



ARTICLE 4: SUBDIVISION **PLANNING** DESIGN STANDARDS

Section 400

General Statement

The regulations in Article 4 shall control the manner in which streets, lots, and other elements of a Subdivision are arranged on the land. These design controls shall help ~~insure~~ **ENSURE** convenient and safe streets, creation of usable lots, provision of space for public utilities, and reservation of land for recreational uses. The planning of attractive and functional neighborhoods shall be promoted, minimizing the undesirable features ~~for~~ **OF** unplanned, haphazard growth.

The **REGIONAL PLANNING** Commission has the responsibility for reviewing the design of each future Subdivision early in its design development. The Commission shall ~~insure that~~ **ENSURE** all of the requirements of Article 4 are met.

Section 401

Conformity to **COUNTY STANDARDS, Development Plans and Zoning**

The arrangement, character, width, and location of all arterial and collector thoroughfares or extensions thereof **AND ALL SUBDIVISION IMPROVEMENTS** shall conform ~~with the Portage County Highway Plan. Thoroughfares not contained in the aforementioned Plan shall conform~~ to the recommendationS of the ~~Commission~~ **COUNTY ENGINEER OR WATER RESOURCES DEPARTMENT** based upon the design standards set forth in ~~Section 410 to 419, inclusive~~ **THESE REGULATIONS OR IN OTHER PERTINENT STANDARDS. WHERE DEVELOPMENT PLANS HAVE BEEN ADOPTED, THE ARRANGEMENT OF ALL IMPROVEMENTS SHALL CONFORM TO THOSE PLANS.** In addition, no plat of land within the area in which an existing zoning resolution is in effect shall be approved unless it conforms ~~with~~ **TO** such resolution.

Section ~~410~~ 402

Road and Street Design

The road layout shall be designed for the most advantageous development of the entire neighboring area. All proposed roads shall be in alignment with existing, planned or platted roads with which they are to connect. **THE LAYOUT SHALL BE SUCH AS TO KEEP INTERFERENCE WITH MAIN TRAFFIC FLOWS TO A MINIMUM.**

A. **TRAFFIC IMPACT STUDY (TIS)**

- ~~1. The layout shall be such as to keep interference with main traffic flows to a minimum.~~

1. THE PORTAGE COUNTY ENGINEER SHALL REQUIRE A TIS FOR EITHER OF THE FOLLOWING:
 - i. THE PROPOSED DEVELOPMENT GENERATES 100 VEHICLE TRIP ENDS OR MORE (TOTAL OF ENTERING AND EXITING FOR THE DEVELOPMENT) DURING THE HIGHEST PEAK HOUR.
 - ii. ANY DEVELOPMENT WHICH THE COUNTY ENGINEER DETERMINES MAY IMPACT THE CAPACITY OR SAFETY OF ANY ROAD OR INTERSECTION WITHIN 0.25 MILES OF THE SITE.
2. TRAFFIC IMPACT STUDY REQUIRED CONTENT
 - i. TITLE PAGE, EXECUTIVE SUMMARY, TABLE OF CONTENTS, LISTS OF FIGURES AND TABLES.
 - ii. DESCRIPTION OF THE PROPOSED SITE, EXISTING AND PROPOSED LAND USES, ACCESS POINTS, AND INTERSECTIONS IN THE VICINITY OF THE SITE.
 - iii. TRIP GENERATION AND TRIP DISTRIBUTION FOR THE DEVELOPMENT.
 - iv. CURRENT AND PROJECTED TRAFFIC VOLUMES ON THE EXISTING ROAD(S) ADJACENT TO THE DEVELOPMENT.
 - v. TURN LANE WARRANT ANALYSIS AT THE PROPOSED INTERSECTION WITH AN EXISTING ROAD.
 - vi. CAPACITY AND LEVEL OF SERVICE ANALYSIS AT THE PROPOSED INTERSECTION WITH AN EXISTING ROAD AND EXISTING INTERSECTIONS WITHIN 0.25 MILES OF THE SITE.
 - vii. SIGHT DISTANCE ANALYSIS AT THE PROPOSED INTERSECTION WITH AN EXISTING ROAD.
 - viii. WHERE THE CREATION OF AN INTERSECTION NECESSITATES THE INSTALLATION OF A TRAFFIC SIGNAL, A TRAFFIC SIGNAL WARRANT ANALYSIS CONFORMING WITH THE REQUIREMENTS OF THE ODOT TRANSPORTATION MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES SHALL BE PREPARED.
 - ix. RECOMMENDATIONS.
 - x. OTHER INFORMATION AS REQUIRED BY THE PORTAGE COUNTY ENGINEER.
3. TRAFFIC IMPACT STUDY STANDARDS
 - i. STANDARDS AND GUIDELINES FOR THE PREPARATION OF REQUIRED STUDIES, FOR ACCEPTABLE LEVELS OF TRAFFIC IMPACT, AND FOR TRAFFIC MANAGEMENT METHODS SHALL BE IN ACCORDANCE WITH THE MOST RECENT OHIO DEPARTMENT OF TRANSPORTATION AND INSTITUTE OF TRANSPORTATION ENGINEER'S STANDARDS.
4. QUALIFICATIONS
 - i. TRAFFIC IMPACT STUDIES SHALL BE PREPARED BY A REGISTERED PROFESSIONAL ENGINEER WHO SHALL SIGN AND SEAL THE REPORTS.
5. REQUIREMENT TO MAINTAIN SAFETY AND OPERATIONAL CAPACITY
 - i. NO SITE DEVELOPMENT, CHANGE OF USE, OR MAJOR SUBDIVISION SHALL BE PERMITTED TO CAUSE A CHANGE IN THE LEVEL OF SERVICE OF ANY

ROAD OR INTERSECTION LOCATED WITHIN ONE-FOURTH (0.25) MILES OF THE SITE OR SUBDIVISION TO A LEVEL BELOW THE CURRENT LEVEL OF SERVICE.

- ii. TURN LANES SHALL BE INSTALLED IN ACCORDANCE WITH THE TURN LANE WARRANT ANALYSIS.
 - iii. THE DEVELOPER SHALL BE REQUIRED TO PAY THE COSTS OF ANY ROAD IMPROVEMENTS THAT ARE NEEDED TO MAINTAIN THE SAFETY AND OPERATIONAL CAPACITY OF THE AFFECTED ROADS OR INTERSECTIONS THAT ARE MADE NECESSARY BY THE DEVELOPMENT. THE DESIGN AND INSTALLATION OF THESE ROAD IMPROVEMENTS SHALL BE IN ACCORDANCE WITH THE MOST RECENT OHIO DEPARTMENT OF TRANSPORTATION STANDARDS.
- B. ~~2.~~ Wherever the proposed Subdivision contains or is adjacent to a railroad right-of-way or limited access highway, provision shall be made for a road approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between such road and railroad or limited access highway. Such distance shall be determined with due consideration of the minimum distance required for approaches to future or existing grade separations.
- C. ~~3.~~ Proposed roads shall be adjusted to the contour of the land so as to produce useable lots, streets of reasonable gradient, and economy in ~~the~~ cost of improvements.
- D. ~~4. Certain~~ WHEN proposed roads ~~END AT OR NEAR A PROJECT BOUNDARY, THEY~~ shall be extended to the boundary line of the tract ~~to be BEING~~ subdivided ~~sufficiently~~ to provide for normal circulation of traffic ~~within the BETWEEN~~ neighboring areaS ~~WHEN THE ADJACENT PROPERTY HAS DEVELOPMENT POTENTIAL~~. No reserved strips blocking extension of improvements ~~of TO~~ adjacent property will be permitted.
- E. ~~5.~~ Wherever there exists a dedicated or platted half-road adjacent to the tract to be subdivided and approved by the ~~REGIONAL~~ Planning Commission, the other half shall be platted.
- ~~6. Alleys may be required in all business and industrial districts.~~
- F. ~~7.~~ Residential roads shall be ~~so~~ laid out ~~as to discourage their use as primary roads and~~ to provide adequate protection from nearby traffic hazards. ~~TRAFFIC CALMING FEATURES, APPROVED BY THE COUNTY ENGINEER, MAY BE EMPLOYED WHERE NECESSARY TO DISCOURAGE SPEEDING.~~
- ~~8. A turnaround shall be provided at all dead-end roads where two or more lots face such dead-end road, or where two lots are adjacent, or where the road is more than 250 feet in length.~~
- ~~9. Street Jogs (T-intersections) with center line offsets of less than one hundred sixty (160) feet shall be prohibited. If deemed necessary by the Commission, the minimum distance between center line offsets may be increased or adjusted.~~

402.1 DEAD-END STREETS

A. PERMANENT DEAD-END STREETS

ALL DEAD-END STREETS THAT WILL NOT BE EXTENDED IN A FUTURE PHASE OR WILL NOT CONNECT TO ROADS IN AN ADJACENT EXISTING OR FUTURE DEVELOPMENT SHALL BE TERMINATED IN A FULL CUL-DE-SAC PER SECTION 404.

