

TABLE OF CONTENTS

ARTICLE 1: TITLE, SCOPE, AND JURISDICTION	1-1
Section 100 Title	1-1
Section 110 Administration	1-1
Section 120 Jurisdiction	1-1
Section 130 General	1-1
130.1 Platted Subdivisions	1-1
130.2 Adherence to Regulations	1-2
Section 140 Relation to Other Laws	1-2
Section 150 Planned Unit Developments Encouraged	1-2
Section 160 Amendments	1-2
Section 170 Separability	1-3
Section 180 Enactment	1-3
 ARTICLE 2: DEFINITIONS	 2-1
Section 200 Interpretation of Terms or Words	2-1
Section 201 Definitions	2-1
 ARTICLE 3: PROCEDURES FOR SUBDIVISION APPROVAL	 3-1
Section 300	3-1
Section 301 Pre-Application Meeting	3-1
301.1 Pre-Application Sketch Content	3-1
301.2 Pre-Application Committee	3-2
Section 302 Preliminary Plans	3-2
302.1 Preliminary Plans Required for Major Subdivisions	3-2
302.2 Submission of Preliminary Plan	3-2
302.3 Transmission of Preliminary Plan	3-2
302.4 Action on Preliminary Plans	3-3
302.5 Effect of Approval of Preliminary Plans	3-4
302.6 Changes in the Preliminary Plan	3-5
Section 303 Preliminary Plan Form	3-5
303.1 Preliminary Plan Size and Scale	3-5
303.2 Preliminary Plan Contents	3-6
303.3 Additional Preliminary Plan Information	3-7
Section 304 Plats	3-8
304.1 Plats Required for Major Subdivisions	3-8
304.2 Application for Approval of Plats	3-8
304.3 Submission and Transmission of Plats	3-8
304.4 Public Hearing	3-8
304.5 Submission to State Director of Transportation	3-8
304.6 Recording of Plat	3-9
Section 305 Plat Form	3-9
305.1 Plat Size and Scale	3-9
305.2 Plat Contents	3-9
305.3 Additional Plat Information	3-11
305.4 Required Statements on Plats	3-13

TABLE OF CONTENTS - CONTINUED

Section 306 Regional Planning Commission Action on Plats	3-16
306.1 Approval of Plats	3-16
306.2 Extensions of Time for Plats	3-17
306.3 Disapproval of Plats	3-18
Section 307 Replats	3-18
307.1 Replats	3-18
307.2 Exceptional Replats	3-18
307.3 Application for Approval of Replats	3-18
307.4 Replat and Exceptional Replat Contents	3-19
307.5 Regional Planning Commission Action on Replats	3-19
Section 308 Subdivisions Exempt from Platting (Minor Subdivisions)	3-19
308.1 Criteria for Subdivisions Exempt from Platting	3-19
308.2 Approval of Subdivisions Exempt from Platting	3-19
Section 309 Divisions of Land Five (5) Acres and Larger (Exempt from Subdivision Regulations)	3-20
309.1 Criteria for Divisions of Land Five (5) Acres and Larger	3-20
309.2 Submittal Requirements for Divisions of Land Five (5) Acres or Larger	3-20
309.3 Endorsement of Divisions of Land Five (5) Acres or Larger	3-21
Section 310 Transfers of Land Between Adjoining Property Owners (Exempt from Subdivision Regulations)	3-21
310.1 Criteria for Transfers of Land Between Adjoining Property Owners	3-21
310.2 Submittal Requirements for Transfers of Land Between Adjoining Property Owners	3-21
310.3 Endorsement of Transfers of Land Between Adjoining Property Owners	3-21
ARTICLE 4: SUBDIVISION PLANNING DESIGN STANDARDS	4-1
Section 400 General Statement	4-1
Section 401 Conformity to County Standards, Development Plans and Zoning	4-1
Section 402 Road and Street Design	4-1
402.1 Dead-End Streets	4-3
402.2 Stub Streets	4-4
Section 403 Private Streets	4-6
403.1 No Access to Subdivisions from Private Streets	4-6
403.2 Access to Public Utilities	4-6
Section 404 Design and Layout of Blocks and Cul-De-Sacs	4-6
404.1 Block and Cul-De-Sac Length	4-6
404.2 Block Layout	4-8
Section 405 Layout of Lots	4-8
405.1 General	4-9
405.2 Where No Township Zoning Exists	4-9
405.3 Lot Frontage	4-9
Section 406 Buildings	4-10
406.1 Principal Buildings	4-10
406.2 Construction of Buildings on Subdivisions Under Review	4-10
406.3 Schedule of Building Construction	4-10
406.4 Building Lines (also known as setback lines)	4-11
Section 407 Easements	4-11
407.1 Central Sanitary Sewer and Water Easements	4-11
407.2 Drainage Easements	4-11

TABLE OF CONTENTS – CONTINUED

Section 408 Open Space	4-12
408.1 Purpose (Ohio Revised Code Section 711.10)	4-12
408.2 Public Facilities.....	4-12
408.3 Minimum Open Space requirements for Major Subdivisions	4-13
408.4 Open Space Design	4-17
408.5 Cash Equivalent Payment In Lieu of Open Space in Subdivisions	4-17
Section 409 Names	4-20

ARTICLE 5: PORTAGE COUNTY ENGINEER’S STANDARDS FOR ROAD, STORM WATER & DRAINAGE IMPROVEMENTS.....5-1

Section 500 General Statement.....	5-1
Section 501 Intent of the Regulations, Project Scope and Plans	5-1
Section 502 Improvement Plans	5-1
502.1 General Requirements for Improvement Plans.....	5-1
502.2 Title Sheet	5-1
502.3 Topographic and Drainage Sheet	5-2
502.4 Special Construction Drawings	5-3
502.5 Road Plan and Profile Sheets	5-3
502.6 Cross-Section Sheets	5-4
502.7 Drainage Structures	5-4
502.8 Intersection Details.....	5-4
502.9 Storm Water Pollution Prevention Plan (SWP3).....	5-4
502.10 Additional Plan Sheets	5-5
Section 503 Minimum Road Design Standards.....	5-5
503.1 Engineering Design	5-5
503.2 Horizontal and Vertical Design	5-5
503.3 Cross Section Design	5-6
503.4 Pavement Widths.....	5-6
503.5 Ditches	5-6
503.6 Intersection Design	5-6
503.7 Cul-De-Sacs	5-7
Section 504 Sidewalk Standards	5-7
504.1 Sidewalk Design and Location	5-7
504.2 Sidewalk Installation.....	5-8
Section 505 Street and Stop Sign Standards.....	5-8
505.1 Sign Costs.....	5-8
505.2 Horizontal and Vertical Design	5-8
505.3 Cross Section Design	5-8
Section 506 Seeding and Sodding	5-9
Section 507 Dry Hydrants	5-9
Section 508 Drainage Design	5-9
508.1 Drainage System Requirements.....	5-9
Section 509 Storm Water Management Requirements.....	5-10
509.1 Performance Standards	5-10
509.2 Storm Water Pollution Prevention Plan (SWP3).....	5-11
509.3 Flood Hazard Areas and Wetlands.....	5-12
509.4 Residential Storm Water Maintenance Program.....	5-13

TABLE OF CONTENTS – CONTINUED

Section 510 Dams	5-14
Section 511 County Engineer Requirements for the Construction of Improvements	5-14
511.1 Plan Review Fees	5-14
511.2 Estimated Cost of Road, Storm Water and Drainage Improvements	5-14
Section 512 Performance Guarantees	5-15
512.1 Performance Guarantee	5-15
512.2 Reduction of Performance Guarantee	5-15
512.3 Failure to Construct or Complete Improvements	5-16
Section 513 Guarantee for Previously Constructed Roads Used as Haul Roads	5-16
513.1 Haul Road Performance Guarantee	5-16
513.2 Haul Road Performance Guarantee Amount	5-16
513.3 Separate Haul Roads	5-16
Section 514 Supervision of Construction of Road, Storm Water and Drainage Improvements	5-17
514.1 Pre-Construction Meeting	5-17
514.2 Requirements for Start of Construction – Approvals and Permits	5-17
514.3 Cooperation of Developer and/or Contractor	5-18
514.4 Roadway Construction	5-18
514.5 Inspection	5-18
514.6 Inspection Fees	5-19
514.7 Testing	5-20
514.8 Field Changes	5-20
514.9 Change Orders	5-20
Section 515 Plat Approval Withheld	5-20
Section 516 Conditional Acceptance of Improvements	5-21
516.1 Conditional Acceptance Procedure	5-21
516.2 Monument Inspection at Conditional Acceptance	5-21
Section 517 Maintenance Guarantees	5-22
517.1 Optional Increase of the Amount of Maintenance Guarantees	5-22
517.2 Assurance of the Maintenance Guarantees	5-22
517.3 Release of the Maintenance Guarantees	5-22
Section 518 Maintenance Improvements	5-22
518.1 Maintenance Responsibilities	5-23
518.2 Repair of Damage	5-23
518.3 Snow and Ice Removal	5-23
518.4 Mud Removal	5-24
518.5 Street Surface Course	5-24
518.6 Failure to Maintain Improvements	5-24
Section 519 Final Acceptance of Improvements	5-24
519.1 Monument Inspection at Final Inspection	5-24
519.2 As-Built Drawings	5-25
519.3 Final Inspection	5-25
519.4 Acceptance of Improvements	5-26
Section 520 Other Construction Responsibilities	5-27
520.1 Indemnification	5-27
520.2 General Liability Insurance	5-27
520.3 Surveying	5-27

TABLE OF CONTENTS – CONTINUED

Section 521 Minimum Road Pavement Specifications and Road Cross-Sections	5-28
521.1 Minimum Roadway Specifications and Road Cross-Sections	5-28
521.2 Road Cross-Sections	5-29
Appendix 5A County Engineer's Forms for Street, Storm Sewer and Drainage Improvements	5-31
 ARTICLE 6: WATER RESOURCES' STANDARDS FOR CENTRAL SEWER AND WATER IMPROVEMENTS	6-1
Section 600 Intent of the Regulations, Project Scope and Plans	6-1
Section 601 Improvement Plans	6-1
601.1 General Standards for Sewer and Water Improvement Plans	6-1
601.2 Drawings Shall Be Submitted in the Following Format	6-1
Section 602 Sewer Improvement Plans	6-2
602.1 Gravity Sewer	6-2
602.2 Sanitary Force Main	6-2
Section 603 Water Improvement Plans	6-2
Section 604 Standards for Construction of Sewer and Water Improvements	6-3
604.1 Sewage Treatment and Sanitary Sewer Improvements	6-3
604.2 Water Supply	6-4
Section 605 Installation of Public Sanitary Sewer and/or Water Improvements	6-5
605.1 General Standards	6-5
605.2 Required Information	6-5
Section 606 Performance Guarantees	6-6
606.1 Performance Guarantee in lieu of the Installation of Sanitary Sewer and/or Water Improvements	6-6
606.2 Term of Sewer and/or Water Improvement(s) Performance Guarantee	6-6
606.3 Amount of Sewer and/or Water Improvements Performance Guarantee	6-7
606.4 Release of the Performance Guarantee for Sanitary Sewer and/or Water Improvements	6-7
Section 607 Maintenance Guarantees	6-8
607.1 Guarantee of Workmanship and Materials – Maintenance Guarantee for Sanitary Sewer and/or Water Improvements	6-8
607.2 Term of the Maintenance Guarantee	6-8
Section 608 Construction Schedule for Sanitary Sewer and/or Water Improvements	6-8
Section 609 Inspection of Construction of Sanitary Sewer and/or Water Improvements	6-9
609.1 Inspections and Testing	6-9
609.2 Inspection Fees	6-9
609.3 Inspection Schedule	6-9
Section 610 Samples and Tests for Sanitary Sewer and/or Water Improvements	6-9
Section 611 Proof of General Liability Insurance	6-9
Section 612 Acceptance of Improvement Project	6-10
Appendix 6A Water Resources' Forms and Applications for Central Sanitary Sewer and Water Improvements	6-11
 ARTICLE 7: REVISIONS, ENFORCEMENT AND VARIANCES	7-1
Section 700 Recording of Plats and/or Conveyances	7-1
Section 701 Revision of Plat after Approval	7-1
Section 702 Sale of Land within Subdivisions	7-1
Section 703 Schedule of Fees, Charges and Expenses	7-1

TABLE OF CONTENTS – CONTINUED

Section 704 Penalties.....	7-2
Section 705 Variances	7-2
705.1 Variance Criteria	7-3
705.2 Variance Conditions	7-3
Section 706 Appeals	7-3



ARTICLE 1: TITLE, SCOPE AND JURISDICTION

Section 100

Title

These Regulations shall be known and may be cited and referred to as the *Portage County Subdivision Regulations* and may hereinafter be referred to as “these Regulations”.

Section 110

Administration

These Regulations shall be administered by the Portage County Regional Planning Commission, hereinafter also referred to as “Planning Commission”, or “Regional Planning Commission”, subject to and in accordance with Section 711.10 of the *Ohio Revised Code* (ORC).

Section 120

Jurisdiction

These Regulations shall apply to all subdivisions, plats, replats and exceptional replats of land in Portage County outside the corporate limits of a city or village, including subdivisions that are exempt from platting under Section 711.131 of the ORC and Section 308 of these Regulations.

In those townships having zoning, a plat, replat or subdivision exempt from platting (minor subdivision) must be approved by the respective township’s Zoning Inspector or the Township Trustees’ designated representative.

Section 130

General

130.1 Platted Subdivisions

All subdivisions other than those exempt under Section 711.131 of the ORC and Section 308 of these Regulations must be platted.

130.2 Adherence to Regulations

The development of the land shall meet the minimum general requirements of these Regulations, including the construction of, or the securing of, certain improvements before a plat will receive the endorsement of the Regional Planning Commission. (ORC Section 711.10)

Section 140

Relation to Other Laws

The provisions of these Regulations shall supplement any and all laws of the State of Ohio, Resolutions of Portage County, or any and all rules and regulations promulgated by authority of such law or resolution relating to the purpose and scope of these Regulations. Whenever the requirements of these Regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolution; the most restrictive or that imposing the higher standards shall govern except as provided in Section 150 of these Regulations.

Section 150

Planned Unit Developments Encouraged

The planned unit development approach to development is greatly encouraged. These Regulations may be modified by the degree necessary to accomplish the objectives and standards required for the planned unit development-of residential, commercial, or industrial subdivisions, or a mixture thereof, in accordance with provisions of township zoning resolutions. Nothing within this section, however, shall exempt the developer from the requirements of these Regulations.

Section 160

Amendments

These Regulations may be amended, after public hearings and other requirements as specified in the appropriate sections of the ORC.

At a minimum, a comprehensive review shall be done every three (3) years beginning July 1, 2021.

Section 170

Separability

If, for any reason, any clause, sentence, paragraph, section, or other part of these Regulations should be decided by a court of competent jurisdiction to be invalid, such judgement shall not affect the validity of these Regulations as a whole, or any part thereof, other than the part so held to be invalid.

Section 180

Enactment

These Regulations shall become effective from and after the date of their approval, adoption and/or amendment by the Regional Planning Commission and the Board of County

Commissioners after public hearing(s) and certification to the County Recorder as required by Chapter 711 of the ORC. Thenceforth, any other subdivision regulations previously adopted pursuant to Chapter 711 of the ORC by the Regional Planning Commission and Board of County Commissioners shall be deemed to be repealed as to such prior version and/or text so removed by amendment.

Amendments to these Regulations shall not affect any subdivision having received preliminary plan approval prior to the effective date of such amendment unless the regulation or amendment is required to comply with state law or there has been a mistake, fraud or a change in circumstance substantially affecting the public health, safety or welfare and provided, that no substantial changes to the preliminary plan, as approved, are introduced by the subdivider.



ARTICLE 2: DEFINITIONS

Section 200

Interpretation of Terms or Words

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

1. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
4. The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied.”
5. The word “lot” includes the words “platted lot” or “parcel.”

Section 201

Definitions

Accept, Acceptance:

Acceptance means consenting to receive something. In the case of these Regulations, public entities will consent to receive for public use and benefit subdivision improvements that meet regulatory standards and have been approved by the appropriate authorities.

Accessory Building:

See Building, Accessory.

Agricultural:

The science or practice of farming, including the cultivation of soil for the growing of crops and the rearing of animals to provide food, wool, and other products.

Alley:

See Thoroughfare, street or road.

Applicant:

The owner of land proposed to be subdivided or his/her representative who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the premises. Also see developer or subdivider.

As-built Drawings:

Drawings prepared by the developer's engineer that accurately depict the location, size, and elevation of on-site improvements as constructed such as but not limited to, all storm water structures, sanitary sewer structures, water line and gas line structures such as valves and hydrants, service valves, sanitary, storm, and water connections in lots.

Association:

An organization, whether or not incorporated, that operates under and pursuant to recorded covenants or deed restrictions through which each owner of a portion of a subdivision, be it lot, parcel, unit, or any other interest, is automatically a member as a condition of ownership and each member is subject to a charge or assessment for a pro-rated share of expenses of the association which may become a lien against lot, parcel, unit or other interest of the member. Also see Homeowners Association.

Block (Also see "PLATTED BLOCK"):

A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of water bodies or boundary lines of political subdivisions.

Block Frontage:

Property abutting one side of a street and lying between the two nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and a railroad right-of-way, waterway or other definite barrier.

Board:

Board of County Commissioners of Portage County, Ohio. Also see Commissioners.

Buffer:

A designated area between different land uses or adjacent to the perimeter of natural features designed and intended to provide separation distance and protection. Buffers are usually landscaped and/or kept as natural open space, depending upon their purpose.

Building:

Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels or property.

1. **Accessory Building:** A subordinate building detached from but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.
2. **Principal Building:** A building in which is conducted the main or principal use of the lot on which said building is situated.

Building Line:

See Setback Line.

Building Site:

See Section 310.1C of these Regulations.

Cash Equivalent Payment:

Payment of money into an earmarked fund to provide for acquisition/development of facilities off site in place of dedicating land or providing such facilities on site. Also see Fee in Lieu of.

Commercial Use:

See Land Use, Commercial.

Commissioners:

Board of County Commissioners of Portage County, Ohio

Common Driveway:

See Driveway.

Common Land:

A parcel, or parcels of land, together with the improvements thereon, the use and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a residential, commercial or industrial development.

Common Open Space:

Any land area, and associated facilities, within a development that is held in common ownership through a homeowners' association, community association or other legal entity, and is set aside for the active or passive enjoyment of owners in the development.

Comprehensive Development Plan:

See Plan, Comprehensive.

Condominium:

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 ORC and which are subject to said Chapter 5311.

Conservation Easement:

See Easement, Conservation.

Conservation Subdivision:

A development that groups houses or other structures on part of the property while maintaining a large amount of open space on the remaining land.

Contractor:

The contractor is any person, firm, or corporation undertaking the construction of any or all phases of the work contained in these Regulations.

Contour Line:

A line on a map joining points of equal elevation above a given level, usually mean sea level.

Corner Lot:

See Lot Types.

County:

Portage County, Ohio

County Highway Map:

A map showing existing thoroughfares within Portage County that designates each thoroughfare as an interstate, federal, state, county, municipal or township road.

Covenant:

A binding agreement.

Cul-de-Sac:

See Thoroughfare, street or road.

Culvert:

A drain or pipe that allows water to flow under a road, railroad, or driveway.

Dam:

Any artificial barrier together with any appurtenant works, which either does or may impound water. Up-ground reservoirs and lagoons are considered to be dams. The storage volume and height of the dam shall determine whether it falls under the regulatory authority of the Ohio Department of Natural Resources.

Datum, Geodetic Datum:

An abstract coordinate system with a reference surface, such as sea level, that provides known locations to begin surveys and create maps.

1. Horizontal Datum: Used to measure positions (latitude and longitude) on the surface of the earth.
2. Vertical Datum: Used to measure land elevations and water depth.

Dead-end Street:

See Thoroughfare, street or road.

Dedicated:

In real property law, an appropriation of land to some public use, made by the owner of the property, and accepted for such use by or on behalf of the public.

Density:

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

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

Design Storm:

A selected rainfall pattern of specified amount, intensity, duration, and frequency that is used as a basis for design of storm water facilities.

Detention Basin:

Constructed for the purpose of temporary storage of stream flow or surface runoff for releasing the stored water at controlled rates.

Developer:

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

Development:

The physical extension and/or construction of urban land uses; human-caused changes to improved or unimproved land and structures. Development activities include construction or alteration of structures, roads, utilities, and other facilities and the installation of home sewage treatment systems.

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.

Driveway types:

1. Agriculture Driveway: a driveway providing access to a field or farm used for agricultural activities.
2. Common Driveway: a driveway which provides access to more than one lot, each lot having at least the minimum required frontage on a public or private roadway as required by local zoning requirements.
3. Residential Driveway: a driveway providing access to a single-family residence, a duplex, or to an apartment building containing not more than 4 residential units.
4. Commercial Driveway: a driveway providing access to an office, business, retail or institutional building, or residential facility having five or more dwelling units. These establishments are customarily serviced by trucks as an incidental rather than a principal driveway use. Industrial plant driveways that primary serve administrative or employee parking lots are considered commercial driveways.
5. Industrial Driveway: a driveway directly serving substantial numbers of truck movements to and from loading docks of an industrial facility, warehouse or truck terminal. A centralized retail development, such as community or regional shopping

center, may have one or more driveways, specifically designed and located to provide access for trucks which are also classified as industrial driveways.

