

SUBDIVISION REGULATIONS

HANCOCK COUNTY, OHIO

PREAMBLE

THE FOLLOWING SUBDIVISION REGULATIONS RESOLUTION OF THE COUNTY OF HANCOCK, OHIO, INITIALLY ENACTED ON JUNE 30, 1961 AND THEREAFTER AMENDED, ON MAY 2, 2006 AND MOST RECENTLY ON FEBRUARY 26, 2008, AND PURSUANT TO CHAPTER 711, OHIO REVISED CODE, AND FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, COMFORT, CONVENIENCE AND GENERAL WELFARE; AND REGULATING THE DEVELOPMENT OF SUBDIVIDED AREAS; PROMOTING THE PROPER ARRANGEMENT OF STREETS AND LAYOUT OF LOTS; PROVIDING FOR ADEQUATE AND CONVENIENT PROVISION OF OPEN SPACES, UTILITIES, RECREATION AND ACCESS TO SERVICE AND EMERGENCY VEHICLES; PROVIDING FOR ADEQUATE PROVISION OF WATER, DRAINAGE, SEWER, AND OTHER SANITARY FACILITIES; PROVIDING FOR THE ADMINISTRATION OF THESE REGULATIONS AND DEFINING THE POWERS AND DUTIES OF THE ADMINISTRATIVE OFFICERS; PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS RESOLUTION OR ANY AMENDMENT THERETO; AND FOR THE REPEAL THEREOF.

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

ARTICLE I - TITLE AND PURPOSES

Section 100. TITLE

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

Section 101. PURPOSES:

The purposes of these Regulations are to provide for the orderly growth and harmonious development of the County; to secure adequate traffic circulation through coordinated street systems with

relation to major thoroughfares, adjoining subdivisions, and public facilities; to achieve individual property lots of maximum utility and livability; to secure adequate provisions for water supply, drainage and sanitary sewage disposal, and other health requirements; to secure adequate provisions for recreational areas, school sites, and other public facilities; and to provide logical procedures for the achievement of these purposes.

ARTICLE II - DEFINITIONS

Section 200. DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of these Regulations:

Access Management Regulations: Hancock County Access Management Regulations.

Alley: A dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

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, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

Comprehensive Land Use Plan: A plan, or any portion thereof, adopted by the Hancock Regional Planning Commission and the Board of Hancock 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. This plan establishes the goals, objectives, and policies of the community.

Commission: The Hancock Regional Planning Commission.

Dwelling Unit: A building or portion thereof designed for occupancy by one (1) family for residential purposes and having cooking and sanitary facilities.

Easement: A specific area of land over which a liberty, privilege, or advantage is granted by the owner to the public, a corporation, or some particular person or part of the public for specific uses and purposes, and which shall be designated a "public" or "private"

easement, depending upon the nature of the user.

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

Flag Lot: A lot so shaped that the majority of the lot area is connected to a public roadway by a narrow strip of land. A typical flag lot configuration is one that would resemble a flag and pole.

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

Intersection: An intersection, for the purposes of the Hancock County Subdivision Regulations and the measurement of the length of roads ending in a cul-de-sac, hammerhead or other dead-end (not including stub streets), begins at the center of the convergence of a major, minor or neighborhood arterial street that moves traffic in two directions, is connected to at least one other road that does not terminate in a cul-de-sac, hammerhead, dead-end or other stub street, and is then measured to the center of the cul-de-sac and hammerhead, and in the case of a dead end or stub street, the second point of measurement shall be the center at the edge of pavement. (See illustrations next page.)

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

- a. A single lot of record;
- b. A portion of a lot of record;
- c. One or more complete lots of record, complete lots of record and portions of lots of record, or portions of lots of record.

Major Thorofare Plan: The part of the Comprehensive Land Use Plan which sets forth the location, alignment and dimensions of existing and proposed streets and thorofares.

Minor Subdivision: A division of a parcel of land that does not require a plat to be approved by a planning authority according to Section 711.131, Ohio Revised Code.

One Hundred (100) Year Flood: A 100 year flood is a flood that has a 1 percent chance of being equaled or exceeded in any given year. A base flood may also be referred to as a 100 year storm and the area inundated during the base flood is sometimes called the 100-year floodplain. (FEMA)

Performance Bond or Surety Bond: A guarantee by a subdivider or developer to the Board of Hancock County Commissioners, or their designated agent, in the amount of the estimated construction cost, as estimated by the project Engineer in his official estimate, assuring the completion of certain physical improvements according to approved plans and specifications, and within the time prescribed by the subdivider's guarantee.

Plat: A map or chart of a subdivision of land;

1. **Preliminary Plat:** A map showing all requisite details of a proposed subdivision submitted to the Commission for purposes of preliminary consideration, prepared in conformance with these Regulations.
2. **Final Plat:** A map of all or part of a subdivision providing substantial conformance to the Preliminary Plat of the Subdivision, prepared in conformance with the requirements of these se Regulations and suitable for recording by the County Recorder.

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

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

Setback Line: A line established by subdivision regulations and/or a zoning resolution, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory buildings, or structure may be located above ground,

except as may be provided in said codes.

Street: Any street, avenue, boulevard, road, lane, parkway, viaduct, or other way which is an existing state, county, township, or municipal roadway; or, a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or a street or way on a plat duly filed and recorded in the office of the County Recorder. A street includes the land between the right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and lawns.

