

Muskingum County Planning Commission

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Revised Subdivision Regulations

Of Muskingum County, Ohio

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Article I

GENERAL PROVISIONS

Standards

Section 100 Title

These rules, regulations and standards shall be officially known as the “Subdivision Regulations of the County of Muskingum, Ohio,” and shall hereinafter be referred to as “these Regulations.”

Section 101 Policy

Section 101.1

It is declared to be the policy of Muskingum County to consider the subdivision of land and its subsequent development as subject to the control of Muskingum County, pursuant to any official comprehensive plan (when one exists) for orderly, planned, safe, efficient, and economical development.

Section 101.2

Land to be subdivided shall be of such character that it can be used for the intended purposes, and shall not be subdivided until adequate facilities and improvements such as drainage, water, sewerage, and public open space are provided, or a performance bond is filed to assure that the subdivider will make the required improvements.

Section 101.3

The existing and proposed public improvements shall conform with and be related to the proposals shown in the comprehensive plan, capital improvement programs or development programs of Muskingum County when they exist and it is intended that these Regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building codes, housing codes, zoning resolutions, the comprehensive plan, and the capital improvement program of Muskingum County.

Section 102 Purpose

These Regulations are adopted as minimum requirements for the regulation and control of land subdivision within the unincorporated area of the county. These regulations are intended:

Section 102.1

To establish standards for logical, sound, and economical development.

Section 102.2

To provide for adequate light, air and privacy, *to secure* safety from fire, flood, and other danger, to prevent population congestion and overcrowding of the land, to provide orderly expansion and extension of community services and facilities at minimum cost and maximum convenience.

Section 102.3

To provide for the proper arrangement of streets and highways in relation to those existing or planned and to provide for the most beneficial relationship between use of land, buildings, traffic, and pedestrian movements.

Section 102.4

To ensure appropriate subdivision of land, preparing and recording of plats and the equitable handling of all subdivision plats by providing uniform procedures and standards for observance by both Muskingum County and developers.

Section 103 Authority

The Ohio Revised Code, Chapter 711, enables the board of county commissioners and the planning commission of Muskingum County to adopt regulations governing plats and subdivisions of land within the unincorporated area of the county.

Section 104 Public Purpose

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of public police power delegated by the state to Muskingum County pursuant to Chapter 711 of the Ohio Revised Code. The developer shall be in compliance with conditions established by the planning commission for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of Muskingum County and the health, safety, and general welfare of the future lot owners of the subdivision and of Muskingum County generally.

Section 105 Jurisdiction

Section 105.1

These Regulations shall be applicable to all subdivisions of land located within the unincorporated area of Muskingum County.

Section 105.2

A city that has adopted a major thoroughfare, parks and public open space plan for the territory within the city limits and for the territory within three miles of the city, or any portion thereof, and has adopted subdivision regulations may exercise extraterritorial jurisdiction for a distance of up to three miles of its corporate limits if county or township zoning is not in effect within the area as provided in Section 711.09 of the Ohio Revised Code. The city planning commission may receive advice from the county planning commission upon all subdivision plats located within three miles of the corporate limits.

Section 105.3

The county planning commission and the city with subdivision regulation jurisdiction over unincorporated territory within Muskingum County may agree, in writing, that the approval of the plat by the city, as provided in Section 711.09 of the Ohio Revised Code, shall be conditioned upon receiving advice from or approval by the county planning commission.

Section 106 Relation to Other Laws

Section 106.1

The provision of these Regulations shall supplement the laws of the State of Ohio, other resolutions adopted by the board of county commissioners or township trustees, or the rules and regulations promulgated by authority of such law or resolution relating to the purpose and scope of these Regulations.

Section 106.2

No subdivision plat shall be approved for recording until the requirements of these Regulations have been met and certification thereof has been endorsed upon the plat by the appropriate reviewing authority.

Section 106.3

Whenever the requirements of these Regulations are at variance with the requirements of other lawfully adopted rules, regulations, or resolutions, the most restrictive or that imposing the highest standard shall govern. These Regulations shall be interpreted as minimum requirements.

Section 106.4

Whenever a township or part thereof has adopted a county or township zoning resolution, under Chapter 303 or 519 of the Ohio Revised Code, all proposed subdivisions shall meet the requirements of said zoning resolution, as well as the provisions of these Regulations.

Section 107 Validity and Separability

If, for any reason, any clause, provision or portion of these Regulations shall be held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect validity or legality of these Regulations as a whole, or any part thereof, other than the part so held to be invalid. These Regulations shall not abate any legal action pending under prior subdivision regulations and shall not interfere with other applicable laws and regulations or with deed restrictions.

Section 108 Saving Provision

These Regulations 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 these Regulations, or as vacating or

annulling any rights adopted by any person, firm, or corporation by lawful action of the county except as shall be expressly provided for in these Regulations.

Section 109 Enactment

These Regulations shall become effective from and after the date of their approval, adoption, or amendment by the county planning commission and the board of county commissioners after public hearing and certification to the county recorder as required by Chapter 711 of the Ohio Revised Code. Henceforth, any other regulations previously adopted by Muskingum County shall be deemed to be repealed. These Regulations shall in no way affect any subdivision having received preliminary plan approval prior to the effective date of these regulations or any amendment thereto, provided, however, that no changes to the preliminary plan, as approved, are introduced by the subdivider.

Article II

ADMINISTRATION

Standards

Section 200 Administration, Enforcement and Interpretation

The Muskingum County Planning Commission shall administer and enforce these Regulations. The planning commission, assisted by other government agencies, legal counsel, and through other advice it may solicit, shall administer and enforce these Regulations. Discretionary, conflicting, or disputed aspects of these Regulations shall be interpreted by the planning director or other individual designated by the county commissioners or planning commission.

Section 200.1 Recommendations to Township Zoning Commissions

In accordance with ORC 519.12 and pertaining to Sections 102.2 and 106.4 of these regulations, all proposed zoning changes submitted to either a board of township trustees or a township zoning commission shall first receive a recommendation from the planning commission in the form of approval, denial, or modification.

Section 201 Reservations and Repeals

Upon the adoption of these Regulations, according to law, the Subdivision Regulations of Muskingum County previously adopted, as amended, are hereby repealed, except as to those sections expressly retained in these Regulations.

Section 202 Amendments

The planning commission may amend, supplement or change these Regulations in accordance with the appropriate sections of the Ohio Revised Code. However, the planning commission may only amend, supplement or change regulations, requiring the actual construction of improvements, or posting of performance guarantees, after review and adoption by the county commissioners.

203 Variances, Exceptions and Waiver of Conditions

An application for relief will be denied if an owner requests it merely for their own convenience, such as when the land is not usable due to error or poor assumptions on the owner's part, or when the only supporting evidence is that compliance would add significantly to development costs.

An application will not be considered unless all feasible options complying with these regulations have been exhausted. Furthermore any variance application shall conform to the spirit of these Regulations.

Where, due to exceptional topographic or other physical conditions, the planning commission finds that extraordinary and unnecessary hardship may result from strict application of these Regulations, or the purposes of these Regulations may be served to a greater extent by an alternative proposal, it may approve variances, exceptions, and waivers of conditions, provided that they will not be detrimental to the public health, safety, or welfare or injurious to other properties. The Board of County Commissioners can only make variances for roadway specifications and construction standards.

The planning commission may provide recommendations regarding variances.

Such variances shall not have the effect of nullifying the intent and purpose of these Regulations, the comprehensive plan, or the zoning resolution, when they exist.

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

Section 204 Expiration or Extension

Failure to comply with stated time periods of these Regulations shall result in the expiration of the application and associated planning commission approvals. Before expiration, the subdivider may provide the extension and a letter stating why these time periods cannot be met and requesting their extension (extensions are set forth in the appendix).

The subdivider is solely responsible for knowing expiration dates and meeting or extending them in accordance with these Regulations. The planning commission shall have no duty, obligation or responsibility to remind or notify subdividers of approaching expiration dates.

Section 205 Voided Applications

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

Section 206 Recording of Plat

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

Section 207 Revision of Plat after Approval

No change, modification, or revision shall be made in any plat of a subdivision after approval has been given by the planning commission, and endorsed in writing on the plat, unless said plat is first resubmitted to the planning commission.

Section 208 Fees

The board of county commissioners shall establish a schedule of fees, charges, expenses, and collection procedures for administration of these Regulations. The schedule of fees shall be posted in the office of the planning commission. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application, extensions or appeal.

The subdivider shall be solely responsible for submittal of the plat and payment of fees to the local agency having jurisdiction regarding review and/or approval of proposed improvements, including water, sanitary sewage facilities, and storm water maintenance.

Section 209 Violations and Penalties

Whoever transfers, or leases for a period of more than five years any lot, parcel or tract of land from a plat of a subdivision before such plat has been recorded in the office of the county recorder or that violates these regulations shall forfeit and pay the sum of not less than ten dollars (\$10) nor more than five-hundred dollars (\$500) 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. No building permit shall be issued for the construction of any building or structure located on a lot or plat, subdivided or sold in violation of the provisions of these Regulations, nor shall the county have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these Regulations.