Dwelling Unit:

A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement:

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

1. Access Easement: A legal right granted by the owner of a strip of land to any person by which such person is afforded the right to use such strip for pedestrian and/or vehicular access. Such legal right may be granted by the conveyance of an easement, an undivided fractional interest in fee, or any other form of conveyance which conveys such a right. Such legal right may also be granted by a license.
2. Conservation Easement: A legal interest in land which restricts development and other uses of the property for the purpose of preserving the rural, open, natural or agricultural qualities of the property.

Easement of Access:

See Easement, Access.

Engineer:

Any person registered to practice professional engineering by the state board of registration as specified in ORC Section 4733.

Erosion:

The scouring and wearing down of the earth's surface by water and wind.

Escrow:

A deposit of cash with the Board of County Commissioners or an escrow agent to secure the promise to perform some act.

Excavate:

To remove by digging or scooping out.

Exceptional Replat:

See Replat, Exceptional.

Exemption:

With regards to the division of land, an exemption is a division of land not subject to Subdivision Regulations, which requires administrative endorsement of the Regional Planning Commission staff to ensure it meets the definition of exempt per ORC Section 711.001 before being put to record. (Also see Sections 309 and 310 of these Regulations.)

Extension of Time:

A written agreement between the Regional Planning Commission and an applicant who submits a subdivision for review, subject to certain time constraints specified in the ORC or in these Regulations that allows additional time for the Regional Planning Commission or its staff to act on that subdivision.

Fee in Lieu of:

See Cash Equivalent Payment.

Flood Hazard Area or Special Flood Hazard Area:

Also known as “Areas of Special Flood Hazard.” The land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency (FEMA) as Zone A, AE, AH, AO, A1-30, and A99 on Flood Insurance Rate Maps (FIRM), Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps. Special flood hazard areas may also refer to areas that are flood prone and designated as such by other federal, state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas and flood prone soils associated with a watercourse.

Flood Insurance Rate Map (FIRM):

An official map on which FEMA or the U.S. Department of Housing & Urban Development has delineated the areas of special flood hazard.

Floodplain:

See Flood Hazard Area.

Floodway:

The channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis.

Frontage:

See Lot, Frontage.

Grading:

Changing the ground level to a smooth horizontal or gently sloping surface.

Haul Road:

A crude, temporary road built to facilitate the movement of people, equipment and/or materials along the route of a job.

Highway, Limited Access:

A freeway, expressway or major arterial providing a traffic way for through traffic, in respect to which owners or occupants of abutting property or lands have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction of the traffic way.

Highway Plan:

See Plan, Thoroughfare or Street.

Homeowners Association:

An organization operating under a recorded land agreement through which each lot owner in a subdivision or development is a member and/or each lot is subject to charges for a proportionate share of the expenses for the organization's activities, such as maintenance of common land and/or private roads. Also see Association.

Household Sewage Treatment System or Home Sewage Treatment System:

Devices and/or components for treatment and disposal that receive sewage from a single-family, two-family, three-family dwelling or as specified in the *Ohio Administrative Code* (OAC) 3701-29-01. Also see Sewers, Onsite.

Improvement Plan:

See Plan, Improvement.

Improvements:

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

Industrial Use:

See Land Use, Industrial.

Inspector:

The inspector is an authorized representative of the County Engineer, Portage County Water Resources Department (PCWR) or Portage Soil and Water Conservation District (SWCD) assigned to make a detailed inspection of any or all portions of the work or materials thereof.

Land Use:

1. Commercial: An activity related to doing business or for business purposes.
2. Industrial: The production of goods, especially those made in factories.
 - a. Heavy Industrial: The part of industry that involves the production of steel, coal, or large goods such as aircraft.
 - b. Light Industrial: The part of industry that involves the production of small goods, for example electronic equipment.
3. Mixed Use: Land, buildings or structures designed to encourage a diversity of compatible uses, typically a mixture of residential, office, retail and recreation, but not industrial uses.
4. Residential: Restricted to or occupied by places where people live instead of stores or businesses.

Location Map:

See Vicinity Map.

Lot:

A parcel of land of sufficient size to meet minimum health and zoning requirements for use, coverage and area and to provide such yards and other open spaces as are required herein or in other applicable regulations. Lots shall have frontage on an improved public street or on an approved private street.

Lot Frontage:

See Lot Measurements, Frontage.

Lot Line:

See Yard.

Lot Measurements:

For purposes of these Regulations, lots shall be measured as follows. However, definitions herein shall not over-ride applicable regulations regarding lot measurements in township zoning resolutions.

1. Lot Area: The area of a lot shall be computed according to the legal description of the property.
2. Minimum Lot Area: The minimum area of a lot shall be measured exclusive of any portion of the right-of-way of any public or private street unless otherwise indicated in applicable regulations.
3. Lot Depth: The depth of a lot shall be measured as the average distance between the front and rear lot lines.
4. Lot Frontage: The horizontal distance measured between the side lot lines at the street right-of-way and corresponding to the curve of the right-of-way. 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.
5. Lot Width: The width of a lot shall be measured as the distance between the side lot lines, measured parallel to the road right-of-way at the building setback line unless otherwise specified.

Lot of Record:

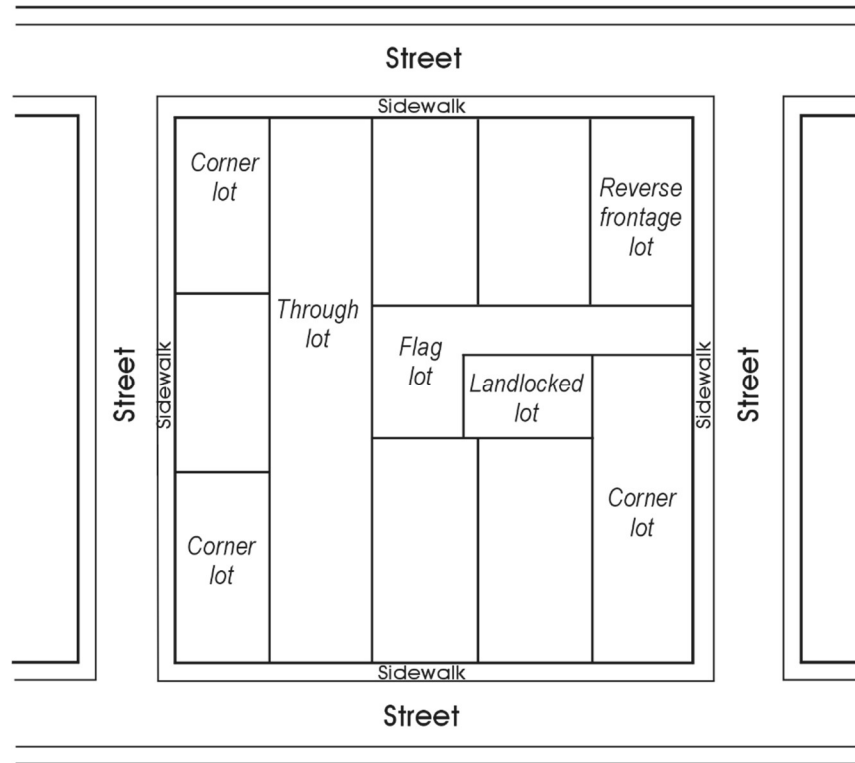
A lot which is part of a Subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types:

Terminology used in these Regulations with reference to corner lots, interior lots and through lots is as follows: (See Figure 1)

1. Corner Lot: A lot located at the intersection of two or more streets.
2. Flag Lot: A lot whose only frontage on a public street is a narrow strip of land generally wide enough to accommodate a driveway, but too narrow to accommodate any structure. Any improvement of the lot is done towards the rear of the lot where it widens out.
3. Interior Lot: A lot other than a corner lot with frontage on only one street.
4. Landlocked Lot: A lot that does not have frontage on a public or private street.
5. Out Lot: Sometimes referred to as a PLATTED BLOCK. A tract of land: 1) whose boundary and legal description are defined by a subdivision plat, 2) which has not been further subdivided into sublots, and 3) that may become a future phase of the subdivision. Also see "OUT LOT" under "LOT TYPES."
6. Reverse 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.
7. 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.

Figure 1: Types of Lots



Maintenance Guarantee:

An agreement between developer and the county, financially backed by the developer, guaranteeing the maintenance of physical improvements for a period defined by these Regulations or the appropriate authority.

Major Subdivision:

See Subdivision Types.

Minor Subdivision:

See Subdivision Types.

Mixed Use:

See Land Use.

Monument:

A surveying reference point marked by a permanently fixed marker used to definitively establish all lines of the plat of a subdivision, including all lot corners, boundary line corners, and points of change in street alignment.

Mulching:

Application of plant residue or other suitable materials to the soil surface to reduce evaporation and soil erosion.

Natural Depression:

In the landscape, any low area created by natural occurrence such as glaciation.

Natural Resource:

Existing natural elements related to land, water, air, plant and animal life, including but not limited to soils, geology, topography, surface and subsurface waters, wetlands, vegetation and animal habitats, that are recognized as assets.

Ohio Administrative Code (OAC):

The OAC contains all rules adopted by the agencies of the State of Ohio. These rules were adopted to carry out the policies and intent of laws passed by the General Assembly.

Ohio Revised Code (ORC):

The ORC contains all acts passed by the Ohio General Assembly and signed by the Governor.

Open Space:

An area open to the sky which may or may not be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, or any other recreational facilities that the Regional Planning Commission or township zoning regulations deem appropriate. Streets, structures for habitation, and the like shall not be considered open space.

Original Tract:

For purposes of these Regulations, an original tract will be defined by ownership of that parcel of land. A new owner of a parcel of land creates a new “original tract.”

Out lot:

See Lot Types.

Pad:

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

Parcel:

An area of land described by a current deed, typically referring to areas of land with metes and bounds descriptions rather than lots in platted subdivisions.

Parking Space, Off Street:

For the purpose of these Regulations, an off-street parking space consists of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, and located totally outside of any street or alley right-of-way.

Performance Guarantee:

A financially backed security provided by a Developer and accepted by the County for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the Developer's agreement. Refund of the performance guarantee may be tied to the Subdivider's compliance with the requirement to transfer ownership of Open Space parcels to the HOA.

Permanent Seeding:

See Seeding, Permanent.

Phase, Phasing:

The area of development that will be individually constructed in distinguishable and logical sections.

Plan:

1. Comprehensive Plan, Comprehensive Development Plan, Comprehensive Land Use Plan: A plan, or any portion thereof, adopted by the Regional Planning Commission and/or a legislative authority, 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.
2. Thoroughfare Plan, Street Plan: An adopted plan for vehicular circulation showing existing and proposed thoroughfares and secondary streets.
3. Improvement Plan: Drawings showing the specific location and design of improvements, such as roads, culverts, or sewer and water lines, to be installed in a subdivision, in accordance with the requirements of these regulations.
4. Master Plan: A plan focused on one or more sites that is intended to guide growth and development over a number of years or in several phases.
5. Preliminary Plan: A map of a proposed subdivision prepared by a registered surveyor or registered engineer in accordance with these Regulations that includes explanatory exhibits and text and is submitted to the Regional Planning Commission for its review and comments. The Preliminary Plan, if approved or conditionally approved by the Regional Planning Commission, shall provide the basis for proceeding with the preparation of the final plat of a proposed subdivision.

Planned Residential Development (PRD):

See Planned Unit Development.

Planned Unit Development (PUD):

An area of land in which a variety of housing types and/or related open spaces and/or commercial and industrial facilities are accommodated in a pre-planned environment under more flexible design standards, than would normally apply under these Regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans. Also known as Planned Residential Developments (PRD) where only residential uses are planned.

Planning Commission:

Portage County Regional Planning Commission

Plat, Final Plat:

The final map of a proposed subdivision, prepared by a registered surveyor, indicating specific features of the development, including but not limited to the exact locations of lot lines, right-of-ways, easements, and dedicated areas. The final plat is reviewed by the Regional Planning Commission and, if approved, is recorded in the office of the County Recorder in accordance with these Regulations and Chapter 711 of the ORC.

Platted Block:

A tract of land: 1) whose boundary and legal description are defined by a subdivision plat, 2) which has not been further subdivided into sublots, and 3) that may become a future phase of the subdivision. Also see “OUT LOT” under “LOT TYPES.”

Preliminary Plan:

See Plan, Preliminary.

Principal Building:

See Building, Principal.

Private Street:

See Thoroughfare, Street or Road.

Public Way:

An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other way to which the general public or a public entity has a right or which is dedicated, whether improved or not. Also see Thoroughfare, Street or Road, Public.

Recreation:

1. Active Recreation: Recreation that requires physical alteration to the area in which it is performed. This type of recreation may involve high vehicle trip generation or the potential for greater nuisance to adjacent properties due to noise, light, glare, or odor. Such areas are intensively used and include but are not limited to playgrounds, tennis or other court games, baseball or other field sports, golf courses or swimming pools.
2. Passive Recreation: Recreation that involves little alteration or disruption to the area where it is performed. This type of recreation usually involves low vehicle trip generation and has a low potential for nuisance to adjacent property owners. Examples include but are not limited to sitting areas, walking, jogging, or hiking paths or trails, horseback riding and bicycle paths or trails, or picnicking areas.

Replat:

1. A map of the Developer's plan for changing the lots, streets and alleys of a previously platted Subdivision. (ORC Section 711.24)

2. Exceptional Replat:

A map of the plan for changing the lots within or involving a previously platted Subdivision where there is a sale or exchange of property between adjoining lot owners and no new building sites are created.

Residential Use:

See Land Use, Residential.

Retention Pond or Basin:

A natural or artificial basin that functions similar to a detention structure except that it maintains a permanent water supply.

Riparian:

Vegetated lands adjacent to water bodies and streams that lessen the impacts of flooding and erosion, and which often provide wildlife habitat.

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 or treatment) such as grade separation, landscaped areas, viaducts and bridges.

Road:

See Thoroughfare, Street or Road.

Run-off:

Rainfall, snowmelt or irrigation water that has not evaporated or infiltrated into the soil but flows over the ground surface. Also see Storm Water.

Sanitary Sewers or Central Sewers:

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.

Sediment:

Matter that settles to the bottom of a liquid. With regards to land use, it typically refers to eroded materials that are swept away due to rain or snow melt.

Sediment Basin:

A temporary pond built on a construction site to capture eroded or disturbed soil that is washed off during rain storms, protecting the water quality of a nearby stream, river, lake or bay. The sediment-laden soil settles in the pond before the runoff is discharged.

Seeding:

The establishment of vegetative cover on disturbed areas by planting seed.

1. Permanent Seeding: The establishment of perennial vegetative cover.
2. Temporary Seeding: The establishment of temporary vegetative cover on disturbed areas by seeding with appropriate, rapidly growing annual plants.

Setback:

The required distance between a building and a lot line, street right-of-way, pavement, stream or riverbank, wetland or other delineated site feature.

Setback Line:

A line established by these Regulations and/or zoning resolution, generally parallel with and measured from the lot lines, defining the limits of a yard in which no building may be located above ground, except as may be provided in said codes. Also see Yards.

Sewers, Central or Group:

See Sanitary Sewers.

Sewers, On-Site:

On each individual lot, a household sewage treatment system that complies with the current regulations of the Ohio Department of Health and the Portage County Combined General Health District and provides proper and safe disposal of sewage subject to the approval of the Portage County Combined General Health District. Also see Household Sewage Treatment System.

Sidewalk:

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

Silt:

Fine sand, clay or other material carried by running water and deposited as sediment, especially in a stream or water body.

Sketch Plan:

A sketch of a proposed subdivision prepared for an informal review to enable the subdivider to discuss objectives and applicable regulations and policies prior to formal plan reviews.

Sodding:

Stabilizing fine-graded, disturbed areas by establishing permanent grass stands with a surface mat of grass and grass roots.

Soil Stabilization Blankets and Matting:

The installation of a protective covering (blanket) or a specially designed mat on a prepared planting area of steep slope, channel, or shoreline to prevent erosion.

Storm Drain Inlet Protection:

A sediment filter or an excavated impounding area around a storm drain drop inlet or a curb inlet.

Storm Water:

That portion of run-off that flows from the land surface of a site either naturally, in man-made ditches or in a closed conduit system. Also see Run-off.

Storm Water District:

A vehicle to implement and fund public services related to storm water quality management.

Storm Water Management Facility:

Any structure, natural or man-made, that, due to its condition, design or construction, conveys, stores or otherwise affects storm water runoff. Typical storm water management facilities include, but are not limited to, detention and retention basins or ponds, open channels, storm sewers, pipes and infiltration structures. Also see detention basin and retention pond or basin.

Storm Water Pollution Prevention Plan (SWP3):

A plan prepared in accordance with appropriate guidelines that is required for any facility or development that discharges storm water. The SWP3 identifies potential pollutant sources and describes practices that will be implemented to prevent or control pollutant releases.

Street:

See Thoroughfare, Street or Road.

Subdivider:

See Developer.

Subdivision: (ORC Section 711.001(B)):

1. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax list and duplicate of real and public utility property, into two (2) or more parcels, sites, or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the following are exempt:
 - A. A division or partition of land into parcels of five (5) acres or more not involving any new streets or easements of access.
 - B. The sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites.
 - C. If the planning authority adopts a rule in accordance with Section 711.133 of the ORC that exempts from division (711.001 (B1)) any parcel of land that is four (4) acres or more, parcels in the size range delineated in that rule.
2. The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any public or private street or streets, except private streets serving industrial structures, or involving 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 or private sewer, water, storm drainage or other similar facilities.

Subdivision Types:

1. Major Subdivision: All subdivisions not classified as Subdivisions Exempt from Platting.
2. Minor Subdivision or Subdivision Exempt from Platting: A proposed division of a parcel of land along an existing public road, involving at least one proposed parcel less than 5 acres, and not involving the opening, widening or extension of any streets or roads, whether public or private. If an original tract is subdivided into more than 5 lots, any one of which is less than 5 acres, it is no longer considered a minor subdivision and must be platted as a major subdivision.

Surveyor:

A person registered to practice surveying by the state board of registration as specified in Section 4733.14 of the ORC.

Temporary Seeding:

See Seeding, Temporary.

Thoroughfare, Street, or Road:

A vehicular way, public or private, that affords the principle means of access to abutting property. The terms ‘thoroughfare,’ ‘street’ and ‘road’ may be used interchangeably in this document.

1. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. Arterial Street: A term denoting a highway primarily for through traffic, carrying heavy loads and a large volume of traffic, usually on a continuous route.
3. Collector Street: A street, 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.
4. 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.
5. Dead-end Street: A street having only one (1) outlet for vehicular traffic and intended to be extended or continued to adjacent properties in the future, where appropriate.
6. Local Street: A street providing access to residential, commercial, or other abutting property.
7. Loop Street: A type of local street with ends that terminate at an intersection with the same arterial or collector street. Normally the ends of the loop street are no more than six hundred (600) feet from each other.
8. 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 heavier traffic on arterial or collector streets. (Also called a Frontage Street.)
9. Private Street: A street providing vehicular and pedestrian access to residential, commercial or industrial structures or groups of structures that is not dedicated as a public right-of-way. Private streets are maintained by the owners or an association of the owners.
10. Public Street: A street under the control of and kept by the public, established by regular governmental proceedings or dedicated by the owner of the land and accepted by the proper authorities responsible for the maintenance of said street.

Through Lot:

See Lot Types.

TR-55 Software:

The Soil Conservation Service method of calculating run-off from developing areas.

Trail:

An off-road path generally for non-motorized recreational use that can serve as an alternative mode of transportation. Trail characteristics vary depending on location and type.

Transfer of Development Rights:

The conveyance of development rights by deed, easement, or other legal instrument, authorized by ordinance, resolution, or regulation, to another parcel of land and the recording of that conveyance.

Transportation Plan:

See County Highway Plan.

Utility:

Any closely regulated agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar services.

Variance:

A requested modification of specific 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 an extraordinary and unnecessary hardship.

Vicinity Map:

A map showing the location of the proposed development in relation to abutting properties, major streets and other known landmarks.

Walkway:

A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not. Also see Sidewalk.

Water Supply, Private:

Any water system, other than a public system, for the provision of water for human consumption, if the system has fewer than 15 service connections and does not regularly serve an average of at least 25 individuals daily at least sixty (60) days a year, or as defined in OAC 3701-28-01.

Watershed:

A region draining to a specific stream, river, river system or body of water.