1. **Major Thoroughfare:** An arterial street of extended continuity which is intended to serve as a large volume traffic way for both the immediate area and region beyond, and which are designated as such on the Major Thoroughfare Plan.
2. **Secondary Thoroughfare:** A street used primarily to carry traffic from minor streets to major thoroughfares. Such streets are designated as such on the Major Thoroughfare Plan.
3. **Minor Street:** A street of limited continuity used primarily for access to abutting properties.
4. **Marginal Access Street:** A minor street paralleling and adjacent to a major thoroughfare which provides access to abutting properties and protection from through traffic.
5. **Boulevard Street:** A street developed to two, one-way pavements, separated by a median.
6. **Turn-Around:** A short boulevard street permanently terminated by a vehicular turn-around.
7. **Cul-De-Sac Street:** A minor street of short length, having one end open to traffic and being permanently terminated at the other end by a vehicular turn-around.

Subdivider: Any individual, 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.

Subdivision:

1. The division of any parcel of land shown as a unit or as contiguous units on the tax roll next preceding June 30, 1961, the date of adoption of Hancock County's original Subdivision

Regulations, into two (2) or more parcels, sites, or lots, any one of which is five (5) acres or less in area, for the purpose, whether immediate or future, of transfer of ownership; providing, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or

2. The improvement of one or more parcels of land for residential, commercial, or industrial structures 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. (See Minor Subdivision)

Surveyor: Any person registered to practice surveying by the State Board of Registration as specified in Section 4733.14 of the Ohio Revised Code.

Variance: A variance is a modification of 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.

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, landmarks, community facilities and services, and/or watersheds within and adjacent to Hancock County in order to better locate the area in question.

ARTICLE III - SUBDIVISION PROCEDURE

Section 300. INITIAL PLAT INVESTIGATION

The Subdivider shall meet with the Regional Planning Commission or its designated representative prior to submitting the preliminary plat. The purpose of this meeting is to discuss early and

informally the purpose and effect of these Regulations and the criteria and standards contained therein; and to attempt to familiarize the Subdivider with the laws, regulations and plans as exemplified by the Comprehensive Plan, the Major Thoroughfare Plan, the Parks and Public Open Space Plan, applicable zoning standards, and the drainage, sewerage, and water systems for the County of Hancock and State of Ohio.

Section 301. PRELIMINARY PLAT REQUIRED:

After the initial plat investigation, the Subdivider shall submit a preliminary plat of the proposed subdivision which shall conform to the requirements set forth in this Section. The Preliminary Plat shall be prepared by an Engineer or Surveyor.

The procedure for preparation and submittal of a preliminary plat of the land area to be subdivided shall be as follows:

1. Filing:

- a. Ten (10) copies of the preliminary plat of the proposed subdivision, one (1) 11" x 17" reduction of the plat, together with a written application in triplicate, shall be submitted to the Hancock Regional Planning Commission.
- b. Submittal to the Commission shall be at least ten (10) days prior to the next regular Subdivision Review Committee meeting, which meeting shall be considered the date of filing, at which the Subdivider or his agent will be scheduled to appear. If ten (10) days prior should fall on a Saturday, Sunday, or observed holiday, then the submittal deadline shall be the last regular day of business prior to such days. The submittals are due by 12:00 p.m. Should any of the data in this Section 301 be omitted, the Commission Staff shall notify the Subdivider of the additional data required and Commission action shall be delayed until the required data is received. The meeting date of the Commission after receipt of the required data shall be the date of filing. The Commission shall act on the preliminary plat within Thirty (30) days of the date of filing unless the Subdivider agrees to an extension of time in writing.

2. Identification and Description: The preliminary plat shall include:

- a. Proposed name of subdivision

- b. Location by Section, Town and Range, or by other legal description.
 - c. Names and addresses of the Subdivider, owner Subdivider, and the planner, designer, Engineer or Surveyor who designed the subdivision layout. The Subdivider shall also indicate his interest in the land.
 - d. Scale of plat, 1" = 100' as minimum acceptable scale, and shall be presented on one or more sheets of 24" by 36" in size.
 - e. Date and northpoint.
3. **Existing Conditions:** The preliminary plat shall include:
- a. A vicinity map at a scale of not less than 1" = 1,000' shall be provided showing the relationship of the subdivision to its surroundings within one-half (1/2) mile.
 - b. Boundary line of the proposed subdivision, section or corporation lines within or adjacent to the tract, and overall property dimensions.
 - c. Names of all adjacent subdivisions, owners of adjoining parcels of unsubdivided land, and the location of their boundary lines.
 - d. Location, widths and names of existing or prior platted streets and public easements within or adjacent to the tract being proposed for subdivision, including those located across abutting roads.
 - e. Location of existing sewers, water mains, storm drains and other underground facilities within and adjacent to the tract being proposed for subdivision.
 - f. Topography drawn as contours with an interval of not more than two (2) feet. Topography is to be based on U.S.G.S. datum.
4. **Proposed Conditions:** The preliminary plat shall include:
- a. Layout of streets indicating proposed street names, right-of-way widths, and connections with adjoining platted streets, and also the widths and location of easements and

public walkways.