Section 210 Appeal

Any person who believes he or she has been aggrieved by these Regulations or the actions of the planning commission has all rights to appeal as set forth in Chapter 711 of the Ohio Revised Code or any other applicable section.

Section 211 Representation of Application

Any application that is required to go before The Board of the Muskingum County Planning Commission shall be represented by one or more persons responsible for the development. If no representative is present at the assigned meeting, the application may be tabled until the next regular meeting of the Planning Commission. If no representative is available at the second meeting the application will be withdrawn.

Article III

MINOR LOT SPLIT APPLICATION PROCESS AND REQUIREMENTS

Standards

Section 300 Purpose

The purpose of this article is to establish the procedure for review and approval of subdivisions, as authorized under Chapter 711 of the Ohio Revised Code. The procedure is intended to provide orderly and expeditious processing of such applications.

Section 301 General Procedure

Before any land is subdivided the owner of the property, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures:

Section 301.1

Lot Split or Minor Subdivision: For lots less than five acres that lie along existing road frontage, These shall be processed by an individual designated by the planning commission and require a survey drawing, a deed with a legal description, fees, and may include a sketch plat as recommended by the planning commission. (Sections 302-307)

Section 301.2

Platted Subdivision or Major Subdivision: These involve approval actions by the planning commission. The approval process for a major development, whether a subdivision, cluster development, or planned unit development (PUD), is essentially the same, and includes three principal steps: an optional sketch plan, an optional preliminary plan, and a final plat. (Sections 302-322)

Section 301.3

Large Lot approval: For the lots from five to twenty acres in size that lie along existing road frontage. (Section 303)

Section 302 Outline of Conditions for Minor Subdivision

Approval without a plat of a minor subdivision may be granted by a designated representative of the planning commission if the proposed subdivision of the parcel of land meets all of the following conditions:

Section 302.1 Division Restrictions

The proposed division of a parcel of land as shown on the last proceeding tax duplicate involves no more than five (5) lots, after the original parcel has been completely subdivided, any one of which is under twenty (20) acres (inclusive of the remainder parcel).

A split of any given acreage may be assessed by the Muskingum County Planning Commission if the split results in a remaining tract of land, hereon referred to as “the remainder”, containing less than twenty (20) acres. If it is determined by the Muskingum County Planning Commission or an individual acting in their stead, that the remainder in question is to be used as a separate building site all applicable lot split fees associated will be applied. If the remainder is not in accordance with these regulations the applicant may be required to file a variance as set forth in section 203 of these regulations.

Section 302.2 Width to Depth Ratio

Minor lot splits shall conform to the width to depth schedule as set forth in this section. All calculations shall be made from actual road frontage. Oddly shaped lots shall be calculated by a designated representative of the planning commission.

Variable Width to Depth Ratio Schedule:

Acres	Ratio
0.01 -3.49	1:3
3.50 +	1:4

Section 302.3 Road Frontage

The proposed subdivision is along an existing public street, and involves no opening, widening or extension of any street or road. The minimum road frontage required for a minor lot split is 50’.

Section 302.4 Other Agency Regulations

The proposed division is not contrary to applicable subdivision, zoning or other regulations or has received any necessary variances

Section 302.5 Other Agency Approvals

The proposed subdivision is approved by the zoning inspector, (where applicable), Ohio Environmental Protection Agency (for special sanitary districts), local health department, the county engineer, and others as may be applicable.

Section 302.6 Paperwork Requirements

The property has been surveyed and a survey plat and a legal description of the property approved by the Muskingum County Map Department are submitted with the application. All submissions shall be made on Legal Size (8 ½” x14”) paper.

Section 303 Minor Subdivisions – Large Lot Divisions

Section 303.1 General.

The purpose of this Section 306.1 is to establish the procedure for review and approval of large lot subdivisions as authorized under ORC § 711.133.

The No Plat Approval Procedure for Large Lot Divisions (NPA-LL) may be used to request a proposed division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road, and involving the establishment of any lot ranging in size from not less than five (5) acres to not more than twenty (20) acres. A proposed division of land under and in compliance with this Section 303 shall not be considered a subdivision for purposes of ORC § 711.110(B) (1) and need only be approved under the provisions of this Section 303.

A NPA-LL application shall be filed by the landowner or designated representative. In addition to the submittal requirements set forth below, the application shall include the proposed deed(s) for the new lots identifying Grantor and Grantee (if known) with survey drawing and legal description, the signed and completed application form, and required fee.

Section 303.2 Pre-Application Conference.

Prior to filing a formal NPA-LL application, an applicant is encouraged to request an informal discussion with Commission staff to discuss the procedure for approval and to familiarize the applicant with applicable requirements. It is suggested that the applicant submit a scale drawing that includes the following information:

1. Location map;
2. Ownership of property;
3. Existing and proposed public roads and easements;
4. Existing structures;
5. North arrow;
6. Outline of areas to be divided;

7. Approximation of proposed lot lines and dimension;
8. Important natural features and drainage ways; and
9. Information concerning storm drainage, sewage treatment, water supply, and other facilities that impact on the development

Section 303.3 Survey Requirement.

No division of land involving a metes and bounds description shall be approved or exempted unless it is accompanied by a survey and legal description certified by a Professional Surveyor licensed in the State of Ohio. The survey must meet the Minimum Standard for Boundary Surveys, Administrative Code 4733-37, and the survey and description must be approved by the County Engineer's Map Department.

Section 303.4 Application Submittal Requirements.

A NPA-LL application shall include the following information and materials:

1. Existing/proposed buildings; well; location/type of household sewage treatment system;
2. New or additional roadway easements and/or utility easements: easements must be conveyed and recorded by a separate instrument prior to the recording of the NPA-LL Subdivision;
3. Appropriate floodplain status information showing areas within the 100-year floodplain/floodway;
4. Access points in accord with adopted access management standards or Ohio Department of Transportation driveway approval if access is to a state highway;
5. Recording data for minor subdivision deeds previously approved from the original tract parcel;
6. Written endorsement of the minor subdivision from health and zoning authorities;
7. A plan illustrating all minor subdivisions and/or lot splits of adjacent parcels within the past year, and recording date of each;
8. The subdivider shall mark proposed lot corners with stakes and colored flagging;
9. Boundary survey by a professional surveyor;
10. An approved survey and legal description prepared by a professional surveyor (approved by the Muskingum County Map Department);
11. All applicable fees.

Section 303.5 Review and Approval

If the Commission, acting through an individual designated by the Commission finds that the proposed division is not contrary to any applicable zoning, health, sanitary, or access management regulations, regulations adopted under ORC § 307.37(B) (3) regarding existing surface or subsurface drainage, including, but not limited to, rules governing household sewage treatment systems or the regulations set forth in this Section 303, it shall be approved in accordance with the following schedule:

1. For proposed divisions into not more than six (6) separate parcels, approval shall be within seven (7) calendar days after its submission;
2. For proposed divisions into more than six (6) separate parcels but less than fifteen (15) parcels, approval shall be within fourteen (14) calendar days after its submission;
3. For proposed divisions into fifteen (15) parcels or more, approval shall be within twenty-one (21) calendar days after its submission.

The burden is upon the applicant to demonstrate compliance with these Regulations. Incomplete or deficient proposals shall be disapproved and the applicant notified of issues and reasons for disapproval.

Upon presentation of an approved conveyance of said parcel, the conveyance shall be stamped “Approved by Muskingum County Planning Commission; No Plat Required Under ORC § 711.133,” and signed and dated by the Commission staff.

NPA-LL deeds shall be recorded within one year (365) days from the date of approval, or the approval expires. Upon the expiration of the approval, any proposed division of the subject tract shall be filed and processed as a new application under Section 306.1.

Section 303.6 Agricultural and Personal Recreational Purposes Exemption

A proposed division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road, and which meets the acreage requirements set forth in Section 303 but which is to be used only for agricultural or personal recreational purposes (as hereinafter defined) shall be exempt from the NPA-LL approval requirements. Upon presentation of a conveyance of such a parcel, the conveyance shall be stamped “Approved by Muskingum County Planning Commission; No Approval or Plat Required under ORC § 711.133; **FOR AGRICULTURAL AND PERSONAL RECREATIONAL USE ONLY,**” and signed and dated by the Commission staff. The conveyance shall include a statement “No change in use shall occur unless approved by the Muskingum County Planning Commission in accordance with applicable subdivision regulations”.

Nothing in this Section 303 shall be construed as excluding parcels that are exempt under this procedure that are currently being used only for agricultural or personal recreational purposes from the provisions of these Regulations for any future division or partitions of those parcels.

When parcels that are exempt from the approval requirements under this Section 303 are subsequently to be used for other than agricultural or personal recreational purposes, Commission staff shall first determine that such a parcel complies with the regulations set forth in Section 303.

An exemption under this Section 303 shall require a statement, signed by the land owner, that certifies that the proposed parcel will only be used for agricultural or personal recreational purposes, and that any subsequent change in use shall require that the Commission staff first determine that the parcel complies with the then current provisions of Section 303.