Wetlands:

Those areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. (U.S. EPA regulations listed at 40 CFR 230.3(T))

Work:

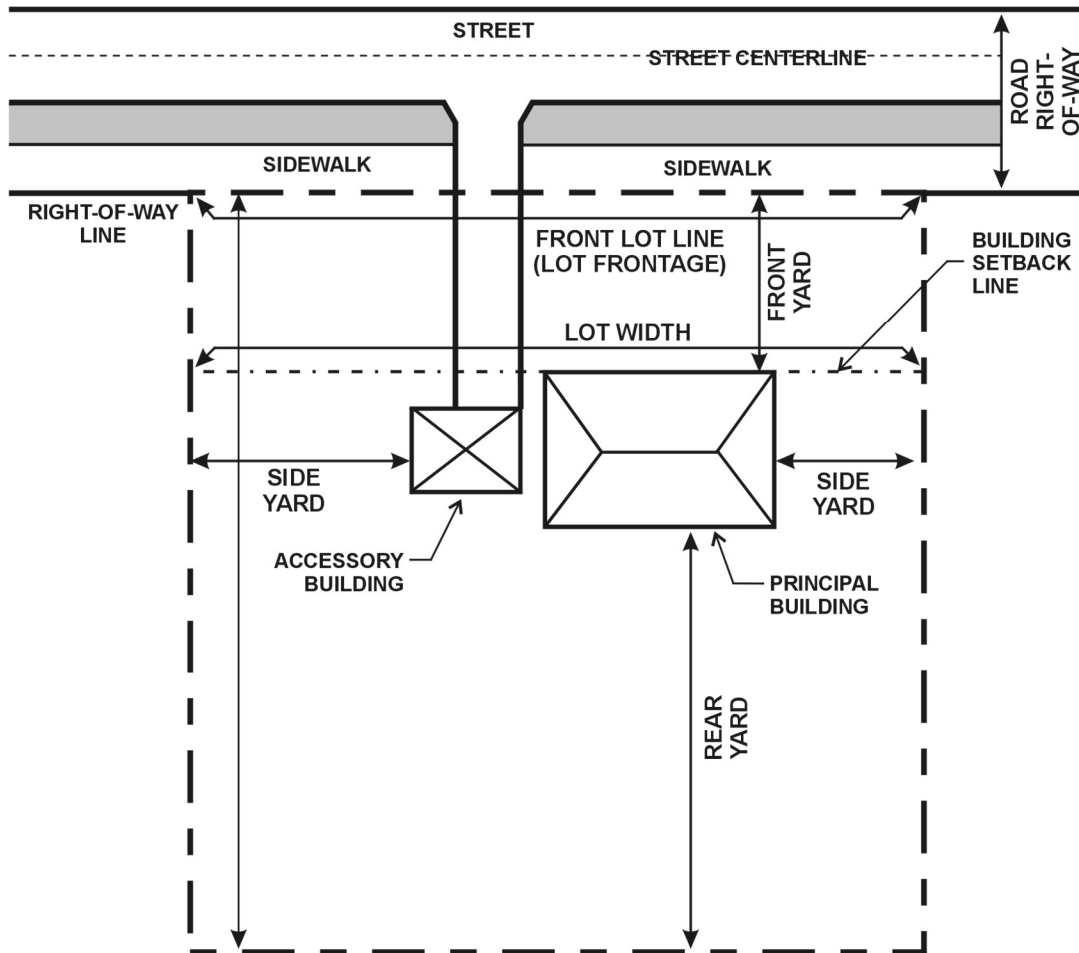
All activities related to the plans and construction of contemplated improvements covered by these Regulations and supplemental agreements thereto.

Yard:

A required area on a lot unoccupied by structures above grade except for projections and the specific minor uses or structures allowed in such areas under the provisions of these or local zoning regulations. A yard extends from the ground upward. (See Figure 2)

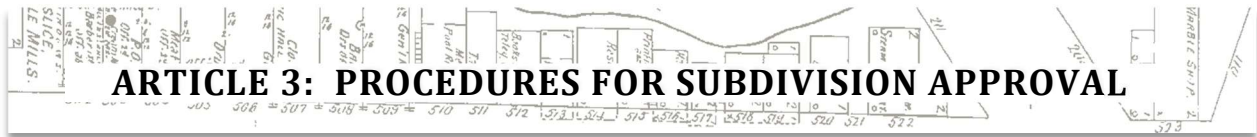
1. Front Yard: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
2. Rear Yard: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. Side Yard: 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.

Figure 2: Yard Types



Zoning, Zoning Regulations:

The division of a community by legislative regulation into areas, zones or districts within which the community may dictate the size, location and use of buildings or land.



Section 300

This chapter identifies the procedures for planning and creating a subdivision, whether minor or major, and for platting a major subdivision.

Section 301

Pre-Application Meeting

The Subdivider or Developer is strongly encouraged to meet with the Regional Planning Commission staff or its designated representative prior to submitting a plan or Plat. The purpose of this meeting is to discuss early and informally the purpose and effect of these Regulations and the criteria and standards contained therein; and to familiarize the Subdivider or Developer with applicable plans, zoning regulations, improvements not limited to roadways, drainage, sewage, and water systems of Portage County.

301.1 Pre-Application Sketch Content

The Developer is encouraged to submit to the Regional Planning Commission a sketch plan, legibly drawn at a suitable scale and containing the following information:

- A. The proposed Subdivision in relation to existing community facilities, thoroughfares and other transportation modes, shopping centers, manufacturing establishments, and residential developments.
- B. Natural and man-made features such as soil types, vegetation, contours, surface water, and possible wetlands on the site of the development and immediately adjacent to it and use the FIRM and National Wetland Inventory Maps.
- C. The layout and acreage of streets, lots, and any non-residential sites such as commercial, manufacturing, school or recreational uses within the proposed Subdivision.
- D. The location of utilities in the proposed Subdivision, if available, or the locations of the nearest sources for water and public facilities for the disposal of sewage and storm water.
- E. The scale and title of the Subdivision, a north arrow, and the date.
- F. Name, address and phone number of the owners and the Subdivider or Developer.

301.2 Pre-Application Committee

A pre-application committee meeting may be held at the discretion of Regional Planning Commission staff or may be requested by the Developer or by the community in which the development is located. The purpose of the pre-application committee meeting will be to coordinate future review processes and discuss applicable regulations or potential issues the development may encounter. The committee shall include agencies and departments whose input is pertinent to the review process, but decisions and opinions expressed in the meeting will not be construed as a formal review of the development as required in these or other applicable regulations.

Section 302

Preliminary Plans

302.1 Preliminary Plans Required For Major Subdivisions

The Developer shall submit to the Regional Planning Commission a Preliminary Plan of the proposed Subdivision. The submission of a Preliminary Plan shall not be considered as the filing of a Plat and shall not begin the running of time within which the Regional Planning Commission must act on a Plat. A Preliminary Plan must be submitted after township Development Plan and/or Zoning Approval for review and action by the Regional Planning Commission for any major subdivision that involves new roads and/or central sanitary or water services prior to the Developer's submission of a Plat for review and action by the Regional Planning Commission.

302.2 Submission of Preliminary Plan

The Preliminary Plan shall be prepared by a professional engineer and/or surveyor and shall be submitted to the Regional Planning Commission. If the Regional Planning Commission chooses to not accept the plan for review, the developer shall be notified in writing of the reasons for refusal.

302.3 Transmission of Preliminary Plan

The Regional Planning Commission, in review of the Preliminary Plan, shall send copies to the following officials and agencies for their information, review and recommendations:

- A. County Building Department or Chief Building Official
- B. Portage County Engineer
- C. PCWR and/or applicable sanitary or water service providers
- D. Portage County Combined General Health District
- E. Township Trustees of the township where the Subdivision is located
- F. Portage SWCD

- G. Tax Map Office
- H. Electric provider
- I. Natural gas provider(s)
- J. Portage Area Regional Transit Authority (*PARTA*)
- K. If the proposed Subdivision is adjacent to a municipality, that municipality will be sent a copy of the Preliminary Plan.
- L. Portage Park District
- M. Local Fire District/Department

302.4 Action on Preliminary Plans

Pursuant to ORC Section 711.10, within thirty-five (35) days following acceptance for review of the Preliminary Plan by the Regional Planning Commission, the Planning Commission shall do one of the following:

- A. Approve the Preliminary Plan and notify the Developer in writing.
- B. Conditionally approve the Preliminary Plan and notify the Developer in writing of the conditions of approval and the date by which conditions must be met. Conditions need to be addressed before design of the project infrastructure. Conditions must be met in order to have an approvable plat. The period of time for meeting the conditions for final Preliminary Plan approval shall be six (6) months, or a shorter or longer period of time specified in writing by the Regional Planning Commission. Once all of the condition(s) have been met within the specified period, the Regional Planning Commission shall notify the Developer in writing of its unconditional Preliminary Plan approval. A failure of the Developer to meet the conditions for final Preliminary Plan approval within the specified period shall place the Preliminary Plan on the next regularly scheduled meeting of the Regional Planning Commission, or if no meeting is scheduled, then until a time and location to be set by the Regional Planning Commission in the same manner as for Plats.
- C. Disapprove the Preliminary Plan and notify the Developer in writing of all the reasons for disapproval.
- D. If deemed necessary by the Regional Planning Commission, the Developer and the Planning Commission may sign an extension of time until a subsequent regularly scheduled meeting of the Planning Commission to allow more time for issues identified in the initial review to be addressed.
- E. Final approval of Preliminary Plan after all conditions are met shall have a stamped approval on the Preliminary Plan by the Regional Planning Commission.

302.5 Effect of Approval of Preliminary Plans

Approval of a Preliminary Plan is not approval of the Subdivision for record. It is an approval of a general plan as a guide for the preparation of Improvement Plans and a Subdivision Plat for final approval and recording upon fulfillment of all requirements of these Regulations. Construction of improvements as proposed on a Preliminary Plan shall not begin until the Improvement Plans have been approved by the Portage County Engineer, the PCWR, the Portage County Combined General Health District, or other agencies involved in the construction of improvements.

A. Length of Validity of Preliminary Plan Approval

Approval of a Preliminary Plan shall be effective for a period of three (3) years following the date of approval unless an extension of the 3-year approval term is granted per these Regulations.

B. Application for an Extension of the Approval of a Preliminary Plan

The developer must submit a letter in writing to the Regional Planning Commission at least 30 days prior to the date of the Planning Commission's regular meeting that falls on or before the 3-year anniversary date of the original Preliminary Plan approval. The application must include:

1. The name and contact information of the applicant.
2. The request for a one-year extension of the approval of the Preliminary Plan, the name of the Subdivision, and the original approval date.
3. The current status of the development, the reason for the requested extension and a timetable for expected progress.
4. Any applicable fees.

C. Action on Requests for an Extension of a Preliminary Plan Approval

At the regular Planning Commission meeting that falls at least thirty (30) days after the applicant's written request for an extension is submitted, the Planning Commission shall vote to approve or disapprove the one-year extension of the approval for the Preliminary Plan.

1. Approval or disapproval shall be based on Regional Planning Commission staff recommendations, which shall take into account changes to Subdivision, zoning and other regulations applicable to the development or other changes in circumstances associated with the development.
2. The applicant shall be notified in writing of the Planning Commission's decision to approve or disapprove the extension of the approval of the Preliminary Plan.
3. If disapproved, the notification of that decision shall be accompanied by the reason for the disapproval.

D. Number of Extensions for a Preliminary Plan Approval

The initial 3-year approval term for a Preliminary Plan may be extended for up to two (2) additional years, in one (1) year increments, extending that approval to at most five (5) years. After five (5) years, the original Preliminary Plan approval will expire and the Developer must re-submit the Preliminary Plan to the Regional Planning Commission for review in the manner identified in these regulations and pay any applicable fees.

E. Extensions for Preliminary Plan Approval for Phased, Platted Subdivisions in Progress

When improvements for a platted Subdivision have been started but the Subdivision is not built out, extensions of the Preliminary Plan approval after the initial 3-year approval period, must be requested in writing (per Section 302.5B above) by the Developer at least 30 days before the expiration of the Preliminary Plan approval. Applicable fees must be paid.

1. Regional Planning Commission staff will present the request for the extension to the Planning Commission at the next regularly scheduled meeting for consideration.
2. The above specified limit of two (2) Preliminary Plan extensions after the initial 3-year approval period (Section 302.5D) may not be imposed if substantial progress is being made on subdivision improvements and lot platting.
3. Actions of the Planning Commission shall be the same as those listed in Section 302.5C above.

302.6 Changes in the Preliminary Plan

If, after having received Preliminary Plan approval, the Developer proposes substantial changes in the plan, he must submit a revised Preliminary Plan to the Planning Commission for re-approval and pay appropriate fees.

Substantial changes are changes to the number of lots, size of lots, size of lot frontage, changes to open space, to roadway configuration, drainage configuration, or location of water and sewer infrastructure.

Section 303

Preliminary Plan Form

303.1 Preliminary Plan Size and Scale

The Preliminary Plan shall be drawn at a scale not less than one hundred (100) feet to the inch and shall be on one or more sheets 24 X 36 inches in size. A digital copy of the plan in a format approved by the County Engineer must also be submitted.

303.2 Preliminary Plan Contents

The Preliminary Plan shall contain the following information:

- A. Proposed name of the Subdivision, which shall not duplicate or closely approximate the name of any other Subdivision in the County.
- B. Location by section, range, town, and township or other surveys.
- C. Names, addresses and phone numbers of the owners, Developer, and professional engineer and registered surveyor who prepared the plan and appropriate registration numbers and seals.
- D. Date of survey.
- E. Scale of the plan, north arrow.
- F. Boundaries of the Subdivision and its acreage.
- G. Names of adjacent Subdivisions, owners of adjoining parcels of unsubdivided land, and the location of their boundary lines.
- H. Locations, widths, and names of existing streets, railroad rights-of-way, easements, parks, permanent buildings, and corporation and township lines for a minimum distance of fifty (50) feet.
- I. Location of wooded areas and other significant topographic and natural features, including surface water, wetlands and flood hazard areas per FEMA Flood Insurance Rate Maps (FIRM), within and adjacent to the plan for a minimum distance of fifty (50) feet and use the FIRM and National Wetland Inventory Maps.
- J. Zoning classification of the tract and adjoining properties and a description of proposed zoning changes, if any.
- K. A contour map of the area shall be submitted. This contour map shall show existing contours at an interval of not greater than two (2) feet if the slope of the ground is fifteen (15) percent or less; and not greater than five (5) feet where the slope is more than fifteen (15) percent.
- L. Existing sewers, water lines, culverts and other underground structures, and power transmission poles and lines, within and adjacent to the tract.
- M. Location, names, and widths of proposed streets and easements.
- N. Building setback lines and dimensions.
- O. Location and dimensions of all proposed utility and sewer lines, showing their connections with the existing system.
- P. Location of proposed storm water management facilities.
- Q. Layout, numbers and dimensions of each lot. When a lot is located on a curved street or when side lot lines are not ninety (90) degree angles, the width at the property line shall be shown.

- R. Parcels of land in acres to be reserved for public use or to be reserved for residents of the Subdivision.
- S. A vicinity map shall be shown on the Preliminary Plan. This map shall show all existing Subdivisions, roads, and tract lines and the connections between the roads in the proposed Subdivision and those of the neighboring areas.
- T. Phasing of subdivision plans.
- U. Geometry including segment lengths, curve data, intersection angles, and typical sections.
- V. Show existing mines (sand, gravel, etc.).

303.3 Additional Preliminary Plan Information

The following information shall be supplied in addition to the requirements in Section 303.2:

- A. Statement of proposed use of lots, giving type and number of dwelling units and/or type of business or industry.
- B. Location and approximate dimensions of all existing buildings.
- C. For commercial and industrial development, the location, dimensions, and approximate grade of proposed parking and loading areas, alleys, pedestrian walks, streets, and points of vehicular ingress and egress to the development.
- D. Proposed covenants and restrictions.
- E. The Developer shall state the type of sewage disposal proposed for the Subdivision. The Developer shall contact PCWR for guidance on the extension of central sanitary sewer and/or water lines or the Portage County Combined General Health District regarding the use of individual household sewage treatment systems.
- F. The developer shall contact the Portage SWCD to discuss the required Stormwater Pollution Prevention Plan (SWP3). The plan must be approved prior to any grading or disturbance of the site.
- G. Phasing should be provided in the Preliminary Plan. A Final Phasing Plan which incorporates all required conditions of approval and details infrastructure improvements and sequencing of the phases shall be submitted prior to any ground disturbing activities.
 - 1. Phasing Plans shall include the following information:
 - I. Illustrative maps for each proposed phase which clearly mark in heavy lines the boundaries of the subject phase, label the phases and depict roads, lots, easements, dedications and open space which are included within the subject phase. Previously established phases, including roads, lots, infrastructure, easements, dedications, and open space, should be shown on the map shaded or gray scaled. All phasing maps shall be drawn at the same scale.

- II. A narrative description or table which describes each phase and its associated improvements. In addition, the narrative or table shall demonstrate that each phase would comprise a “Stand-Alone” development which, should no subsequent phases be constructed, would meet or exceed the standards of this title and all other conditions of approval. The narrative should also describe the proposed timeline for completion of the entire project and any proposals to bond for required unbuilt or yet-to-be-constructed improvements. Each phase must be platted in its entirety.

Section 304

Plats

304.1 Plats Required for Major Subdivisions

After the optional pre-application review and/or the required Preliminary Plan review, the Developer shall submit a Plat of the proposed Subdivision. The Plat shall substantially conform to the approved Preliminary Plan and meet requirements set forth in these Regulations. The Plat shall be prepared by a qualified surveyor.

304.2 Application for Approval of Plats

An application for approval of the Plat shall be completed on forms provided by the Regional Planning Commission and submitted with the Plat, additional information as specified in these Regulations and the applicable fee.

304.3 Submission and Transmission of Plats

The Plat shall be considered officially submitted on the day payment for the review is received by the Regional Planning Commission and shall be so dated.

The Regional Planning Commission may transmit the Plat to those agencies and departments referenced in Section 302.3 for review, comment, and recommendations. Regional Planning Commission staff must transmit a copy of the Plat to the township trustees where the Plat is located and to the Portage County Combined General Health District within 5 days or within the time specified in the ORC (Section 711.10).

304.4 Public Hearing

The Regional Planning Commission may, on its own initiative or upon petition by a citizen or neighboring property owner and prior to acting on a Plat of a Subdivision, hold a public hearing thereon at such time and upon such notice as the Planning Commission may designate.

304.5 Submission to State Director of Transportation (ORC Section 5511.01, as amended)

Before any Plat is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed, as described in the

certification by the State Transportation Director, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by certified mail to the Transportation Director. The Regional Planning Commission shall not approve the Plat for one hundred twenty (120) days from the date the notice is received by the Transportation Director. If the Transportation Director notifies the Regional Planning Commission that he shall proceed to acquire any land needed, then the Regional Planning Commission shall refuse to approve the Plat. If the Transportation Director notifies the Regional Planning Commission that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Transportation Director and the property owner, the Regional Planning Commission shall, if the Plat is in conformance with all provisions of these Regulations, approve the Plat.

304.6 Recording of Plat

Upon approval by the Regional Planning Commission, the Developer shall record the Plat with the County Recorder within three (3) months of the Plat approval date. If not recorded within this time, the approval of the Regional Planning Commission shall be null and void.

Section 305

Plat Form

305.1 Plat Size and Scale

- A. The Subdivision Plat shall be clearly and legibly drawn on mylar, .003-inch minimum thickness.
- B. Where necessary, the Plat may be on several sheets accompanied by an index sheet showing the entire Subdivision.
- C. The size of the sheets shall be 24" X 36".
- D. Marginal lines shall be drawn around the entire sheet, leaving a margin of 1" from the binding edge and 1/2" from the other edges.
- E. If more than one (1) sheet is needed, each shall be numbered, the relation of one sheet to another clearly shown, and the number of sheets used shall be clearly indicated on the Plat's title page.
- F. The Subdivision shall be drawn at a scale not less than one hundred (100) feet to the inch.

305.2 Plat Contents

The Plat shall contain the following:

- A. Name of Subdivision by township, township lot, and the date.
- B. North arrow and scale of the Plat.

- C. A vicinity map with a north arrow shall be included on the Plat. This map shall show all existing Subdivisions, roads, and tract lines, and the nearest existing thoroughfares.
- D. Name and address of the Developer and the professional engineer and/or registered surveyor who prepared the Plat and appropriate registration seals and numbers.
- E. Boundary of Plat, based on an accurate traverse with angular and lineal dimensions. The survey must close within the limit of one (1) in ten thousand (10,000).
- F. A table showing the total acreage contained in the Subdivision, the acreage in lots, blocks and in road rights-of-way. If the Subdivision is in two township lots, then the above-mentioned acreage shall be shown for each township lot.
- G. Exact location, width and name of all roads within and adjoining the Plat, and the exact location, width and name of all alleys, public walkways, parks, railroad rights-of-way, and drainage courses within and adjoining the Plat.
- H. True angles and distances to the nearest established road lines or official monuments which shall be accurately described on the Plat.
- I. Municipal, township, county and lot lines accurately tied to the lines of the Subdivisions by distances and angles.
- J. Radii, internal angles, points of curvature, tangent bearings, lengths of all arcs and lengths and bearings of all chords.
- K. All easements providing right-of-way for storm water drainage pipes and conduits or surface retention, detention or drainage way facilities and sanitary sewer or central water facilities. All easements within a newly created Subdivision shall be accurately dimensioned so that each easement line can be reproduced without ambiguity per OAC 4733-37-07.
- L. All lot numbers and lines with accurate dimensions in feet and hundredths.
- M. The location of survey monuments shall be set as follows:
 - 1. Minimum 5/8" diameter and 30-inch-long capped iron bars at the subdivision boundary corners.
 - 2. Minimum 5/8" diameter and 30-inch-long capped iron bars at all lot corners and at all angle points in lot lines.
 - 3. Minimum 1" diameter 30-inch-long capped iron bars at centerline intersection of all roads.
 - 4. Minimum 1" diameter 30-inch-long capped iron bars at the point of curvature and the point of tangency of all curves on the right of way and center
 - 5. line of the road.
- N. Monument Boxes approved by County Engineer must be set on all centerline intersections and all centerline P.C.'s, P.T.'s.

