

Subdivision Regulations

Wayne County, Ohio

As Amended on September 21, 2022

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Table of Contents

How To Use These Subdivision Regulations.....	4
Chapter 1 – General Provisions and Administration.....	6
Section 1.1 – General.....	7
Section 1.2 – Administration.....	10
Section 1.3 – Fees.....	12
Section 1.4 – Administrative Waivers.....	12
Section 1.5 – Variances.....	14
Section 1.6 – Appeals	16
Section 1.7 – Nonconformities.....	16
Section 1.8 – Prohibitions.....	17
Section 1.9 – Enforcement, Violation, and Penalties.....	17
Chapter 2 – Minor Subdivisions.....	19
Section 2.1 – General.....	20
Section 2.2 – Minor Subdivision Procedures.....	20
Section 2.3 – Lot Development Procedures.....	21
Section 2.4 – Access.....	22
Section 2.5 – Access by Easement.....	23
Section 2.6 – Access by Common Access Drive.....	24
Section 2.7 – Utilities.....	30
Section 2.8 – Soil and Water.....	30
Chapter 3 – Major Subdivisions.....	31
Section 3.1 – General.....	32
Section 3.2 – Procedures.....	32
Section 3.3 – Lot Standards.....	36
Section 3.4 – Development Standards.....	37
Section 3.5 – Access.....	40
Section 3.6 – Access by New Public Street.....	41
Section 3.7 – Drainage and Storm Sewers.....	47
Section 3.8 – Sanitary Sewers.....	49
Section 3.9 – Utilities (Other than Water).....	52
Section 3.10 – Sidewalks, Pedestrian Access, and Bikepaths.....	52
Section 3.11 – Landscaping, Screening, and Buffering.....	54
Section 3.12 – On-Site Lighting.....	54
Section 3.13 – Industrial Development: Parks, Sites, Standards.....	56
Section 3.14 – Environmental Planning.....	60
Section 3.15 – Rural Character.....	67

Chapter 4 – Definitions.....	70
Appendix A – Minor Subdivision Application Checklist.....	90
Appendix B – Major Subdivision Application Checklist.....	92
Appendix C – Cluster Development.....	96
Appendix D – Sample Common Access Drive Agreement.....	101
Appendix E – Access Management Standards.....	108

HOW TO USE THESE SUBDIVISION REGULATIONS

Navigating the Subdivision Regulations involves five simple questions:

1. **Do These Subdivision Regulations Apply?** These Subdivision Regulations apply to any proposed “subdivision” of land within the County’s jurisdiction, as that term is defined under state law. For more information on applicability, see Section 1.1(C) “Applicability].
2. **What Type of Subdivision Do I Have?** There are two types of subdivisions under these Subdivision Regulations: Minor and Major. The criteria for each are listed below:
 - a. **Minor Subdivision.** A Minor Subdivision is a proposed division of a parcel of land in which:
 - i. The parcel to be divided has frontage on an existing public street;
 - ii. No public street or road will be opened, widened, or extended;
 - iii. No more than five lots will result after the original tract has been completely subdivided; and
 - iv. The proposed division is not contrary to any County regulation.

For more information on Minor Subdivisions, see Chapter 2.

OR

- b. **Major Subdivision.** A Major Subdivision is any proposed division of land that does not fall within the Minor Subdivision category. For more information on Major Subdivisions, see Chapter 3.
3. **How May Lots in My Subdivision be Accessed?** All lots in a subdivision must have access to and from a 30-foot stretch of public right-of-way.
 - a. **Minor Subdivision.** Lots in a Minor Subdivision must be accessed by any of the following means:
 - i. Frontage on an existing public right-of-way;
 - ii. An approved access easement for one or two lots; or
 - iii. An approved common access drive for three to ten lots.

- b. **Major Subdivision.** Lots in a Major Subdivision must be accessed by any of the following means:
 - i. Frontage on an existing public right-of-way;
 - ii. An approved access easement for one or two lots; or
 - iii. Construction of and frontage on a new public right-of-way.