For purposes of Section 303 the terms “agricultural purposes” and “personal recreational purposes” shall be defined as follows:

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

2. Personal Recreational Purposes – a parcel or parcels that are devoted exclusively to personal recreational use of a private type and nature that is conducted by the owner(s) of such parcel(s) or the individual(s) entitled to exclusive use and possession of such parcel(s), without fee or consideration of any kind, excluding any commercial or membership recreational type of use whether or not for fee or profit.

Section 304 Administrative Procedure and Approval

Section 304.1

A minor subdivision or lot split application available at the planning commission office shall be filed by the landowner or designated representative. A complete application shall contain a survey drawing, a deed, a legal description for each lot being created, a fee as set forth in these Regulations, and a certification of approval by the local health department, zoning inspector, and others as may be applicable, access points in accord with adopted access management standards of the Ohio Department of Transportation, driveway approval if access is to a state route.

Section 304.2

After the split has been given approval by all other departments with review responsibility, the deed, a copy of the health department approval and a copy of the survey drawing is then checked by the designated representative of the planning commission for its conformity with these Regulations. The designated representative of the planning commission shall stamp and sign the deed “approved-minor subdivision”, if the lot in question meets all requirements as specified above, within seven (7) working days after submission.

Section 304.3

The deed shall then be taken to the county auditor for the transfer of property and then to the county recorder where it will become a legal lot of record. Lot split requests expire if the deed is not recorded within (1) year of initial fee payment.

Section 304.4

Incomplete or deficient proposals shall be disapproved and the subdivider notified of issues and reasons for the disapproval.

Section 305 Submission Requirements

The application for minor subdivision shall include the following:

Section 305.1

The survey shall conform to the minimum standards for boundary surveys in the State of Ohio (OAC4733-37).

Section 305.2

Survey boundaries and lot lines drawn on a survey plat not to exceed 18” X 24”. All dimensions shall be shown in feet and hundredths of feet.

Section 305.3

Location of monuments and their descriptions.

Section 305.4

Location and size of all existing buildings, if no buildings exist state “no buildings exist”.

Section 305.5

A copy of the deed, whereby the current owner(s) obtained title to the land as well as copies any deed(s) of subsequent out conveyances.

Section 305.6

Areas within the 100-year floodplain and within floodways, as determined from flood studies or by scaling from mapping provided by the Federal Emergency Management Agency, shall be delineated. If not in a flood plain, state “not in a flood plain”.

Section 305.7

All of the above shall be provided by a surveyor.

Section 305.8

Other items or provisions deemed necessary by the planning commission.

Section 306 Repealed

Section 307 Transfer of Property between Adjoining Owners

Where a transfer of property between adjoining owners, which is less than 20 acres in size, results in a residual parcel, which is less than 20 acres, said residual parcel shall be subject to the requirements of these Regulations; and, the transfer of property shall be approved only if the residual meets these Regulations. The grantees’ names on the deed shall match the ownership of the adjacent parcel being enlarged by the transfer. Deeds for combining acreage shall include the notation: “Not to be used as a separate building site or transferred as an independent parcel in the future without planning commission approval in accordance with applicable subdivision regulations. Parcel to be combined to Auditor’s Parcel Number - - - - .”

Article IV

MAJOR SUBDIVISION APPLICATION REQUIREMENTS

Standards

Section 400 Conditions for Major Subdivisions

A proposal involving any of the following shall be subject to major subdivision procedures:

Section 400.1 General Provisions

- A. More than five (5) lots, any one of which is less than twenty (20) acres, including the original tract
- B. Creation, widening or extension of a street or access easement
- C. Subdividing platted land to create additional building lots in a recorded subdivision.

Section 400.2 Submission to Ohio Department of Transportation

Any plan within (300) feet of the centerline of a state highway requires the planning commission to give notice by registered or certified mail to the Ohio Department of Transportation. If the Ohio Department of Transportation notifies the planning commission that the Ohio Department of Transportation is planning

improvements in any portion of the submitted plan area, the planning commission shall refuse to approve the plan.

Section 400.3 Submission to Township Trustees

Within five days after the submission of a plat for approval, the planning commission shall schedule a meeting to consider the plat. It shall send written notice by regular mail to the clerk of the board of township trustees of the township in which a proposed plat is located. The notice shall inform the trustees of the submission of the proposed plat and of the date, time, and location of any meeting at which the planning commission will consider or act upon the proposed plat.

Section 400.4 Grading of Site Prior to Final Approval

The developer may begin earth excavation and construction in accordance with the grades and elevations required by an approved preliminary plan.

Section 400.5 Model Homes

For the purpose of allowing the early construction of model homes in a subdivision, the planning commission, in its sole discretion, may permit a portion of a major subdivision involving no more than (2) lots to be created in accordance with the procedures for minor subdivision, provided the portion has access from an existing township, county, or state highway, and provided no future road or other improvements are anticipated where the lots are proposed. An application for minor subdivision or lot split shall be submitted to the planning commission simultaneously with the preliminary plan for the entire major subdivision. Subsequent to preliminary approval, the model homes may be constructed, subject to such additional requirements as the planning commission may require.

Section 400.6 Pre-Application Conference (Optional)

Prior to preparing a sketch plan, the subdivider may request an informal discussion with the designated representative of the 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 prevention, and the availability of existing utility services.

Section 400.7 Posting Notice of Development/ Subdivision

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.

The developer or an agent in his stead shall have the sign placed in the following manner within five (5) calendar days of submittal of either Preliminary Plan or Final Plat, whichever is filed first. The notice sign shall be a minimum 24 inches by 36 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 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.
For more information call the Muskingum County Planning Commission at 740.455.7925.”***

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.

The application may combine a pre-application conference with the sketch plan. The sketch plan shall include: a completed and signed application form, fourteen (14) copies of the sketch plan, and may include a fee as set forth in the appendix.

SECTION 401 Major Subdivision Sketch / Preliminary Plan Standards

Section 401.1

Submission Requirements

Sketch plans (**preparation is optional**) submitted to the 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. Review sections 400, 401.4 and 401.5 of these regulations and make known in writing if any of the sub sections may need to be reviewed prior to the preliminary or final plat submission.

Section 401.2 Preliminary Plan (Optional)

The developer may submit a preliminary plan for review and tentative approval prior to the formulation and submittal of detailed construction drawings. 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 planning commission for review and approval as detailed in these Regulations.

Section 401.3 Preliminary Plan Form

The preliminary plan application shall contain:

- A. Complete application form available from the planning commission.
- B. Signed variance application form and fee set forth in the appendix (if applicable).
- C. Copies of the preliminary plan containing all required information.
- D. One set of conceptual subdivision improvement plans, provided that completed design drawings shall be required at a later time.

Section 401.4 Preliminary Plan Content

The preliminary plan shall contain the following information:

- A. Proposed name of the subdivision, location by section, range, township or other survey.
- B. Boundaries and acreage.
- C. Name, address and telephone number of the owner, subdivider, professional surveyor and professional engineer with appropriate numbers and seals.
- D. Date of survey, scale of the plat, north arrow, legend and a vicinity map of a scale not less than 2000 feet to an inch.
- E. Name of adjacent subdivisions, owners of adjoining parcels, and location of common boundary lines, extended to 200 feet beyond the boundary of the subdivision.
- F. Topographic contours with intervals no greater than 2 feet at 5% slope, no greater than 5 feet for slopes over 5% and less than or equal to 15%, and no greater than 10 feet for slopes greater than 15%.
- G. Location, width, and names of existing streets, railroad rights-of-way, easements, parks, buildings, corporation and township lines; wooded areas, water courses, drainage patterns, and water bodies.
- H. Topographic features within and adjacent to the plat for a minimum distance of 200 feet unless access to adjacent property has been denied the professional surveyor.
- I. Location of floodways, floodplains, current and abandoned mining activity, and a good faith effort to identify other potentially hazardous areas.
- J. A good faith effort to identify the location of environmentally sensitive areas.
- K. A good faith effort to identify the soil types, derived from the USDA Soil Survey.
- L. A good faith effort to identify the layout, number, dimensions of each lot, and setback lines (a note listing setback dimensions may be added in lieu of showing setback lines if the plan will be made more legible). Reference section 505.1 of These Regulations for lot arrangement and setback details.
- M. Parcels of land reserved for public use or reserved by covenant for residents of the subdivision.
- N. Point of ingress/egress or driveway locations and the distance to any existing driveway(s).
- O. Type of water supply and wastewater disposal proposed, approximate locations and dimensions of all proposed utilities and sewer lines, easements, drainage tiles, water mains, or other underground utilities within the tract or adjacent thereto.
- P. Known cemeteries, historical or archeological sites.
- Q. Copy of proposed covenants and restrictions, and a schedule outlining the order of development of each section or phase of the subdivision.

Section 401.5 Additional Information for the Preliminary Plan

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

- A. Statements of proposed use of lots, giving type and number of dwelling units and/or type of business or industry.