- O. The Plat shall show any or all easements of right-of-way when provided or owned by public utilities and any areas to be dedicated or reserved for public use, or any area to be reserved for the common use of all property owners. Required information for all easements must include: the purpose of the easement and whom the easement is to. All storm and drainage easements outside of road right-of-way must be to the HOA. Sanitary easements must be to PCWR. Easement information shall be marked on the Plat and shown in table format.
- P. The front building setback on subdivision lots and the project perimeter setback lines, where applicable, shall be accurately shown with dimensions.
- Q. Certification by registered surveyor to the effect that the Plat represents a survey made by him and that the monuments shown thereon exist as located and that all dimensional and geodetic details are correct. (ORC Section 711.04)
- R. Notarized certification by the owner or owners of the adoption of the Plat and the dedication of streets and other public areas. (ORC Section 711.04)
- S. Recorder's Instrument Number(s) of the document(s) creating the HOA must be shown on the Plat.
- T. Required Approvals
 - 1. Approval of the Township Zoning Inspector or the Township Trustees' designated representative in those townships having zoning. (See Section 305.4)
 - 2. Approval of Plat by the Portage County Engineer. (See Section 305.4)
 - 3. Approval of the Plat by PCWR or the Portage County Combined General Health District. (See Section 305.4)
 - 4. Approval of Plat by the Portage County Regional Planning Commission. (See Section 305.4)
 - 5. Approval of Plat by the County Tax Map Office. (See Section 305.4)
- U. Proper notations for transfer and recording by the County Auditor and the County Recorder. (See Section 305.4)
- V. Approval of roads by the Portage County Engineer when appropriate. (See Section 305.4)

305.3 Additional Plat Information

The following information shall be supplied in addition to the requirements in Section 305.2.

- A. If a zoning change is involved, certification from the Township Zoning Inspector shall be required indicating that the change has been approved and is in effect.

- B. Certification shall be required showing that all required improvements have been installed and approved by the proper officials or agencies, or that a Performance Guarantee or other surety has been furnished assuring installation and initial maintenance of the required improvements.
- C. Locations of all existing buildings shall be shown on the topographic map or on a separate Plat sheet at the same scale as the Plat.
- D. A copy of the restrictions and covenants the Developer intends to include in the deeds of lot owners in the Subdivision.
- E. One (1) copy of Improvement Plans, including the SWP3, approved by the Portage County Engineer, the PCWR and/or the Portage SWCD for proposed roads, storm sewers, storm water retention ponds/detention basins, sanitary sewers, water lines and sewage treatment plants.
- F. In areas where wetlands, as determined by the U.S. Army Corps of Engineers, will be affected, a copy of the wetland impact permit must be submitted.
 - 1. Wetland delineations, done by qualified individuals or companies and reviewed by the U.S. Army Corps of Engineers, must be submitted if any wetlands are affected.
 - 2. The permit number shall be shown on the final Plat and on the Improvement Plans.
 - 3. A copy of any restrictions or permit requirements that apply to the site shall be submitted.
 - 4. If zoning or permitting requirements identify specific setbacks from wetlands, these shall be shown on the Plat and Improvement Plans. If wetlands exist, but will not be impacted, the environmental report is still needed, as well as their location on the Plat to ensure all setbacks can be identified.
 - 5. The wetlands or the setbacks must have accurate descriptions on the Plat and Improvement Plans that can be replicated without ambiguity.
- G. Flood Hazard Areas, as delineated by FEMA on applicable Flood Insurance Rate Maps (FIRM) or documents that amend these maps, must be shown on the Plat and Improvement Plans.
- H. A statement of proposed use of the lots giving type and number of dwelling units and/or type of business or industry proposed.
- I. On the application for Plat approval, the Developer shall indicate type of sewage disposal system to be installed.
 - 1. If other than a treatment plant or public sanitary sewer, a letter or other documentation from the Portage County Combined General Health District stating what type(s) of sewage treatment system(s) will be approved for the soil conditions encountered in the area of the proposed Subdivision must be submitted.

2. Prior to Plat approval by the Regional Planning Commission, each lot must be approved by the Portage County Combined General Health District for installation of an individual sewage treatment system.

If any of the additional information has been submitted with the Preliminary Plan and this information has not changed, then re-submission of this same information is not necessary.

305.4 Required Statements on Plats

The following statements shall be affixed on all Subdivision Plats or replats:

A. Surveyor's Certificate (minimum required)

I certify that this survey was made in accordance with Chapter 4733-37 of the Ohio Administrative Code governing minimum standards for boundary surveys. Dimensions on this Plat are expressed in feet and decimal parts thereof. All Monuments were found or set as required by the Portage County Regional Planning Commission.

Date of Survey _____ (month/year).

(SEAL) _____
DATE _____ (day/month/year)
Surveyor _____
Registered Surveyor No. _____

B. Owners' Dedication and Consent

I or we the undersigned _____ owner/owners of the land shown on this Plat do hereby certify this Plat correctly represents _____ a subdivision of lots _____ to _____ inclusive, do hereby accept this Plat of same, authorize recording of same and dedicate to the use of the adjoining property owners and the public forever, all parts of the roads shown herein and not heretofore dedicated; except the following:

_____.

(Private roads names).

The undersigned further agrees that any use of improvements made on this land shall be in conformity with all existing valid easements, zoning, platting, health, or other lawful rules and regulations including the applicable off-street parking and loading requirements of _____ (Portage County), Ohio, for the benefit of himself and all other subsequent owners or assigns taking title from, under, or through the undersigned.

In Witness thereof _____ day _____, 2____.

Signed (owner(s)) _____

Witness _____

Witness _____

C. Notarial Acknowledgement

STATE OF OHIO, _____ COUNTY

Before me, a Notary Public in and for said county and state, personally appeared the above-named _____ who acknowledged the signing of the foregoing instrument and that the same is _____ free act and deed.

In TESTIMONY WHEREOF I have set my hand and seal this _____ day of _____, 2____.

(SEAL) _____

Notary Public

D. Approved this _____ day of _____, 2____.

Township Zoning Inspector

E. Approved this _____ day of _____, 2____.

Portage County Engineer

F. Approved this _____ day of _____, 2____.

Portage County Combined General Health District

Note: If public sewer and water are available, the Plat need not be signed by the Portage County Combined General Health District.

G. Approved this _____ day of _____, 2____.

Portage County Water Resources Department

Note: If public sewer or water is available from another provider, signature lines for those entities may be added to the Plat at their request.

If an individual sewage treatment system is approved for the lot(s), PCWR or other entity need not sign.

H. *Approved this _____ day of _____, 2____.*

Regional Planning Commission

I. *Received for record this _____ day of _____, 2____.*

Tax Map Department

J. *Transferred this _____ day of _____, 2____.*

County Auditor

K. *Filed for Record this _____ day of _____, 2____ at _____ m.*

Recorded this _____ day of _____, 2____ in Plat No. _____.

County Recorder

L. The following statement shall be affixed to all Subdivision Plats involving the construction of new roads, which have been constructed in accordance with the specifications set forth on the approved plat, and have been found to be in good repair following the required period of maintenance;

Roads APPROVED in Accordance with Section 711.091, Ohio Revised Code.

Date _____, 2____.

Portage County Engineer

- M. The following statement shall be affixed to all Subdivision Plats involving the dedication of parks or open space to townships or other public entities;

Parks and Open Space accepted in accordance with Section 505.10, Ohio Revised Code.

Date _____, 2____.

Township Trustees, Portage Park District or other public body

- N. 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 for the use and enjoyment of the residents of the subdivision, unless otherwise dedicated to a 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

- O. The following statement, or a reasonable facsimile, shall be affixed to Subdivision Plats when covenants and/or deed restrictions will be filed:

Declaration of covenants and restrictions for said subdivision are as recorded in Instrument No. _____ of Portage County records and the same are incorporated herein as if fully rewritten.

Section 306

Regional Planning Commission Action on Plats

306.1 Approval of Plats (ORC Section 711.10)

- A. Within five (5) calendar days of the submission of the Plat for approval, the Regional Planning Commission shall schedule a meeting to consider the Plat and send notice by regular mail or electronic mail to the Fiscal Officer of the board of Township Trustees of the township in which the proposed Plat is located and to the Portage County Combined General Health District.
- B. The notice shall inform the Trustees and the Portage County Combined General Health District of the submission of the proposed Plat and of the date, time and location of any

meeting at which the Regional Planning Commission will consider or act upon the proposed Plat.

- C. The meeting shall take place within thirty (30) calendar days after submission of the Plat, and no meeting shall be held until at least seven (7) days have passed from the date the notice was sent by the Regional Planning Commission.
- D. The approval of the Regional Planning Commission, conditional approval as described herein, or the refusal to approve shall be endorsed on the Plat within thirty (30) days after the submission of the Plat for approval, or within such further time as the applying party may agree in writing; otherwise such Plat is deemed approved and the certificate of the Regional Planning Commission as to the date of the submission of the Plat for approval and the failure to take action thereon within such time shall be sufficient in lieu of the written endorsement or evidence of approval required by these Regulations.
- E. The Regional Planning Commission may grant conditional approval under this section to a Plat by requiring a Developer submitting the Plat to alter the Plat or any part of it, and/or the Plat application materials and submittals or any part of them, within a specified period after the end of the thirty (30) calendar days (or any extension thereof), as a condition for final approval under this section. Once all of the condition(s) have been met within the specified period, the Regional Planning Commission shall cause its final approval under this division to be endorsed on the Plat. No Plat shall be recorded until it is endorsed with the Regional Planning Commission's final or unconditional approval under this division. The period of time for meeting the conditions of final approval shall be forty-five (45) calendar days, or a shorter or longer period of time specified upon the record of the Regional Planning Commission. A failure of the Developer to meet the conditions for final approval within the specified period shall place the Plat on the next regularly scheduled meeting of the Regional Planning Commission, or if no meeting is scheduled, then until a time and location to be set by the Regional Planning Commission in the same manner as for Plats.

306.2 Extensions of Time for Plats

The Regional Planning Commission and the Applicant may agree in writing to an Extension of Time to allow the applicant to address items that prevent approval of the Plat.

- A. Extensions of Time to address non-compliant aspects of the Plat may be granted during the 12 months after the Plat is first submitted for review.
- B. If matters cannot be resolved within the 12-month timeframe, the staff will present a report to the Planning Commission, detailing the issues that have not been resolved and providing a recommendation regarding the Planning Commission's action on the Plat.
- C. The Planning Commission will have the discretion of continuing to extend the review period or disapproving the Plat.
- D. If the Plat is disapproved, the Applicant must begin the Plat review process from the start, including paying the applicable fee, when they are ready to re-submit the Plat.

306.3 Disapproval of Plats

The ground of refusal of approval of any Plat submitted, including citation of or reference to the rule(s) violated by the Plat, shall be stated upon the record of the Planning Commission and a copy of said record shall be forwarded to the Applicant. Within sixty (60) calendar days after such refusal, the person submitting any Plat which the Regional Planning Commission refuses to approve may file a petition in the Court of Common Pleas of Portage County and the proceedings thereon shall be governed by Section 711.09 of the ORC as in the case of the refusal of a planning authority to approve a Plat.

Section 307

Replats

307.1 Replats

Any person who has legal title to land that has been platted may change any of the lots, streets, or alleys by having a new Plat, referred to as a Replat or Exceptional Replat.

- A. If new roads are proposed in an existing subdivision, the changes will be reviewed by the Regional Planning Commission as a Plat rather than a Replat, subject to all regulations applicable to a Plat including certification showing all required improvements have been installed and approved by the proper officials or agencies, or that a Performance Guarantee has been furnished assuring installation and initial maintenance of the required improvements.
- B. No change shall be approved if it injuriously affects any lots on the streets or alleys, or within the Plat so changed, unless all the owners of the lots affected are parties joining in making this change, or such owners give their consent in writing on the new Plat, which is recorded therewith. (ORC Section 711.24).

307.2 Exceptional Replats

Any division of land where there is an exchange of portions of lots between adjoining lot owners in a platted Subdivision or where land from outside a platted Subdivision is brought into the Subdivision, but where no new building sites are created, is considered an Exceptional Replat.

307.3 Application for Approval of Replats

All replats and exceptional replats must be submitted for review and action of the Regional Planning Commission in the same manner as any Plat and are subject to the same requirements.

307.4 Replat and Exceptional Replat Contents

- A. Replat size: The size of the mylar sheets for Replats and Exceptional Replats involving no significant changes to infrastructure, shall be 18" x 24", 24" X 30", 22" X 34" or 24" x 36".
- B. Replats and Exceptional Replats follow the requirements for platting as in Sections 305.2 – 305.4, with the following exceptions:
 - 1. A topographic map is not necessary for Replats or Exceptional Replats unless such replat has impacts to existing infrastructure or to existing household sewage treatment systems.
 - 2. In areas served by sanitary sewers, PCWR and the Portage County Combined General Health District's signatures are not required on an exceptional replat.
 - 3. Replats shall use the same basis of bearing as the original Plat.

307.5 Regional Planning Commission Action on Replats

The same actions that are applicable to Plats (Section 306) are applicable to Replats, including the limits on the number of Extensions of Time.

Section 308

Subdivisions Exempt from Platting (Minor Subdivisions)

308.1 Criteria for Subdivisions Exempt from Platting

A subdivision that does not require a Plat shall be known as a "Subdivision exempt from Platting" (ORC Section 711.131) or a Minor Subdivision. It must meet all of the following criteria:

- A. The proposed subdivision is located along an existing public road and involves no opening, widening, or extension of any street or road, public or private.
- B. The proposed subdivision involves no more than five (5) lots after the original tract has been completely subdivided.
- C. Lots are not in a platted subdivision.

308.2 Approval of Subdivisions Exempt from Platting

- A. A subdivision exempt from platting must be approved by the Portage County Regional Planning Commission staff and shall only be approved if it meets all of the following conditions:
 - 1. The proposed subdivision is not contrary to applicable zoning regulations. The zoning inspector must sign the survey drawing.
 - 2. All Subdivision Regulations are satisfied, including Section 604.

3. The property has been surveyed, and the survey drawing, township zoning approval, subdivision fee, and legal description of the property are submitted with the Administrative Approval application form (see Appendix 3A).
- B. If the Portage County Regional Planning Commission staff are satisfied the proposed subdivision meets all the above conditions it shall, within seven (7) working days after submission of an application for approval of a subdivision exempt from platting, approve such proposed subdivision and, on presentation of a conveyance of said subdivision, stamp the same “**Approved by Portage County Regional Planning Commission; No Plat Required**” and the authorized representative of the Regional Planning Commission shall sign and date the conveyance.

Proposed lots along existing private easements or streets (not public roads used for access by property owners) do not qualify as subdivisions exempt from platting. All subdividing situations that do not come under this section shall require record Plats. Actions of the Administrator on an application for approval of a subdivision exempt from platting may be appealed to the full Regional Planning Commission when submitted to them in writing, provided such appeal does not contradict regulations in the ORC (ORC Section 711.131) regarding subdivisions exempt from platting.

Section 309

Divisions of Land Five (5) Acres and Larger (Exempt from Subdivision Regulations)

309.1 Criteria for Divisions of Land Five (5) Acres and Larger

The division of a parcel of land into any number of lots, each of which is five (5) acres or larger in size, is exempt if all of the following criteria are met:

- A. The division does not involve the opening, widening, or extension of any street or road, public or private.
- B. The division does not require an easement for access. Landlocked parcels are considered to be parcels that require an easement of access and are not considered exemptions.
- C. The division does not meet the definition of a subdivision in Section 711.001.B1 or B2 of the ORC.
- D. The original tract of land has not been previously subdivided by the owner into a parcel of land less than five (5) acres in size.

309.2 Submittal Requirements for Divisions of Land Five (5) Acres or Larger

- A. A copy of the survey drawing that meets the Standards for Boundary Surveys, OAC 4733-37.
- B. The conveyance document for the parcels of land being created, signed by the property owner(s).

309.3 Endorsement of Divisions of Land Five (5) Acres or Larger

- A. If the Regional Planning Commission staff is satisfied that the proposed division of land meets all of the criteria for divisions of land five (5) acres and larger as listed in this section, on presentation of a conveyance of said division, the conveyance shall be stamped as follows, "***Exempt from Portage County Subdivision Regulations***," and signed and dated by the authorized representative of the Regional Planning Commission.
- B. If the division cannot be endorsed because the division does not meet the criteria for a division of land five (5) acres or larger, the Regional Planning Commission shall provide the applicant the reasons for not endorsing the conveyance document.

Section 310

Transfers of Land Between Adjoining Property Owners (Exempt from Subdivision Regulations)

310.1 Criteria for Transfers of Land Between Adjoining Property Owners

Pursuant to ORC Section 711.001.B1b, the sale or exchange of parcels between adjoining property owners, where that sale or exchange does not create additional building sites, as defined in these Regulations, is considered exempt. However:

- A. None of the properties involved in the transfer can be located within a platted subdivision. If they are within a platted subdivision, replatting procedures must be followed.
- B. The exchange parcel must be combined with the recipient's parcel of land into a single parcel with one legal description.
- C. Building Site: for purposes of administering these Regulations and in determining what constitutes a subdivision per ORC Section 711.001(B1), a lot shall be considered a potential building site if it is forty-eight hundred (4,800) square feet or more in area where sanitary sewer is available and forty-three thousand five hundred sixty (43,560) square feet (1 acre) in area where central sanitary is not available.

310.2 Submittal Requirements for Transfers of Land Between Adjoining Property Owners

- A. A copy of the survey drawing that meets the Standards for Boundary Surveys, OAC 4733-37.
- B. The conveyance documents for the parcels of land being created, signed by the property owner(s).

310.3 Endorsement of Transfers of Land Between Adjoining Property Owners

- A. If the Regional Planning Commission is satisfied that the proposed transfer of land meets all of the criteria for transfers of land between adjoining property owners as

listed in this section, on presentation of a conveyance of said transfer, the conveyance shall be stamped as follows, "***Exempt from Portage County Subdivision Regulations; Not reviewed for septic tank use or replacement area,***" and signed and dated by the authorized representative of the Regional Planning Commission.

- B. If the division cannot be endorsed because the division does not meet the criteria for a transfer of land between adjoining property owners, the Regional Planning Commission shall provide the Applicant the reasons for not endorsing the conveyance document.



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 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 of unplanned, haphazard growth.

The Regional Planning Commission has the responsibility for reviewing the design of each future Subdivision early in its design development and shall 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 to the recommendations of the County Engineer or PCWR based upon the design standards set forth in 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 to such resolution.

Section 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 road layout shall be such as to keep interference with main traffic flows to a minimum

A. Traffic Impact Study (TIS)

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 Ohio Department of Transportation (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 ODOT 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 ODOT Standards.
- B. 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. 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. When proposed roads end at or near a project boundary, they shall be extended to the boundary line of the tract being subdivided to provide for normal circulation of traffic between neighboring areas when the adjacent property has development potential. No reserved strips blocking extension of improvements to adjacent property will be permitted.
- E. 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.
- F. Residential roads shall be laid out to provide adequate protection from nearby traffic hazards. Traffic calming features, approved by the County Engineer, may be employed where necessary to discourage speeding.

402.1 Dead-End Streets

A. Permanent dead-end streets

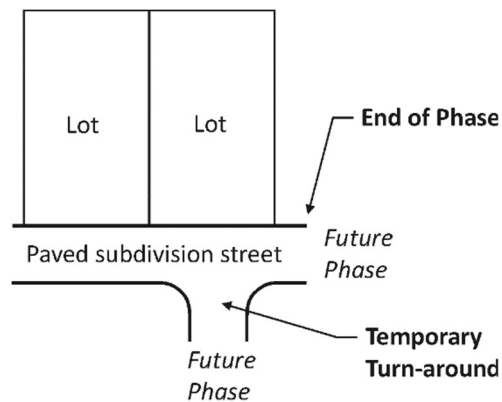
All dead-end streets that will not be extended in a future phase or will not connect to roads in an adjacent existing or future development shall be terminated in a full cul-de-sac per Section 404.