- b. Layout, numbers and approximate dimensions of lots, including building setback lines showing dimensions.
- c. Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision .
- d. An indication of the ownership, and existing and proposed use of any parcels identified as "excepted" on the preliminary plat. If the Subdivider has an interest in or owns any parcel so identified as "excepted", the preliminary plat shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed preliminary plat.
- e. An indication of the proposed systems for water supply, sewage disposal, and storm drainage and control of soil erosion and sedimentation according to standards established by the Hancock County Board of Health, the Board of County Commissioners, the County Engineer, and any applicable Sewer District.
- f. In the case where the Subdivider wishes to subdivide a given area, but wishes to begin with only a portion of the total area, the preliminary plat shall include the proposed general layout for the entire area. The part which is proposed to be subdivided first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development which the Subdivider intends to follow. Each subsequent plat shall follow the same procedure until the entire area controlled by the Subdivider is subdivided.
- g. Statement of proposed use of lots, giving the type and number of dwelling units and type of business or industry.
- h. Location and approximate dimensions of all existing buildings.
- i. For commercial and industrial development, the location, dimensions, and approximate grade of proposed parking and

loading areas, alleys, pedestrian walks, streets and the points of vehicular ingress and egress to the development.

j. Description of proposed covenants and restrictions.

5. Preliminary Plat Review by Planning Commission:

a. The Regional Planning Commission staff shall receive and check for completeness the preliminary plat as required under the foregoing Sections of this Resolution. When complete and basically in conformance with applicable requirements, the staff shall place the proposal on the agenda of the next regular Commission meeting.

b. The staff shall call a meeting of the Subdivision Review Committee, at which time the plat shall be reviewed from a technical standpoint. The Subdivision Review Committee shall transmit its recommendation to the Planning Commission.

c. The Commission shall review all details of the proposed subdivision within the framework of applicable zoning regulations, within the various elements of the Comprehensive Land Use Plan, and within the standards of these Regulations.

d. The Commission shall approve conditionally, disapprove, or approve the preliminary plat.

(1) Should the approval be a conditional approval, said conditions shall be satisfied by the Subdivider within a time set by the Commission or the plat shall be rejected.

(2) Should the Commission disapprove the preliminary plat, it shall record the reasons in the minutes of the regular meeting. A copy of the minutes shall be sent to the Subdivider.

(3) Should the Commission find that all conditions have been satisfactorily met, it may give approval to the preliminary plat. On approval, the President shall make a notation to that effect on five copies of the preliminary plat and distribute copies of same as follows:

- (a) return one copy to the Subdivider
- (b) retain one copy which shall become a matter of record in the Commission files
- (c) forward one copy to the School Board having jurisdiction in the area concerned
- (d) forward one copy to the Hancock County Board of Health
- (e) forward one copy to the Hancock County Engineer

6. **Approval Period:** The approval of the preliminary plat shall be effective for a maximum period of twelve (12) months and shall guarantee that the terms under which the approval was granted will not be effected by changes to these Regulations during that period.

Section 302. FINAL PLAT REQUIRED:

The Subdivider, having received approval of the preliminary plat, shall submit a final plat of the subdivision and drawings and specifications of the improvements required therein. The final plat shall have incorporated all changes in the preliminary plat required by the Regional Planning Commission. Otherwise it shall conform to the preliminary plat, and it may constitute only that portion of the approved preliminary plat which the Subdivider proposes to record and develop at the time. The final plat shall bear the seal of a Surveyor and the supplementary information shall bear the seal of an Engineer.

1. Preparation

- a. **Final Plat Form.** The final plat shall be legibly drawn in water proof ink on mylar or other material of equal permanence. It shall be drawn at a scale not less than two hundred (200) feet to the inch, and shall be one or more sheets 18" X 28" in size. If more than one sheet is needed, each sheet shall be numbered and relation of one sheet to another clearly shown. The signatures of all approval authorities shall be in waterproof, permanent ink.
- b. **Board of Health Review.** All final plats must be reviewed

and approved by the Hancock County Board of Health prior to being signed by the President of the Hancock Regional Planning Commission and filed with the Hancock County Recorder. The Subdivider shall provide an appropriate space on the final plat for the Board of Health to certify its approval thereof. However, if the platted subdivision is to be served by publicly owned and/or operated utilities, the board of health signature is waived.

- c. **Regulations Governing Improvements.** The final plat drawings and specifications shall include a set of construction and utility plans, including typical sections, plans and profile views, construction details and estimates of quantities. All typical sections and major engineering details to be used on any particular street shall be approved in advance by the County Engineer before completion of the plans. Prior to the granting of approval of the final plat, the Subdivider shall have installed the minimum required improvements, or shall have furnished a surety or certified check for the amount of the estimated construction cost of the ultimate installation and initial maintenance of the improvements. Before surety is accepted, it shall be approved by the proper administrative officials.
- d. **Final Plat Contents.** The final plat shall contain the following information:
- (1) Name of the subdivision, location by section, range and township, or by other survey number; date, northpoint, scale and acreage; acreage shall be indicated by Section and/or Corporation boundaries.
 - (2) Name and address of the Subdividers, and the Engineer who prepared the plat and appropriate registration number and seal.
 - (3) Plat boundaries, based on accurate traverse, with angular and lineal dimensions. All dimensions, both linear and angular shall be determined by an accurate control survey in the field which must balance and close within the limit of one (1) in twenty thousand (20,000).
 - (4) Bearings and distances to nearest established street lines or other recognized permanent monuments.
 - (5) Exact locations, right-of-way, and names of all streets

within and adjoining the plat, and building setback lines.