B. TEMPORARY DEAD-END STREETS

1. TEMPORARY DEAD-END STREETS SHALL BE PERMITTED ONLY WHEN A STREET TERMINATES AS A SEGMENT OF A CONTINUING STREET PLAN WITHIN A PHASED, PLATTED SUBDIVISION.

2. STREETS CONSTRUCTED IN EARLY PHASES OF THE SUBDIVISION SHALL:

- a. TERMINATE AT THE INTERSECTION OF A PAVED STREET AND AN INTERSECTING STREET TO BE CONSTRUCTED IN A LATER PHASE OF THE SUBDIVISION (SEE DIAGRAM). THE PAVED INTERSECTION SHALL ACT AS A TEMPORARY TURN-AROUND.
- b. IF AN INTERSECTION OF THE CURRENT AND FUTURE STREETS CANNOT BE DESIGNED AS THE TEMPORARY DEAD-END OF A STREET SEGMENT IN A PHASED SUBDIVISION AND THE SEGMENT HAS MORE THAN TWO ADJACENT LOTS FACING IT, AN ALTERNATE VEHICULAR TURN-AROUND, APPROVED BY THE COUNTY ENGINEER MUST BE PROVIDED. SUCH TURN-AROUND MUST BE RESTORED TO THE LOT AND STREET CONFIGURATION THAT APPEARS ON THE IMPROVEMENT PLAN WHEN THE ROAD IS EXTENDED INTO FUTURE PHASES BY THE DEVELOPER OR HIS/HER SUCCESSOR.

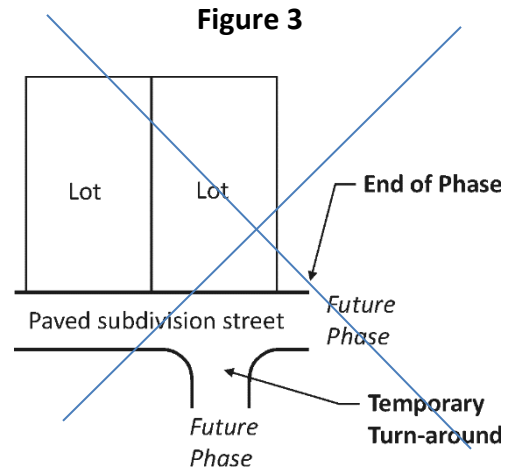
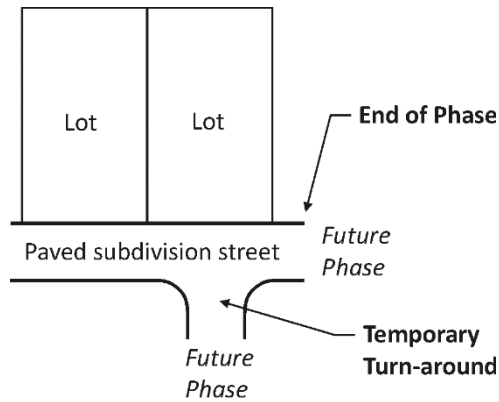


Figure 3

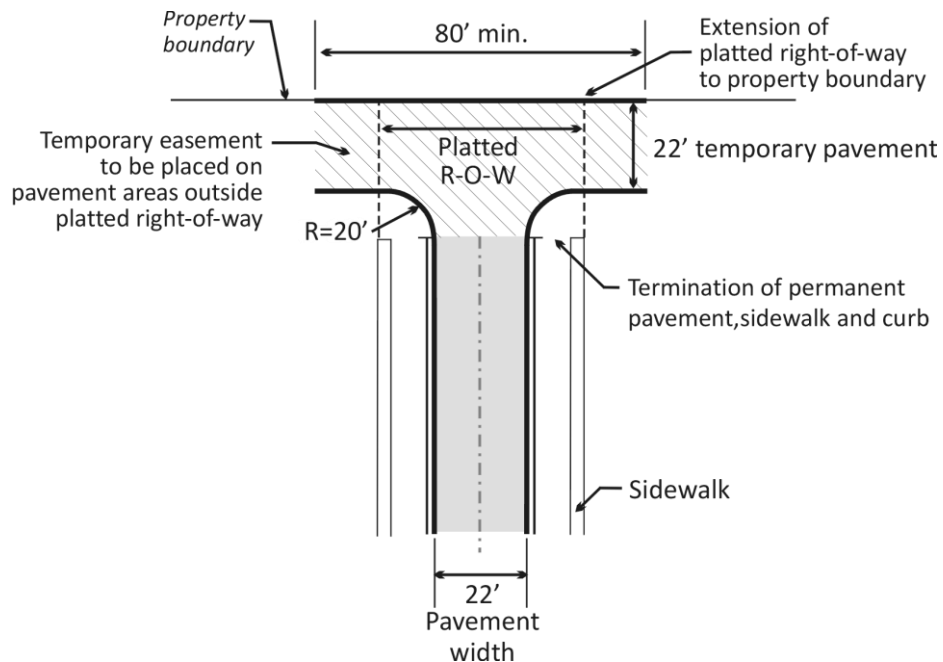


402.2 STUB STREETS

SUBDIVISION STREETS SHALL EXTEND TO THE PROPERTY BOUNDARY WHEN THE ADJACENT PROPERTY HAS THE POTENTIAL FOR DEVELOPMENT IN ORDER TO PROVIDE FOR THE CONTINUATION OF THE STREET NETWORK.

- A. A PAVED T-TYPE TURN-AROUND WILL BE REQUIRED ON ALL STUB STREETS THAT HAVE MORE THAN TWO (2) ADJACENT LOTS FACING THE STUB STREET.

Figure 4: T-type Turn-around



1. THE TOP OF THE "T" SHALL RUN ALONG THE PROPERTY BOUNDARY AND HAVE A MINIMUM PAVEMENT WIDTH OF TWENTY-TWO (22) FEET.
 2. THE TOP OF THE "T" SHALL EXTEND A MINIMUM OF 40 FEET FROM THE CENTERLINE OF THE STREET FOR BOTH 50-FOOT AND 60-FOOT RIGHTS-OF-WAY.
 3. NO ACCESS TO ADJACENT LOTS WILL BE PERMITTED FROM THE TOP OF THE "T".
 4. THE RIGHT-OF-WAY OF THE PERMANENT STREET SHALL EXTEND TO THE PROPERTY BOUNDARY. AN EASEMENT SHALL BE PLACED ON PAVED AREAS OF THE "T" TURN-AROUND OUTSIDE OF THE RIGHT-OF-WAY. NO STRUCTURES, DRIVEWAYS OR HOME SEWAGE TREATMENT SYSTEMS MAY BE LOCATED IN THE EASEMENT.
- B. SITE-APPROPRIATE DRAINAGE SHALL BE DESIGNED FOR THE AREA OF THE STUB STREET AND T-TURNAROUND.
- C. T-TYPE TURN-AROUNDS SHALL NOT BE PERMITTED AS AN ALTERNATE TO THE REQUIREMENTS FOR A PERMANENT DEAD-END STREET.
- D. IF PHASING OF ROAD CONSTRUCTION RESULTS IN A ROAD BEING STOPPED SHORT OF ITS PLANNED CONTINUATION TO A PROPERTY BOUNDARY, AN EASEMENT FOR THAT ROAD RIGHT-OF-WAY THAT EXTENDS TO THE PROPERTY BOUNDARY SHALL BE REQUIRED.
- E. WHEN THE ADJACENT PROPERTY IS IMPROVED AND STREETS ARE TO BE CONNECTED, THE DEVELOPER OF THE ADJACENT PROPERTY SHALL BE RESPONSIBLE FOR:
1. EXTENDING THE EXISTING PLATTED STREET FROM THE TEMPORARY TERMINATION TO THE NEW DEVELOPMENT, USING THE SAME STREET CONSTRUCTION AS THE ORIGINAL DEVELOPMENT.
 2. CONNECTING ALL SIDEWALKS BETWEEN THE ADJACENT DEVELOPMENTS.
 3. REMOVING, REGRADING AND SEEDING THE TEMPORARY PORTION OF THE TURNAROUND TO A CONDITION EQUAL TO OR BETTER THAN THE ADJACENT LOTS.
 4. ALL EASEMENTS FOR THE STUB STREET OUTSIDE THE PERMANENT RIGHT-OF-WAY SHALL BE EXTINGUISHED AND SHALL REVERT TO THE ADJACENT LOT OWNERS.