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

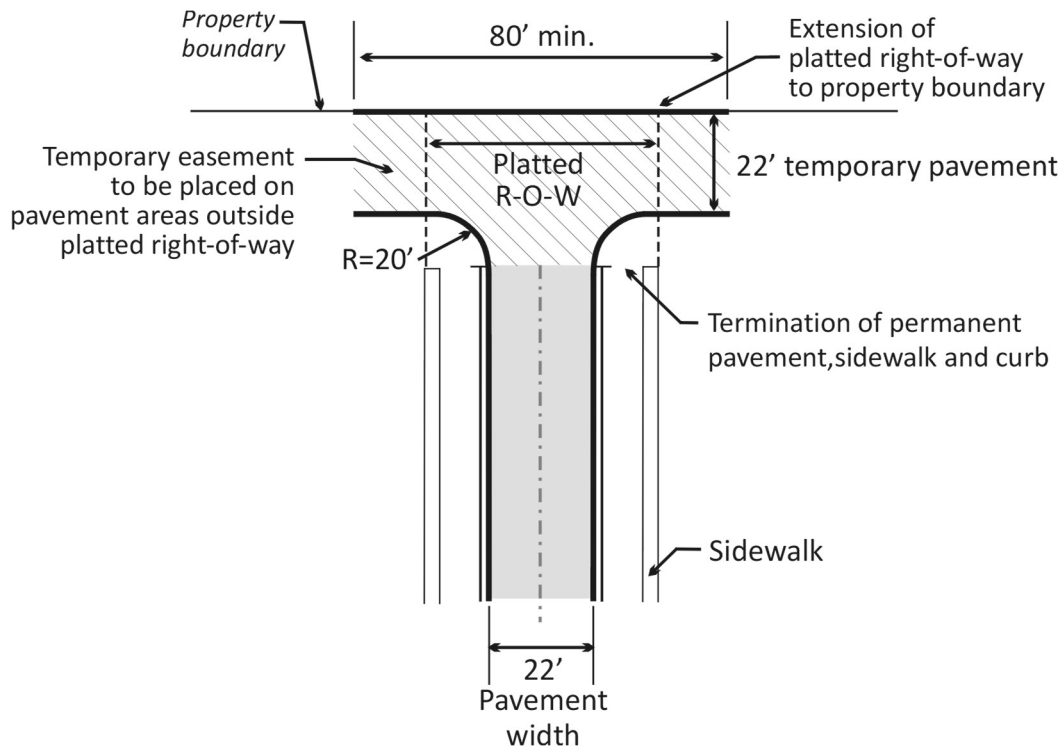


402.2 Stub Streets

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 turnarounds 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 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 ORC Section 711.131 and Section 308 of these Regulations, unless constructed 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 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.
 - a. Lengths over 1,200 shall require a variance to the block length requirements.

- b. The variance will be required to demonstrate the ability for adequately address emergency vehicles for public safety.
 - c. Variances should consider lot configuration, topography, environmental constraints (wetlands, floodplains, and soil conditions), and the ability to appropriately sub-street connect to adjoining parcels.
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 1,200 feet in length.
2. Non-residential cul-de-sacs may not exceed 1,500 feet.
3. Cul-de-sacs shall be measured from 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 paths from the development (see Figure 6).

Figure 5

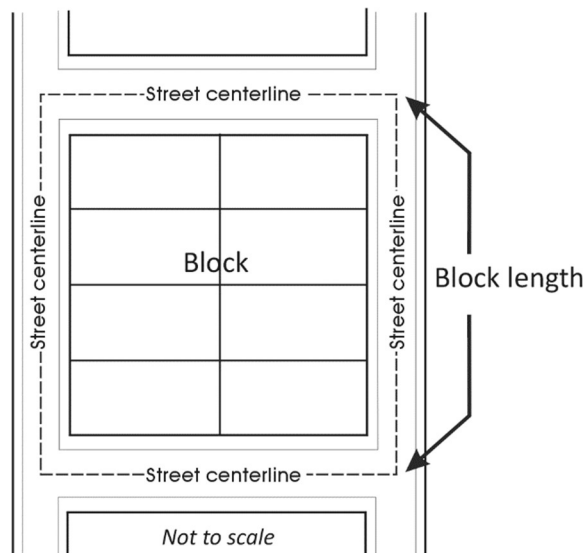
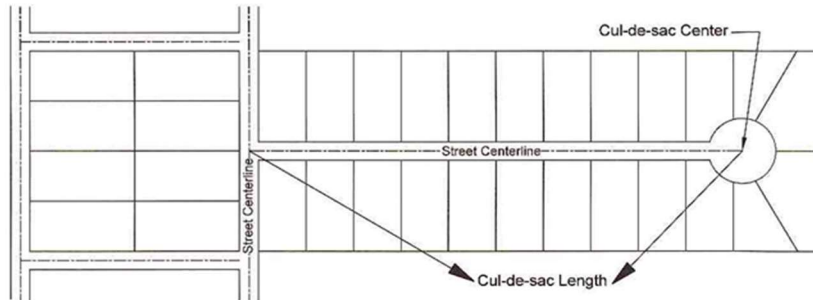


Figure 6



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 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 Regional Planning 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 practicable for the efficient utilization of land, economy in construction and maintenance of the streets and utilities, and reduction of intersectional traffic hazards; but no block shall exceed lengths specified above.

Section 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 Combined General Health District. For properties without central sewer, there shall be a 10-foot separation from the property line. There is a 50-foot separation from wells and water bodies pursuant to OAC 37.01-29.

405.1 General

- A. Side lot lines shall be approximately at right angles to the centerline of the road. On curved roads the side lot lines shall be radial lines if 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 subdivision of such parcels in the future and for the planned opening of future streets, extension of existing streets and installation of other required infrastructure.
- C. Corner lots shall have extra width sufficient to accommodate building lines on both streets.

405.2 Where No Township Zoning Exists

- A. If public sewer is available, lots for residential use shall be at least 60 feet wide at the building line, 150 feet in depth and be 7,500 square feet in area.
- B. If public sewer is not available, lots for residential use shall be at least 60 feet wide at the building line and one and one-half (1-1/2) acres in area. The acreage may be reduced if written approval for a household sewage treatment system installation is granted by the Portage County Combined General Health District.

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. 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. 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. Frontage may be reduced by the Regional Planning Commission for lots on a permanent cul-de-sac or on the curved portions of a loop street. Frontage requirements must meet local zoning regulations.

- E. 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.

Section 406

Buildings

406.1 Principal Buildings

Every single, two or three family building 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 including those of the Portage County Combined General 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 Plat has been submitted to the Portage County Regional Planning Commission for approval until the Subdivision Plat has been approved.

406.3 Schedule of Building Construction

The sanitary sewers and water lines (where applicable), storm sewers and 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 setback 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 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 PCWR.
- B. The location and width of these easements shall be determined by the Portage County 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 PCWR may require additional easement width.

407.2 Drainage Easements

- A. Where a Subdivision is traversed by a drainage way, a storm water or drainage easement that conforms substantially to the lines of such drainage way shall be 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 deep and shall be located within the open space areas.
- C. When the drainage system is outside of the road right-of-way, the Developer may petition the Board of County Commissioners to set up a county-established ditch to provide for the future maintenance of said system by assessment of the benefitting owners within the Subdivision. Section 6131 of the ORC, as amended, shall govern the process of creating and maintaining county ditches.
- D. Easements for drainage purposes shall be accurately depicted on the Plat and Improvement Plans 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

408.1 Purpose (ORC Section 711.10)

Pursuant to Section 711.10 of the ORC, open space shall be required in Subdivisions per Section 408.3 to provide adequate space 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 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

At least 5% of the area of every Subdivision 20 acres or over 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:

<u>Average Size of lots*</u>	<u>Percent of Subdivision to be preserved as open space</u>
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 reserved for use by 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 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.
2. Such dedication and acceptance 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, outcropping, 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 place 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 not be less than six feet.
 - 2. Minimum vertical clearance shall not be 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 HOA, 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 with 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 with 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 owners. Such legal device shall provide for the management, maintenance, and control of such areas (See ORC 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 FOR THE 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 HOA 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 (ADA) where required.
 - 2. Storm water 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 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, PCWR, the Portage County Combined General 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 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 County 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 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 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.



ARTICLE 5: PORTAGE COUNTY ENGINEER'S STANDARDS for ROAD, STORM WATER & DRAINAGE IMPROVEMENTS

Section 500

General Statement

This Section pertains to the design and construction of roads, storm water management and/or drainage improvements approved by the County Engineer's office or their designated agents.

Section 501

Intent of the Regulations, Project Scope and Plans

The intent of these Regulations is to prescribe complete functional improvements, which the Developer undertakes to do, at no cost to Portage County and in full compliance with the approved plans, standard drawings and specifications of the Portage County Engineer or the Portage SWCD. They are to be cooperative, and each party's requirements are as binding as if called for by all parties. Should any misunderstanding arise as to the intent or meaning of said plans, specifications or standard drawings or any discrepancy appear in either, the coordinated decision of the Portage County Engineer and/or the Portage SWCD in such case shall be final and conclusive. The Portage County Engineer is the Portage County Storm Water Coordinator, and the Coordinator oversees the Portage SWCD in the Storm Water Management Program.

Section 502

Improvement Plans

502.1 General Requirements for Improvement Plans

All Improvement Plans shall be prepared on 24" x 36" sheets. Paper Improvement Plans shall be submitted for plan reviews. Final as built Improvement Plans shall be submitted on mylar and in electronic format. If more than three sheets are required, then a title sheet shall be used. The professional engineer responsible for the preparation of the Improvement Plans shall affix his stamp or seal.

502.2 Title Sheet

The Title Sheet shall be page number one and each sheet thereafter shall be numbered consecutively. The title sheet shall contain the following information:

- A. Title block
- B. Developer: Name, address, and telephone number.

- C. Location map with north arrow: This shall indicate the subdivision location within the County and in relation to major roads and landmarks.
- D. An index for all drawings contained in the Plan.
- E. Typical Section: A typical section shall be located on this sheet or other sheets of the Plan to show design elements of the road construction.
- F. General Notes: A set of general notes covering special situations, not covered under the general specifications, shall be shown on this sheet or other sheets of the Plan.
- G. Estimated quantities by ODOT number for all construction items shall be located on this sheet or other sheets of the Plan.
- H. Names of all affected utilities, with contact persons and telephone numbers.
- I. Signature lines for all required approvals.

502.3 Topographic and Drainage Sheet

A topographic map of the Subdivision area at a scale of 1" = 100 feet shall be provided showing the following information:

- A. General Information
 - 1. Title
 - 2. North arrow
 - 3. Corporation lines and subdivision names with plat number.
 - 4. Existing above ground structures
 - 5. Existing and proposed easements
 - 6. Flood hazard areas
 - 7. Wetlands and impacts to wetlands
- B. Topographic Details
 - 1. All elevations shall be referenced to NAV88 or current datum. List the datum used on the plans.
 - 2. Contours shall be drawn at 2-foot intervals if slope is less than ten percent (10%), and 5-foot intervals if the slope is greater than ten percent (10%).
- C. Drainage Details
 - 1. The Developer's engineer shall make a complete study of the drainage area contributing to the Subdivision.
 - 2. To show the entire drainage area, additional sheets may be required. If additional sheets are needed, existing mapping data/ information will be sufficient (i.e., it is not necessary to survey outside of the project limits to determine contributing drainage area).

3. The proposed storm drainage system shall be shown completely. The drainage area for each pipe or drainage structure shall be outlined and the number of acres included.

502.4 Special Construction Drawings

These sheets shall contain detailed drawings of special construction items not otherwise shown. Detail sheets prepared by the Portage County Engineer or ODOT for pavement and storm sewer items shall be incorporated in the set of construction drawings. Erosion and sediment control details shall also be incorporated as directed by the Portage County Engineer and/or the Portage SWCD.

502.5 Road Plan and Profile Sheets

All roads within the Subdivision shall be shown on a standard plan and profile sheet. Plan view on top of sheet and profile view on bottom.

A. Scale

1. 1" = 50 feet for the horizontal scale and 1" = 5 feet for vertical scale on rural density Subdivisions.
2. 1" = 20 feet for the horizontal scale and 1" = 5 feet for vertical scale on suburban or urban density Subdivisions.

B. Plan Items

1. Road centerline, stationing, right-of-way lines and widths, curve data, proposed monument locations (on centerline at points of curvature, points of tangency, and intersections), road names, subplot lines, easements, and lot numbers.
2. Pavement, curbs, gutters, sidewalks, storm and sanitary sewer structures, bridges, culverts, guardrail and proposed and existing utilities.
3. Topographic features within the general area and any obstruction within the right-of-way or construction area.
4. Existing and proposed easements
5. Flood hazard areas
6. Wetlands

C. Profile Items

1. Centerline stationing, benchmarks with the description and elevation, original ground profile grade on the centerline labeled at 50' stations, and proposed profile grade on the centerline labeled at 50' stations for straight grades and 25' stations for vertical curves.
2. Vertical curve data and sight distance data

3. Storm structures, sanitary sewer structures with assigned numbers, bridges, culverts and proposed and existing utilities.

502.6 Cross-Section Sheets

- A. Scale: Both horizontal and vertical scales shall be 1" = 5 feet, unless approved otherwise by the County Engineer.
- B. Location: A cross-section should be at each 50-foot interval and other needed locations and shall show the existing ground line dashed and the proposed section drawn solid. Include the following data:
 1. Proposed finished grade elevations
 2. Station
 3. Existing elevations
 4. Existing and Proposed Utilities
- C. Drainage Sections

If a detail culvert sheet is not used, then a cross-section at any proposed culvert or other structure shall be shown. This detail shall include the elevation at both the inlet and outlet. Also, the type and size of structure shall be shown. The profile of existing drainage channels shall be shown and should extend a minimum of 50 feet beyond the inlet and outlet and should extend beyond where the proposed grade matches the existing grade.

502.7 Drainage Structures

Detail drawings of all bridges and other drainage structures (other than standard culvert pipe without headwalls) shall be provided.

502.8 Intersection Details

The construction drawings shall include detailed plan views of intersections and cul-de-sacs. These detailed plan views shall be drawn at a scale of 1" = 10 feet or 1" = 20 feet and shall show radius return curve data, proposed elevations for centerline and gutter (or edge of pavement), proposed sidewalks (as applicable), and proposed utilities (i.e., storm, sanitary, water).

502.9 Storm Water Pollution Prevention Plan (SWP3)

- A. See Section 509 for Storm Water Management Requirements. The SWP3 shall comply with the *Portage County Construction Site Sediment, Erosion and Storm Water Management Rules & Recitals* and the current regulating version of the Ohio Environmental Protection Agency's (EPA) current National Pollution Discharge Elimination System's (NPDES) *General Permit for Storm Water Discharges Associated with Construction Activity*. The plan must also follow the guidelines set forth in the *Ohio Rainwater and Land Development Manual*.

- B. A SWP3 must be submitted prior to any grading or disturbance of the site (See Section 509.02 for information).
- C. Show locations of all structural and non-structural erosion and sediment control, storm water management and post-construction water quality Best Management Practices (BMPs). If applicable, erosion and sediment control information may be incorporated on the topographic or drainage sheet.

502.10 Additional Plan Sheets

- 1. Draw to scale all sub-lots or acreage abutting the streets where improvements are to be located. Include the front foot dimensions, property owners' names, sub-lot numbers (if area is subdivided) or total acreage owned by each acreage owner for property abutting on the streets.
- 2. Show corporation lines, subdivision names, plat volume and pages when subdivision plat is recorded, and original lot lines and numbers on the drawings.
- 3. Show all easements including exact location and width.

Section 503

Minimum Road Design Standards

503.1 Engineering Design

- A. Design speed: 25 mph minimum
- B. Right-of-way width: See pages 5-27 to 5-30 for typical cross sections.

503.2 Horizontal and Vertical Design

- A. Intersection Sight Distance (ISD)

The ISD for proposed roads shall be based upon a design speed determined by the Portage County Engineer and shall comply with the ODOT *Location and Design Manual* for horizontal and vertical design.

- B. Horizontal alignment

Minimum radius:

Residential:	250 feet
Commercial/industrial:	400 feet

C. Vertical design

	Maximum Grades	Minimum Grades
Residential	10%	0.5%
Commercial/Industrial	6%	0.5%

All changes of grade shall be connected by vertical curves of appropriate length.

503.3 Cross Section Design

See pages 5-27 to 5-29 for typical cross sections.

503.4 Pavement Widths

See pages 5-27 to 5-29 for typical cross sections.

503.5 Ditches

- A. See pages 5-27 to 5-30 for typical cross sections.
- B. Minimum Grade:

Residential: 1%
Commercial/Industrial: 1%

503.6 Intersection Design

- A. Types of allowable intersections
 - 1. T-type intersections are encouraged for residential non-through traffic streets.
 - 2. Rotary-type intersections, roundabouts and circular islands are permitted if the Portage County Engineer determines that such intersections are properly integrated with the existing and proposed street system in the area and are designed in accordance with accepted design standards.
 - 3. Minimum centerline offsets at centerline:
 - Residential: 150 feet
 - Commercial/industrial: 300 feet
- B. Intersection grades
 - 1. The grade on the through street shall be three percent (3%) or less.
 - 2. The grade on the stop leg of an intersection shall be three percent (3%) or less.
 - 3. To provide proper drainage at all intersections, the stop street legs of all intersections shall have a downgrade of between 1.56% and 3%.

C. Cross road alignment

Minimum intersection angle: 75 degrees

Minimum tangent length: 100 feet

D. Radius returns

	Residential	Commercial/Industrial
Edge of Pavement or Curb	30 feet	50 feet
Right-of-Way	25 feet	50 feet

503.7 Cul-De-Sacs

	Residential with Islands	Residential without Islands	Commercial/ Industrial
Right-of-Way	70-Foot Radius (Minimum)	70-Foot Radius (Minimum)	80-Foot Radius (Minimum)
Pavement Radius – Outside Edge	50 feet	50 feet	60 feet
Pavement Radius – Inside Edge	26 feet	NA	NA

- A. Islands are not permitted in commercial/industrial cul-de-sacs.
- B. The maximum profile grade or cross slope in a cul-de-sac shall not exceed four percent (4%).
- C. Proper drainage shall be provided for residential cul-de-sacs with islands.

Section 504

Sidewalk Standards

504.1 Sidewalk Design and Location

- A. A minimum four (4) foot wide concrete sidewalk, as depicted on the Typical Sections for Portage County Curbed Streets (pages 5-27 and 5-29), shall be installed on both sides of the roadway, throughout the entire development one (1) foot from the right-of-way line.
- B. The sidewalks shall be installed per ODOT Item 608 Specifications. Concrete sidewalks shall be four (4) inches thick, six (6) inches thick under driveways, with an aggregate base as required for leveling.
- C. All subdivisions requiring sidewalks shall have curb ramps installed at all intersection crossings complying with current ADA standards.

- D. Sidewalks shall be provided where considered reasonable by the Regional Planning Commission for the protection of public safety, such as in the vicinity of schools, churches, public open space areas and commercial developments or near public transportation stops.
- E. A sidewalk or a modified sidewalk system may be required in an open space conservation style development, a commercial development, or an industrial park, subject to the recommendation of the Regional Planning Commission.

504.2 Sidewalk Installation

The installation of a sidewalk shall be the responsibility of the Developer for all lots and shall be constructed within the time period during which the Maintenance Guarantee has been posted by the developer. A Performance Guarantee shall be required for all sidewalks.

Section 505

Street and Stop Sign Standards

505.1 Sign Costs

The Developer is responsible for the costs of initial signage for roads in Subdivisions.

505.2 Sign Design

All signs must conform to the standards of the responsible agency. Street signs must display a road name and a township or county highway number assigned by the Portage County Engineer.

505.3 Sign Installation

Two installation options are available:

- A. The Portage County Engineer can make and install standard county street and stop signs and bill the Developer for the cost.
- B. The Developer can have street and stop signs made and installed in conformance with county or township standards.

Section 506

Seeding and Sodding

Current ODOT Construction and Material Specifications, Items 659 and 660, apply. The entire area within the right-of-way shall be seeded, sodded or otherwise protected from erosion. All areas outside the limits of the right-of-way and adjoining land of the project where the vegetation has been injured or destroyed or is in need of protection (due to the fact that erosion of these unprotected areas will result in having dirt, etc., deposited in the drainage structures and other improvements within the project and/or create an unsightly condition) shall be restored and protected as directed by the County Engineer, with the recommendation of the Portage SWCD.

Section 507

Dry Hydrants

For Subdivisions in areas not served by a public water supply system, the local fire department or township may require dry hydrants to be installed. Such hydrants shall be accessible to emergency vehicles.

Section 508

Drainage Design

No Subdivision will be approved unless there is an outlet for all storm water. Provisions shall be made to accommodate effectively the increased runoff caused by changed soil and surface conditions during and after development. It may be necessary to direct surface water to a drainage ditch, stream or an existing storm system which has the capacity to carry the flow. No natural drainage course shall be altered, and no fill, buildings, nor structures shall be placed in, on, or over it unless provision is made for the flow of water in a manner satisfactory to the Portage County Engineer. An easement shall be provided on both sides of an existing surface drainage course for the purpose of maintaining, protecting, widening, deepening, enclosing, or otherwise improving it for drainage purposes. Impacts to any natural drainage ways or streams must be permitted by the U.S. Army Corps of Engineers and the Ohio EPA.

508.1 Drainage System Requirements *(Sec. 620 1984 PCSR)519*

The design criteria for the drainage system shall be based on the ODOT design policy and/or County Engineer standards. These criteria shall apply to development along existing roads as well as those requiring new roads to be constructed.

A. Road Drainage System

The road storm drainage system shall serve as the local drainage system. It shall be designed to carry roadway, adjacent land, and house storm water drainage. To prevent

excessive pipe sizes, storm sewers shall drain into natural waterways as soon as possible.