- (6) Radii, internal angles, points of curvature, tangent bearings, lengths of arcs, and lengths and bearings of chords of all applicable streets within the plat area.
- (7) All easements and rights-of-way provided for public services or utilities.
- (8) All lot numbers and lines with accurate dimensions in feet and hundredths. When lots are located on a curve, the lot width at the building setback line shall be shown.
- (9) Accurate location and description of all monuments and pins.
- (10) Accurate outlines of any area to be reserved for the common use of all property owners. The proposed use and accurate locations shall be shown for each parcel of land to be dedicated.
- (11) A copy of any restrictions and covenants the Subdivider intends to include in the deeds to the lots in the subdivision.
- (12) Certification by a Surveyor to the effect that the plat represents a survey made by him and that the monuments shown thereon exist as located and that all dimensional details are correct.
- (13) Notarized certification by the owner or owners of the adoption of the plat and dedication of streets and other public areas.
- (14) Typical sections and complete profiles of streets and other related improvements to be constructed in the proposed subdivision shall accompany the final plat.

2. **Final Plat Review:**

- a. **Application for Approval of Final Plat.** An application for approval for the final plat shall be submitted to the Regional Planning Commission on forms provided by the Commission, together with five (5) copies of the plat, one (1) 11" x 17" reduction of the plat, and any supplementary

information specified.

This material shall be submitted at least ten (10) days prior to the date of any regular Subdivision Review Committee meeting, which date shall be considered the date of filing. If ten (10) days prior should fall on a Saturday, Sunday, or observed holiday, then the submittal deadline shall be the last regular day of business prior to such days. The submittals are due by 12:00 p.m.

- b. **Approval of the Final Plat.** Following review by the Subdivision Review Committee, the Regional Planning Commission shall approve or disapprove the final plat within thirty (30) days after it has been filed. Failure of the Commission to act upon the final plat within such time shall be deemed as approval of the plat. If the plat is disapproved, the grounds for disapproval shall be stated in the records of the Commission, and a copy of said record shall be forwarded to the Subdivider. The Commission shall not disapprove the final plat if the developer has done everything that he was required to do and has proceeded in accordance with the conditions and standards specified in the approved preliminary plat. If disapproved, the Subdivider may make the necessary corrections and submit the final plat to the Commission for its reconsideration. If a plat is refused by the Commission, the Subdivider may file a petition within ten(10) days after such refusal in the Court of Common Pleas seeking reconsideration of the action of the Commission. When the final plat has been approved by the Regional Planning Commission, the original tracing shall be returned to the Subdivider for filing with the County Recorder after all necessary certifications are received.

Section 303. MINOR SUBDIVISIONS:

Approval without a plat of a minor subdivision may be granted by the Hancock Regional Planning Commission subject to the following conditions:

1. The proposed subdivision is located along an existing public road and involves no opening, widening, or extension of any street or road;
2. No more than five (5) lots are involved after the original parcel has been completely subdivided, except as noted in number 8 of this Section below;
3. The proposed subdivision has received written approval of the Hancock County Board of Health relative to water supply and method of sewage disposal;
4. The proposed subdivision has received written approval of the Hancock County Engineer relative to proposed drainage and driveway access points per Hancock County's Access Management Regulations;
5. The proposed subdivision is not contrary to applicable subdivision design standards or township zoning regulations, if such exist.
6. All lots intended for one or two-family dwelling purposes and abutting a Major Thorofare as defined in Section 200 of these Regulations shall bear a side lot or rear lot relationship to such Thorofare, or be provided with a marginal access drive if a front lot relationship is unavoidable;
7. The property has been surveyed by a registered Surveyor and a boundary survey sketch and legal description of the property is submitted with the application for approval.
8. Original parcels divided by one or more public roads, with the original parcels and public roads being in existence since the County Subdivision Regulation's enactment date of June 30, 1961, shall be permitted to have no more than five (5) minor lot splits for a maximum total of ten (10) lots where each lot is a minimum of two (2) acres or more exclusive of roadway easements or any other public street right-of-way, without preparation of a subdivision plat, on each side of the road or roads.

If approval is requested under these provisions, and if the proposed minor subdivision is in compliance with items 1 through 8 above, the Regional Planning Commission shall within seven (7) working days after submission approve such proposed subdivision, and, upon presentation of a conveyance of said parcel, shall stamp "Approved by the Hancock Regional Planning Commission; no plat required", and the authorized representative of the Commission shall initial the conveyance.

Section 304. SUBDIVISIONS INVOLVING PRIVATE STREETS:

Subdivisions employing private streets as a means of access to individual lots may be permitted, subject to the following conditions:

1. The private street shall be located within a roadway easement having a width of not less than sixty (60) feet.
2. All lots shall have a minimum area of two(2) acres exclusive of the roadway easement or any public street right-of-way; provided, however, that if local zoning regulations permit, density may be increased to one (1) dwelling unit per acre if the subdivision is to be served by a centralized sewage treatment system. Unless otherwise permitted by local zoning regulations, all dwellings in subdivisions served by private streets shall be single-family residential structures. Additionally, unless otherwise prohibited by local zoning regulations, condominium projects having no more than four dwelling units per acre shall be permitted provided that all applicable sanitary and stormwater discharge regulations are met.
3. The plat shall be accompanied by restrictive covenants which prohibit further division of the lots unless the private street is improved to Hancock County standards, the street right-of-way is dedicated, and the street is accepted for public maintenance.

Subdivisions using private streets shall be reviewed in the same manner as any other record subdivision, and shall be subject to design standards presented in Article IV; except that subdivisions using private streets need not meet the improvement standards applicable to public streets. Instead, the Subdivider shall submit with his Final Plat proposed typical sections and complete profiles

of any private street to be developed in the subdivision, certified by an engineer, licensed in the State of Ohio, as meeting or exceeding minimum acceptable standards of construction considering all applicable data and expected traffic flow. Private streets need not be constructed with curbs and gutters. Any so certified plan of private street construction presented in conformity with this Section must be reviewed for approval by the County Engineer. The Subdivider shall construct any private street consistent with the approved plan and a performance bond shall be provided to guarantee such construction.