- B. 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.
- C. A drawing of all present and proposed grades and facilities for storm water drainage in cases where natural drainage is altered.
- D. A feasibility study on sewer and water facilities.
- E. Screening, buffering and/or noise abatement measures.
- F. Typical cross-sections and centerline profiles for each proposed street, and preliminary engineering designs of any new bridges or culverts proposed in the project.
- G. Other information, studies, items, or provisions deemed necessary or prudent to create buildable sites and to promote the public health, safety, and welfare.
- H. If any improvements are to be made within a publicly dedicated right of way, the applicant must make full disclosure of these plans at the earliest possible step in the review process. In the event of such improvements being proposed an application may be held from consideration until such a time that an agreement is reached between the applicant and the jurisdictional body responsible for said right of way.

Section 401.6 Public Hearing

The planning commission, prior to acting on a preliminary plan of a subdivision, may hold a public hearing at such time and upon such notice as the planning commission may designate.

Section 401.7 Filing

The preliminary plan shall be considered officially filed after it is examined by the designated representative of the planning commission and is found to be in full compliance with the formal provisions of these Regulations. The subdivider shall be notified by mail within five (5) days as to the date of official filing, which begins the thirty (30) day review period, and the meeting at which the plan shall be reviewed.

Section 401.8 Reviews and Approval of Preliminary Plans

The planning commission shall forward copies of the preliminary plan to such officials and agencies as may be necessary for the purpose of study and recommendation. After receipt of reports from such officials and agencies, the planning commission shall determine whether the plan will be approved, approved with modifications, or disapproved. The reasons for such disapproval shall be stated in writing.

The planning commission shall act on the preliminary plan within thirty (30) days after filing unless such time is extended by agreement with the subdivider. Approval of the preliminary plan shall be conditioned on compliance with all other applicable resolutions and regulations.

Section 401.9 Preliminary Plan Expiration

The approval of the preliminary plan by the planning commission shall be effective for a maximum period of one (1) year from the date of its approval unless an extension of the approval has been granted in writing by the planning commission. If the final plat application is not accepted within one (1) year, the preliminary plan approval shall expire and become void.

Section 401.10 Preliminary Plan Recall

The designated representative of the planning commission may recall unplatted portions of the preliminary plan for consideration, and reapproval, modification, or disapproval by the 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.

SECTION 402 Major Subdivision Final Plat Standards

Section 402.1 Final Plat Procedures

Having received the approval of the preliminary plan, if applicable, the subdivider shall submit a final plat application containing all changes required by the planning commission in the preliminary plan.

A professional surveyor shall prepare the final plat, and the design for construction of improvements prepared by a professional engineer licensed to practice in the State of Ohio. Within five calendar days of submission, staff shall accept and schedule the plat for the next appropriate meeting of the planning commission and notify the township in accordance with Section 711.10 of the ORC and this Section of these Regulations. Notification shall also be given to other appropriate agencies and officials.

A complete application shall contain:

- A. Complete and signed application form available from the planning commission with the fee as set forth in the appendix.
- B. Original plat document signed by the subdivider and lien holder with notary and seal and the professional surveyor with seal.
- C. Plat, signed by applicable zoning, health, sanitary and other government authorities.
- D. Fourteen (14) sets of copies of the final plat and one (1) reproducible tracing of the plat. (The 14 sets of copies may be reduced to a smaller paper size, as long as they remain legible.)
- E. Three (3) sets of approved construction drawings and engineering specifications as required for grading, streets, storm water management, waterline, sanitary sewer, and other improvements. Applicants are encouraged to file the application for final plat approval only after the appropriate authority approves construction drawings and engineering specifications. Failure to do so shall result in non-acceptance of the application.
- F. Supplementary and additional information as required by these Regulations.

Section 402.2 Final Plat Form

The final plat shall be submitted in 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 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 producing blue or black line paper prints.

C. 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.

D. The planning commission requires the final plat to be filed in a digital format.

Section 402.3 Final Plat Contents

The final plat shall contain the following information:

A. Subdivision name, location by section, range, township or other accepted survey district.

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. A vicinity map showing general location of subdivision.

D. Name, address and telephone number of owner, subdivider, professional surveyor and professional engineer with appropriate numbers and seals.

E. Plat boundaries, based on accurate traverse, with angular and linear dimensions determined by an accurate control survey in the field. All lot lines shall be shown with accurate dimensions in feet and hundredths.

F. Layout, number, dimensions of each lot, and set back lines (a note listing setback dimensions may be added in lieu of showing setback lines if the plat will be made more legible). Reference section 505.1 of These Regulations for lot arrangement and setback details.

G. 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 replat.

H. Bearings and distances to the nearest established street lines, and accurate location and description of all monuments.

I. Names, locations, dimensions, rights-of-way of all existing and proposed streets and railroads within and adjoining the plat. Radii, internal angles, points of curvature, tangent bearings, length of arcs, and lengths and bearing of chords of all streets.

J. Locations and dimensions of all easements and rights-of-way, with dimensions, purposes and wording addressing the purpose of such easements or rights-of-way.

K. Location of all streams, rivers, canals or lakes, and flood hazard boundaries of the area.

L. Base flood elevations and flood zone areas available from Federal Emergency Management, (FEMA) shall be shown.

M. A copy of any restrictive covenants, and other notes, items, restrictions, or provisions required by these Regulations, the planning commission or its designated representative, or other plat signing authority.

N. A statement or table showing total acreage in the subdivision and total acreage of lots, roads, open space, easements and other types of uses.

O. Spaces for all signatures required by Article 9.

Section 402.3 A. Additional Information for Final Plat

The following information shall be supplied in addition to the above-required data:

1. If a zoning change is involved, certification from the appropriate township or county zoning inspector shall be required indicating that the change has been approved and is in accordance with the requirements of the zoning resolution.
2. A letter from the permitting agency indicating that a driveway permit has been issued or will be issued by the office of the county engineer or Ohio Department of Transportation on existing roads.

Section 402.4 Filing

The final plat shall be filed with the 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 is requested by the subdivider and granted in writing by the planning commission. The final plat shall be filed at least thirty (30) days prior to the meeting at which it is to be considered.

SECTION 403 Major Subdivision Planning Commission Post Approval

Section 403.1 Planning Commission Action

Before any final plat is approved, the Ohio Department of Transportation must be notified as required by Section 319 of these Regulations.

The planning commission shall act on the final plat within thirty (30) days after filing, unless such time is extended by agreement with the subdivider, the final plat is withdrawn or a delay-of-action is requested and granted. Conditional approval of a final plat shall be limited to minor clerical and other nonsubstantive errors as determined by the planning commission. If disapproved, the reason shall be stated in the record of the planning commission. Failure of the planning commission to act upon the final plat within such time shall be deemed an approval of the plat. If disapproved, the subdivider shall make the necessary corrections and resubmit the final plat, within thirty (30) days, to the planning commission for its final approval. If a final plat is refused by the planning commission, the person resubmitting the plat, which the planning commission refused to approve, may file a petition within sixty (60) days after such refusal in the court of common pleas of the county in which the land described in said plat is situated.

Section 403.2 Public Improvements

Prior to the granting of approval of the final plat, the planning commission may require that all public improvements be installed prior to the signing of the final plat. If the 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 a performance guarantee for the ultimate installation of said improvements. The requirements, approval and length of term for the performance guarantee shall be determined by the planning commission.

Section 403.3 Final Plat Expiration

The subdivider shall record the final plat within 60 days of final approval; otherwise the final plat approval shall expire and become void.

Section 403.4 Signing, Recording and Transmittal of Copies of Final Plat

When a final plat has been approved and all conditions for approval have been satisfied, the designated representative of the planning commission shall sign the certificate of approval on the original tracing and return the same to the subdivider. The subdivider shall, within 60 days, submit a copy of the approved plat for processing by the county tax map

department, county auditor, and filing with the county recorder. It shall be the responsibility of the subdivider to gain all necessary certifications before filing the plat with the county recorder. The subdivider shall provide the planning commission with a paper copy of the approved plat. After the plat is recorded, the original plat or an archival quality reproducible reproduction shall be filed with the county recorder. Any office may require the submission of the final plat in digital or computer format.

Section 403.5 Final Plat Amendments

Procedures and requirements for changing a planning commission-approved final plat (signed, unsigned, recorded or unrecorded) shall be specified by the planning commission in keeping with the spirit, intent and purpose of these Regulations. Amendment of the preliminary plan (if one was submitted) may be required before or concurrent with amendment of the final plat. Amendment fees are set forth in the appendix.

Article V

DESIGN AND CONSTRUCTION STANDARDS

Standards

Section 500 General Purpose

The purpose of good subdivision and site design is to create a functional and attractive development, minimize adverse impacts, and ensure that a project will be an asset to the county and township. To promote this purpose, the subdivision shall conform to this article's standards that are designed to result in a well-planned community without adding unnecessarily to development costs. These design controls shall help insure creation of convenient and safe streets, usable lots, space for public purposes, and will minimize the undesirable features of unplanned, haphazard growth. The planning commission has the responsibility for reviewing the design of each subdivision early in its design development to insure that all the requirements of these Regulations are addressed.