4. What Other Standards Does My Subdivision Need to Meet?

- a. **Minor Subdivision.** Standards for Minor Subdivisions are found in Chapter 2 – “Minor Subdivisions.”
- b. **Major Subdivision.** Standards for Major Subdivisions are found in Chapter 3 – “Major Subdivisions.”

5. What is the Approval Process for My Subdivision?

- a. **Minor Subdivision.** Reviewed and approved by the Administrative Officer and do not require the recording of a new plat.
- b. **Major Subdivision.** Reviewed and approved by the Planning Commission and require new plat to be filed with the County Recorder’s Office.

Chapter 1 - GENERAL PROVISIONS AND ADMINISTRATION

Section 1.1 - GENERAL

- (A) **Authority.** These Subdivision Regulations are enacted pursuant to the Planning Commission's authority under Chapters 711 and 713 of the Ohio Revised Code.
- (B) **Enactment.** These Subdivision Regulations are enacted by Resolution No. 2022-9 by the Board of County Commissioners of Wayne County, Ohio, on September 21, 2022 with an effective date of September 21, 2022. The previously existing Wayne County Subdivision Regulations adopted December 27, 2006, are hereby repealed except to the extent expressly retained herein.
- (C) **Applicability.** These Subdivision Regulations apply to any proposed subdivision within the County's jurisdiction, which extends to all unincorporated territory in the County, except where a city has exercised extra-territorial authority review over the approval of plats pursuant to Section 711.09 of the Ohio Revised Code. For the purposes of these Subdivision Regulations, a "subdivision" means either of the following:
- (1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding general tax list and duplicate of real and public utility property, into two or more parcels, sites, or lots, any one of which is less than twenty 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 20 or more acres not involving any new streets or easements of access;
 - (b) The sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites.
 - (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 leaseholders or as easements for the extension and maintenance of public or private sewer, water, storm drainage, or other similar facilities.

(D) Purpose and Intent. The purposes of these Subdivision Regulations are as follows:

- (1) To protect and provide for the public health, safety, and welfare by establishing reasonable regulations for the subdivision of land and the subsequent development thereof;
- (2) To ensure the orderly layout and use of land, including proper legal descriptions and monumenting of subdivided land;
- (3) To ensure land to be subdivided can be used safely for building purposes without danger to health or peril from fire, flood, or other menace;
- (4) To ensure that subdivision and development under these Subdivision Regulations occurs in accordance with the Wayne County Comprehensive Plan and its amendments and other County plans and policies;
- (5) To provide for the orderly and beneficial development of the County through appropriate growth management techniques assuring the timing and sequence of development and the proper design and construction of subdivisions;
- (6) To ensure land is not subdivided until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and other improvements;
- (7) To ensure the proper arrangement of roads and highways in relation to existing or planned roads and highways, the County Transportation Plan, the County Comprehensive Plan, and other county or regional plans and policies;
- (8) To ensure adequate and convenient traffic movement, utilities, access of firefighting apparatus, recreation, light, air, and privacy and to avoid congestion; and
- (9) To ensure that development is sensitive to and compatible with environmental considerations, including by preventing the pollution

of air and water and conserving critical natural resources such as prime agricultural soils.

(E) Interpretation, Conflict, and Severability.

- (1) In their interpretation and application, the provisions of these Subdivision Regulations should be deemed the minimum requirements necessary to promote the public health, safety, and welfare.
- (2) Where the conditions imposed by these Subdivision Regulations are more or less restrictive than comparable conditions imposed by any other applicable law, ordinance, resolution, rule, or regulation of any kind, the conditions which are more restrictive will govern.
- (3) If any part, section, sentence, clause, phrase, or word, of these Subdivision Regulations is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity will not affect or impair any of the remaining parts, sections, sentences, clauses, phrases, or words of the Subdivision Regulations.

(F) Savings Provision. Except as expressly provided herein, these Subdivision Regulations do not abate, discontinue, modify, alter, vacate, annul, or in any way affect the following:

- (1) Any action pending under prior existing subdivision regulations;
- (2) The accrual of any penalty;
- (3) The liability of any person, firm, or corporation; or
- (4) Any right of the County or any person, firm, or corporation existing at the time of adoption of these Subdivision Regulations.