Section ~~411~~ 403

Private Streets

403.1 No Access to Subdivisions from Private Streets

There shall be no private streets, lanes, or ways, nor any private easements used for the purpose of access to any subdivision including subdivisions exempt from platting under ~~O.R.C.~~ *Ohio Revised Code* SECTION 711.131 and Section ~~330~~ 308 of these regulations, unless constructed ~~and maintained~~ to County road specifications and standards as set forth in these regulations. The cost of maintenance of such private streets, lanes, ways, and easements shall

be borne equitably by benefiting property owners. Proper legal steps shall be taken to guarantee the continuing maintenance of such streets, lanes, ways and easements.

403.2 Access to Public Utilities

Service roads and easements of access leading to and providing access to parcels of land on which public utilities are located (e.g., standpipes, lift stations, substations, etc.) are exempt from the requirements of this section. Service roads and easements of access exempted from the requirements of this section shall not be used for access to any other parcel of land.

Section 412 *(addressed in new Article 5, 503.7)*

Minimum Road and Alley Widths

- ~~1. Primary roads not less than 100 feet of right-of-way; roadway minimum 50 feet. (moved to 503.7 1)~~
- ~~2. Secondary roads not less than 80 feet of right-of-way; roadway minimum 36 feet. (moved to 503.7 2)~~
- ~~3. Minor roads not less than 50 feet of right-of-way; pavement section with curbs must be used. (See Attached Typical Section) Alternate: Minimum right-of-way width 60 feet. The developer may use a 22 foot pavement with proper ditching. (moved to 503.7 3)~~
- ~~4. Cul-de-sac or Turnaround. The terminal shall be a circular area in which a 22 foot pavement is carried around an island. The inner radius of the pavement, measured from the center line of the road extended, shall be 28 feet. The minimum right-of-way provided for the turn around shall be 120 feet.~~
- ~~5. Proper drainage shall be provided. The area encompassed in the segments of the turnaround lying outside the right-of-way of the road shall be in the nature of an easement for road purposes and revert to the abutting property owners when the road is legally extended. An acceptable alternative design for cul-de-sacs would be to pave the entire turnaround area with a minimum cul-de-sac radius pavement of 50 feet.~~
- ~~6. Alleys, 30 feet of right-of-way; 22 foot pavement.~~

Section 413 *(addressed in new Article 5, 503.6)*

Intersections

- ~~1. At road and alley intersections, property line corners shall be rounded by an arc, the radius of which shall be 25 feet. In business districts a chord may be substituted for such an arc. (addressed in 503.6 D)~~
- ~~2. Street curb intersections shall be rounded by radii of at least 30 feet. (addressed in 503.6 D)~~
- ~~3. The foregoing minimum radii shall be increased when the smallest angle of intersection is less than 60 degrees. (addressed in 503.6 C)~~

Section ~~420~~ 404

DESIGN AND LAYOUT OF BLOCKS AND CUL-DE-SACS

The following regulations shall govern the design and layout of blocks AND CUL-DE-SACS.

404.1 BLOCK AND CUL-DE-SAC LENGTH

A. BLOCKS

1. RESIDENTIAL AND MIXED-USE blocks may average 1,200 feet in length, but in no case exceed 1,500 feet.
2. NON-RESIDENTIAL BLOCKS MAY NOT EXCEED 2,000 FEET.
3. NO BLOCK SHALL BE LESS THAN 300 FEET.

B. CUL-DE-SACS

CUL-DE-SACS SHALL BE USED ONLY WHEN CONNECTIONS TO ADJACENT PROPERTIES WITH EXISTING STREETS OR DEVELOPMENT POTENTIAL OR CONNECTIONS TO OTHER STREETS IN THE SUBDIVISION ARE NOT POSSIBLE DUE TO PHYSICAL CONSTRAINTS SUCH AS SURFACE WATER, WETLANDS, FLOOD HAZARD AREAS OR SIMILAR FEATURES OR WHERE THE PROPERTY CONFIGURATION DOES NOT LEND ITSELF TO SUCH CONNECTIONS.

1. RESIDENTIAL AND MIXED-USE Cul-de-sacs shall not exceed ~~900~~ 1,200 feet in length.
2. NON-RESIDENTIAL CUL-DE-SACS MAY NOT EXCEED 1,500 FEET.
3. CUL-DE-SACS SHALL BE MEASURED THE CUL-DE-SAC CENTER RADIUS POINT TO THE CENTERLINE OF THE NEAREST INTERSECTING STREET WHICH IS PART OF A BLOCK, I.E. HAVING TWO INGRESS/EGRESS PATH FROM THE DEVELOPMENT (SEE ILLUSTRATION).

Figure 5

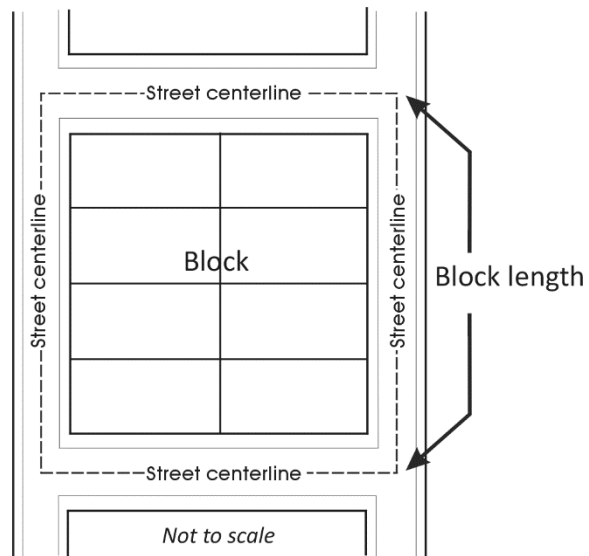
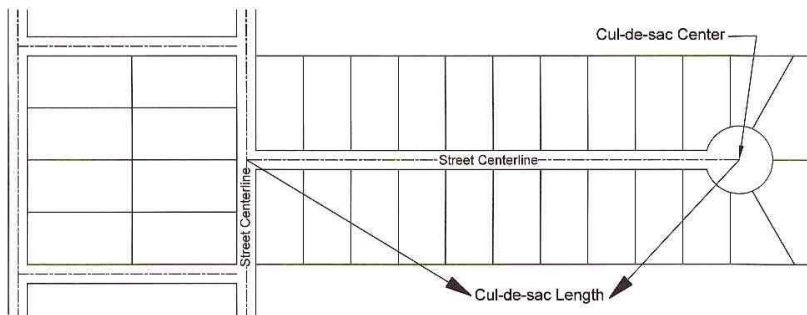


Figure 6



404.2 BLOCK LAYOUT

- A. Block width shall normally be sufficient to provide for two rows of lots with utility lines in rear-lot easements, where ~~these are desired by the subdivider~~ APPLICABLE.
- B. Irregularly shaped blocks, those intended for cul-de-sacs or loop streets, and those containing interior parks or playgrounds, may be approved by the Commission if

properly designed and located and if the maintenance of interior public spaces is covered by agreements.