Section 501 Suitability of Land

If the planning commission finds that land proposed to be subdivided is unsuitable for subdivision development due to poor drainage, flood hazard, topography, inadequate water supply, landslide potential, unstable subsurface conditions due to underground mining or other reasons and other such conditions which may endanger health, life, safety, or property; and, if by any public agencies concerned it is determined that in the best interest of the public the land should not be developed for the purpose proposed, the planning commission shall not approve the subdivision unless adequate methods for solving the problems are advanced by the subdivider. For major subdivisions a written statement may be required by the planning commission describing characteristics of the development site, such as bedrock geology and soils, topography, flood prone areas, existing vegetation, structures and road networks, visual features, and past and present use of the site.

Section 502 Conformance to Applicable Rules and Regulations

In addition to the requirements established in these Regulations, all subdivisions shall comply with the following:

Section 502.1

All applicable county or township zoning resolutions and all other applicable laws in which the subdivision is to be located.

Section 502.2

The comprehensive plan, public utility plan, and capital improvement programs, including plans for all streets, drainage systems, and parks shown on the comprehensive plan as adopted by the county.

Section 502.3

The special requirements of these Regulations and any rule of the health department and/or appropriate state agencies.

Section 502.4

The rules of the Ohio Department of Transportation if the subdivision or any lot contained therein abuts a state highway or connected street.

Section 502.5

The standards and regulations adopted by the county engineer, and all boards, agencies and officials of the county.

Section 503 Subdivision and Site Design

Design of the subdivision shall take into consideration existing county, municipal and regional comprehensive plans, and shall be based on a 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 alterations of natural features. The following specific areas shall be preserved as undeveloped open space, to the extent consistent with the reasonable utilization of land, and in accordance with the U.S. and Ohio Constitutions and state or federal regulations:

Section 503.1

Unique and/or fragile areas, including wetlands, as may be defined in Section 404, Federal Water Pollution Act, as amended; and in Ohio Environmental Protection Agency standards.

Section 503.2 Floodplain Management

Flood prone areas shall be defined as those specified on the Federal Emergency Management Agency (FEMA) Flood Hazard Map, or those soils defined in the United States Department of Agriculture (USDA) Soil Survey of Muskingum County.

It is the intent of the Muskingum County Planning Commission to provide safe forms of development for the people of Muskingum County. Keeping with these principals, an application for a major or minor subdivision where one or more tracts of land have fifty percent (50%) or more of their mass located in a flood prone area shall apply for variance under section 203 of these regulations. With the submittal of the variance application the applicant must supply the Final Special Flood Hazard Area Development Permit that is obtainable from the Mid East Ohio Building Department. As well as documentation from the Zanesville-Muskingum County Health Department and all other paperwork set forth in articles three and four.

Section 503.3

Steep slopes in excess of fifteen (15) percent unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken into account.

Section 503.4

Habitats of endangered wildlife, as identified on federal and state lists.

Section 503.5

Historically and culturally significant structures and sites, as listed on the National Register of Historical Places.

Section 503.6

Land located within 300 feet of an existing oil or gas well.

Section 503.7

Land located within 20 feet of public or private cemeteries.

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. The placement of buildings in residential developments shall take into consideration topography, building height, orientation and drainage.

Section 503.8

Land located on areas defined by any governmental entity to contain or have once contained an active or abandoned underground mine, or such lands that are within five hundred feet of an active or proposed surface mine.

Section 504 Blocks

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

Section 504.1

The arrangements of blocks shall conform to the street design criteria set forth in these Regulations.

Section 504.2

Blocks shall be arranged to accommodate lots and building sites of the size and character required by these Regulations and any applicable zoning resolution, to provide for adequate community facilities, and with regard of the limitations and opportunities of topography.

Section 504.3

Irregularly shaped blocks, blocks intended for cul-de-sacs and loop streets, and blocks containing interior parks and playgrounds may be approved by the planning commission if properly designed and located.

Section 504.4

No block shall be larger than (1400) feet, or (12) times the minimum lot width required in the zoning district, and no less than (800) feet. Cross streets shall be provided between blocks.

Section 504.5

Where blocks are more than (900) feet in length, a walkway easement not less than (10) feet in width at or near the halfway point of the block may be required between streets.

Section 504.6

Blocks in the traditional gridiron pattern should consist of two tiers of lots and an easement may be included to separate them.

Section 504.7

Through lots (extending from one parallel street to the other) shall be discouraged to avoid problems between adjoining owners, and to reduce the number of streets.

Section 505 Lot Improvements

Section 505.1 Lot Arrangement and Dimensions

A. Lot arrangement, design and dimensions shall be such that all lots will provide satisfactory building sites. Driveway access to buildings on the lot shall be from a dedicated public street (existing or proposed or on a private street meeting public street standards). Lots shall be properly related to topography and the character of

the surrounding development, and shall be in compliance with the county or township zoning resolution and health regulations for the district in which they are located and for the use for which they are intended.

B. The planning commission, upon recommendation from the health department may increase the size of any or all lots in the subdivision, or may deny approval of the subdivision.

C. Dimensions of corner lots shall be large enough to allow the erection of buildings, observing the minimum front-yard setback from both streets.

D. The building setback for all lots shall be a minimum of thirty (30) feet from the edge of the right of way.

E. The offset for side lot lines shall be a minimum of ten (10) feet.

Section 505.2 Lot Orientation

A. Residential lots shall front on a dedicated public street (existing or proposed) or on a private street meeting public street standards. All side lot lines where practicable should be at approximate right angles to street lines or radial to curving street lines, unless a variation from these rules will give a better street or lot plan. Variations are permitted to accommodate barriers such as streams and existing utility easements. However, side lot lines shall not deflect more than (30) degrees from the perpendicular in relation to street centerlines. 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 resolution or these Regulations.

B. The lot line common to the street right-of-way shall be the front line. All lots shall face the front line and a similar line across the street. Wherever feasible, lots shall be arranged so that the rear line does not abut the sideline of an adjacent lot.

Section 505.3 Double Frontage Lots and Access to Lots

A. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. Residential lots abutting arterial or collector streets, where marginal access streets are not desirable or possible to attain, shall be designed as reverse lots or with side lot lines parallel to the major traffic streets.

These requirements may be waived by mutual consent of the planning commission and the county engineer.

B. Lots may not be created by dividing land at the end of stub streets in adjacent subdivisions, such stub streets being intended to promote continuity of street systems in adjoining subdivisions.

C. Fifty (50) feet (minimum) of additional lot depth or a buffer strip in accordance with the landscape standards herein may be required where a residential lot in a subdivision backs up to a railroad right-of-way, a high pressure gasoline or natural gas line, open drainage ditch, an arterial street or interstate highway, an industrial area or other existing land use which may have a detrimental effect on the residential use of the property, and where no local street is provided at the rear of such lot.

Section 506 Easements and Right of Ways

Section 506.1 Utility Easements

Location of utility line easements within the road right-of-way shall be located outside of the improved portion of the roadway. Utility easements may also be located along the front of line or centered on 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.

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 plan to all appropriate public utility companies.

Whenever practicable, the utilities shall be placed underground, according to the standards of the appropriate utility company.

Section 506.2 Residential Access Easements

Pursuant to section 400.1 (B) of These Regulations an application that proposes the extension or creation of an access easement shall be subject to the same criteria as a major subdivision, reference Article IV, V, VI, & VII.

In addition any and all parcels seeking the use of an easement for residential access must file for a variance for each lot so split, in the office of the Muskingum County Planning Commission (Reference: Section 203 of these Regulations). Also the applicant must meet the following criteria above and beyond previously mentioned regulations:

- A. A residential access easement must be a minimum of 50 feet in width and have a bearings and distances description of the centerline of said easement.
- B. A residential access easement may not exceed 660' (1/8th of a mile) in length
- C. All property owners along a proposed access easement will be required to enter into a maintenance agreement for general repair and preservation of the roadway surface. This plan must be approved by the Muskingum County Planning Commission and recorded as an exhibit with each deed so split on the easement.
- D. The applicant must demonstrate that the lack of road frontage for this parcel was not the direct result of poor or improper planning on behalf of the current owner.
- E. All other feasible access options in accordance with these Regulations have been exhausted and no other end can be made.
- F. The following statement shall be applied to the plat and legal description of a proposed lot split on a residential access easement:

"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."

- G. A physical inspection of the proposed access shall be inspected by the Fire Chief of the Jurisdiction in question, to determine if the roadway will be adequate for any emergency response equipment to reach all building sites without injury to the equipment. A feasibility report shall be made and submitted with the variance application.

Section 506.3 Commercial & Industrial Access Easements

Only in extreme circumstances shall an access easement from a dedicated roadway be granted for the use of commercial or industrial use. Where all other feasible access options in accordance with these Regulations fail to meet the needs of the development, an application for variance must be filed in the office of the Muskingum County Planning Commission (Reference: Section 203 of these Regulations). Included with the variance application shall be an easement schedule, therein explaining the terms of maintenance, and ownership of all roadways, approaches, curbs, walks, and all other improvements.