(G) Amendments. The Planning Commission may from time to time propose amendments to these Subdivision Regulations, which the Commissioners shall then approve or disapprove at a public meeting following public notice. At a minimum, once every three years the Administrative Officer shall conduct a review of these Subdivision Regulations and shall issue a report to the Planning Commission with recommendations for any proposed amendments.

Section 1.2 - ADMINISTRATION

(A) **Administrative Officer.** The Subdivision Regulations shall be administered and enforced by the Administrative Officer, who shall be the Director of Planning of Wayne County, Ohio, or their designated representative, who shall be called the "Subdivision Coordinator." The Administrative Officer is responsible for the following:

- (1) Administration of the Subdivision Regulations;
- (2) Processing all applications made under the Subdivision Regulations;
- (3) Final administrative interpretation of the Subdivision Regulations;
- (4) Final approval of Minor Subdivisions;
- (5) Review, acceptance, and certification of all applications as to completeness under the Subdivision Regulations;
- (6) Review, consideration, and approval of administrative waivers;
- (7) Facilitate and serve as Chair and Secretary of the Technical Review Committee (TRC);
- (8) Coordinate, summarize, and package all recommendations of the TRC; and
- (9) Maintain all records related to the Subdivision Regulations and TRC.

(B) **Planning Commission.** The Planning Commission is responsible for performing the following functions relative to the Subdivision Regulations:

- (1) Final approval of Preliminary Plans;
- (2) Final approval of Final Plats;
- (3) Final approval of applications for non-administrative variances to the Subdivision Regulations;
- (4) To hear appeals of decisions of the Administrative Officer; and

(5) Initiation and/or recommendation of amendments to the Subdivision Regulations.

(6) Adopting bylaws for the conduct of the Commission's meetings.

(C) **County Commissioners.** The County Commissioners is responsible for performing the following functions relative to the Subdivision Regulations:

(1) Adopting the Subdivision Regulations and any amendments thereto;

(2) Adopting the fee schedule for the Subdivision Regulations and separate fee schedules for other County departments;

(3) Approving right-of-way dedications; and

(4) Accepting public improvements for public use and releasing said improvements for maintenance by the appropriate public entity.

(D) **Technical Review Committee (TRC).** The Technical Review Committee (TRC) is responsible for performing the following functions relative to the Subdivision Regulations:

(1) The TRC will be comprised, at a minimum, of staff from the County Planning Department, County Health Department, County Tax Map Department, and Soil and Water Conservation District. The County Engineer and the Building Code Department shall participate in the TRC process at their discretion. Additional agencies may be invited to participate with the TRC, including township trustees and fire departments;

(2) The TRC will be facilitated and supported by the Planning Department, which will schedule committee meetings and circulate an agenda and related materials;

(3) The TRC will review all applications for Major Subdivisions, any applications for Minor Subdivisions, which in the discretion of the Administrative Officer, is referred to the TRC, and all other issues deemed by any member to be relevant to the purpose, intent, and implementation of the Subdivision Regulations and/or other related County regulations;

(4) The TRC's recommendation regarding a proposed subdivision or agenda item will be forwarded in writing to the Administrative

Officer or the Planning Commission, as the case may be, along with the subject application and supporting material, and the Administrative Officer will summarize the TRC recommendations in writing and attach all other written comments; and

- (5) The TRC's meetings are open to the public and a notice announcing such meeting shall be posted in a public location in the County Offices at least five working days prior to the subject meeting.
- (6) Applicants and their surveyors/agents, if any, will be notified in writing no later than five days prior to the TRC meeting and will be expected to attend for an informal review and discussion of a subdivision proposal or other agenda item. Applicants have the right to request placement on the TRC agenda, for informal review, a development proposal that is subject to these regulations but for which an application has not been submitted.

Section 1.3 - FEES

- (A) **General.** Fees are intended to fund the costs of administering the Subdivision Regulations. The Board of County Commissioners shall establish subdivision fees pursuant to the Subdivision Regulations based upon a recommendation from the Administrative Officer. Other County departments may establish fee schedules.
- (B) **Fee Schedule.** The fee schedule shall be posted in the offices of the County Commissioners; Tax Map Department; County Engineer's Office and the County Planning Department. Fees shall be reviewed on an annual basis and any adjustments recommended by the Administrative Officer to the County Commissioners for review and approval.
- (C) **Payment of Fees.** All applicable fees shall be paid in full at the time of submittal of an application. Application packages shall be considered to be incomplete and will not be approved for placement on an agenda or otherwise processed, until the required fees are paid in full.