- C. Blocks shall be as large as is practicable for the efficient utilization of land, economy in construction and maintenance of the streets and utilities, and reduction of intersectional traffic hazards; but ~~each block must~~ **NO BLOCK** ~~not~~ **SHALL** exceed ~~1500 feet~~ **LENGTHS SPECIFIED ABOVE.**
- D. ~~In areas zoned for commercial or industrial uses, blocks shall be designed specifically for the kind of non-residential occupancy intended, with adequate space set aside for off-street parking and delivery facilities.~~

Section ~~421~~ 405

LAYOUT OF Lots

The size, shape and orientation of lots shall be appropriate for the location of the proposed Subdivision and for the type of development contemplated and shall conform to any existing township zoning regulations and to the regulations of the Portage County ~~Board of~~ **Combined General Health** **DISTRICT.** For properties without central sewer there shall be a 10-foot separation from property line. There is a 50-foot separation from a well and water body pursuant to OAC 37.01-29.

~~1. Where no township zoning exists, and where public sewer and water is available, lots for residential use shall be at least 60 feet wide at the building line, 150 feet in depth and contain 9,000 square feet in area.~~

~~2. Where no public sewer and water is available, lots for residential use shall contain 1 1/2 acres in area. The area may be reduced if the Portage County Board of Health states in writing that soil and topographical conditions of the site are such that a private water supply and sewage disposal can be safely provided within the lot area.~~

~~3. The subdivider of land shall provide each lot with a minimum frontage on a public or private street, of sixty (60) feet in width or an access strip to a road approved by the County Engineer. Such access strip must be at least sixty (60) feet in width for entire length of said strip and must provide access to only one (1) parcel of land. A strip of land providing access to more than one (1) parcel of land shall be dedicated as a public or private street and shall be improved by the developer or subdivider in accordance with these regulations.~~

~~The above frontage standard may be reduced by the Planning Commission for lots fronting on a permanent cul-de-sac, or a loop street.~~

405.1 General

- A. Side lot lines shall be approximately at right angles to the center line of the road. On curved roads the side lot lines shall be radial lines if ~~practicable~~ practical.
- B. Where the tract is subdivided into larger parcels than normal building lots, such parcels shall be arranged so as to allow for the logical ~~resubdivision~~ of such parcels **IN THE FUTURE** and for the planned opening of future streets, ~~and extensions~~ of existing streets **AND INSTALLATION OF OTHER REQUIRED INFRASTRUCTURE**.
- C. Corner lots shall have extra width sufficient ~~for maintenance of~~ **TO ACCOMMODATE** building lines on both streets.

405.2 Where No Township Zoning Exists

- A. ~~where~~ IF public sewer ~~and water~~ is available, lots for residential use shall be at least ~~60~~ 50 feet wide at the building line, 150 feet in depth and ~~contain 9,000~~ BE 7,500 square feet in area.
- B. ~~Where~~ IF ~~no~~ public sewer ~~and water~~ is NOT available, lots for residential use shall ~~contain~~ BE AT LEAST 60 FEET WIDE AT THE BUILDING LINE AND ONE AND ONE-HALF (1-1/2) acres in area. The ~~area~~ ACREAGE may be reduced if **WRITTEN APPROVAL FOR A HOUSEHOLD SEWAGE TREATMENT SYSTEM INSTALLATION IS GRANTED BY the Portage County Board of Health DISTRICT.** ~~states in writing that soil and topographical conditions of the site are such that a private water supply and sewage disposal can be safely provided within the area.~~

405.3 Lot Frontage

- A. IF PUBLIC SEWER IS NOT AVAILABLE, ~~The~~ Subdivider of land shall provide each lot with a minimum frontage on a public or private street, ~~of sixty (60) feet. in width or an access strip to a road approved by the County Engineer.~~ THE 60-FOOT WIDTH, OR GREATER, SHALL BE MAINTAINED THE ENTIRE LENGTH OF THE LOT. FRONTAGE ON A LIMITED ACCESS ROAD WILL NOT BE COUNTED AS FRONTAGE WITHOUT PROOF THAT ACCESS CAN BE OBTAINED.
- B. IF PUBLIC SEWER IS AVAILABLE AND ZONING PERMITS, THE LOT FRONTAGE MAY BE REDUCED TO 50 FEET. THE 50-FOOT WIDTH, OR GREATER, SHALL BE MAINTAINED THE ENTIRE LENGTH OF THE LOT. FRONTAGE ON A LIMITED ACCESS ROAD WILL NOT BE COUNTED AS FRONTAGE WITHOUT PROOF THAT ACCESS CAN BE OBTAINED.
- C. ~~Such access strip must be at least sixty (60) feet in width for entire length of said strip and must provide access to only one (1) parcel of land. A strip of land providing access to more than one (1) parcel of land, shall be dedicated as a public or private street and shall be improved by the developer or subdivider in accordance with these regulations.~~

FLAG LOTS WITH MINIMUM FRONTAGE ON A PUBLIC ROAD OR PRIVATE ROAD BUILT TO COUNTY STANDARDS SHALL PROVIDE ACCESS TO ONLY THAT LOT. IF THE NARROW PORTION OF THE LOT OFFERS ACCESS TO MORE THAN ONE PARCEL OR LOT, IT SHALL BE BUILT TO ROAD STANDARDS AS SPECIFIED IN THESE REGULATIONS.

- D. ~~The above frontage standard~~ may be reduced by the REGIONAL Planning Commission for lots ~~fronting~~ on a permanent cul-de-sac ~~(Section 404.1A), or~~ ON THE CURVED PORTIONS OF a loop street. FRONTAGE REQUIREMENTS MUST MEET LOCAL ZONING REGULATIONS.

Section ~~422~~ 406

Buildings

406.1 Principal Buildings

Every single, ~~and~~, two OR THREE family building ~~hereafter~~ erected or structurally altered shall be located on a lot of record and in no case shall there be more than one principal building and the customary accessory buildings on one lot except as otherwise provided IN LOCAL REGULATIONS, ~~in conformity with the provisions of these regulations~~ INCLUDING THOSE OF THE PORTAGE COUNTY HEALTH DISTRICT.

406.2 Construction of Buildings on Subdivisions under Review

No new buildings shall be constructed or placed on the site of the proposed Subdivision once the proposed Subdivision ~~map~~ PLAT has been submitted to the PORTAGE COUNTY Regional Planning Commission for approval until the Subdivision PLAT has been approved. ~~For additional restrictions on building after approval see Article 6, Section 602.~~

406.3 SCHEDULE OF BUILDING CONSTRUCTION *(from Article 6, Section 602)*

The ~~storm sewers,~~ sanitary sewers AND WATER LINES (WHERE APPLICABLE), STORM SEWERS and ~~roadway sub-grade~~ FIRST LAYER OF ASPHALT ON ROADS shall be installed prior to the construction of buildings within a subdivision. No lot shall be sold or leased, nor shall any building permits be issued for any building unless required improvements are first constructed as specified by these regulations AND TOWNSHIP ZONING REQUIREMENTS ARE MET. ~~It is imperative that traffic be contained on the pavement and driveway areas since stronger pipe is to be provided at these areas. This case will aid in preventing damage to the storm and sanitary sewer systems. In addition, all items constructed shall be completely protected. Damaged items shall be replaced or repaired as directed by the inspector and at the contractor's expense. The curbing and road base will follow when ordered by the inspector upon an approved sub-grade. Upon completion and approval of all other items, the pavement surface course will be applied. (Amended 26, 1984)~~

406.4 Building Lines (ALSO KNOWN AS SETBACK LINES)

Building **OR SETBACK** lines shall be established in conformity with existing zoning regulations. If no zoning exists or if applicable zoning does not establish a minimum set-back line, then the **REGIONAL** Planning Commission may establish minimum front-yard setbacks. They shall be designed with due regard for the size and shape of the lots, the width of the road, the topography, and character of the Subdivision **AND NEIGHBORHOOD**. They may be varied along a single block front or road for greater attractiveness, if the consent of the Planning Commission is given.