ARTICLE IV - SUBDIVISION DESIGN STANDARDS

The regulations of this Article shall control 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 usable lots, provision of space for public utilities, and reservation of land for recreational uses. The planning of attractive and functional neighborhoods shall be prompted, minimizing the undesirable feature of unplanned, haphazard growth.

Section 400. STREETS:

Streets in proposed subdivisions shall conform to at least the following minimum requirements:

1. Location and Arrangement:

- a. The proposed subdivision shall conform to the various elements of the Hancock County Comprehensive Plan and shall be considered in relation to the existing and planned Major and Secondary Thoroughfares, and such streets shall be platted in the location and width indicated on such Plan.
- b. The street layout shall provide for continuation of Secondary Thoroughfares and minor streets in adjoining subdivisions or the proper projection of streets when adjoining property is not subdivided.
- c. The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.
- d. Should a proposed subdivision border on or contain an existing or proposed Major thoroughfare, the Commission

shall require marginal access streets, reverse frontage, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of traffic and reduction of traffic hazards.

- e. Should a proposed subdivision border on or contain a railroad, expressway, or other limited access highway right-of-way, the Commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of the intervening land. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.
 - f. Half streets shall be prohibited, except where absolutely essential to the reasonable development of the subdivision in conformity with the other requirements of these Regulations, and where the Commission finds it will be practicable to require the dedication of the other half when the adjoining property is developed. Wherever there exists adjacent to the tract to be subdivided, a dedicated or platted and recorded half street, the other half shall be platted.
 - g. Permanent dead-end streets shall not be permitted. Temporary dead-end streets shall be permitted only as part of a continuing street plan, and only if a temporary turn-around satisfactory to the Commission in design is provided and provisions for maintenance and removal are advanced.
2. **Right-of-way Widths:** Street right-of-way widths shall conform to at least the following minimum requirements:

| <u>STREET TYPE</u> | <u>RIGHT-OF-WAY WIDTHS</u> |
|--|--|
| a. Major Thoroughfare | 120' or in conformance with Hancock County Major Thoroughfare Plan |
| b. Secondary Thoroughfare | 80' |
| c. Industrial Service Streets | 60' |
| d. Multiple-family residential streets (where platted) | 60' |
| e. Minor (single-family | 60' |

residential) streets

- f. Marginal Access Streets 35'
- g. Turn-Around Street 110'
- h. Cul-de-Sac Streets -
Turn-Arounds
 - (1) Industrial 75' radius
 - (2) Residential & Others 60' radius
- i. Length for cul-de-sac streets shall not exceed 600 feet.

- 3. **Street Geometrics:** Standards for maximum and minimum street grades, vertical and horizontal street curves and sight distances shall be established by the County Engineer, and be approved by Resolution of the Board of Hancock County Commissioners.
- 4. **Street Intersections:** Streets shall be laid out so as to intersect as nearly as possible to ninety (90) degrees. Curved streets intersecting with Major Thoroughfares and Secondary Thoroughfares shall do so with a tangent section of centerline not less than fifty (50) feet in length, measured from the right-of-way line of the Major or Secondary Thoroughfare.
- 5. **Street Jogs:** Street jogs with centerline offsets of less than one-hundred twenty-five (125) feet shall be prohibited unless a variance is approved.

Section 401. BLOCKS:

Blocks within subdivisions shall conform to the following standards:

1. Sizes

- a. Blocks shall not exceed one thousand, four hundred (1,400) feet in length, except where, in the opinion of the Commission, conditions may justify a greater distance.

- b. Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.

2. **Public Walkways:**

- a. Location of public walkways or crosswalks may be required by the Commission to obtain satisfactory pedestrian access to public or private facilities, or where blocks exceed nine hundred (900) feet in length.
- b. Public walkways shall be in the nature of an easement for this purpose.

3. **Easements:**

- a. Location of utility line easements shall be provided along the rear or side lot lines 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 fifteen (15) feet wide, seven and one-half (7 and 1/2) feet from each parcel.
- b. Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the Subdivider to submit copies of the preliminary plat to all appropriate Public Utilities.
- c. Easements not less than three (3) feet in width shall be provided where needed along side lot lines so as to provide for street light dropouts. Prior to the approval of the final plat for a proposed subdivision, a statement shall be obtained from the appropriate utility indicating that easements have been provided along specific lots. A notation shall be made on the final plat indicating: "The side lot lines between lots (indicating lot numbers) are subject to street light dropout rights granted to the (name of utility company)."

Section 402. LOTS:

A. Lots within platted subdivisions shall conform to the following standards:

1. **Sizes and Shapes:**

- a. The size, width, depth and shape in any proposed

subdivision proposed for residential uses shall be appropriate for the location and the type of development contemplated.

- b. When a subdivision is to be connected to public sanitary sewer facilities or to a community sewage disposal plant, and when lots in such subdivision are intended for single-family residential use, all lots shall have a minimum width of sixty-five (65) feet at the building line and a minimum area of seven thousand, eight hundred (7,800) square feet.