Section 506.4 Storm Water Easements

Easements shall be provided for storm drainage purposes. Such easements shall conform substantially with the lines of any natural water course, channels, streams or creeks which traverse the subdivision or for 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 maintenance, however shall not be less than twenty (20) feet. Provisions of an easement in no way make any political subdivision responsible for maintenance of storm water facilities. The plat shall specify the entity or person responsible for maintenance of storm water facilities.

Section 506.5 Hazards

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.

Section 506.6 Walk Ways

Walkways proposed in areas outside of street/road right of ways must be approved for the intended purpose and have adequate easement width.

Section 507 Standards for Nonresidential Subdivisions

Section 507.1

In addition to the principles and standards in these Regulations, the applicant shall demonstrate to the satisfaction of the 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 vicinity.

Section 507.2

Proposed industrial parcels shall be suitable in area and dimension to the types of industrial development anticipated.

Section 507.3

Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

Section 507.4

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 (250) feet in width and not less than (500) feet in length.

Section 507.5

Lots intended for other non-residential use shall be specifically noted and designed for such purposes, and shall have adequate provisions for off-street parking, setbacks, and loading and unloading areas.

Section 508 Covenants and Restrictions

At any time during an application for major subdivision or variance the Planning Commission may suggest or require the addition or amendment of any applicable covenants or restrictions in association with the impacted property. All covenants and/or restrictions shall be applied to the certificate of transfer and/or plat as may be applicable. The covenants and/or restrictions shall be recorded with the certificate of transfer and/or the plat and shall run with the land. Failure to apply or record any or all of the covenants or restrictions set forth by the Planning Commission shall be interpreted as a violation by the applicant, and subject to Section 209 of these regulations

Article VI

STREET DESIGN AND CONSTRUCTION STANDARDS

Standards

Section 600 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, but not exceed, 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.

Section 601 Conformity to Development Plans and Zoning

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, or if there is no official thoroughfare map, unless such street is an existing state, county, or township highway, road or a street shown upon a plat approved by the planning commission and recorded in the county recorder's office. Such street or highway must be suitably improved as required by these Regulations or guaranteed, with a performance bond as required. In addition, no final plat of land within an existing zoning district shall be approved unless it conforms to requirements of the zoning district.

Section 602 Official Road Design Standards

Section 602.1 Intersections

Streets shall intersect as nearly as possible at right angles and no street shall intersect another street at less than a sixty (60) degree angle. Street jogs shall have centerline offsets of at least one hundred twenty five (125) feet. The right-of-way lines of intersecting streets shall be connected at all corners with a curve having a radius of at least twenty (20) feet.

Section 602.2 Horizontal Curves

When the line of a street changes direction by more than ten (10) degrees, the street line shall be connected by curves at the point where they deflect from each other. For dead end/ cul-de-sac streets, this curve shall be at least one hundred (100) feet in radius and for all other streets at least three hundred fifty (350) feet in radius. For all streets these radius shall be measured along the centerline.

c. VERTICAL CURVES – Vertical curves shall provide the stopping sight distance required for thirty five (35) miles per hour (MPH).

Section 602.3 Dead End Streets

No cul-de-sac or dead end street shall be more than one thousand two hundred (1,200) feet in length. At the end of a permanent cul-de-sac or dead end street, the minimum pavement radius shall be fifty (50) feet and the minimum right-of-way radius shall be sixty (60) feet.

Section 602.4 Street Road Grades

Street grades shall be not less than 0.4 percent, and not more than fifteen (15) percent, except with approval from the county engineer for steeper grade.

Section 602.5 Street/Road Names/Signs

Streets shall be named without duplicating the name of existing streets in Muskingum County and approved by the county engineer. Street signs shall be installed by the developer in accordance with the Ohio Manual of Uniform Traffic Control Devices published by the Ohio Department of Transportation and should be allowed to blend in with the architectural design of the development.

Section 602.6 Utility Easements

In general, utility easements shall be of minimum width of fifteen (15) feet and located at the front or rear of lots and seven and one-half (7 ½) feet on each side of the property line. Corner lot easements shall be of a minimum width of ten (10) feet.

Section 602.7 Right of Way Widths

Street right-of-way widths shall not be less than fifty (50) feet.

Section 602.8 Pavement Widths

Street pavement widths shall not be less than twenty (20) feet.

Section 603 Official Road Construction Standards

Section 603.1 General Specifications

- A. Shall it be necessary to make any grading fills of three feet or more, it shall be packed with a sheep's-foot roller.
- B. Side ditches shall be of proper depth and width to drain the involved area with an 18" minimum depth.
- C. Where culverts are needed the County Engineer shall be contacted to ascertain the proper size for waterfall.
- D. Guardrails may be required by the County Engineer on certain hills, curves, and lake areas.
- E. Any drainage ditch deeper than 18 inches will require the approval of the County Engineer.
- F. Where a subdivision/non-subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way not less than twenty (20) feet in width, conforming substantially with the line of such water course.
- G. All crossover culverts will be a minimum of fifteen (15) inch diameter and a minimum of forty (40) feet in length.
- H. All drainage structures shall be approved by the county engineer before and after installation.

Section 603.2 Pavement Specifications for Streets/Roads

Other than the following minimum standards, the base and surface courses of streets shall be constructed in accordance with the design specifications required by and under the direction of the county engineer. All construction and materials shall conform to the current Ohio Department of Transportation Construction and Material Specifications, including all supplemental specifications as issued by the Ohio Department of Transportation.

Asphalt Surface Roadway

Base Course

- Four (4) inch sub-base, #4 limestone or #304 limestone.
- Two (2) inch top coat, #67 limestone.
- One (1) year later, two (2) inch top cover of #67 limestone.

OR

Four (4) Inches of 301 Asphalt Base Course (Full Depth Asphalt)

Surface Course

All streets shall be finished with two and one-half (2 ½) inches of #448 Type 2 asphalt intermediate course and one and one-half (1 ½) inches of #448 Type 1 asphalt surface course for the finished travel surface.

Provide a two (2) foot berm, with a minimum of four (4) inches thickness and approved limestone berm material.

Section 603.3 County Engineer’s Time Frame and Approval

All streets to be accepted for maintenance by Muskingum County shall be open for public use for a minimum period of eighteen (18) months prior to the final travel surface application as specified. This requirement can be waived with proper compaction of stone base courses.

The developer must supply to the county engineer, all weight slips or tickets pertaining to stone and asphalt that was involved in the road construction

Article VII

UTILITY DESIGN AND CONSTRUCTION STANDARDS

Standards

Section 700 General

A professional engineer, licensed in Ohio, shall design any plans for public water supply, storm water and wastewater facilities. The plans shall meet regulations set forth by the county engineer, health department, sanitary engineer, and The Ohio EPA.

Article VIII

REQUIREMENTS FOR CONSTRUCTION OF IMPROVEMENTS

Standards

Section 801: Improvements and Cost Estimate Information

Before the signing of the final plat, all applicants shall be required to complete, to the satisfaction of the county engineer, county health department or other appropriate agency, all the streets and other public improvements, including lot improvements on the individual lots, as listed on the plat. When required improvements are not completed, the subdivider shall insure their completion with a performance guarantee acceptable to the board of county commissioners.

The developer, at his or her expense, shall make all required improvements and cost estimates for various materials and labor shall be provided as requested by a professional engineer licensed in the State of Ohio, or a qualified contractor,

acceptable to the County Engineer. The developer shall dedicate public improvements to the local government, free and clear of all liens and encumbrances on the dedicated property and public improvements.

Section 802: 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:

Section 802.1 Subdivision Bond, or Deposit of Funds

The subdivider shall post a bond executed by a surety company or a deposit of funds equal to the estimated cost plus ten (10) percent of the required improvements. The guarantee shall be in favor of the board of county commissioners, and shall guarantee construction of the improvements according to the plans and specifications approved by the county engineer. The term of the guarantee shall not be less than two (2) years plus a one (1) year maintenance period for a total of three (3) years. The board of county commissioners may grant an extension where good cause can be shown. The guarantee amount can be reduced to a percentage of its original amount during the one-year maintenance period. Under no circumstances shall the required guarantee be tied to or be considered a portion of the developer's financing for the development. The guarantee shall be considered in effect when approved by the board of county commissioners pursuant to recommendation by the county engineer.

Section 802.2 Deposit

The subdivider may make a deposit 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 deposit of funds is made, an agreement may be executed to provide payments to the contractor or the subdivider from the deposit as the work progresses and is approved by the responsible county officials consistent with Section 708 hereof.

Section 802.3 Contract Documents or Escrow Agreements

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

Section 803: Temporary Improvements

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

Section 804: Extension of Time

If the construction or installation of any improvements or facility, for which guarantee has been made by the developer is not completed within two (2) years from the date of final approval of the recorded plat, the developer may request the board of county commissioners to grant an extension provided he can show reasonable cause for inability to complete said improvements within the required two (2) years. The request shall be accompanied by a revised cost estimate of construction to be completed and performance guarantee as provided by part a of Section 702 hereof covering the period of the extension and one year maintenance period.