Section ~~430~~ 407

Easements

407.1 CENTRAL SANITARY SEWER AND WATER EASEMENTS

- A. **SANITARY** sewer and water easements to Portage County shall be provided where necessary **AND AS REQUIRED BY THE PORTAGE COUNTY WATER RESOURCES DEPARTMENT**.
- B. The location and width of these easements shall be determined by the **PORTAGE** County ~~Sanitary Engineer~~ **WATER RESOURCES DEPARTMENT** where applicable, after discussion with the Developer on said easement locations.
- C. Generally, **SANITARY** sewer and/or water easements shall be thirty (30) feet in width. Where deemed necessary, the **PORTAGE** County ~~Sanitary Engineer~~ **WATER RESOURCES DEPARTMENT** may require additional easement width.

407.2 Drainage Easements

- A. Where a Subdivision is ~~transversed~~ **TRAVERSED** by a drainage way, a storm water or drainage easement ~~dedicated to the public and THAT conforming~~ **CONFORMS** substantially ~~with~~ **TO** the lines of such drainage way shall be ~~provided~~ **CREATED TO PROVIDE ACCESS FOR MAINTENANCE BY THE APPROPRIATE AUTHORITY. SUCH EASEMENTS SHALL BE SHOWN ON THE PLAT.**
- B. The **DRAINAGE** easement shall be a minimum of thirty (30) feet wide, plus **AN ADDITIONAL** four (4) feet in width for every foot of depth of the channel over two (2) feet ~~of depth~~ **DEEP**, and shall ~~generally follow, but need not be centered upon, rear and side lot lines.~~ **be located within the open space areas.**
- C. When the drainage system is outside of the road right-of-way, the Developer ~~shall~~ **MAY** petition the County Commissioners to set up a county established ditch to provide for the future maintenance of said system by assessment of the ~~benefited~~ **BENEFITTING** owners within the subdivision. ~~(This system shall be so designed to incorporate only the watershed affecting the allotment and to an adequate outlet).~~ **SECTION 6131 OF THE**

OHIO REVISED CODE, AS AMENDED, SHALL GOVERN THE PROCESS OF CREATING AND MAINTAINING COUNTY DITCHES.

- D. Easements for drainage purposes shall be ~~constructed or defined~~ **ACCURATELY DEPICTED ON THE PLAT AND IMPROVEMENT PLANS** ~~by the Developer,~~ **AND APPROVED BY THE COUNTY ENGINEER** before A plat and/or improvement is accepted.
- E. In instances where the ditch is not presently channeled or visible, the Developer shall be required to define such ditch by excavating or grading. The purpose of this procedure is to prevent future owners from attempting to block said water course on the pretext that they had no knowledge of such drainage easement.

Section 408

Open Space *(Much of the text with strikethroughs is used in the re-written section below)*

~~In the interest of public welfare, at least 5% of the area of every subdivision 20 acres or over, exclusive of roads, shall be set aside as open space for recreational purposes. Such land set aside shall be suitable for use as parks or playgrounds. Such land shall be dedicated for public use, or reserved for the common use of all property owners or tenants within the proposed subdivision.~~

~~If the area set aside is dedicated for public use, it shall be dedicated and accepted either by the Township where the proposed subdivision is located, or by Portage County, or by another appropriate governmental entity, if any. Such dedication and acceptance shall be endorsed on the plat. If the appropriate governmental entity refuses to accept such dedication, then such areas shall be reserved for the common use of all property owners or tenants within the proposed subdivision.~~

~~Reservation of open space for common use may be accomplished by conveyance of such area to a property owners' association or the developer may employ any other legal device by which such area is effectively reserved for the common use of all property owners. Such legal device shall provide for the management and control of such area.~~

~~Where such area is reserved for the common use of all property owners within the subdivision, covenants that run with the land shall be endorsed on the plat and inserted in the deed to every purchaser of property within the subdivision requiring each property owner to pay a proportionate share of the maintenance costs of such open space.~~

~~If the subdivision, or part thereof, consists of central units, the developer shall set aside such open space for the use of all tenants within the development and shall provide for the maintenance.~~

408.1 PURPOSE (OHIO REVISED CODE SECTION 711.10)

PURSUANT TO SECTION 711.10 OF THE *OHIO REVISED CODE*, OPEN SPACE SHALL BE REQUIRED IN SUBDIVISIONS PER SECTION 408.3 TO PROVIDE ADEQUATE OPEN SPACES FOR RECREATION, LIGHT AND AIR AND FOR THE AVOIDANCE OF CONGESTION. FOR THE PURPOSE OF THESE REGULATIONS, EACH SUBDIVISION SHALL HAVE OPEN SPACE SET ASIDE FOR EITHER OR BOTH OF THE FOLLOWING:

- A. RECREATIONAL USES
- B. THE PRESERVATION OF SENSITIVE ENVIRONMENTAL FEATURES, INCLUDING BUT NOT LIMITED TO, STEEP SLOPES, WETLANDS, FLOOD HAZARD AREAS, WATER BODIES AND STREAMS AND THEIR RIPARIAN AREAS, WILDLIFE HABITAT, IMPORTANT ECOSYSTEMS AND DRINKING WATER SOURCE AREAS. SCENIC VIEWS AND CULTURAL OR HISTORIC FEATURES MAY ALSO BE CONSIDERED FOR PRESERVATION.

408.2 PUBLIC FACILITIES

WHEN LAND IN A PROPOSED MAJOR SUBDIVISION HAS BEEN IDENTIFIED AS THE SITE FOR A PUBLIC PARK, SCHOOL OR OTHER PUBLIC FACILITY AS PART OF AN ADOPTED COMPREHENSIVE LAND USE, PARKS OR FACILITY MASTER PLAN, THE PORTAGE COUNTY REGIONAL PLANNING COMMISSION SHALL HAVE THE OPTION TO REQUIRE THAT THE LAND BE RESERVED ON THE PLAT FOR THAT USE.

- A. A RESERVATION OR OPEN SPACE BLOCK SHALL BE REQUIRED ONLY WHEN THE PUBLIC BODY CHARGED WITH THE RESPONSIBILITY FOR THE DESIGNATED PUBLIC USE SUBMITS A WRITTEN REQUEST TO THE PLANNING COMMISSION FOR RESERVATION OF THE LAND. SUCH REQUEST MUST BE SUBMITTED EARLY IN THE PLANNING STAGES OF THE DEVELOPMENT TO THE REGIONAL PLANNING COMMISSION.
- B. ACQUISITION OF THE RESERVED LAND BY THE PUBLIC BODY CHARGED WITH THE RESPONSIBILITY FOR THE DESIGNATED PUBLIC USE SHALL BE BASED ON THE VALUE OF THE LAND AS NEGOTIATED BETWEEN THE PARTIES INVOLVED.
- C. LAND ACQUIRED BY A PUBLIC BODY IN THE MANNER DESCRIBED IN THIS SECTION, SHALL NOT BE CONSIDERED CREDIT TOWARDS THE MINIMUM OPEN SPACE REQUIREMENT OF THESE REGULATIONS.

408.3 MINIMUM Open Space Requirements for Major Subdivisions

~~In the interest of public welfare, at~~ AT least 5% of the area of every Subdivision 20 acres or over ~~exclusive of roads~~, shall be set aside as open space for ACTIVE OR PASSIVE recreational purposes OR TO PRESERVE SENSITIVE OR NATURAL ENVIRONMENTAL FEATURES.

THE DENSITY OF THE SUBDIVISION WILL DETERMINE THE OPEN SPACE REQUIREMENTS FOR ALL SUBDIVISIONS AS FOLLOWS:

AVERAGE
SIZE OF LOTS*

PERCENT OF SUBDIVISION
TO BE RESERVED AS OPEN SPACE

40,000 SQ. FT. (0.92 ACRES) AND UP	5
20,000 – 39,999 SQ. FT. (0.46 – 0.91 ACRES)	7
LESS THAN 20,000 SQ. FT. (0.46 ACRES)	10

* AVERAGE LOT SIZE = TOTAL SQUARE FOOTAGE OF RESIDENTIAL, COMMERCIAL OR INDUSTRIAL LOTS DIVIDED BY THE NUMBER OF LOTS PROPOSED FOR THE FINISHED SUBDIVISION.

