall be measured from midnight of the date on which the cause of action arises. Specific units of measure are as follow:</p> <ul style="list-style-type: none"> • Days – consecutive periods of twenty-four hours. • Weeks – consecutive periods of seven days. • Months – consecutive periods of twenty-eight –thirty one days. • Years – consecutive periods of three hundred sixty-five days.
Tract	The term is used interchangeably with the term lot, particularly in the contest of subdivisions, where one tract is subdivided into several lots.
Traffic Control Device	Signs, signals, markings and other devices prescribed to regulate, guide or warn traffic.
Trip End	A vehicle movement either entering or leaving the site
Variance	A modification to the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Regulations would result in unnecessary and undue hardship or practical difficulty.
Vicinity Map	A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the County in order to better locate and orient the area in question.
Walkway	A dedicated public way for pedestrian use only, whether along the side of a road or access way between blocks or parcels.
Watershed	The drainage basin in which the subdivision drains or that land whose drainage is affected by the subdivision.
Wetland	An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetland generally includes swamps, marshes, bogs, and similar areas. The Three criteria that must exist on a site for an area to be designated a wetland are hydric soils, hydrophytic vegetation, and wetland hydrology. (Source: Army Corps of Engineers)
Yard	<p>A Required open space unoccupied and unobstructed by any structure or portion of a structure.</p> <ul style="list-style-type: none"> • Yard, Front – A yard extending between side lot lines across the front of a lot and from the front of the principal building. • Yard, Rear – A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building. • Yard, Side – A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.
Zoning	The regulations and limitations by districts of the height, bulk and location, including percentage of lot occupancy, building setback lines and other structures and of the premises in such districts.

ARTICLE 1500

APPENDIX