Section 805: 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 county commissioners may proceed to have such work completed and reimburse itself for the cost thereof by appropriating the deposit of funds or subdivision bond, or by drawing upon the letter of credit, or shall take the necessary steps to require performance by the bonding company.

Section 806: Deferral or Waiver of Required Improvements

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

Whenever it is deemed necessary by the planning commission to defer the construction of any improvements, the subdivider shall pay his share of the cost of the future improvements to the county prior to the signing of the final subdivision plat by the planning commission. The developer may provide a separate guarantee for the completion of the deferred improvements upon demand of the county.

Section 807: Inspection of Improvements

The county engineer shall coordinate with the county health department or other appropriate agency to provide for inspection of required improvements during construction and ensure their satisfactory completion. The Applicant shall pay to the county an inspection fee, and shall notify proper administration officials at least twenty-four (24) hours before each phase of the improvements is ready for inspection. The board of county commissioners may waive the requirement for inspection fees to be paid by the developer. Work requiring periodic inspections and an inspection schedule shall be finalized by the developer and inspectors 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 county engineer within forty-eight (48) hours. Failure to comply with the inspector and/or county engineer's directive will be deemed a violation these Rules and Regulations subject to having the approved final plat invalidated by the planning commission.

Section 808: Completion of Work and Reduction of Security

As required improvements are completed, the board of county commissioners may, with concurrence of the county engineer, reduce the amount of the guarantee, in the following increments: 25%, 50%, and 75%. Twenty-two percent (22%) of the remaining amount of the guarantee shall be released when all construction, installation, and improvements have been completed and approved by the respective government authorities. The remaining three percent (3%) will be held for a one-year maintenance period. Guarantees for roads, storm drainage, water and sanitary sewer improvements shall not be released independently.

Section 809: Acceptance of Streets and Storm Drainage 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 county engineer. Upon completion of all improvements, the developer shall request that the county engineer perform an inspection for conditional acceptance. After the inspection, the county engineer will do one of the following:

- A. Issue a letter to the board of county commissioners, with a copy to the developer, giving notice of the engineer's conditional acceptance and the amount of a maintenance bond.
- B. Issue a letter to the developer, with a copy to the board of county commissioners listing items of work necessary to accomplish satisfactory completion of the improvements.

Upon completion of the improvements and conditional acceptance by the county engineer, the developer shall furnish a maintenance guarantee in the amount of 3% of the total performance guarantee or \$1,000.00, whichever amount is 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 by utility companies installing utilities and shall repair all failures, for all other reasons, during the one (1) year period. He shall restore the improvements at the end of the maintenance period.

The improvements will be eligible for final acceptance one year after the conditional acceptance. The maintenance bond shall remain in effect until final acceptance by the county engineer. Before the board of county commissioners will release

the maintenance bond or maintenance fund, the developer shall submit a sworn statement that all bills and financial obligations incurred for maintenance or restoration of the subdivision improvements have been fully paid.

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

- A. Issue a letter to the board of commissioners, with a copy to the developer, recommending release of maintenance bond(s).
- B. Issue a letter to the developer, with a copy to the board of county commissioners, listing items of work necessary to accomplish before final acceptance can be made.

Article IX

REQUIRED STATEMENTS AND SIGNATURES TO BE AFFIXED ON THE PLAT

Standards

Section 900: Required Statements

Some or all of the following statements, or similar appropriate statements, may be required to be affixed on the subdivision plat. The planning commission may require modifications to the statements. All signatures, except the signatures of the county auditor, county recorder, and the planning commission shall be obtained prior to approval of the subdivision plat by the planning commission. Do not include any text associated with the title blocks that are in parentheses or italicized on the plat.

Section 901: Deed Reference (REQUIRED)

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

Section 902: Owner's Consent and Dedication (REQUIRED)

We, the undersigned, being all the owners and lien holders of the lands herein platted, do hereby voluntarily consent to the execution of the said plat and do dedicate the streets, parks or public grounds as shown hereon to the 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, storm water 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, but not limited to (List all applicable public utility service providers in sentence form)

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

Section 903: Drainage Statement *(A letter will be issued from the Muskingum County Engineer's Office; no signature will be applied to plat for storm water or drainage purposes.)*

The County Engineer assumes no legal obligation to maintain or repair any open drainage ditches or channels designated as "drainage easements" on this plat. The lot owner shall maintain the easement area of each lot and all improvements within it continuously. 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.

Section 904: Title Blocks to be Included on Plat

Section 904.1 Certificate of Ownership (REQUIRED)

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

Seal

Seal

County
State of Ohio, } SS

Section 904.2 Certificate of Notary Public (REQUIRED)

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) _____

State of Ohio

My commission expires _____

Section 904.3 A Certificate of Surveyor (REQUIRED)

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

Section 904.3 B Zoning Inspector Approval (if applicable)

_____ TOWNSHIP ZONING INSPECTOR

I hereby approve this plat on this ___ day of _____, 20 _____

Zoning Inspector

Section 904.3 C County Sanitary Engineer or Utilities Director (If applicable)

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

County Sanitary Engineer

Section 904.3 D Health Department *(Required for on-lot sewer only)*

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

County Health Commissioner

Section 904.3 F Planning Commission Approval (REQUIRED)

Pursuant to ORC 711.09

This plat was approved by the Muskingum County Planning Commission

On this _____ day of _____, 20 ____.

Executive Director

Section 904.3 G.2 Muskingum County Commissioner *(For roadways that are unimproved, that are seeking design approval under Article 6 of These Regulations.)*

Certification of Submission

I hereby certify this plat was submitted to the Board of County Commissioners, _____ day of _____ 20 ____.

Clerk, Board of County Commissioners

Plat Approval

This plat is hereby approved pursuant to ORC 711.05 _____ day of _____ 20 ____, Resolution # _____.

Commissioner

Commissioner

Commissioner

ATTEST: _____
Clerk, Board of County Commissioners

Section 904.3 H County Auditor's Transfer (REQUIRED)

Transferred on this ____ day of _____, 20 ____.

By _____
Deputy County Auditor

Section 904.3 I County Recorder (REQUIRED)

File No. _____

Received on this ___ day of _____, 20 ___ at _____ .M.

Recorded on this ___ day of _____, 20 ___ at _____ .M.

Recorded in plat book No. _____, Page _____.

Fee _____.

By _____
County Recorder

Article X

DEFINITIONS

Section 1000: Interpretation of Terms or Words

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

The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a 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.”

The word “County” where used shall mean the County adopting these Regulations and its legal entities.

Section 1001: Glossary

Alley: See Thoroughfare.

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 or intercepting street and railroad right-of-way, waterway, or other definite barrier.

Board: The board of county commissioners.

Building: A structure designed to be used as a place of occupancy, storage or shelter.

Building Site: A parcel under separate deed or description containing less than 5 acres and having road frontage.

Comprehensive Development Plan: A plan or any portion, thereof, adopted by the planning commission and the 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.

Condominium: Condominium means and 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 Ohio Revised Code and which is subject to said Chapter 5311.

Corner Lot: See Lot Types.

Covenant: A written promise or pledge.

Cul-de-sac: See Thoroughfare.

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

Dead-end Street: See Thoroughfare.

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

Gross Density: the number of dwelling units per acre of the total land to be developed.

Net Density: the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Density, Low Residential: Land to be utilized for residential purposes, including public housing, and industrialized units, which does not exceed two (2) dwelling units per gross acres.

Density, Medium-Low Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed four (4) dwelling units per gross acre. For the purpose of street design requirements, the medium-low density residential classification shall be considered as medium density.

Density, Medium Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed eight (8) dwelling units per gross acre.

Density, Medium-High Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed sixteen (16) dwelling units per gross acre. For the purposes of street design requirements, the medium-high density residential classification shall be considered as high density.

Density, High Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed thirty-two (32) dwelling units per gross acre.

Develop: To make a development; also 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.

Driveway: A vehicular travel way 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, all used by only one (1) family and its household employees.

Easement: A grant by the property owner of the use of a strip of land by the public, a corporation, or other persons, for specified purposes.

Engineer: Any person registered to practice professional engineering by the state board of registration as specified in Section 4733.14, Ohio Revised Code.

Environmental Protection Agency: Ohio Environmental Protection Agency (E.P.A.)

Erosion: The wearing away of the earth's soil surface by water, wind, gravity, or any other natural process.

FEMA: 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.

Flood: An overflowing of water, from watercourses, onto land, which is normally dry.

Flood, 100-Year: The temporary inundation of normally dry land areas by a flood that is likely to occur once every 100 years (i.e., that has a one percent (1%) chance of occurring each year, although the flood may occur in any year.)

Flood Plain: Any land area susceptible to be inundated by water from the base flood. The term refers to that area designated as subject to flooding from the base flood (100-year flood) on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development.