ALL OPEN SPACE BLOCKS and common Open Space blocks shall be conveyed by deed after platting to the HOA to be ~~dedicated for public use or~~ reserved for the ~~common use~~ by ~~of~~ all property owners or tenants within the proposed Subdivision or dedicated for public use by the general public OR THE DEVELOPER MAY PROPOSE A CASH PAYMENT IN LIEU OF PROVIDING OPEN SPACE. THE PORTAGE COUNTY REGIONAL PLANNING COMMISSION MUST REVIEW AND APPROVE THE CASH EQUIVALENT PAYMENT OPTION.

A. Open Space/Common Open Space dedicated for public use

1. If the area set aside is dedicated for public use, it shall be dedicated and accepted either by the Township where the proposed Subdivision is located, or by Portage County, or by another appropriate governmental entity, ~~if any~~.
2. Such dedication and acceptance ~~shall~~ must be endorsed on the plat.

If AN appropriate governmental entity refuses to accept such dedication, then such areas shall be conveyed after platting to the HOA and reserved for the common use of all property owners or tenants within the proposed Subdivision.

3. PLAN REQUIREMENTS.

- a. ALL PLAT SUBMISSIONS SHALL INCLUDE AN OPEN SPACE USE AND MAINTENANCE PLAN, WHICH SHALL DELINEATE:
 1. THE PROPOSED BOUNDARIES OF THE COMMON OPEN SPACE.
 2. WHERE ACCESS TO THE OPEN SPACE WILL BE LOCATED.
 3. A VISUAL AND WRITTEN DESCRIPTION OF HOW THE OPEN SPACE WILL BE DEVELOPED, DEFINING:
 - i. AREAS OF NATURAL RESOURCES, INCLUDING WETLANDS, STREAMS, PONDS, RAVINES, STEEP SLOPES, OUTCROPPINGS, TREE LINES, ETC., THAT WILL BE PROTECTED AND LEFT IN THEIR NATURAL STATE..
 - ii. AREAS THAT WILL BE CLEARED FOR PASSIVE RECREATIONAL ACTIVITIES.
 - iii. AREAS THAT WILL BE CLEARED AND IMPROVED FOR ACTIVE RECREATIONAL ACTIVITIES.
 - iv. AREAS THAT WILL BE RETURNED TO A NATURAL SETTING.
- b. THE LOCATION OF ACCESS WAYS WITHIN THE OPEN SPACE.

- c. A WRITTEN DESCRIPTION OF HOW THE APPROVED OPEN SPACE PLAN SHALL BE MAINTAINED INTO THE FUTURE..

4. *DESIGN REQUIREMENTS.* THE DESIGN AND LAYOUT OF COMMON OPEN SPACE SHALL BE GOVERNED BY THE FOLLOWING STANDARDS:

- a. PERMANENT WATER BODIES SHOULD COMPRISE NO MORE THAN 30% OF THE REQUIRED OPEN SPACE. THE REGIONAL PLANNING COMMISSION MAY, AT ITS DISCRETION ALLOW WATER BODIES TO COMPRISE UP TO 50% OF THE REQUIRED OPEN SPACE DEPENDING ON THE WATER BODY'S UTILITY AS A RECREATIONAL OR OPEN SPACE ASSET TO THE PUD.
- b. OPEN SPACE AREAS AND RECREATION AREAS SHALL BE DISTRIBUTED THROUGHOUT THE PLAT AND LOCATED SO AS TO BE READILY ACCESSIBLE AND USABLE BY ALL RESIDENTS OF THE SUBDIVISION.
- c. COMMON/OPEN SPACE SHALL NOT BE LESS THAN 75 FEET IN WIDTH, EXCEPT FOR ACCESS CORRIDORS FROM STREETS TO THE OPEN SPACE, WHICH MAY BE NO LESS THAN 30 FEET IN WIDTH. THE MINIMUM AREA OF CONTIGUOUS COMMON OPEN SPACE SHALL NOT BE LESS THAN TWO ACRES, EXCLUSIVE OF ACCESS CORRIDORS.
- d. THE FOLLOWING AREAS SHALL NOT BE CONSIDERED AS PART OF THE COMMON OPEN SPACE:
 - 1. ANY PRIVATE YARD AREAS ON PLATTED BUILDING LOTS.
 - 2. ANY AREA WITHIN 15 FEET OF ANY CONDOMINIUM OR MULTI-FAMILY STRUCTURE.
 - 3. ROADWAYS AND PARKING FACILITIES FOR CONDOMINIUMS AND MULTI-FAMILY STRUCTURES.
- e. ACCESS WAYS SHALL BE CONSTRUCTED TO THE FOLLOWING MINIMUM REQUIREMENTS:
 - 1. MINIMUM WIDTH SHALL BE NOT LESS THAN SIX FEET.
 - 2. MINIMUM VERTICAL CLEARANCE SHALL BE NOT LESS THAN EIGHT FEET.
 - 3. THE TRAIL TREAD SHALL BE CONSTRUCTED OF CRUSHED LIMESTONE, CHIP AND SEAL, ASPHALT, CONCRETE OR SIMILAR MATERIAL.
 - 4. THE TRAIL SHALL CONTAIN A COMPACTED SUB-BASE AND BE DESIGNED TO LAST NOT LESS THAN SEVEN YEARS

5. *COMPLETION OF OPEN SPACE IMPROVEMENTS.* ALL OPEN SPACE IMPROVEMENTS, INCLUDING ACCESS WAYS, SHALL BE INSTALLED OR CONSTRUCTED DURING THE PHASE OF DEVELOPMENT IN WHICH THEY ARE PROPOSED, OR A FINANCIAL GUARANTEE FOR PERFORMANCE HAS BEEN POSTED. HOWEVER, ALL OPEN SPACE IMPROVEMENTS SHALL BE CONSTRUCTED OR FINANCIAL GUARANTEES FOR PERFORMANCE POSTED FOR THE ENTIRE REMAINING BALANCE OF THE IMPROVEMENTS BEFORE:

- a. FORTY PERCENT OF THE PROPOSED BUILDING LOTS HAVE BEEN PLATTED
- b. WITHIN 30 MONTHS OF THE PLANNING COMMISSION'S APPROVAL OF THE GENERAL PLAN, WHICHEVER OCCURS FIRST

6. *DISPOSITION OF COMMON OPEN SPACE.*

BEFORE THE PLAT IS RECORDED A HOMEOWNERS ASSOCIATION; COMMUNITY ASSOCIATION, "MASTER" ASSOCIATION OR SIMILAR LEGAL ENTITY SHALL BE CREATED FOR THE PURPOSE OF CONTROLLING, MAINTAINING AND REPAIRING ALL COMMON ELEMENTS AND UTILITIES IN THE PLAT, INCLUDING THE COMMON/OPEN SPACE. THE RECORDED DOCUMENTS THAT CREATED THE HOA SHALL BE CITED ON THE PLAT. MEMBERSHIP IN THE ASSOCIATION SHALL BE MANDATORY FOR ALL PURCHASERS OF DWELLING UNITS WITHIN THE DEVELOPMENT.

- a. Common/open space shall be prohibited from further subdivision and development by deed restriction, conservation easement or similar restrictive covenants. The Regional Planning Commission may recommend that ownership of all or parts of the common/open space be deeded to the township, a park district, land conservancy or similar organization. The accepting entity must show the ability and willingness to accept such deed and maintain the property.
- b. The association shall not authorize its dissolution, nor shall it sell, transfer or otherwise dispose of common open space or other common facilities, utilities, and other improvements without first:
 - 1. OFFERING TO DEDICATE THE COMMON ELEMENTS TO THE TOWNSHIP, OR
 - 2. ESTABLISHING A SUCCESSOR ENTITY FOR THE PURPOSES OF OWNING, MANAGING AND MAINTAINING SUCH COMMON ELEMENTS.