Whenever either public or community sewage disposal facilities are not available, lots intended for single-family residential use shall have a minimum width of one hundred seventy-five (175') feet and a minimum area of two (2) acres exclusive of any roadway easement or public street right-of-way. Whenever sanitary sewer facilities are not reasonably accessible and a community sewage disposal plant is not required, lots shall be increased in area by ten thousand (10,000) square feet for each dwelling unit in excess of one (1).

In areas where Township zoning regulations are in effect, the lot width and lot area requirements of such zoning regulations shall control.

- c. Unless otherwise controlled by Township zoning regulations, the minimum front yard setback shall be thirty (30) feet. In the case of a rear yard abutting a side yard, the side yard setback shall be not less than the minimum front yard setback required herein, and all regulations applicable to a front yard shall apply.
- d. Corner lots in residential subdivisions shall be platted at least ten (10) feet wider than the minimum width permitted by these regulations or any applicable zoning regulations.
- e. Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of 3 to 1 shall be considered a maximum.
- f. Flag lots shall not be less than five (5) acres in area, either in recorded subdivisions or as Minor Subdivisions. In computing the area of a flag lot, the area of the flag "pole" shall not be included. The area of the "flag"

itself shall be five (5) acres or more. To ensure future access and orderly development of land adjoining the parcel, the flag "pole" shall extend the full depth of the flag lot. Additionally, to ensure the future ability to utilize the "pole" for access, all improvements or structures shall be set back from the nearest point of the pole not less than thirty (30) feet.

Upon timely application, in situations where exceptional topographic or other existing physical conditions render compliance with the required length of the flag "pole" impractical, the Regional Planning Commission may grant such variance as may be needed to effect the spirit and purpose of these Regulations.

- g. Lots intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provision for off-street parking, setbacks, and loading and unloading areas.
- h. Lots may not be created by dividing land at the ends of stub streets in adjacent subdivisions, such stub streets being intended to provide continuity of street systems in adjoining subdivisions.
- i. To provide adequate right-of-way for future public roadways, all parcels shall be provided not less than sixty (60) feet of frontage on a public roadway, or on a private roadway that has been approved as part of a record subdivision plat. In the case of a flag lot, the flag "pole" shall have a width of sixty (60) feet for its entire length.

2. **Arrangement:**

- a. Every lot shall front or abut a public street, except that private streets existing prior to the effective date of these Regulations, and which have existed as easements of access and are so recorded in the records of Hancock County, may remain as private roadways.
- b. Wherever practical, side lot lines shall be at right angles or radial to the street right-of-way lines.

- c. Residential lots abutting Major Thoroughfares, where marginal access streets are not desirable or possible to attain, shall be platted with reverse frontage lots, or with side lot lines parallel to the major traffic streets. This requirement may be waived by mutual consent of the Planning Commission and the County Engineer.
- d. Lots shall have a front-to-front relationship across all streets where possible.

B. Lots approved as minor subdivisions not requiring a plat shall conform to the following standards:

1. **Sizes and Shapes:**

- a. When a subdivision is to be connected to public sanitary sewer facilities or to a community sewage disposal plant, and when lots in such subdivision are intended for single-family residential use, all lots shall have a minimum width of sixty-five (65) feet at the road right-of-way and a minimum area of seven thousand, eight hundred (7,800) square feet.

Whenever either public or community sewage disposal facilities are not available, lots intended for single-family residential use shall have a minimum width of one hundred seventy-five (175') feet at the road right-of-way line and a minimum area of two (2) acres exclusive of any roadway easement or public street right-of-way. Whenever sanitary sewer facilities are not reasonably accessible and a community sewage disposal plant is not required, lots shall be increased in area by ten thousand (10,000) square feet for each dwelling unit in excess of one (1).

In areas where Township zoning regulations are in effect, the lot width and lot area requirements of such zoning regulations shall control if more restrictive.

- b. Unless otherwise controlled by Township zoning regulations, the minimum front yard setback shall be thirty (30) feet. In the case of a rear yard abutting a side yard, the side yard setback shall be not less than the minimum front yard setback required herein, and all regulations applicable to a front yard shall apply.

- c. Flag lots shall not be less than five (5) acres in area, either in recorded subdivisions or as Minor Subdivisions. In computing the area of a flag lot, the area of the flag "pole" shall not be included. The area of the "flag" itself shall be five (5) acres or more. To ensure future access and orderly development of land adjoining the parcel, the flag "pole" shall extend the full depth of the flag lot. Additionally, to ensure the future ability to utilize the "pole" for access, all improvements or structures shall be set back from the nearest point of the pole not less than thirty (30) feet.

Upon timely application, in situations where exceptional topographic or other existing physical conditions render compliance with the required length of the flag "pole" impractical, the Regional Planning Commission may grant such variance as may be needed to affect the spirit and purpose of these Regulations.

- d. Lots intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provision for off-street parking, setbacks, and loading and unloading areas.
- e. Lots may not be created by dividing land at the ends of stub streets in adjacent subdivisions, such stub streets being intended to provide continuity of street systems in adjoining subdivisions.
- f. To provide adequate right-of-way for future public roadways, all parcels shall be provided not less than sixty (60) feet of frontage on a public roadway, or on a private roadway that has been approved as part of a record subdivision plat. In the case of a flag lot, the flag "pole" shall have a width of sixty (60) feet for its entire length.

2. **Arrangement:**

- a. Every lot shall front or abut a public street, except that private streets existing prior to the effective date of these Regulations, and which have existed as easements of access and are so recorded in the records of Hancock County, may remain as private roadways.

- b. Wherever practical, side lot lines shall be at right angles or radial to the street right-of-way lines.
- c. Lots shall have a front-to-front relationship across all streets where possible.