Section 1.4 - ADMINISTRATIVE WAIVERS

- (A) **Administrative Waivers.** The Administrative Officer may grant waivers of the Subdivision Regulations in situations where extraordinary hardships or practical difficulties may result from strict compliance or where the officer

determines that the purposes of the Subdivision Regulations may be served to a greater extent by an alternative proposal.

(B) Regulations Subject to an Administrative Waiver. The Administrative Officer may issue an Administrative Waiver for any one of the following actions:

- (1) Slight modifications to application and/or submittal requirements that do not substantially conflict with the requirements of the Subdivision Regulations or which would otherwise inhibit the Planning Commission from rendering a decision;
- (2) Minor modifications to a Final Plat after Planning Commission approval and before recording; or
- (3) Minor subdivisions, which are being platted as major subdivisions at the request of the owner, shall be reviewed as a minor subdivision under Section 203; any major subdivision requirements other than appropriate signatures shall be waived.

(C) Procedure. An applicant for approval at any stage under the Subdivision Regulations may request an Administrative Waiver by submitting an application and attached information as required, as provided under Subsection 2.

- (1) The Administrative Officer shall not consider the application package until determining that it is complete. Following that determination, the Administrative Officer shall render a written decision within 10 working days.
- (2) The applicant requesting the waiver may appeal the Administrative Officer's decision to the Planning Commission. This appeal must be submitted to the Planning Department within 30 working days of receipt of the Administrative Officer's written decision.
- (3) The appeal shall be heard and considered by the Planning Commission at its next scheduled meeting. The Commission shall decide upon the appeal at that meeting, unless the applicant agrees to table the appeal for no more than 30 days, in which the Commission shall reconsider the appeal and render a decision.

- (D) **Criteria.** The Administrative Officer shall approve a request for an Administrative Waiver; provided that all of the following criteria have been fully met:
- (1) The applicant has submitted a request that fully demonstrates the desirability of the waiver;
 - (2) In no instance shall a waiver be granted for the sole purpose of increasing economic benefit to the applicant;
 - (3) In no instance shall a waiver be granted which has the effect of nullifying or compromising the intent and purposes of the Subdivision Regulations, the Wayne County Comprehensive Plan as amended or a zoning resolution if such exists; and
 - (4) In no instance shall a waiver be granted that conveys to the applicant, developer, subdivider, builder or property owner special rights or privileges, as determined by the Planning Commission.
- (E) **Effect of Approval and Period of Validity.** Any administrative variation shall run with the land. If approved but if the applicant does not vest its rights in the variance within twelve months from the date of approval, then the variance shall automatically expire. Subdivisions, which fail to meet the processing requirements, will be required to submit a new variance request.

Section 1.5 - VARIANCES

- (A) **General.** The Planning Commission may grant variances to the Subdivision Regulations in accordance with the following variance procedure and criteria. Variances shall be considered substantive modifications to existing regulations and standards and are not otherwise subject to the provisions of the Administrative Waiver. Each case shall be decided on an individual basis and the physical evidence and burden of proof shall rest with the applicant.
- (B) **Application Submittal.** An applicant requesting a variance to a provision of the Subdivision Regulations shall complete an application form provided by the Administrative Officer and shall submit the application form with all necessary fees and accompanying material to the Wayne County Planning Department. Applications for variances shall be submitted at least 10 working days prior to a scheduled meeting of the Planning Commission. The applicant shall submit an original and twenty copies of the application package.