THE DISPOSITION OF COMMON/OPEN SPACE AND OTHER COMMON ELEMENTS SHALL BE DONE IN ACCORDANCE TO APPROPRIATE STATE LAWS AND/OR THE CONTROLLING DOCUMENTS OF THE ASSOCIATION AND BE APPROVED BY THE REGIONAL PLANNING COMMISSION AS AN AMENDMENT TO THE APPROVED PLAT.

- c. The association shall convey to the Township, other appropriate governmental bodies and utility providers the right of entrance to the common open space and other common elements for emergency purposes or in the event of nonperformance in completing, maintaining, and repairing of such improvements that affect the public health, safety, and welfare. Such entities shall have the right, after proper notice, to make improvements and perform maintenance functions with the cost levied as liens against the property, including the individual building lots, multi-family buildings and undeveloped building lots located within the development, if such liens may be lawfully levied. In the event of an emergency, advance notice is not necessary for entrance onto such common areas and facilities.
- d. *Private amenities.* Developers of subdivisions may elect to provide certain amenities for the benefit of the residents of the Plat, including but not limited to swimming pools, tennis courts, playground equipment, and other active and passive recreational improvements:

1. SUCH AMENITIES SHALL BE LOCATED WITHIN THE COMMON/OPEN SPACE AND THE LOCATION AND DIMENSIONS OF SUCH AMENITIES SHALL BE DEFINED ON THE GENERAL PLAN OF THE SUBDIVISION.
2. SUCH AMENITIES SHALL BE CONSIDERED AN INTEGRAL PART OF THE APPROVED DEVELOPMENT PLAN AND MAY NOT BE ELIMINATED OR MODIFIED WITHOUT THE PLANNING COMMISSION'S APPROVAL.
3. ALL AMENITIES SHALL BE CONSTRUCTED OR FINANCIALLY GUARANTEED IN ACCORDANCE TO THE PROVISIONS NOTED IN DIVISION (5) OF THIS SECTION FOR OPEN SPACE IMPROVEMENTS.

B. Open Space for common use of property owners IN THE SUBDIVISION

1. Reservation of open space for common use may be accomplished by conveyance of such area to a property owners' association or the Developer may employ any other legal device by which such area is effectively reserved for the common use of all ~~property~~ owners. Such legal device shall provide for the management, MAINTENANCE and control of such areaS (SEE OHIO REVISED CODE SECTION 5312, OHIO PLANNED COMMUNITY LAW).

OPEN SPACE RESERVATION STATEMENT TO BE SHOWN ON THE PLAT:

THE OPEN SPACE AREAS PLATTED AS A PART OF THIS SUBDIVISION WILL BE CONVEYED AFTER PLATTING BY DEED TO THE HOA AND MAINTAINED BY THE HOA AND WILL HEREAFTER BE PRESERVED AS OPEN SPACE FORTHE USE AND ENJOYMENT OF THE RESIDENTS OF THE SUBDIVISION, UNLESS OTHERWISE DEDICATED TO ANOTHER GOVERNMENTAL ENTITY FOR PUBLIC USE, AND MAY NOT BE TRANSFERRED THEREAFTER FOR PURPOSES THAT NEGATE THE INTENT OF THE OPEN SPACE REGULATIONS.

SUBDIVISION OWNER

DATE

2. Where such area is reserved for the common use of all property owners within the Subdivision, covenants that run with the land shall be endorsed on the plat and inserted in the deed to every purchaser of property within the Subdivision requiring each property owner to pay a proportionate share of the maintenance costs of such open space.

C. AN OPEN SPACE EASEMENT MAY BE EMPLOYED TO PROTECT AND PRESERVE SENSITIVE NATURAL AREAS. SUCH EASEMENT, IN GENERAL, PRECLUDES THE PLACEMENT OF BUILDINGS AND OTHER STRUCTURES IN THE DESIGNATED AREAS UNLESS OTHERWISE STATED, AND INCLUDES LANGUAGE THAT SPECIFIES ALLOWED AND PROHIBITED USES. THE EASEMENT MAY BE HELD BY THE OWNERS' ASSOCIATION OR ANOTHER APPROPRIATE AGENCY OR ORGANIZATION.

D. OWNERSHIP OF THE OPEN SPACE REQUIRED IN THESE REGULATIONS BY AN INDIVIDUAL RESIDENT OR PROPERTY OWNER IN THE SUBDIVISION IS NOT PERMITTED.

E. HOA documents need to be approved by County Prosecutor AND RECORDED IN THE COUNTY RECORDER'S OFFICE prior to Plat approval.

408.4 OPEN SPACE DESIGN

- A. Land set aside as open space FOR THE COMMON USE OF SUBDIVISION PROPERTY OWNERS shall be PRIMARILY suitable for use as parks or playgrounds, MEANING:
 - 1. THE LAND MUST HAVE CHARACTERISTICS CONDUCIVE TO ACTIVE OR PASSIVE RECREATIONAL USE, INCLUDING SOIL TYPES, TOPOGRAPHY AND SHAPE. SMALL, DISJOINTED AREAS GENERALLY DO NOT MEET THE CRITERIA FOR SUITABILITY.
 - 2. LANDSCAPED BERMS, WHEN REQUIRED BY ZONING, ARE NOT CONSIDERED PART OF OPEN SPACE MINIMUM ACREAGE.
 - 3. UP TO 40% OF OPEN SPACE AREA MAY BE SENSITIVE OR NATURAL ENVIRONMENTAL AREAS, SUCH AS THOSE LISTED IN SECTION 408.1B, OR A RETENTION POND WITH AESTHETIC AMENITIES AND RECREATIONAL UTILITY THAT CAN BE ACCESSED BY THE RESIDENTS.
 - 4. TO PROTECT SENSITIVE NATURAL AREAS, OPEN SPACE EASEMENTS ENFORCED BY THE OWNERS' ASSOCIATION OR CONSERVATION EASEMENTS HELD BY AN AGENCY WITH THE ABILITY TO MONITOR SUCH AREAS ARE ENCOURAGED.
 - 5. INGRESS AND EGRESS TO THE OPEN SPACE SHALL NOT BE ACROSS PRIVATE LOTS IN THE SUBDIVISION.
- B. OPEN SPACE SET ASIDE FOR USE BY THE GENERAL PUBLIC
 - 1. IF SET ASIDE FOR PUBLIC USE, THE PUBLIC MUST HAVE INGRESS AND EGRESS TO THE OPEN SPACE AND SUCH ACCESS SHALL NOT BE ACROSS PRIVATE LOTS. PUBLIC ACCESS SHALL BE COMPLIANT WITH THE AMERICANS WITH DISABILITIES ACT WHERE REQUIRED.
 - 2. STORMWATER FACILITIES MAY NOT BE PART OF OPEN SPACE SET ASIDE FOR PUBLIC DEDICATION.
- C. PLANNING FOR THE LOCATION OF OPEN SPACE SHALL INCLUDE CONSIDERATION OF ADJACENT OPEN AREAS, PARKS AND TRAILS.

408.5 CASH EQUIVALENT PAYMENT IN LIEU OF OPEN SPACE IN SUBDIVISIONS

IF A SUBDIVISION'S PARTICULAR LOCATION OR NATURAL FEATURES DO NOT WARRANT LAND TO BE SET ASIDE AS OPEN SPACE OR IF SETTING ASIDE OPEN SPACE IS INAPPROPRIATE OR INFEASIBLE, THEN THE DEVELOPER MAY PROPOSE A CASH EQUIVALENT PAYMENT TO THE OPEN SPACE FUND IN LIEU OF PROVIDING OPEN SPACE. FEES IN LIEU OF OPEN SPACE, AS DESCRIBED IN THESE REGULATIONS, DO NOT APPLY TO OPEN SPACE REQUIRED IN CONSERVATION OR PLANNED DEVELOPMENTS PER LOCAL ZONING RESOLUTIONS.