B. Off-Road Drainage System

The design of the off-road drainage system shall include the watershed affecting the Subdivision and shall be extended to a water course or ditch adequate to receive the storm drainage.

C. Dams or Basins Embankments

Three (3) copies of detailed drawings of proposed dams or basins and all calculations shall be submitted to the County Engineer for approval. The developer or his engineer shall apply for a permit from the State of Ohio, Department of Natural Resources, Division of Water, if applicable, and any other applicable agencies.

D. Protection of Drainage Systems

The Developer shall adequately protect all ditches (roadways and water courses) to the satisfaction of the County Engineer.

In all cases, any drainage facilities within the Subdivision shall be in a stable condition, free from excessive erosion or sedimentation and/or other debris. Any damage resulting from erosion, scour, silting of drainage ways, or blockage of storm drainage systems, on and off the development, caused by the construction, shall be corrected at the Developer's expense.

E. Drainage Outlets

Where the County Engineer finds it necessary to clean, alter or reconstruct a natural drainage course or storm sewer system outside the development boundary to provide a storm water outlet, or to prevent damage to other properties due to an increased or accelerated flow, the outlet shall be provided and constructed at the expense of the Developer and in accordance with plans and specifications approved by the County Engineer.

Section 509

Storm Water Management Requirements

509.1 Performance Standards

On October 6, 2019, the Portage County Board of Commissioners adopted Resolution No. 19-0656 "Exhibit B," entitled "*Portage County Construction Site Sediment, Erosion, and Storm Water Management Rules*." This Regulation may be updated periodically as part of our efforts to be compatible with current Ohio EPA Permit requirements. In addition to defining the SWP3 and erosion and sediment BMPs, these rules specify the following procedures and/or requirements:

A. Performance Standards during Active Construction:

- B. Post-Construction Water Quality Practices;
- C. Easements;
- D. Construction and Maintenance Guarantee; and
- E. Violations and Penalties.

509.2 Storm Water Pollution Prevention Plan (SWP3)

- A. A construction SWP3 for Subdivisions and/or a site SWP3, as applicable, shall be submitted to the Portage SWCD prior to any grading or disturbance of the site. The SWP3 shall be prepared by qualified persons and submitted plans must be stamped by a registered professional engineer.
- B. The plan shall be in compliance with the *Portage County Construction Site Sediment, Erosion, and Storm Water Management Rules* (current edition or regulating document), and with the Ohio EPA NPDES *General Permit for Storm Water Discharges Associated with Construction Activity*, and will follow the guidelines set forth in the *Ohio Rainwater and Land Development Manual*.
- C. In addition to compliance with the documents noted above (Section 509.2B), the SWP3 shall include runoff calculations that meet the following critical storm requirements:
 - 1. Storm water runoff estimations and calculations for pre- and post-development peak discharges shall be calculated using the U.S. Soil Conservation Services TR-55 method or other method approved by the County Engineer.
 - 2. In order to control water pollution by soil sediment from accelerated stream channel erosion and flood plain erosion caused by accelerated storm water runoff from development areas, the peak rates of runoff from an area after development may be no greater than the peak rates of runoff from the same area before development for all 24-hour storms from one to one-hundred-year frequency. Design and development to match the peak rate of runoff for the one, two, five, ten, twenty-five, fifty and one hundred-year storms may be considered adequate to meet this requirement. If an increase in volume is expected after development, peak rates of runoff must be reduced. Reduce rates of critical storm and all more frequent storms to one-year 24-hour frequency. Less frequent storms shall have peak runoff rates no greater than predevelopment peak runoff rates.
 - 3. The critical storm for a specific development area is determined as follows: Determine the total volume of runoff from a one-year frequency, 24-hour storm, occurring on the development area before and after development. Then determine the percent of increase in volume of runoff due to development and using this percentage, select the critical storm from table below.

Critical Storm Table

If the Percentage Increase in Volume of Runoff is equal to or greater than	And less than	The 24-hour “Critical Storm” for Discharge Limitation will be
0	10	1 Year
10	20	2 Year
20	50	5 Year
50	100	10 Year
100	250	25 Year
250	500	50 Year
500	-----	100 Year

- D. As-built drawings will be required for all permanent, post-construction storm water management facilities and shall be submitted per Section 519.2 to the County Engineer. The As-Built Survey of the permanent Storm Water Management facilities shall include an as-built set of storm water facility calculations. These as-built volume and outflow calculations shall be certified (sealed, signed and dated) by a Registered Surveyor and/or Engineer as applicable, with a statement certifying that the storm water facilities as installed meet the design criteria of the improvement plans approved by the County.
- E. No earthmoving activities may commence without SWP3 approval from the PCSWCD.

509.3 Flood Hazard Areas and Wetlands

A. Flood Hazard Areas

If any portion of the land within the Subdivision falls within Special Flood Hazard Areas as indicated on the FEMA FIRMs or other approved technical documentation, the Flood Hazard Area must be shown on the SWP3, the Improvement Plans and the Plat, and must comply with all the provisions in the Portage County Flood Damage Reduction Regulations.

- B. Wetlands will be identified on the SWP3, the Improvement Plans and the Plat. If they are going to be impacted in any manner, the developer is responsible for contacting the U.S. Army Corps of Engineers.
 - 1. If a U.S. Army Corps of Engineers permit is required, the permit number shall be shown on the SWP3, the Improvement Plans and the Plat.
 - 2. In areas where jurisdictional wetlands, as defined by an on-site delineation verified by the U.S. Army Corps of Engineers, will be affected, a copy of the wetland delineation report shall be submitted with the SWP3.
 - 3. If an individual Permit is required, a copy of that Permit, showing project approval and any restrictions that apply to the site activities shall also be submitted.

4. If an individual permit is not required for the proposed project, the Developer shall submit proof of compliance with the Nationwide Permit Program and Ohio EPA Regulations. Proof shall include, but is not limited to the following:
 - a. A letter from a qualified professional who has surveyed the site and found no Waters of the United States.
 - b. A letter from a qualified professional who has surveyed the site and found Waters of the United States, then we need a jurisdictional determination from the U.S. Army Corp of Engineers.
 - c. A site plan showing any proposed fill of Waters of the United States conforms to conditions specified in the applicable Nationwide Permit and Ohio EPA Regulations.

509.4 Residential Storm Water Maintenance Program

Structural post-construction storm water facilities, not including the overall storm water conveyance system, for all *new residential* subdivisions must be entered into an annual inspection and maintenance program managed by the Portage County Storm Water District. Facilities constructed in residential subdivisions that have not entered into the District's inspection and maintenance program are the responsibility of the Subdivision's HOA. Operation and maintenance of facilities in commercial, semi-public, or industrial subdivisions shall be the responsibility of the Developer or ultimate owner.

- A. An easement shall be provided that allows access to all structural post-construction storm water facilities and extends out 10 feet in all directions around the facility. The easement shall also include the discharge point of the facility.
- B. A long-term maintenance plan is required for all post-construction BMPs and shall be submitted along with the SWP3 for review.
- C. Storm water runoff from all proposed impervious surfaces must be conveyed to a post-construction BMP. Whenever possible, roof drain runoff shall be tied directly to the centralized storm water conveyance system.
- D. Once entered into the program, all facilities will be inspected by the Portage County Storm Water District at least once over a five-year period which coincides with the Ohio EPA NPDES permit term.
- E. Maintenance provided under this program shall be conducted to ensure that the facility is functioning as designed. This does not include aesthetic maintenance such as regular mowing and landscaping.

Section 510

Dams

All dams, as defined in the OAC (Section 1501:21-13-01) or current regulations, constructed within a subdivision must meet the current Ohio Department of Natural Resources and/or ODOT construction standards. Furthermore, verification of proper construction practices must be conducted and signed off on by either the design engineer or a qualified professional.

Section 511

County Engineer Requirements for the Construction of Improvements

511.1 Plan Review Fees

The plan review fees shall cover the actual wage/salary plus overhead of the County Engineer reviewer or the contract cost of the reviewing services as determined by the Portage County Engineer. The developer is held responsible for all Improvement Plan review fees which must be paid before final plan approval is granted. The Portage County Engineer will give an itemized statement to the developer on request.

The minimum charge will be as listed on the County Engineer's Review Fee schedule and such fee must be included with each Improvement Plan submittal.

511.2 Estimated Cost of Road, Storm Water and Drainage Improvements

Upon approval of the Improvement Plans and before starting any construction work, the Developer's engineer shall prepare and submit to the Portage County Engineer an estimate of costs by item for:

- A. Construction surveying
- B. Construction engineering
- C. Construction of roads, sidewalks, walkways, bike paths
- D. Traffic control improvements
- E. Storm sewers
- F. Fire ponds
- G. Drainage structures
- H. Erosion and sediment control
- I. Restoration of land and site cleanup
- J. Post construction storm water BMPs
- K. County Inspection Fees
- L. Other related items

The total estimated cost including labor shall be prepared and signed by the Developer's engineer. The Portage County Engineer may add to the Developer's estimate an amount to cover contingencies to arrive at the total estimated cost.

Section 512

Performance Guarantees

Before the Final Plat may be considered for approval, the Regional Planning Commission must confirm that the Developer has furnished to the Portage County Board of Commissioners the Performance Guarantees as required herein. If the construction of the subdivision improvements is complete, Maintenance Guarantees are required, otherwise a Performance Guarantee will be required.

512.1 Performance Guarantee

- A. Prior to any consideration of Plat approval, the Developer shall furnish a Performance Guarantee to the Portage County Board of Commissioners in the amount equal to one hundred ten (110) percent of the approved total cost of the improvements not yet completed based on the estimates prepared in accordance with Section 511.2. Such guarantee shall be in the form of a construction loan, cash escrow, savings account or other financial arrangement which binds the developer to completion of the improvements and from which the County Engineer has the authority to release funds as the work progresses, or in the form of a surety bond issued by a surety company authorized to do business in Ohio and approved by the Board of County Commissioners. Performance Guarantees and Escrow agreements shall be provided utilizing forms in Appendix 5A or appropriate forms provided by the Portage County Engineer and the Portage SWCD.
- B. Performance Guarantees will remain in effect until released by the Portage County Board of Commissioners. Performance Guarantees shall guarantee completion of the required improvements in compliance with the approved Improvement Plans for all work inspected by the Portage County Engineer.
- C. The developer will remain liable for any expenditure over and above the derived performance guarantee, including but not limited to unforeseen site conditions that increase the construction estimate or increased material costs.

512.2 Reduction of Performance Guarantee

The Portage County Engineer may authorize the release of funds backing the Performance Guarantee for Improvement Plan items completed after receiving a written, itemized request from the Developer. The request shall include copies of all invoices to be paid by the funds released. The amount of any surety bond may be reduced at times and in amounts deemed appropriate by the County Engineer.

After an inspection of the completed work, an amount equal to 90% of the requested funds will be authorized for release. Ten percent (10%) of each release request will be retained until all improvements have been completed. The reduced Performance Guarantee shall remain in effect to cover the remaining construction of improvements.

512.3 Failure to Construct or Complete Improvements

If the Developer fails to commence active and continuous construction of the required improvements within one (1) calendar year of the date of approval of the Final Plat, or fails to achieve substantial completion of the improvements within two (2) calendar years of said date, such that the improvements are not available for public use or are not completed to required standards, and the Portage County Engineer deems it necessary to notify the Portage County Board of Commissioners that the Developer has failed in his duty to complete the project, the Portage County Board of Commissioners may notify the Developer and the issuer of the Performance Guarantee in writing of such failure and of Portage County's intention to vacate the unfinished Subdivision or to complete the project via the Performance Guarantee.

Section 513

Guarantee for Previously Constructed Roads Used as Haul Roads

In order to protect existing roads in a multiple phase Subdivision, Performance Guarantees for future phases shall include assurances of the maintenance and repair of any of the Subdivision's completed roads used by construction vehicles for access to the phase(s) under construction.

513.1 Haul Road Performance Guarantee

Prior to the start of construction of a future phase, the Developer shall provide the Portage County Board of Commissioners a Performance Guarantee in an amount sufficient to cover the maintenance and repair of the Subdivision's completed roads used by construction vehicles for access to the phases under construction.

513.2 Haul Road Performance Guarantee Amount

The estimated amount of the Guarantee will be submitted by the Developer's engineer and approved by the Portage County Engineer. The Guarantee will remain in effect and be released subject to the recommendation of the Portage County Engineer when the road(s) in question are no longer used by the Developer's construction vehicles and any maintenance work required thereto has been completed.

513.3 Separate Haul Roads

When a separate "Haul Road" is established and construction vehicle traffic is eliminated from Subdivision roads constructed in a previous phase, the phase Guarantee requirement as stated above, shall not apply. The Portage County Engineer must review and approve such proposed temporary Haul Road(s) prior to the start of construction. Upon the completion of construction,

the Developer shall eliminate the temporary Haul Road(s) and restore the road pathway to its original condition.

Section 514

Supervision of Construction of Road, Storm Water and Drainage Improvements

514.1 Pre-Construction Meeting

Prior to the commencement of any project, a pre-construction meeting will be held with the owner, Developer and/or his/her representative, design engineer, contractor, the Portage County Engineer and other agencies as required. At this time the project will be discussed in regard to procedure, construction methods, plans, materials, inspections, storm water management, erosion control, etc.

514.2 Requirements for Start of Construction – Approvals and Permits

- A. Approvals Required. The following items must have been approved:
 - 1. The Improvement Plans and the SWP3 for the Subdivision.
 - 2. A construction schedule showing the starting and completion dates for each phase of the construction work, and a date for the completion of the entire Subdivision.
 - 3. Any Performance Guarantees required for the project.
- B. Permits Required. The contractor must have all necessary permits required for the project prior to the start of construction.
 - 1. Jurisdictional Wetlands
 - a. In areas where jurisdictional wetlands, as defined by an on-site delineation verified by the U.S. Army Corps of Engineers, will be affected, a copy of the wetland delineation report shall be submitted with the SWP3.
 - b. If an individual Permit is required, a copy of that Permit, showing project approval and any restrictions that apply to the activities shall also be submitted.
 - c. If an individual permit is not required for the proposed project, the Developer shall submit proof of compliance with the Nationwide Permit Program and Ohio EPA Regulations. Proof shall include, but is not limited to, the following: A letter from the site owner verifying that a qualified professional has surveyed the site and found no Waters of the United States, or a site plan showing any proposed fill of Waters of the United States conforms with the conditions specified in the applicable Nationwide Permit and Ohio EPA Regulations. Must coordinate with 509.3 Section 4.
 - 2. National Pollution Discharge Elimination System (NPDES) Permit

The Developer must provide proof of compliance with the Ohio EPA General Storm Water NPDES permit. Proof of compliance shall be, but is not limited to, a copy of

the NPDES General Storm Water Permit Notice of Intent and/or a copy of the NPDES permit number and/or a copy of the Ohio EPA Director's Acceptance Letter for the NPDES permit.

514.3 Cooperation of Developer and/or Contractor

The Developer and/or contractor shall have available on the project site at all times one (1) copy of all approved plans and specifications. He/she shall cooperate with the Portage County Engineer's Inspector or the Portage SWCD Inspector and with other contractors in every way possible. The Developer and/or contractor shall at all times have a competent representative acting as his/her agent on the project. The representative shall be capable of reading and thoroughly understanding the plans and specifications and promptly supplying such materials, tools, equipment and labor as may be required. A representative shall be furnished regardless of the amount of work sublet.

514.4 Roadway Construction

All work shall be done in conformance with the approved Improvement Plans, and the latest editions of the ODOT *Construction and Materials Specifications* and the Portage County Engineer Specs and Details.

514.5 Inspection

- A. The Portage County Engineer shall be responsible for the inspection of all improvements listed in Section 514.5D below. The Developer, his/her engineer, or his/her contractor shall give notice to the Portage County Engineer at least three (3) working days in advance of any construction of physical public improvements. Failure to notify the Portage County Engineer may result in requiring the complete removal of such uninspected work at the Developer's sole cost.
- B. The Portage County Engineer shall determine the amount of inspection, including laboratory and other test(s), required to assure that the Developer or his contractor(s) and/or subcontractor(s) will comply with the approved Improvement drawings and schedule.
- C. The project engineer shall perform the first inspection of erosion and sediment control devices to certify that the 'as built' conditions comply with the approved SWP3 no less than two (2) working days prior to the start of construction. An inspection report shall be sent to the Portage SWCD within seven (7) days from the date of the inspection. Following this initial inspection, regular inspections will be performed by the Portage SWCD for compliance with the SWP3. If the site is not in compliance with the approved plan, the Developer will be notified in writing by mail or email and will have fourteen (14) days to make the necessary corrections/ improvements.

- D. The following operations will be inspected by the Portage County Engineer's office:
1. Preliminary grading and final Right-of-Way Grading
 2. Backfilling of all trenches and excavations in the right-of-way
 3. Preparation of sub-grade
 4. Paving (rigid and flexible)
 5. Inlet construction
 6. Drainage improvements
 7. Sidewalk/walkway construction
 8. Storm water management system construction
 9. Any construction of utilities within the street right-of-way
 10. Any construction of structures within the right-of-way
 11. Traffic Control Improvements
- E. Any of the above-listed construction operations that may be performed without advance notice to the Portage County Engineer's office may result in coring of the pavement, subgrade boring and non-acceptance of the improvement if it does not meet the specifications of the Portage County Engineer.

514.6 Inspection Fees

- A. The inspection fees shall cover the actual wage/salary plus overhead of the County Engineer inspector, or the contract cost of the inspection service as determined by the Portage County Engineer.
- B. Any costs incurred by the Portage County Engineer to perform pavement corings, sub-grade borings and/or non-destructive testing to field verify the Developer's work shall be borne by the Developer.
- C. The Developer is held responsible for all inspection fees which will be payable upon receipt of invoice. The Performance Guarantees posted by the Developer guarantees the payment of all inspection fees. Without regard to any other provisions of these Regulations, the guarantee for payment of all inspection fees shall be in the form of a cash escrow account established with a solvent financial institution.
- D. The Portage County Board of Commissioners shall not authorize the release of any Guarantees until the Portage County Engineer certifies that all inspection fees have been paid in full.

514.7 Testing

- A. All material supplied shall be inspected as directed by the Portage County Engineer.
- B. Compaction tests shall be made in fill areas in the right-of-way and on the subgrade prior to paving as directed by the Portage County Engineer.
- C. Pavement tests shall be conducted on site as directed by the Portage County Engineer.
- D. The Portage County Engineer reserves the right to order pavement cores made if conditions warrant.
- E. The testing mentioned above shall be done by a private testing laboratory acceptable to the Portage County Engineer and shall be done at no cost to the County.

514.8 Field Changes

- A. Approval of Final Improvement Plans shall not prevent the Portage County Engineer, or his/her agent, from ordering needed changes he/she deems necessary in the field as work progresses. This extra work shall be at the Developer's sole expense.
- B. If it becomes necessary to modify the previously approved improvements due to unforeseen circumstances, the Developer shall inform the Portage County Engineer in writing of the conditions requiring modification.
- C. Written authorization from the Portage County Engineer to make the required modification must be received by the Developer and/or Developer's engineer before proceeding with the construction of the improvement.

514.9 Change Orders

If during the prosecution of the work, it becomes necessary to modify the approved plans or specifications due to unforeseen circumstances, the subdivider's engineer shall revise the plans, specifications and estimate of cost and recommend approval of the required change to the Portage County Engineer and/or Sanitary Engineer. If the County Engineer and/or Sanitary Engineer approves such a revision, a written change order shall be prepared by the subdivider's engineer and signed by the appropriate county authority.

Section 515

Plat Approval Withheld

Plat approval may be withheld if there is a problem with Improvement Plan compliance (including SWP3 compliance) in any of the preceding plat phases.

Section 516

Conditional Acceptance of Improvements

516.1 Conditional Acceptance Procedure

- A. Upon completion of all improvements the Developer shall notify the Portage County Engineer by letter that all of the improvements have been completed in accordance with these Regulations and all other applicable laws and regulations.
- B. The Portage County Engineer will then schedule an inspection of the completed improvements. The Developer, his/her engineer and a Township representative may accompany the Portage County Engineer or his/her representative on the inspection.
- C. Any discrepancies shall be recorded, and the Developer and the contractor will be furnished a copy of this punch list and shall be expected to proceed as soon as possible with any corrections.
- D. This procedure shall be repeated until it is determined by the Portage County Engineer that the improvements have been satisfactorily completed.
- E. If the improvements are found to be satisfactory the Portage County Engineer will issue a letter to the Portage County Board of Commissioners, with a copy to the developer, recommending conditional acceptance and the amount of a maintenance bond.
- F. Upon conditional acceptance by the Portage County Board of Commissioners, the developer shall furnish a maintenance guarantee in the amount of 10% of the construction cost.
- G. 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 failure, for all other reasons, during the one (1) year period. He shall restore the improvements at the end of the maintenance period.
- H. 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 Portage County Board of Commissioners. Before the Portage County Board of 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.

516.2 Monument Inspection at Conditional Acceptance

- A. The Developer's surveyor shall set monuments, at a minimum, at all interior lot corners and angle points, blocks and Subdivision perimeter. Centerline monuments and right of way monuments may be set prior to Final Acceptance at the discretion of the Developer. (See Section 519.1)

- B. All monuments shall have the surveyor's identification cap, be identified on the Final Plat and shall be in place, visible, and marked with a minimum 24" lath at the same time of conditional acceptance by the Portage County Engineer in accordance with state regulations and all other applicable laws and regulations.