- (C) **Application Review and Processing.** Upon a review of the submittal and determination that the submittal is complete and meets all requirements per this section, the Administrative Officer shall place the variance on the agenda for the next Planning Commission meeting. The Administrative Officer shall review the request and prepare a written recommendation, following review and comments from the Technical Review Committee and other appropriate offices. The recommendation shall accompany a copy of the application package that is forwarded to the Planning Commission with the meeting notice. Notice of the variance request shall be posted in the Planning Department and a second public location in the County Administration Building.
- (D) **Hearing on Applications.** The Planning Commission shall hear the request and make a decision by motion within 30 days of its hearing of the request. In its motion, the Commission shall fully describe the variance(s) granted, including citing the appropriate sections of the Subdivision Regulations, citing the basis, conditions, and reasons for its action, including the criteria under Subsection 2 that are met by the applicant in moving for approval. The Commission may also require conditions or modifications to the application that, in its judgment, secure substantially the objective of the standards or requirements so varied or modified and which protect the public health, safety and general welfare.
- (E) **Variance Criteria.** The Planning Commission in consideration of a request for a variance shall use the following criteria. In order to approve a variance, the Planning Commission must cite at least one of the following criteria to justify an approval:
- (1) That an extraordinary and obviously unnecessary hardship may result from the strict application of the Subdivision Regulations due to exceptional topographic or other physical conditions. Such hardship may not be considered if it was brought upon by the actions of the applicant.
 - (2) That truly unique circumstances are present that create a hardship with the strict application of the Subdivision Regulations. Such hardship may not be considered if it was brought upon by the actions of the applicant.
 - (3) That the proposed subdivision involves a lot within a hamlet that cannot reasonably comply with the Subdivision Regulations and granting a variance would have no adverse impacts on the public health, safety, or welfare.

(F) Planning Commission Action Must Not Conflict With Certain Policies. In approving an application for a variance, the action of the Planning Commission must not conflict with the following policies:

- (1) In no instance shall a variance be granted for the sole purpose of increasing economic benefit to the applicant.
- (2) In no instance shall a variance be granted which has the effect of nullifying the intent and purposes of the Subdivision Regulations, the Wayne County Comprehensive Plan as amended or a zoning resolution if such exists.
- (3) In no instance shall a variance be granted that conveys to the applicant, developer, subdivider, builder or property owner special rights or privileges, as determined by the Planning Commission.

(G) Effect of Approval and Period of Validity. The approved variance and its conditions shall be noted on the Final Plat and shall run with the land. If approved but if the applicant does not vest its rights in the variance within twelve months from the date of approval, then the variance shall automatically expire. Subdivisions, which fail to meet the processing requirements, will be required to submit a new variance request.

Section 1.6 - APPEALS

(A) Any person who believes they have been aggrieved by the Subdivision Regulations or the action of the Planning Commission, shall have the right to appeal as set forth in Chapter 711 of the Ohio Revised Code or any other applicable section of the Ohio Revised Code, as amended.

Section 1.7 - NONCONFORMITIES

(A) Existing Subdivisions. Subdivisions approved prior to the adoption of these Subdivision Regulations shall be classified as legally nonconforming subdivisions and shall meet the regulations of the Subdivision Regulations, adopted on September 8, 2008, or as previously adopted.

(B) Existing Regulations. Applications to create subdivisions (major or minor), which have been received by the Planning Department, certified as fulfilling the submittal requirements and which are at a stage in the approval process, shall be processed according to the regulations in place prior to the effective date of these Subdivision Regulations.

- (C) **New Subdivisions.** Applications to create subdivisions (major or minor) submitted to the Planning Department after the effective date of these Subdivision Regulations, shall be processed and reviewed according to these Subdivision Regulations.

Section 1.8 - PROHIBITIONS

- (A) **Recording of a Plat.** No plat for any subdivision shall be recorded by the Recorder or have any validity until said plat has received final approval in the manner prescribed in these Subdivision Regulations and other applicable County regulations.
- (B) **Revision of Plat After Approval.** No changes, erasures, modifications, or revisions shall be made in any approved and endorsed unless said plat is first submitted to the Commission for revision per these Subdivision Regulations. Once recorded, a plat cannot be revised without replatting following the processes set forth in these Subdivision Regulations
- (C) **Sale of Land Within Subdivisions.** No owner or agent of the owner of any land located within a subdivision shall transfer or sell any lot, parcel, or tract of land by reference to, exhibition of, or by the use of a plat of subdivision before such plat has been approved and recorded in the manner prescribed in these Subdivision Regulations. The description of such lot, parcel or tract by metes and bounds or the Requirements for All Instruments of Conveyance in the County in the deed of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these Subdivision Regulations.