- A. THE DEVELOPER'S INTENT TO SELECT THE CASH EQUIVALENT PAYMENT OPTION SHOULD BE PROPOSED EARLY IN THE PLANNING PROCESS FOR THE DEVELOPMENT AND SHOULD BE PRESENTED BEFORE OR DURING THE PRELIMINARY PLAN REVIEW TO THE REGIONAL PLANNING COMMISSION.
- B. A COMBINATION OF A CASH EQUIVALENT PAYMENT AND THE ACTUAL PROVISION OF OPEN SPACE IN A SUBDIVISION MAY BE CONSIDERED BY THE REGIONAL PLANNING COMMISSION AS LONG AS THAT COMBINATION MEETS THE MINIMUM REQUIREMENTS OF THESE REGULATIONS FOR OPEN SPACE AND SUCH COMBINATION IS PROPOSED EARLY IN THE PLANNING PROCESS AND IS APPROVED BY THE REGIONAL PLANNING COMMISSION.
- C. CASH EQUIVALENT PAYMENT CALCULATION
 - 1. THE MINIMUM CASH PAYMENT SHALL BE EQUAL TO FIVE PERCENT (5%), OR THE APPLICABLE PERCENTAGE FROM THE SLIDING SCALE FOR OPEN SPACE PRESENTED IN SECTION 408.3 OF THESE REGULATIONS, OF THE TOTAL APPRAISED VALUE BEFORE DEVELOPMENT OF THE LAND WITHIN THE PROPOSED SUBDIVISION. THE PORTAGE COUNTY AUDITOR'S APPRAISED TOTAL VALUE OR THE MOST RECENT SALES VALUATION, WHICHEVER IS GREATER, SHALL BE USED AS THE BASE VALUE OF THE PROPOSED SUBDIVISION PROPERTIES.
 - 2. IN THE EVENT THE OWNER/DEVELOPER, PARK DISTRICT OR TOWNSHIP OBJECTS TO THE VALUE OF THE LAND AS CALCULATED ABOVE (SECTION 408.5C.1), THEN A QUALIFIED INDEPENDENT APPRAISER, DETERMINED BY A SELECTION PROCESS, APPROVED BY THE PORTAGE COUNTY REGIONAL PLANNING COMMISSION, MAY BE PROCURED. SUCH APPRAISER SHALL USE THE COMPARATIVE METHOD OF APPRAISAL, OR SIMILAR ASSESSMENT PRACTICE, ACCEPTABLE TO THE REGIONAL PLANNING COMMISSION, AND SHALL DOCUMENT FINDINGS. THE FEE FOR SUCH APPRAISER SHALL BE PAID BY THE PARTY REQUESTING IT.
 - 3. A CASH EQUIVALENT AGREEMENT FORM SHALL BE COMPLETED AND SIGNED BY THE DEVELOPER AND THE PLANNING COMMISSION AFTER THE PRELIMINARY PLAN AND THE CASH EQUIVALENT OPTION IS APPROVED AND PRIOR TO APPROVAL OF THE SUBDIVISION PLAT.
 - 4. A STATEMENT SHALL APPEAR ON THE PLAT INDICATING THE DEVELOPER'S CHOICE TO PAY THE CASH EQUIVALENT FEE RATHER THAN PROVIDING OPEN SPACE.

I, _____ (applicant), choose to pay a fee-in-lieu of providing open space or parkland for the proposed _____ subdivision, located in Lot(s) _____ in _____ Township. I agree to pay the fee per Section 408.5 of the Portage County Subdivision Regulations.
- D. CASH EQUIVALENT PAYMENT
 - 1. THE CASH EQUIVALENT PAYMENT SHALL BE DUE AFTER THE PLAT FOR THE SUBDIVISION IS APPROVED BY THE REGIONAL PLANNING COMMISSION AND BEFORE

ANY INTERNAL COUNTY SIGNATURES (REGIONAL PLANNING DIRECTOR, TAX MAP DEPARTMENT, WATER RESOURCES, THE HEALTH DISTRICT OR THE COUNTY ENGINEER) ARE OBTAINED ON THE MYLAR. THE REGIONAL PLANNING COMMISSION SHALL DEPOSIT THE FEE IN THE OPEN SPACE FUND.

2. THE TOTAL CASH EQUIVALENT PAYMENT SHALL BE PAID WHEN PHASE 1 IS PLATTED, EVEN IF THE SUBDIVISION WILL BE COMPLETED IN MORE THAN ONE PHASE.

E. OPEN SPACE FUND

THE PORTAGE COUNTY BOARD OF COMMISSIONERS SHALL ESTABLISH AN OPEN SPACE FUND AND ENTER INTO AN AGREEMENT WITH A QUALIFIED ORGANIZATION OR AGENCY TO ADMINISTER THE FUNDS COLLECTED.

1. THE ORGANIZATION OR AGENCY ADMINISTERING SUCH FUND WILL:
 - a. PREPARE AND UPDATE A LIST OF PRIORITY PROJECTS FOR USE OF CASH EQUIVALENT FUNDS
 - b. COLLECT AND DISPERSE FUNDS AS STATED IN THESE REGULATIONS
 - c. REPORT ANNUALLY TO THE PORTAGE COUNTY REGIONAL PLANNING COMMISSION ON:
 - 1) COORDINATION WITH TOWNSHIP TRUSTEES
 - 2) COMMUNITY NEEDS FOR OPEN SPACE FUNDS
 - 3) USE OF CASH EQUIVALENT FUNDS
2. THE REGIONAL PLANNING COMMISSION, ON BEHALF OF THE BOARD OF COMMISSIONERS, WILL PROVIDE GUIDANCE AND INPUT ON THE ANNUAL REPORTS AND THE CONTINUED COLLECTION AND USE OF FUNDS.

F. USE OF CASH EQUIVALENT PAYMENTS

1. FUNDS SHALL BE DEPOSITED IN THE OPEN SPACE FUND AND ADMINISTERED BY THE ORGANIZATION OR AGENCY UNDER CONTRACT FOR THIS PURPOSE.
2. FUNDS SHALL BE USED TO SERVE THE AREA IN WHICH THE SUBDIVISION IS LOCATED ACCORDING TO THE FOLLOWING GUIDELINES:
 - a. THE USE OF FUNDS IN CLOSE PROXIMITY TO THE DEVELOPMENT THAT PAID THE FEES IS PREFERRED AND ENCOURAGED.
 - b. IN NO INSTANCE SHALL THE FUNDS BE USED OUTSIDE PORTAGE COUNTY.
 - c. WHEN OPEN SPACE FUNDS ARE TO BE RELEASED TO TOWNSHIPS OR OTHER ENTITIES WHO MAY PROVIDE PARKS AND/OR RECREATIONAL OPPORTUNITIES FOR RESIDENTS OF PORTAGE COUNTY, AN OPEN SPACE FUND USE FORM MUST BE COMPLETED BY THE APPLYING ENTITY OR TOWNSHIP. THE AMOUNT TO BE USED AND THE DETAILS OF THE USE MUST BE SPECIFIED. THE REQUEST FOR

FUNDS SHALL BE PRESENTED TO THE PORTAGE COUNTY REGIONAL PLANNING COMMISSION FOR APPROVAL.

3. FUNDS MAY BE USED TO PURCHASE LAND FOR OPEN SPACE, PARKS, TRAILS OR RECREATION AREAS AND/OR TO DEVELOP OR IMPROVE ACCESS TO PARKS, TRAILS OR RECREATION AREAS FOR THE BENEFIT OF THE RESIDENTS OF PORTAGE COUNTY.
4. NO PART OF SUCH FUNDS SHALL BE USED FOR THE PURPOSE OF PAYING SALARIES, WAGES OR OTHER GENERAL OPERATING EXPENSES OF EXISTING PARKS OR RECREATIONAL FACILITIES.
5. MONIES MAY BE KEPT IN THE FUND FOR 5 YEARS. IF FUNDS ARE NOT EXPENDED IN THE MANNER DESCRIBED IN THESE REGULATIONS, MONEY WILL BE RETURNED TO THE EXISTING PROPERTY OWNERS OF THE DEVELOPMENT AT THE TIME OF RELEASE.

Section 441

Preservation of Natural Features

~~Due consideration shall be given by the Developer and the Planning Commission to preserving outstanding natural features such as scenic spots, water bodies or exceptionally fine stands of trees.~~

Section 450

Section 409

Names

The proposed name of the subdivision and proposed road names shall not duplicate nor too closely resemble the name of any other subdivisions or roads in Portage County or in the cities and villages thereof.