Section 517

Maintenance Guarantees

Before the Portage County Engineer will authorize the release of the Performance Guarantee by the Portage County Board of Commissioners, an inspection will be completed to ensure that each phase of the project is satisfactory and complete. Only upon satisfactory completion of the Subdivision shall the Performance Guarantee be released or reduced. The Developer shall provide a separate Maintenance Bond Guarantee (in the form of a surety bond) in the amount of 10% of the estimated cost of all improvements administered by the Portage County Engineer.

517.1 Optional Increase of the Amount of Maintenance Guarantees

The Portage County Engineer may increase the required Maintenance Guarantees above the specified amounts if, in his/her opinion, unusual topographic, subsoil or other construction limitations warrant.

517.2 Assurance of the Maintenance Guarantee

The Maintenance Guarantee shall assure that the Developer will maintain and restore the roads and other improvements until such roads and improvements pass the final inspections of the Portage County Engineer and are accepted by the Portage County Board of Commissioners.

517.3 Release of the Maintenance Guarantee

It is the responsibility of the Developer to request inspections for the release of the Maintenance Guarantee. After all maintenance and restoration work has been completed to the satisfaction of the Portage County Engineer, the Portage County Board of Commissioners will release the Maintenance Guarantee or those portions remaining to the Developer. The Maintenance Guarantee will remain in full force and effect until formally released by the Portage County Board of Commissioners.

Section 518

Maintenance of Improvements

The term "maintenance work" as used herein shall also include all repairs and replacement and all cost associated therewith including inspection and re-inspection costs as described earlier in this section and elsewhere in these Regulations.

518.1 Maintenance Responsibilities

- A. The Developer shall be responsible for the maintenance of the improvements during the construction period and until the Maintenance Guarantee is released by the Portage County Board of Commissioners.
- B. One (1) year after acceptance of the Maintenance Guarantee, the Developer shall request that the Portage County Engineer inspect the improvements.
- C. The Developer shall be notified by the Portage County Engineer of the need for any necessary maintenance work. Should the Developer fail to perform such necessary maintenance work within the time specified, the Portage County Engineer may perform said maintenance work or may authorize the performance of said work by others, at which time the Developer will forfeit a portion of the Maintenance Guarantee to pay for such maintenance work.
- D. Dry hydrants and appurtenances related to fire ponds shall be the maintenance responsibility of the Township Fire Department subject to call on any Guarantees if repair work is necessary within a one (1) year period after acceptance of the Maintenance Guarantee. The Township is responsible for contacting the Portage County Engineer regarding any repair work issues within said one (1) year period.

518.2 Repair of Damage

Any damage done to the improvements by construction traffic, local traffic or by any other means shall be repaired or the damaged materials replaced.

518.3 Snow and Ice Removal

- A. Prior to the final acceptance of the Subdivision improvements, the Developer shall perform all work necessary including snow and ice removal to keep the road passable for auto traffic to service all families living in or, in the case of commercial or industrial subdivisions, employees working in the Subdivision.
- B. In particular, the roads shall be open and accessible for emergency equipment at all times for all occupied dwellings units or businesses.
- C. Should the Developer fail to perform said maintenance, he/she shall be liable for all costs and expenses incurred in the performance of such maintenance work.
- D. The Developer shall indemnify, defend and hold harmless all governmental bodies for any and all liabilities that may arise or are related to such roads.
- E. After final acceptance of the subdivision improvements, the Township Trustees shall be responsible for snow and ice removal on publicly dedicated roads.
- F. The Subdivision's HOA shall be responsible for private streets and roads.

518.4 Mud Removal

The Developer and his/her contractor shall be responsible for the removal of mud or other debris on the pavement surface. Should the Developer fail to perform said removal, he/she shall be liable for all costs and expenses incurred in the performance of said removals.

518.5 Street Surface Course

Upon the expiration of the maintenance period for the roadways, and before final acceptance, the surface course of asphalt concrete shall be installed.

518.6 Failure to Maintain Improvements

- A. If the developer fails to adequately maintain the improvements within the established term of the Maintenance Guarantee, then notice of maintenance deficiencies will be sent.
- B. If the Developer still fails to maintain the required improvements within thirty (30) calendar days of actual or constructive notice of maintenance deficiencies, unless the Portage County Engineer approves an extension, the Portage County Engineer shall notify the Portage County Board of Commissioners that the Developer has failed to perform maintenance obligations.
- C. The Portage County Board of Commissioners shall notify the Developer and the surety or bank, which may be acting as escrow agent, in writing of such failure and of Portage County's intention to perform maintenance work with its own work force or by letting the work to others using the Maintenance Guarantee for payment thereof.
- D. If such maintenance deficiencies raise concerns of public safety, the County may perform maintenance work, regardless of notice, and may rely upon the Maintenance Guarantee for payment thereof.
- E. The developer will remain liable for any expenditure over and above the derived maintenance guarantee.

Section 519

Final Acceptance of Improvements

Roads, except those that are to remain private, will be accepted and turned over to the Township for maintenance once all applicable items in this section are met as stipulated in Sections 516 and 517. New structural post-construction storm water facilities in residential subdivisions must be turned over to the Storm Water District for annual inspection and maintenance.

519.1 Monument Inspection at Final Acceptance

To ensure that any monuments at lot corners and on the right of way that were disturbed or destroyed during construction are in place at the time of final acceptance.

- A. The Developer's surveyor shall set monuments at all centerline points of curvature and points of tangency, cul-de-sac and stub street locations and centerline intersections and at all right of way points of curvature and points of tangency. Monuments set in pavement shall be enclosed within approved cast iron monument boxes.
- B. All monuments shall have the surveyor's identification cap, be identified on the Final Plat and shall be in place, visible, and all monuments along the right of way are marked with a minimum 24" lath at the same time of final acceptance by the Portage County Engineer in accordance with state regulations and all other applicable laws and regulations.
- C. The registered professional surveyor in charge of the installation of required monuments as shown on the Plat shall submit a written affidavit stating that all monuments have been installed and any monuments removed or mangled during construction have been replaced.

519.2 As-Built Drawings

At the completion of the construction and before acceptance, the Developer's engineer shall update the Portage County Engineer's set of mylar drawings, including all permanent post-construction storm water management facilities, (including as-built design calculations per Section 509.2.D) and, all storm water structure, sanitary sewer structures, water line and gas line structures such as valves and hydrants, service valves, sanitary, storm and water connections in lots for permanent record, showing the locations, sizes and elevations of all improvements as constructed. As-built drawings shall also be submitted to the Portage County Engineer in a format approved by the County Engineer.

519.3 Final Inspection

- A. Upon completion the maintenance period, the Developer shall notify the Portage County Engineer by letter that all of the improvements have been completed in accordance with these Regulations and all other applicable laws and regulations.
- B. The Portage County Engineer will then schedule an inspection of the completed improvements. The Developer, his/her engineer and a Township representative may accompany the Portage County Engineer or his/her representative on the inspection.
- C. Any discrepancies shall be recorded, and the Developer and the contractor will be furnished a copy of this punch list and shall be expected to proceed as soon as possible with any corrections.
- D. Another final inspection will be made for acceptance upon written notification from the Developer that the punch list items have been completed.
- E. Storm Sewer System Final Inspection: Prior to final acceptance of the storm sewer system, the developer shall clean and televise the entire system and provide to the County Engineer a digital video of the system and an accompanying report.

- F. Post Construction Storm Water Quality Structures: Prior to final acceptance of the structures the developer shall remove all accumulated sediment and ensure the outlet structure(s) comply with approved as-built plans.

519.4 Acceptance of Improvements

- A. If the Portage County Engineer determines that the improvements are not in conformity with all applicable regulations and the approved Improvement Plans, the Developer shall be advised in writing of the deficiencies in the form of a punch list. This procedure shall be repeated until it is determined by the Portage County Engineer that the improvements have been satisfactorily completed. If the Developer fails to complete the punch list items within a time limit set by the Portage County Engineer, the County may require compliance through the use of the Maintenance Guarantee.
- B. If the improvements are found to be satisfactory and all inspection monies are paid, the Portage County Engineer will recommend to the Portage County Board of Commissioners acceptance of the improvements and release of any remaining Performance Guarantee or Maintenance Guarantees.
- C. If the Portage County Board of Commissioners, upon the recommendation of the Portage County Engineer, determines the improvements to be in compliance with the Improvement Plans and these Regulations, it shall, by resolution stated upon the Board of County Commissioners, accept the improvements for public use and benefit.
- D. The Portage County Board of Commissioners shall not approve or accept the improvements or, prior to Plat approval, accept the dedication of any land for road purposes until any lien attached thereto has been satisfied, and until a one (1) year Maintenance period has passed. The Developer will be required to submit an affidavit stating all bills incurred pertaining to the improvements and costs of the Subdivision are paid in full, that there is no mechanic's lien or any other type of lien on the Subdivision, and that all contractors, subcontractors and all employees of independent contractors and agents have been paid in full, including all salaries and applicable taxes.
- E. The Portage County Engineer's endorsement of the Final Plat denotes that when the streets and roads shown thereon for dedication to the public are constructed in conformity with the Subdivision's Improvement Plans, and said streets and roads are determined by the Portage County Engineer's inspection to be in good repair and have been maintained as required in these Regulations for one (1) year, said streets and roads will be accepted for public use as permitted by Section 711.091 of the ORC.

Section 520

Other Construction Responsibilities

520.1 Indemnification

The Developer agrees to indemnify, defend and hold harmless Portage County and the Township in which the Subdivision is located from and against any and all liabilities, claims, causes of action (including negligence), fines, penalties and expenses of any nature that arise, allegedly arise or are caused by the Developer and the Developer's independent contractors, employees or agents. The indemnifications shall survive the final completion of the Subdivision and expiration of any Performance or Maintenance Guarantee.

520.2 General Liability Insurance

The Developer agrees to furnish to the County Engineer certificates showing the type, amount, class of operations covered, effective dates and date of expiration of required insurance policies. The amounts shall be as follows:

- A. General Liability Insurance (bodily injury and property damage) with a minimum limit of
 - 1. \$1,000,000 per occurrence
 - 2. \$2,000,000 aggregate
- B. Portage County and the Township in which the Subdivision is located must be named as additional insured with regard to General Liability and Portage County must receive at least thirty (30) days advance written notice of Policy cancellation, non-renewal, reduction of limits or other material modification.

520.3 Surveying

Only surveyors registered in the State of Ohio shall be employed for activities involving surveying.

Section 521

Minimum Road Pavement Specifications and Road Cross-Sections

521.1 Minimum Roadway Specifications and Road Cross-Sections

SECTION 521.1 MINIMUM ROADWAY PAVEMENT SPECIFICATIONS

ROAD CLASSIFICATION	PAVEMENT WIDTH		PAVEMENT THICKNESS							
	CURBS 									

AN ALTERNATE PAVEMENT SECTION, INCORPORATING THE USE OF CHEMICALLY STABILIZED SUBGRADE, MAY BE SUBMITTED TO THE COUNTY ENGINEER TO REVIEW FOR USE ON A PROJECT. SUCH ALTERNATE DESIGNS SHALL HAVE A STRUCTURAL NUMBER NO LESS THAN THE ABOVE MINIMUM PAVEMENT SECTION AS CALCULATED PER THE ODOT PAVEMENT DESIGN MANUAL.

COMMERCIAL AND INDUSTRIAL PARK ROADS ARE ROADS IN SUBDIVISIONS HAVING COMMERCIAL AND/OR INDUSTRIAL ENTERPRISES SERVED BY TRUCKS.

IN CASE OF QUESTION, THE COUNTY ENGINEER WILL DECIDE ON THE ROAD CLASSIFICATION FOR CONSTRUCTION PURPOSES.

COMMERCIAL/INDUSTRIAL - ODOT TYPE 2 OR 6 ONLY. ALL CURB CUTS MUST BE FORMED AT TIME OF CURB PLACEMENT OR SAWED.

MINIMUM ROADWAY SPECIFICATIONS FOR SUBDIVISIONS

Scale: N.T.S.

Date: 2/19/2021

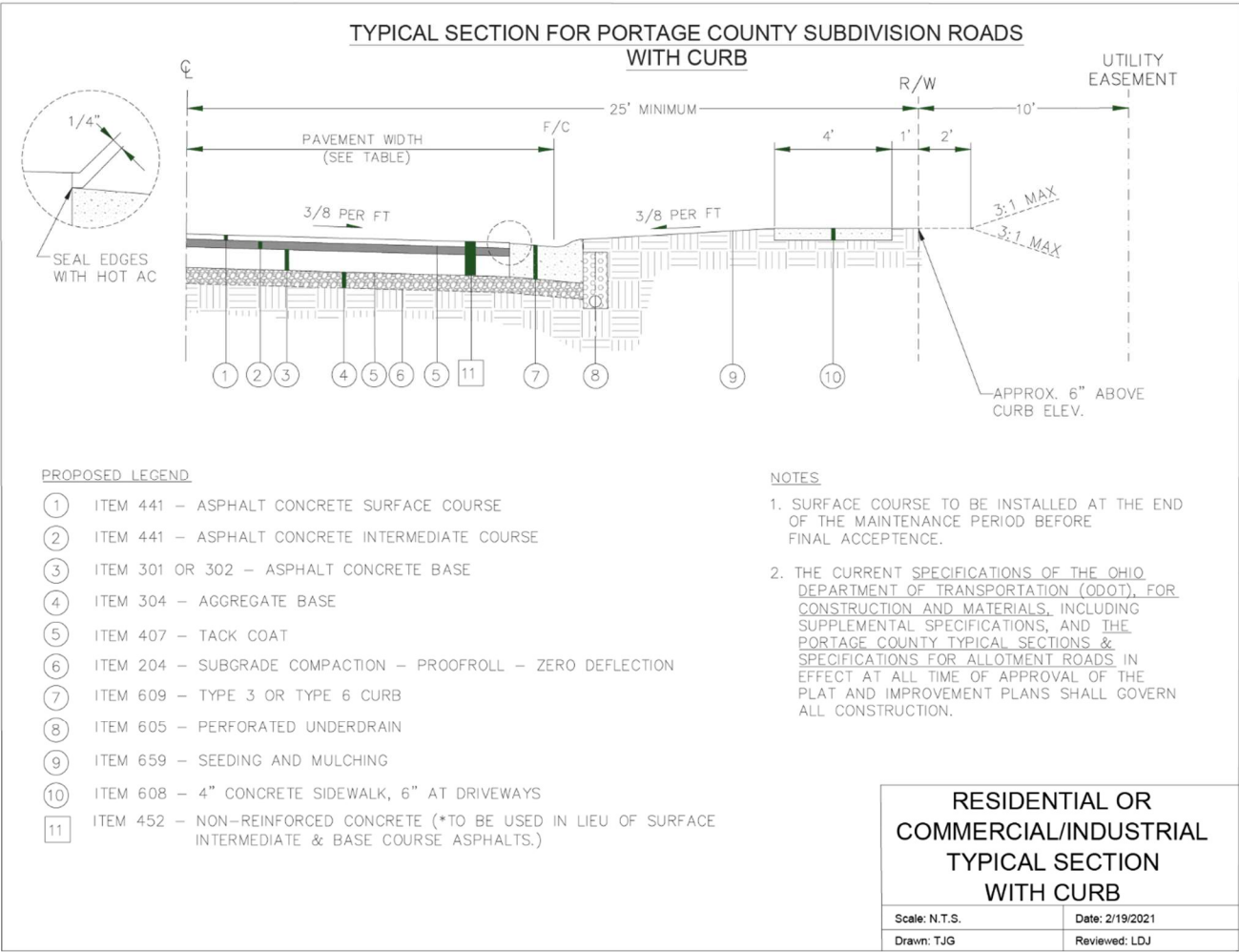
Drawn: TJG

Reviewed: LDJ

**Figures Revised for Clarity on 2/25/2021*

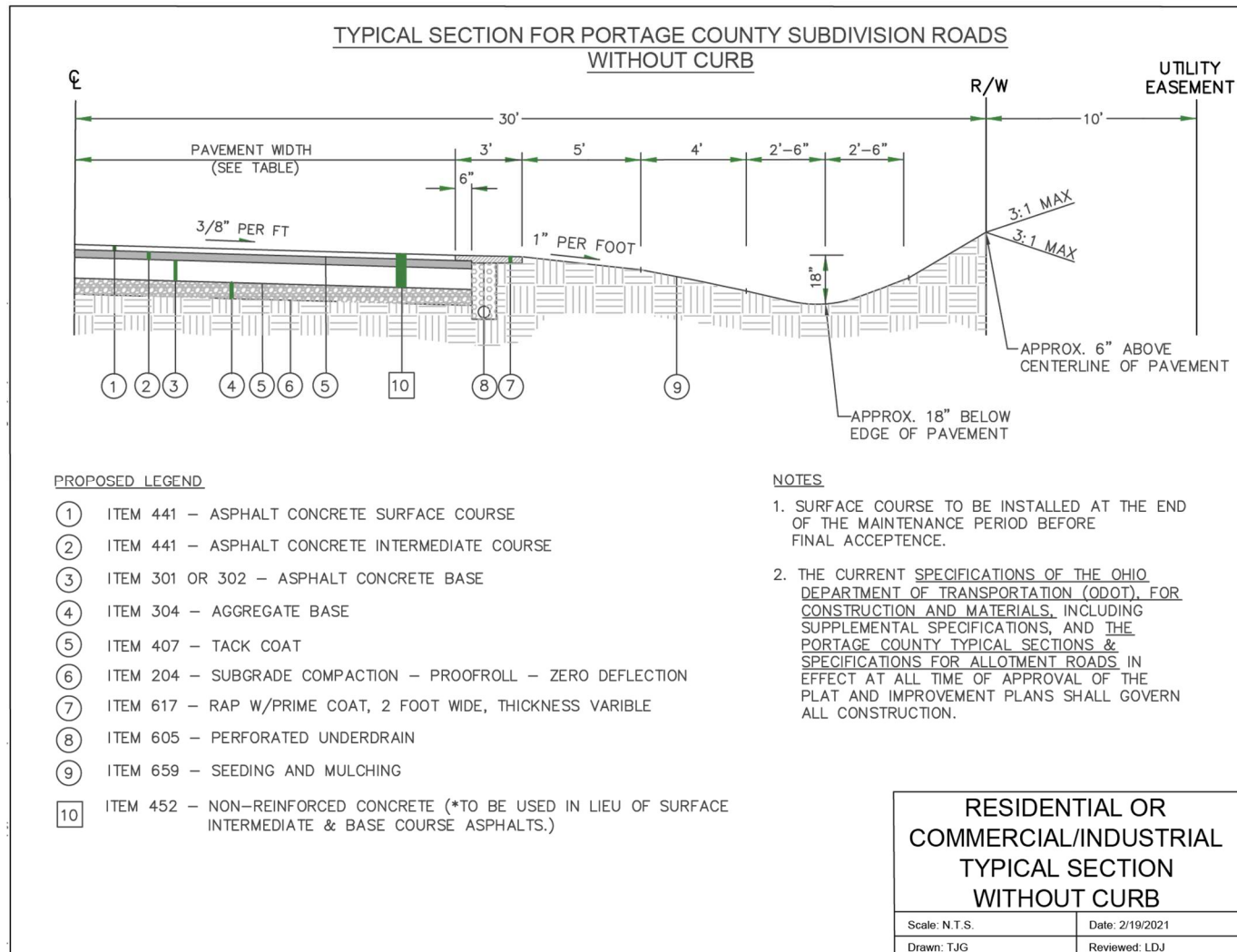
SECTION 521.2: Road Cross-Sections

Figure 7



**Figures Revised for Clarity on 2/25/2021*

Figure 8



**Figures Revised for Clarity on 2/25/2021*

Appendix 5A

County Engineer's Forms for Street, Storm Sewer and Drainage Improvements

1. Financial Guarantee & Performance Agreement

These forms are subject to change. Contact the office of the County Engineer to assure compliance with current requirements.



ARTICLE 6: WATER RESOURCES' STANDARDS for CENTRAL SEWER and WATER IMPROVEMENTS

Section 600

Intent of Regulations, Project Scope and Plans

The intent of these Regulations is to prescribe complete functional improvements, which the Developer undertakes to do, at no cost to Portage County and in full compliance with the approved plans, standard drawings and specifications of the Portage County Water Resources Department (PCWR). Should any misunderstanding arise as to the intent or meaning of said plans, specifications or standard drawings or any discrepancy appear in either, the decision of the PCWR in such case shall be final and conclusive.

Section 601

Improvement Plans

601.1 General Standards for Sewer and Water Improvement Plans

All drawings should be easy to read, with all lines and letters dark enough to provide good contrast with the paper and follow Ohio EPA design guidelines. Plans with more than one sheet, should present stationing from left to right or from bottom to top. All plans must include the PCWR Project Number, Standard Details and Notes and include a table of Estimated Quantities.

Horizontal locations shall be recorded to within one tenth (0.1) of a foot. Vertical elevations, i.e., rim and inverts, shall be recorded to within one-hundredth (0.01) of a foot. Drawings shall contain the seal and signature of the Professional Engineer of Record licensed by the State of Ohio responsible for the design.