Section 1.9 - ENFORCEMENT, VIOLATIONS, AND PENALTIES

- (A) **General Penalty.** Whoever violates the Subdivision Regulations shall forfeit and pay not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00). Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas of Wayne County.
- (B) **Recorder Penalty.** A County Recorder who records a plat contrary to the provisions of the Subdivision Regulations shall forfeit and pay not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), to be recovered with costs in a civil action by the Prosecuting Attorney in the name and for the use of Wayne County (ORC 711.12).

(C) Transfer Prior to Recording. Whoever, being the owner or agent of the owner of any land within or without a municipal corporation, transfers any lot, parcel or tract of such land from or in accordance with a plat of a subdivision before such plat has been recorded in the office of the County Recorder, shall forfeit and pay the sum of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each lot, parcel or tract of land so sold. The description of such lot, parcel or tract by metes and bounds in the deed of transfer shall not serve to exempt the seller from the forfeiture provided in this section. If such land is within a municipal corporation, such sum may be recovered in a civil action brought in the Court of Common Pleas of Wayne County by the legal representative of the municipality in the name of the municipality (ORC 711-13).

(D) Transfer Prior to Compliance. Any person who disposes of, offers for sale or lease for a time exceeding five years any lot or any part of a lot in a subdivision before provisions of the Subdivision Regulations are complied with shall forfeit and pay the sum of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) 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.

Chapter 2 - MINOR SUBDIVISIONS

- ☒ The parcel to be divided has frontage on an existing public street;
- ☒ No public street or road will be opened, widened, or extended;
- ☒ No more than five lots will result after the original tract has been completely subdivided; and
- ☒ The proposed division is not contrary to any County regulation.

Section 2.1 - GENERAL

- (A) The purpose of the Minor Subdivision is to allow for a process for the creation of small-lot subdivisions that are in keeping with the County's rural character and compatible with environmental constraints. Lots created under a Minor Subdivision should be suitable as sites for residences and should be consistent with the Comprehensive Plan. Minor Subdivision must conform to or exceed the requirements of the Subdivision Regulations and any applicable zoning regulations.

Section 2.2 - MINOR SUBDIVISION PROCEDURES

- (A) **Application Submission.** A complete application is necessary to begin the Minor Subdivision process and shall consist of all items set forth on the application submission checklist attached as **Appendix A**. The applicant shall submit a completed application to the Planning Department. Within seven business days of receiving the application, the Subdivision Coordinator shall either: 1) return the application to the applicant with an explanation as to why it is incomplete; or 2) mark the application as complete and send the completed application to the TRC. If an application is rejected at any point in this process, the applicant may revise the application and re-submit to the Planning Department under this step.
- (B) **Agricultural/Recreational Use Exception.** If the Subdivision Coordinator makes the following determination after reviewing an application, the subdivision is exempt from all remaining steps for approval: 1) the proposed subdivision is of a parcel of land with frontage on an existing public street; 2) the proposed subdivision does not involve the opening, widening, or extension of any street or road; 3) each resulting parcel would be between 5 and 20 acres; and 4) each resulting parcel will be used only for agricultural or recreational purposes. If all of these criteria are met, the Subdivision Coordinator shall stamp the subdivision "Approved by Wayne County Planning Commission; No Plat Required" and the applicant may proceed directly to record the subdivision.
- (C) **Preliminary Review.** Prior to formal review, the TRC shall provide a written recommendation to the Subdivision Coordinator about the application. Such recommendation must be based on written assessments of the application by the Health Department, the Soil & Water Conservation District, the Tax Map Office, and the County Engineer. The written recommendation may take one of three forms: approval; approval with modifications; or disapproval.