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.

Health Department: Zanesville-Muskingum County Health Department.

Highway Director: The Director of the Department of Transportation.

Household Sewage Disposal System: means any sewage disposal or treatment system or part thereof for a single family, two family, or three family dwelling, which receives sewage in accordance with Chapter 3701-29 of the Ohio Administrative Code as amended hereafter.

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

Location Map: See Vicinity Map.

Lot: For purposes of these regulations, a lot is a parcel of land that is:

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

Lot 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 a lot.

Lot Frontage: The front of a lot shall be constructed to be the portion nearest the street. For the purpose 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 Yards in this section.

Lot Measurements: A lot shall be measured as follows:

a. Depth of a lot: The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

b. Width of a lot: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line, provided, however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width.

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

Lot Types: Terminology used in these regulations with reference to corner lots, interior lots and through lots is as follows:

a. Corner Lot: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost 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.

b. Interior Lot: A lot other than a corner lot with only one frontage on a street.

c. 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.

d. Reversed Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

e. **Flag Lot:** A lot whose only frontage on a public street is through a narrow strip of land which is generally wide enough to accommodate a driveway, but too narrow to accommodate any structures. The narrow strip of land is referred to as the panhandle.

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, on or parallel to the curve of the street line.

Major Thoroughfare Plan: The Comprehensive Plan adopted by the County Regional Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the unincorporated area of the 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: 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. Also known as Lot Split.

Monuments: Iron bases or iron pipes, which will be set at all, lot or parcel corners within the subdivision.

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

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 proceedings to subdivide the same under these Regulations.

Pad: A building site prepared by artificial means, including, but not limited to, grading, excavation, or filling, or any combination thereof.

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

Performance Bond or Surety Bond: An agreement by a developer with the county for the amount of the estimated construction cost (as approved by county commissioners and county engineer) guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement. (See also, Letter of Credit)

Performance Guarantee: Any security that may be accepted by a municipality as a guarantee that the improvements required as part of an application for development that are satisfactorily completed.

Person: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

Plat: The map, drawing, or chart on which the developer's subdivision is presented to the planning commission for approval, to the county recorder (final) for recording.

Preliminary Plan: The initial proposal, including both narrative and site design information, intended to provide the planning commission with an understanding of the manner in which the site in question is to be developed.

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 ways in which the general public entity have a right, or which are dedicated, whether improved or not. (See Right-of-Way)

Qualified Contractor: A contractor currently qualified to perform road construction activities, as evidenced by a certificate of qualifications from the Ohio Department of Transportation (ODOT).

Replat: A subdivision or plat, the site of which has heretofore been platted or subdivided with lots or parcels of land. It may include all or any part of a previous subdivision or plat.

Reserve Strip: An area of land adjacent to a public right-of-way which is retained in ownership by the subdivider for the purpose of denying access to the adjacent land.

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

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.

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.

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

Sketch Plan: An informal drawing which shows how a developer proposes to subdivide a property and which gives sufficient site information for the planning commission representatives to offer suggestions for site development.

Slippage Potential: The potential which land has to move, under the force of gravity, should it be disturbed during construction activity.

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

Subdivider: Any individual, developer, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to affect a subdivision of land hereunder for himself or for another.

Subdivision:

a. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots, any one of which is less than twenty (20) acres, for the purpose, whether immediate or future of transfer of ownership, provided, however, that the division or partition of land into parcels of more than twenty (20) 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 of parcels between adjoining lot owners, where such sale 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. (See Minor Subdivision)

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

Tract: The term is used interchangeably with the term lot, particularly in the context of subdivisions, where one “tract” is subdivided into several “lots.”

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

- a. **Level:** Land, which has a cross slope range of four (4) percent or less;
- b. **Rolling:** Land which has a cross slope range of more than four (4) percent but not more than eight (8) percent;
- c. **Hilly:** Land which has a cross slope range of more than eight (8) percent but not more than fifteen (15) percent;
- d. **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 travel way, with a part thereof to be used for vehicular traffic and designated as follows:

- a. **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.
- b. **Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route. Design speed is generally 55 miles per hour.
- c. **Collector Street:** A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions. Design speed is generally 35 miles per hour.
- d. **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.
- e. **Dead-end Street:** A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- f. **Local Street:** A street primarily for providing access to residential, commercial, or other abutting property. Design speed is generally 25 miles per hour.
- g. **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 eighty (180) degree system of turns are not more than three thousand (3000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
- h. **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 Street.)

Through Lot: See Lot Types.

Variance: 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 or landmarks and community facilities and services within the county in order to better locate and orient the area in question.

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

Wetland: An area of land, as defined by the federal definition at the time of preliminary plan submission, inundated by water for a portion of each year resulting in the land possessing unique soil and vegetative types.

Yard: A required open space other than a court unoccupied and unobstructed by any structure from three (3) feet above the general ground level of the graded lot upward, provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstructions of visibility.

a. **Yard, Front:** A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

b. **Yard, Rear:** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

c. **Yard, Side:** A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Zoning Inspector: The zoning inspector of the county or township, appointed by the board of county commissioners or the board of township trustees.

Appendix I

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Contact Information

Muskingum County Planning Commission

401 Main Street
Zanesville, Ohio 43701
Ph: 740.455.7925
Fax: 740.455.7161

aeroberts@muskingumcounty.org

Muskingum County Engineer's Office

401 Main Street
Zanesville, Ohio 43701
ph: 740.455.7116

Muskingum County Auditor's Office

401 Main Street
Zanesville, Ohio 43701
ph: 740.455.7109

Zanesville-Muskingum County Health

Department

207 N 7th Street
Zanesville, Ohio 43701
ph: 740.454.9741
Fax: 740.455.6726

Muskingum County Floodplain

Administration

22 N 5th Street
Zanesville, Ohio 43701
Ph: 740.455.7905
Fax: 740.455.7907

rnmenega@muskingumcounty.org

Floodplain Permitting Procedure

1. Permit applications shall be completed for all structural and/or non- structural activity. The application shall be submitted to the Floodplain Administrator at 22 N 5th Street, Zanesville, Ohio 43701 (740-455-7905).
2. For structural activity, applicant must submit Floodplain Permit Application, site plan, building plans, and a pre-construction Elevation Certificate along with a \$50 permit fee made payable to the Mid-East Ohio Building Department. All development must comply with the Special Purpose Flood Damage Reduction Resolution effective February 13, 2006 (available at the Floodplain Administrator office).
3. For structures built In **Zone AE** (Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined) the applicant or owner shall have an Ohio Licensed Surveyor, Licensed Engineer, or Licensed Architect complete two Elevation Certificates and submit copies to the Floodplain Administrator. The first Elevation Certificate must show building elevations based on construction drawings. The second Elevation Certificate is required showing building elevations based on finished construction.
4. A permanent benchmark shall be placed on-site in reference to Mean Sea Level and same datum as used on the Flood Insurance Rate Map (FIRM) by an Ohio Licensed Surveyor, Licensed Engineer or Licensed Architect following the survey of the individual parcel and prior to permit approval.
5. For structures built In **Zone A** (Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined) an owner representative or owner may complete Sections A, B, and E of two Elevation Certificates and submit copies to the Floodplain Administrator. The first Elevation Certificate must show building elevations based on construction drawings. The second Elevation Certificate is required showing building elevations based on finished construction.
6. For non-structural activity, applicant must submit Floodplain Permit Application, site plan, along with a \$50 permit fee made payable to the Mid-East Ohio Building Department. All development must comply with the Special Purpose Flood Damage Reduction Resolution effective February 13, 2006 (available at the Floodplain Administrator office).
7. A floodplain development permit shall be issued or denied within thirty (30) days after the receipt of the completed application and the Elevation Certificate based on construction drawings.
8. All records will be on file in the office of the Floodplain Administrator.

How the width to depth ratio for the Muskingum County Planning Commission is calculated:

For square & minimally trapezoidal tracts:

The base distance of road frontage shall be determined from the amount of the property that touches the right of way of a public road.

If the parcel is square with the road, or if the side property lines deflect no more than ten (10) degrees from one another, then the calculations will be made from the true distances of the side property lines. Both side property lines will be added together and divided by two (2) giving an average property length, this number will then be divided by the amount of road frontage, thence giving the width to depth ratio.

For tracts of an extreme trapezoidal nature:

If the side property lines deflect more than ten (10) degrees from each other, then the following formula will be set in place.

The base distance of road frontage shall be determined from the amount of the property that touches the right of way of a public road.

First the shorter of the two side traverses will be used, second from the longer side traverse a measurement will be taken from where the longer side traverse intersects the right of way, then ninety (90) degrees to the back of the property, that measurement will be added to the shorter side traverse and divided by two (2) giving an average property length, this number will then be divided by the amount of road frontage, thence giving the width to depth ratio.

Calculations will be conducted at the discretion of the Muskingum County Planning Commission Director, or an individual so tasked. Any and all oddly shaped tracts will be considered on an individual basis and may be calculated in a different fashion from either alternative listed above.