Section 403. NATURAL FEATURES:

To the greatest extent possible, the natural features and character of land must be preserved. Due regard must be shown for all natural features such as large trees, natural groves, and similar community assets that will add attractiveness and value to the property if preserved. The preservation of drainage and natural stream channels must be considered by the Subdivider and dedication and provision of adequate barriers where appropriate, shall be required.

Section 404. FLOOD AREAS, STORM DRAINAGE AND DITCHES:

All subdivisions shall conform to the Hancock County Flood Damage Prevention Regulations, as approved by the Hancock County Commissioners on May 9, 1991, and pursuant to Ohio Revised Code Chapters 307.37 and 307.85 and any amendments thereto. Such Regulations are maintained by the Hancock County Engineer.

1. Development Criteria:

- a. No encroachment by either fill material or future structures shall be permitted in the area identified as "Floodway" on FEMA mapping. Modifications of Floodway areas shall only be permitted if an engineering analysis demonstrates to the satisfaction of the County Engineer that such modifications will not result in detrimental impacts either up or downstream.
- b. Development within Flood Hazard Areas shall not result in any decrease in the flood storage capacity of the flood plain 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 elevation for that location. Streets must be designed to maintain a minimum of 10' of dry passage (5' each side of centerline) during a 100 year storm event.

- c. If a subdivision is approved in a Flood Hazard Area, the Subdivider shall be required to post a performance bond guaranteeing execution of the grading plan. The grading plan shall be executed and the results certified by an Engineer prior to the Plat being signed by the County Engineer and submitted to the County Recorder. The plat shall be accompanied by restrictive covenants prohibiting the placement of any fill material in areas lying below the base flood elevation, and the Subdivider shall be responsible for enforcement of the covenants until all lots in the subdivision have been conveyed to others.

2. Areas of Poor Drainage:

If a subdivision is located in an area having poor 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. To guarantee the improvements, the Subdivider shall furnish a surety or certified check covering the cost of the required improvements.

3. Flood Control and Storm Drainage Facilities:

Flood control or storm drainage facilities shall be provided as follows:

- a. The basis for determining stormwater conveyance shall be a 10 year storm. All stormwater to be discharged from the platted area shall be detained based on a 100 year storm volume. The release rate from the detention areas shall be based on emptying the full 100 year volume over a 48 hour period unless the County Engineer determines that a lower discharge rate is necessary to protect the existing downstream point of discharge. The calculations shall be subject to the review and approval of the Hancock County Engineer.
- b. All lots within recorded subdivisions shall be provided positive drainage so as to avoid areas of standing water.
- c. Access to flood control or storm drainage ditches and 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 a flood control or storm drainage ditch, channel, or similar type

facility.

- d. Flood control or storm drainage easements containing underground facilities shall have a minimum width of ten (10) feet.
- e. Whenever a flood control or storm drainage ditch or channel has a depth of five (5) 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 Commission.
- f. Provisions shall be made to provide an emergency overflow route, from the detention areas to the point of discharge, in the event a storm exceeds the 100 year detention capacity. The overflow route must not adversely impact adjoining properties.

ARTICLE V - IMPROVEMENTS

The improvements set forth under this Article are to be considered as the minimum acceptable standard. All improvements for which standards are not specifically set forth herein shall have said standards approved by Resolution of the Board of County Commissioners. All improvements must meet the approval of the County Engineer.

Prior to the undertaking of any improvements, the Subdivider shall deposit with the Board of County Commissioners cash, a certified check or irrevocable bank letter of credit, whichever the Subdivider selects, or a surety bond acceptable to the County Commissioners, to insure faithful completion of all improvements within the time specified. The amount of the deposit shall be set by the County Commissioners based upon an estimate by the Engineer. The County Commissioners shall release the performance bonding as work is completed and approved by the Engineer.

Prior to the acceptance of improvements by the County, a one (1) year maintenance bond in an amount set by the County Commissioners shall be posted by the Subdivider.

Improvements shall be provided by the Subdivider in accordance with the standards and requirements established in this Article V and/or any other such standards and requirements which may from time to time be established by Resolution of the Board of County Commissioners.

Section 500. STREETS:

All streets and appurtenances thereto shall be constructed in accordance with details and specifications approved by the Board of County Commissioners, except as provided in Section 305.

Section 501. PUBLIC UTILITIES:

1. **Requirements for Underground Wiring:** The subdivider shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be

placed underground entirely throughout a newly subdivided area, except for Major and Secondary Thoroughfare rights-of-way, and such conduits or cables shall be placed within private easements provided to such public utility service companies by the developer or within dedicated public ways; provided, however, that overhead lines may be permitted within the limits of said newly subdivided area upon approval of the Commission and Board of County Commissioners and the County Engineer at the time of final plat approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, plat design and character of the subdivision. It is recognized that the cost of such underground construction at this time may exceed the cost of overhead construction, and that the excess should be borne in some fashion by those who benefit from it, rather than all customers. When the utility company finds that underground is not feasible or economical within said new subdivision, written objection thereto shall be made to the Planning Commission. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities.

All such facilities shall be constructed in accordance with National Bureau of Standards Handbook 81 (National Electrical Safety Code). All drainage and underground utility installations which traverse privately owned property shall be protected by easements granted by the Subdivider.