- (D) **Feedback and Final Survey Submission.** The Subdivision Coordinator shall return the application to the applicant with the written recommendations. If the application has been recommended for approval or approval with modifications, the applicant may submit a final survey to the Subdivision Coordinator that incorporates all TRC's comments.
- (E) **Formal Review.** Within seven days of receiving the final survey, the Subdivision Coordinator shall approve or deny the application. The Subdivision Coordinator may only approve the application if it determines that each of the Development Standards in Section C of this chapter has been satisfied. If each of the Development Standards is satisfied, the Subdivision Coordinator shall stamp "Approved by the Wayne County Planning Commission, No Plat Required" on the original copy of the final survey. If any of the Development Standards is not satisfied, the Subdivision Coordinator shall stamp "Disapproved" on the original copy of the final survey. The stamp shall be a final appealable decision which any adversely affected person may appeal to the Planning Commission.
- (F) **Recording.** If the Subdivision Coordinator approves a proposed subdivision, it shall provide the stamped final survey to the Tax Map Office and within 12 months of the Subdivision Coordinator's approval, the applicant shall record the deed in accordance with the Wayne County rules and regulations.

Section 2.3 - LOT DEVELOPMENT STANDARDS

- (A) **Maximum Number of Lot Splits.** A Minor Subdivision may not result in more than five parcels after the original tract has been completely subdivided. As defined in R.C 711.131 and as interpreted by the Attorney General in Opinion 1964 O.A.G. 1044, the original tract is a contiguous quantity of land held in common ownership which has not been platted by the existing owner or owners as of January 1 of the current tax year.
- (B) **Lot Arrangement.** A Minor Subdivision must be arranged so as not to have any foreseeable difficulties for reasons of topography or other conditions, in securing building permits to build on all resulting lots in compliance with health and building regulations and in providing approved driveway access to buildings on the lots.
- (C) **Dimensional Standards.** Each lot resulting from a Minor Subdivision must comply with the following dimensional standards:

Table 2.3(C) – Minor Subdivision Dimensional Standards

Subdivision Type		With Public Sewer	Without Public Sewer
Minimum Lot Area*		0.25 acres	1.0 acre
Minimum Lot Frontage (Ft.), by Access Type	Public Right-of-Way (Non-Flag)	75 ft.	150 ft.
	Public Right-of-Way (Flag)	30 ft.	30 ft.
	Common Access Drive	30 ft.	30 ft.
	Access Easement	30 ft.	30 ft.
Maximum Width-to-Depth Ratio		1:4.5	1:4.5

* Minimum lot area does not include any portion of a right-of-way, public or private road, access easement, flag/panhandle, flood plain, and/or steep slopes.

Section 2.4 - ACCESS

- (A) **No New Roads.** A Minor Subdivision must be located along an existing public road and may not involve the opening, widening, or extension of any street or road.
- (B) **Method of Access.** Each lot resulting from a Minor Subdivision must have access to and from the public right-of-way. Access may be provided by any of the following means.
- (1) Any lot may have access through frontage on an existing public road.
 - (2) An access easement approved under Section 2.5 may provide access for up to two lots.
 - (3) A common access drive approved under Section 2.6 may provide access for three to ten lots resulting from a Minor Subdivision.
- (C) **Access Management Standards.** The Subdivision Coordinator shall not approve a Minor Subdivision unless the Engineer's Officer has approved the

proposed subdivision relative to the access management standards in Appendix E, or the applicant has received the necessary variance(s).

- (D) **Limitation on Flag Lots.** Stacking flag lots in a manner that would result in the flag/panhandle of two or more flag lots being Contiguous to one another shall not be permitted.

Section 2.5 - ACCESS BY EASEMENT

- (A) **General.** For a Minor Subdivision only, an applicant may apply to the Planning Commission for approval to create an access easement to serve one or two lots that do not front on an existing public right-of-way.

- (B) **Approval.** The Administrative Officer may, in its sole discretion, approve or deny the creation of an access easement based on the following criteria:

- (1) The easement parcel must meet all applicable requirements of the Subdivision Regulations;
- (2) The access easement may not serve more than two lots that do not front on an existing public right-of-way;
- (3) The access easement must provide access to a public road and the location of the access easement at the public road must meet the access management standards in Appendix E;
- (4) The access easement must be at least 30 feet in width and must front on a public road for at least 30 feet; and
- (5) The local fire department must have reviewed the easement for safety concerns and recommended approval; provided that if the fire department recommends disapproval, the Administrative Officer may refer the matter to the Planning Commission who may override the fire department's recommendation.