601.2 Drawings shall be submitted in the following format:

- A. Drawing Sheet: 24" x 36"
- B. North Arrow: Include on all plan view drawings. Where possible, north arrow shall face up or to the right-hand side of the plan sheet.
- C. Symbols/lines: Existing features shall be presented as hatched lines 0.05 mm thickness. Proposed features shall be identified as solid black lines 0.4 mm thickness.
- D. Scale:
 - 1. General Plan Scale: 1" = 100'
 - 2. Plan and Profile Scale Congested Area: 1" = 20' horizontal, 1" = 5' vertical
 - 3. Plan and Profile Scale Rural Area: 1" = 50' horizontal, 1" = 5' vertical

- E. Datum: The Ohio State Plane Coordinate System, NAD 83 (2011) and NAVD 88, or most current adjustment shall be used for the horizontal and vertical datum, respectively. Show State Plane Coordinates for three (3) major corners of the Subdivision and list the combined scale and elevation factor. List vertical datum on plan and specify the benchmark to be used for vertical control during construction.

Section 602

Sewer Improvement Plans

602.1 Gravity Sewer

- A. Show proposed alignment of gravity sewer with distances from the property/easement line(s), the location of proposed sewer facilities (i.e., manholes) with lengths from center of manhole to center of manhole. Include pipe diameter, material, slope, direction of flow and any bore casings diameter, length, and material. Manholes shall be identified with a unique Manhole ID, station and offset. Designer shall include rim elevation, invert elevation and direction, drop (if applicable), and angle between pipe inverts (if not a 90-degree increment).
- B. Sanitary laterals shall be centered on the front yard property line and ten feet from the water service lateral and shall be presented with length, depth, material, station and offset, and distance from side yard property line (minimum diameter 6-in, minimum slope 1%). In cul-de-sacs the designer shall place the sanitary lateral outside the boundary of a driveway. Landscaping (such as trees) shall not be planted in the utility right-of-way adjacent to the sanitary service lateral. Cleanouts may be required at the right-of-way.

602.2 Sanitary Force Main

Show proposed alignment of force main with distances from the property/easement line(s), the location of proposed sewer facilities (air release, flushing stations, pump station, manholes, etc.) with length between them and station and offset. Include depth, material, diameter, bore casings' diameters, lengths and material, air release, flushing stations, manholes, and direction of flow. Provide location and type for all sewer facilities. Include dimensions from existing to proposed connection.

Section 603

Water Improvement Plans

- A. Show the proposed alignment of the water main with distances from the property/easement line(s), the location of proposed water facilities (i.e., valves, fire hydrants, and fittings) with length between them and station and offset. Include material, diameter, depth, bore casings' diameter, length and material and restrained

lengths. Provide hydrants, valves, air release, meter pits, manholes – location, type, with station and offset. Include dimensions from existing valves to proposed connection.

- B. Curb boxes: For residential subdivisions, curb boxes shall be centered on the front yard property line and ten feet from the sanitary service and outside the boundary of a proposed sidewalk and driveway. In cul-de-sacs the designer shall place the curb box outside the boundary of a proposed driveway and/or sidewalk. When depth to water main exceeds seven (7) feet below grade a stainless-steel extension shall be provided on the valve. Landscaping (such as trees) shall not be planted in the utility right-of-way adjacent to the water service lateral.

Section 604

Standards for Construction of Sewer and Water Improvements

604.1 Sewage Treatment and Sanitary Sewer Improvements *(Section 630, p. 49, in 1984 PCSR)*

Sewage treatment alternatives shall follow the wastewater prescriptions established and/or amended in the current clean water plan (208 map). The following requirements shall govern sewage treatment improvements for all Subdivisions:

- A. Extension of Public Sanitary Sewer System

Where an adequate public sanitary sewer system is reasonably accessible by determination of PCWR, the public sanitary sewer shall be extended to adequately serve all lots. Combined sanitary sewer and storm sewers are prohibited. Extensions shall meet, at the time of the submittal:

1. The current and amended requirements of the Ohio EPA
2. *Ten States Standards*
3. PCWR Standard Specifications, Standard Sewer Details
4. Standards of all other government agencies having jurisdiction, including but not limited to the local fire department, Portage County Building Department, and the township.

- B. Public Sanitary Sewer System Not Available

Where a public sanitary sewer system is not reasonably accessible the Developer shall provide either:

1. A Central Treatment Plant:

A central treatment plant may be installed with the permission of and in accordance with the Ohio EPA and PCWR requirements; or

2. Household Sewage Treatment Systems:

Lots may be served by individual household sewage treatment systems only when a public sanitary sewerage system is not reasonably accessible, and the installation of a central treatment facility has not been approved by the Ohio EPA.

- a. Where the installation of an individual household sewage treatment system is considered, the suitability of the soil, the absorptive ability of the soil, surface drainage, ground-water level and topography and all other requirements of the Sewage Treatment System Regulations shall be the criteria for determining whether or not the installation of such a system is permissible and what type of approved system is to be used.
- b. An Ohio certified soil scientist shall do an on-site soil evaluation of each proposed building lot of the area being subdivided and submit a copy of the soils review to the Portage County Combined General Health District.
- c. Criteria governing the installation of individual household sewage treatment systems shall be in accordance with the requirements of the Portage County Combined General Health District, the ORC and the OAC pertaining to household sewage treatment systems.
- d. Any person proposing to create a Subdivision shall submit to the Portage County Combined General Health District, for approval, plans clearly showing that the provisions of the current rules of the Portage County Combined General Health District, the ORC and the OAC pertaining to household sewage treatment systems can be adequately met, before any of the lots in the Subdivision are sold or offered for sale, whether or not such sale entails a transfer of title or deed.

604.2 Water Supply (Section 631, p. 50, 1984 PCSR)

The following requirements shall govern water supply improvements for all Subdivisions:

A. Extension of Public Water System

Where an adequate public water system is reasonably accessible by determination of PCWR, the public water system shall be extended to adequately serve all lots. Such extensions shall meet, at the time of submittal, all current and amended requirements of:

1. The Ohio EPA
2. *Ten States Standards*
3. PCWR Standard Specifications and Details
4. Standards of all other governmental agencies having jurisdiction, including but not limited to the local fire department, Portage County Building Department, and the affected township.

B. Private Water System

Where no public water system is reasonably accessible to the Subdivision, individual wells for each subplot may be approved according to the requirements of the Ohio EPA, the Portage County Combined General Health District and all other agencies having jurisdiction.

Section 605

Installation of Public Sanitary Sewer and/or Water Improvements *(Section (632, p. 50, 1984 PCSR)*

605.1 General Standards

Prior to plat approval by the Portage County Regional Planning Commission, all public sanitary sewer or water improvements required herein shall be financed and/or constructed by the Developer and inspected and approved by PCWR in accordance with all other sections of these Regulations and the *Portage County Rules and Regulations Governing the Construction, Maintenance and Operation, Use and Protection of Sanitary Sewer Systems and the Waterworks Systems in The Portage County Regional Sewer District and Streetsboro Sanitary District No. 4.*

605.2 Required Information

The Developer shall provide PCWR with the following documents and fees:

- A. Detailed construction plans and specifications and estimates of construction costs prepared by an Ohio Registered Professional Engineer for approval by PCWR;
- B. A completed PCWR application to extend facilities;
- C. Applicable design review fees;
- D. Ohio EPA Permit to Install application and an Ohio EPA approved drawing set;
- E. A copy of the construction contract between the Developer and contractors;
- F. A construction schedule;
- G. Applicable construction service fees;
- H. A set of as-built drawings;
- I. Affidavits of verification of payments stating that the work has been completed and all subcontractors, material suppliers and laborers have been paid in full and there are no claims outstanding which would entitle them to claim a lien on the property;
- J. An executed sewer and water agreement between the Developer and the Portage County Board of Commissioners;
- K. A Maintenance Guarantee in accordance with Section 607.

Section 606

Performance Guarantees

606.1 Performance Guarantee in lieu of the Installation of Sanitary Sewer and/or Water Improvements *(Section 633, p. 51, 1984 PCSR)*

- A. As consideration for plat approval by the Portage County Regional Planning Commission, and in lieu of the actual installation, completion and acceptance of any required improvement(s) prior to said plat approval, the Developer may execute a cash Performance Guarantee obligating the Developer to the completion of the required improvements and the payment of all costs incurred in such construction.
- B. Such Performance Guarantee shall be secured by a construction loan account established with a solvent building and loan institution or a cash escrow account established with a solvent financial institution or be in the form of a surety bond issued by a surety company authorized to do business in Ohio and approved by the Board of County Commissioners.
- C. The Developer will remain liable for any expenditure over and above the derived Performance Guarantee, including but not limited to unforeseen site conditions that increase the construction estimate or increased material costs.
- D. Payments to the Developer's contractor shall be made upon the recommendation of the Developer's engineer and the approval of the Developer and PCWR.
 - 1. A retainage of ten percent (10%) shall be withheld until completion and acceptance of the project. The cash balance remaining in the cash escrow account shall at all times be adequate to complete construction.
 - 2. If submitted invoices exceed the percent of construction complete, the Developer will be responsible to pay the difference between invoiced amounts and the released funds.

606.2 Term of Sewer and/or Water Improvement(s) Performance Guarantee *(Section 634, p. 51, 1984 PCSR)*

- A. The term for the completion of the required sanitary sewer and/or water improvement(s) shall be for a period of no longer than eighteen (18) months.
- B. The Portage County Board of Commissioners may extend the time period by resolution where circumstances and conditions warrant such extension.
- C. If the extension is instituted by the Developer, the request for an extension of the term and the reason for the extension must be submitted in writing to PCWR by the Developer at least one (1) month prior to expiration of the 18-month term.

606.3 Amount of Sewer and/or Water Improvements Performance Guarantee *(Section 635, 1984 PCSR)*

The amount of the Performance Guarantee shall be determined by the following procedures:

- A. The Developer's engineer shall prepare an estimate of the construction cost based upon the approved Improvement Plans.
- B. The Developer shall acquire bids from reputable and competent contractors proposing to furnish all labor and materials for the completion of the required improvements. The Developer shall then enter into a construction contract with the bidder of his choice. Such construction contract shall be in accordance with the approved Improvement Plans.
- C. PCWR shall review the construction plans, the Developer's engineer's estimate, construction bids and determine the construction cost estimate. An additional amount, not less than ten percent (10%) of the construction cost estimate, shall be included for payment of contingency items required to complete the improvement. The Developer shall be responsible for payment of any contingencies, omitted items or extra costs that are in excess of the amount of the Performance Guarantee.

606.4 Release of the Performance Guarantee for Sanitary Sewer and/or Water Improvements *(Section 636, p. 52, 1984 PCSR)*

The Performance Guarantee may periodically be partially released or reduced at times and in amounts deemed appropriate by PCWR. PCWR will authorize such release or reduction of construction estimates from the Performance Guarantee to pay the Developer or the contractor for materials and/or labor furnished for the satisfactory completion of the sewer and/or water improvements. All payments shall be made according to the following general procedures:

- A. The Developer's engineer shall prepare the estimates on forms prescribed by PCWR and shall certify to PCWR that the work has been done according to the plans and specifications of PCWR.
 - 1. The sum to be paid or reduced must represent an increase in the value of the project at least equivalent to amount to be paid or reduced; and,
 - 2. Upon payment or reduction of the estimates, sufficient amount will remain to complete the project.
- B. Upon the approval of the Developer and PCWR, the estimates will be forwarded to the financial institution for payment or reduction.
- C. At all times, the retainage amount of ten percent (10%) of each construction estimate will be withheld as stipulated in Section 606.1.
- D. PCWR will release the ten percent (10%) retainage of the Performance Guarantee upon final acceptance of the completed improvements by the Portage County Board of Commissioners.

Section 607

Maintenance Guarantees

607.1 Guarantee of Workmanship and Materials – Maintenance Guarantee for Sanitary Sewer and/or Water Improvements *(Section 637, 1984 PCSR)*

The Developer shall provide a one-year Maintenance Guarantee in the form of a cash escrow account or surety bond guaranteeing all workmanship and materials involved in the construction of the sewer and/or water improvements.

- A. Such guarantee shall be in the amount of ten percent (10%) of the cost of the improvements but shall not be less than One Thousand Dollars and No/Cents (\$1,000.00).
- B. The Developer must submit the Maintenance Guarantee to the PCWR prior to final acceptance by the Portage County Board of Commissioners of the completed improvements.
- C. PCWR may increase the required Maintenance Guarantee and/or time period if, in his/her opinion, unusual topographic, subsoil or other construction limitations warrant. In such situations PCWR will furnish written explanations to the Portage County Board of County Commissioners for their action.

607.2 Term of the Maintenance Guarantee

- A. The Developer must maintain, repair, and restore the improvements until the improvements pass final inspection by PCWR.
- B. If the Developer fails to perform these activities in a timely fashion, but in no case longer than thirty (30) days, PCWR or their authorized agent may perform the work. The cost of such work will be deducted or drawn from the Maintenance Guarantee. The Developer will remain liable for any expenditure over and above the derived Maintenance Guarantee.
- C. It is the responsibility of the Developer to request the final inspection for the Maintenance Guarantee release.

Section 608

Construction Schedule for Sanitary Sewer and/or Water Improvements *(Section 639. p.53, 1984 PCSR)*

The Developer's contractor shall submit a written work schedule in accordance with *Portage County Rules and Regulations Governing the Construction, Maintenance and Operation, Use and Protection of Sanitary Sewer Systems and the Waterworks Systems in The Portage County Regional Sewer District and the Streetsboro Regional Sewer District No. 4.*

Section 609

Inspection of Construction of Sanitary Sewer and/or Water Improvements *(Section 650, p.53, 1984 PCSR)*

609.1 Inspections and Testing

Per the *Portage County Rules and Regulations Governing the Construction, Maintenance and Operation, Use and Protection of Sanitary Sewer Systems and the Waterworks Systems in The Portage County Regional Sewer District and Streetsboro Regional Sewer District No. 4*, all connections to the public sewer and/or water systems shall be inspected by and subject to testing under the supervision of PCWR.

609.2 Inspection Fees

The Developer shall pay PCWR the current fee rate prior to construction activities to cover the project administration and inspection services. Such fees must be paid prior to scheduling a pre-construction meeting.

609.3 Inspection Schedule

All work will be inspected during PCWR's regular work hours. With approved scheduling, the regular hours of the inspector may be modified by PCWR. The Developer will be responsible to pay any overtime accumulated by the inspector to accommodate times outside of regular work hours.

Section 610

Samples and Tests for Sanitary Sewer and/or Water Improvements *(Section 660 1984 PCSR)*

In order to assure the use of suitable materials, PCWR may require certain tests to be made, including, but not limited to soil testing, compressive strength of concrete, etc. The Developer shall pay for all tests.

Section 611

Proof of General Liability Insurance *(Section 638 1984 PCSR)*

The Developer's contractor shall furnish the owner with certificates showing the type, amount, class of operations covered, effective dates and date of expiration of the policies. Such certificates shall also contain the following statement: "The insurance covered by this certificate will not be cancelled or materially altered, except after thirty (30) days written notice has been received by the Portage County Water Resources Department." Forms for this purpose are available from PCWR.

The amounts of such insurances shall be as follows:

Liability Limit (bodily injury and property damage)

Per occurrence	\$1,000,000.00
Aggregate	\$2,000,000.00

Section 612

Acceptance of Improvement Project

If PCWR or its agent determines that the improvement is not in conformity with all the applicable regulations and the approved Improvement Plans, the Developer shall be advised in writing of the deficiencies in the form of a punch list. If the Developer fails to complete the punch list items within a time limit set by PCWR, the County may complete the improvement through the use of the Performance Guarantee.

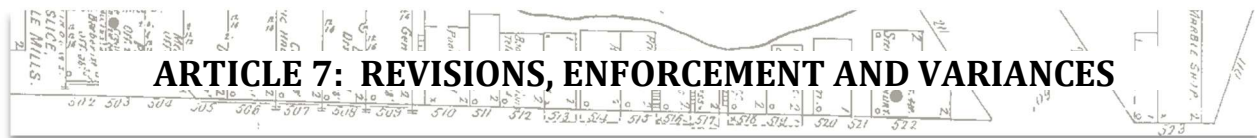
PCWR will not issue sewer or water connection permits for the improvement until all conditions listed in Section 609 have been met and the improvement is accepted by resolution by the Portage County Board of Commissioners.

Appendix 6A

Water Resources' Forms and Applications for Central Sanitary Sewer and Water Improvements

1. *Application to Extend Facilities*
2. *Financial Guarantee & Performance Agreement*
3. *Required Submittals*

These forms are subject to change. Contact the PCWR to assure compliance with current requirements.



Section 700

Recording of Plats and/or Conveyances

No plat of any Subdivision shall be recorded by the Recorder of Portage County or have any validity until said plat has received approval in the manner prescribed in these Regulations. No conveyance of any parcel by metes and bounds, not previously a lot of record, shall not be recorded by the Recorder of Portage County unless such Subdivision has been approved in the manner prescribed by these Regulations.

Section 701

Revision of Plat after Approval

No changes, erasures, modifications, or revisions shall be made in any plat of a Subdivision after approval has been given by the Regional Planning Commission, and endorsed in writing on the plat, unless said plat is first resubmitted to the Regional Planning Commission.

Section 702

Sale of Land within Subdivisions

No owner or agent of the owner of any land located within a Subdivision shall transfer or sell any land by reference to, exhibition of, or by the use of a plat of the Subdivision before such plat has been approved and recorded in the manner prescribed in these Regulations. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these Regulations. (ORC Section 711.13)

Section 703

Schedule of Fees, Charges and Expenses

The Portage County Regional Planning Commission shall establish a schedule of fees, charges and expenses, and a collection procedure for same, and other matters pertaining to these Regulations. The schedule of fees shall be posted in the Regional Planning Commission office and may be altered or amended only by the Planning Commission. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 704

Penalties

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

- A. Whoever violates any rule or Regulation adopted by the Portage County Board of Commissioners and/or the Portage County Regional Planning Commission for the purpose of setting standards and requiring and securing the construction of improvements within a Subdivision or fails to comply with any order pursuant thereto is creating a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the County or any citizen thereof.

Whoever violates these Regulations shall forfeit and pay not less than one hundred (\$100) dollars or more than one thousand (\$1,000) dollars. Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas of Portage County. (ORC Section 711.102)

- B. Whoever, being the owner or agent of the owner of any land within or without a municipal corporation, WILLFULLY transfers any lot, parcel or tract of land from or in accordance with a plat of a Subdivision, before the plat has been recorded in the office of the County Recorder, shall forfeit and pay the sum of not less than one hundred (\$100) dollars or more than five hundred (\$500) dollars for each lot, parcel, or tract of land so sold. The description of such lot, parcel, or tract of land by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this section. (ORC Section 711.13)

The sale of lots, parcels, or tracts from a plat of a Subdivision on which any and all areas indicated as streets or open grounds are expressly indicated as for the exclusive use of the abutting or other owners in such Subdivision and not as public streets, ways, or grounds shall not serve to exempt the seller from the requirements of these Regulations or from the requirements of these Regulations or from the forfeiture provided in this section. (ORC Section 711.13)

- C. Any person who disposes of, offers for sale or lease for a time exceeding five (5) years any lot or any part of a lot in a Subdivision before provisions of these Regulations are complied with shall forfeit and pay the sum of not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars for each lot or part of a lot so sold, offered for sale or leased, to be recovered with costs in a civil action, in the name of the County Treasurer for the use of the County. (ORC Section 711.15)

Section 705

Variances

The following Regulations shall govern the granting of variances:

Where the Portage County Regional Planning Commission finds that undue and extraordinary hardship may result from strict compliance with these Regulations, due to unusual topographic

or other exceptional conditions (Section 711.10, ORC), the Regional Planning Commission may vary these Regulations so as to relieve such hardship, provided such relief may be granted without detriment to the public interest and provided that such variance shall not have the effect of nullifying the intent and purpose of these Regulations, an adopted plan, or the township zoning resolution.

705.1 Variance Criteria

The Regional Planning Commission shall not approve a variance unless it makes a finding based upon the evidence presented to it for each specific case. The decision of the Regional Planning Commission shall be based on the following:

- A. The granting of the variance will not be detrimental to the public health, safety, comfort, convenience or general welfare nor injurious to other individuals or properties;
- B. The granting of the variance will not be detrimental to the desirable development of the neighborhood and community and will not adversely affect the delivery of governmental services.
- C. The unusual topographic or other exceptional conditions upon which the request for a variance is based are unique to the property for which the variance is sought and that the variance granted is the minimum variance necessary to allow for a reasonable subdivision or use of the land.
- D. Without a variance, the property owner is deprived of reasonable use of the property.
- E. That the unusual topographic or other exceptional conditions did not result from actions of the applicant.
- F. Whether the subdivision regulation was in effect at the time of acquisition of preliminary plan approval.
- G. Whether the situation can be remedied by means other than a variance from these Regulations.

705.2 Variance Conditions

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

Section 706

Appeals

Any person who believes he has been aggrieved by these Regulations or the action of the Portage County Regional Planning Commission has all the rights of appeal as set forth in Chapter 711 of the ORC or any other applicable section of the ORC.