2. **Storm Drainage System and Other Drainage Improvements:** Per plans approved by the Board of County Commissioners.
3. **Sewage Disposal:** Per plans approved by the Hancock County Health Board and/or the Hancock County Engineer, or the Ohio Environmental Protection Agency, depending upon jurisdiction.
4. **Water Supply - Water Distribution System:** Per plans and standards approved by the Board of County Commissioners and in conformance with the Regulations of the Hancock County Board of Health, and/or the Ohio Environmental Protection Agency.

Section 502. OTHER IMPROVEMENTS:

1. **Sidewalks:** All sidewalks shall be made of concrete four (4) feet wide, four (4) inches thick, and across drives six (6) inches thick, and located one (1) foot from the property line. Sidewalks shall be provided on the sides of all road rights-

of-way adjacent to the subdivision being developed. In the event no good purpose would be served by the provision of sidewalks, this requirement may be waived by mutual consent of the Planning Commission and the Board of County Commissioners.

2. **Public Walkways:** Walkways shall be at least twelve (12) feet in width. Planting pockets shall be provided in public walkways for tree and shrub planting. The planting plan and surface treatment shall meet the approval of the Commission. Fences and other improvements may also be required if the Commission determines they are necessary to protect the adjacent property owners.
3. **Street Signs:** Street name signs shall be placed at all street intersections and shall be of a permanent weather-resistant construction, with street names visible from two directions, as approved by the County Engineer. Traffic regulations signs, as may be required, will be located as required by the County Engineer.

ARTICLE VI - JURISDICTION

These Regulations shall be applicable to all subdivisions of land within the unincorporated areas of Hancock County other than land within three (3) miles of the Cities of Findlay and Fostoria, Ohio as provided in section 711.09 of the Ohio Revised Code. The Hancock Regional Planning Commission shall have the power of final approval of the plats.

The approvals required under the provisions of these Regulations shall be obtained prior to the installation of any subdivision or project improvements within Hancock County in public streets, public alleys, public rights-of-way, public reservations, or public easements, or under the ultimate jurisdiction of the County, and shall comply with all the provisions and requirements of this or any other related resolution.

ARTICLE VII - INTERPRETATION

The provisions of these Regulations shall be held to be the minimum requirements adopted for the promotion and preservation of public health, safety and general welfare, and to improve, protect, and preserve the environment of Hancock County. These Regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or laws of the County, nor conflict with any laws of the State of Ohio, except that unless otherwise noted herein these Regulations shall prevail in cases where these Regulations impose a greater restriction than is provided by existing laws or regulations.

ARTICLE VIII - VIOLATIONS AND PENALTIES

The following penalties shall apply to the violation of these Regulations:

1. Whoever violates any rule or regulation adopted by the Board of County Commissioners for the purpose of setting standards and requiring and securing the construction of improvements within a subdivision or fails to comply with any order pursuant thereto is creating a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the County or any citizen thereof. Whoever violates these Regulations shall forfeit and pay not less than one hundred (100) dollars nor more than one thousand (1,000) dollars. Such sum may be recovered with costs in a civil action in the Court of Common Pleas of Hancock County. Each day that a violation is permitted to exist shall constitute a separate violation.
2. A County Recorder who records a plat contrary to the provisions of these Regulations shall forfeit and pay not less than one hundred (100) dollars nor more than five hundred (500) dollars, to be recovered with costs in a civil action by the Prosecuting Attorney in the name and for the use of Hancock County.
3. Whoever, being the owner or agent of the owner of any land within the jurisdiction of these Regulations, transfers any lot, parcel or tract of such land from or in accordance with a

plat of a subdivision before such plat has been recorded in the Office of the County Recorder, shall forfeit and pay the sum of not less than one hundred (100) 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 or transfer shall not serve to exempt the seller from the forfeiture provided in this Section.

ARTICLE IX - SEVERABILITY

If any section, paragraph, clause, phrase or part of these Subdivision Regulations is for any reason held invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of these Regulations; and the application of those remaining valid provisions to any person or circumstances shall not be affected thereby.

ARTICLE X - REPEAL

All Resolutions and amendments thereto enacted or adopted by the Board of County Commissioners inconsistent with the provisions of these Regulations are hereby repealed, as of the effective date of these Regulations. The repeal of the above Resolutions and their amendments do not affect or impair any act done, offense committed or right accruing, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

ARTICLE XI - VARIANCE

The following regulations shall govern the granting of variances:

1. Where the Regional Planning Commission finds that undue and unnecessary hardship may result from strict compliance with these Regulations, it may grant a variance as defined in ARTICLE II of these Regulations. Such variations shall not have the effect of nullifying the intent and purpose of these

Regulations, the Comprehensive Plan, or the Zoning Resolution, if such exist.

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

ARTICLE XII - APPEAL

Any person who believes he has been aggrieved by these Regulations or the action of the Regional Planning Commission, has 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.

ARTICLE XIII - ENACTMENT

Section 1300. EFFECTIVE DATE:

These Regulations shall become effective from and after the date of its approval and adoption by the Hancock Regional Planning Commission and Board of County Commissioners after Public Hearing and certification to the Hancock County Recorder.

ADOPTED AS AMENDED:

May 2, 2006
Date
Commissioner

ss: Edward D. Ingold
Hancock County

Commissioner

ss: Phillip A. Riegler
Hancock County

ss: Cheryl Farlow
Clerk
Commissioner

ss: Emily A. Walton
Hancock County

Amendments: May 15, 1973
April 30, 1992
December 3, 1994
March 22, 2001
July 11, 2002
October 19, 2004
May 2, 2006
February 26, 2008

Revised 2.08

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