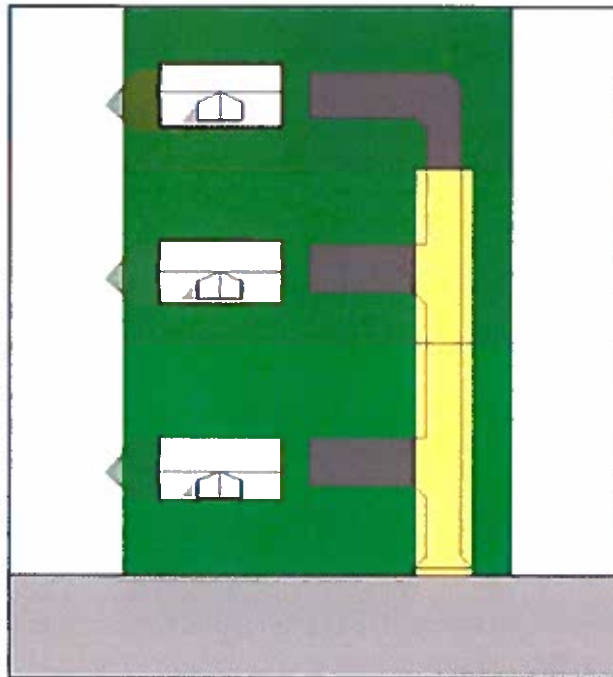


Figure 1: An access easement is illustrated in yellow.

Section 2.6 - ACCESS BY COMMON ACCESS DRIVE

- (A) **General.** For a Minor Subdivision only, an applicant may apply to the Planning Commission for approval to create a common access drive to serve three to ten lots that do not front on an existing public right-of-way.
- (B) **Approval.** The Administrative Officer may, in its sole discretion, approve or deny the creation of a common access drive based on the following criteria:
- (1) A common access drive may be permitted to serve not less than three and not more than ten lots that do not front on an existing public road;
 - (2) A common access drive must satisfy the access management standards in Appendix E;
 - (3) A common access drive must meet the dimensional, materials, and other design standards contained in this section; and
 - (4) A common access drive must be placed within a defined access easement benefitting the lots which front on the common access

drive, the design of which must be prepared by a licensed professional surveyor or engineer;

- (5) The Administrative Officer may require, in its sole discretion, that the access easement for the drive be 60 feet wide if there is a likelihood that the drive will someday be dedicated as a public street; and
- (6) A homeowner's association or common access drive agreement must be established in perpetuity for all lots served by the common access drive. Such agreement must be reviewed by the Prosecuting Attorney, placed on the subdivision plat, referenced on the deeds for all lots served by the common access drive, and recorded with the Recorder's Office. A sample agreement is provided in Appendix D.

(C) Dimensional Standards. A common access drive must satisfy the following minimum standards:

- (1) The access easement must be at least 30 feet wide;
- (2) The minimum travel surface width of the common access drive shall be 20 feet;
- (3) The common access drive shall have at least 28 feet of improved area at the intersection of the public road tapering to a minimum width of 20 feet for the remainder of the length of the common access drive;
- (4) For each new residential dwelling with an individual driveway, such a driveway shall be constructed with a minimum width of 24 feet at the intersection with the common access drive, tapering to a minimum width of 12 feet from the common access drive to the dwelling;
- (5) The common access drive shall have a minimum vertical clearance of 13 feet 6 inches along its entire length;
- (6) The common access drive must have a minimum centerline turning radius of 50 feet;
- (7) At no point along the common access drive shall its grade exceed 15%;

- (8) At all points along the common access drive, the angle between intersecting centerlines must be between 70 degrees and 90 degrees; and
- (9) Common access drives serving three to four lots shall have a T-type turnaround, as illustrated in Figure 2. Common access drives serving six to ten lots shall have a cul-de-sac turnaround, as illustrated in Figure 3. Common access drives serving five lots shall have either a T-type turnaround or cul-de-sac turnaround.

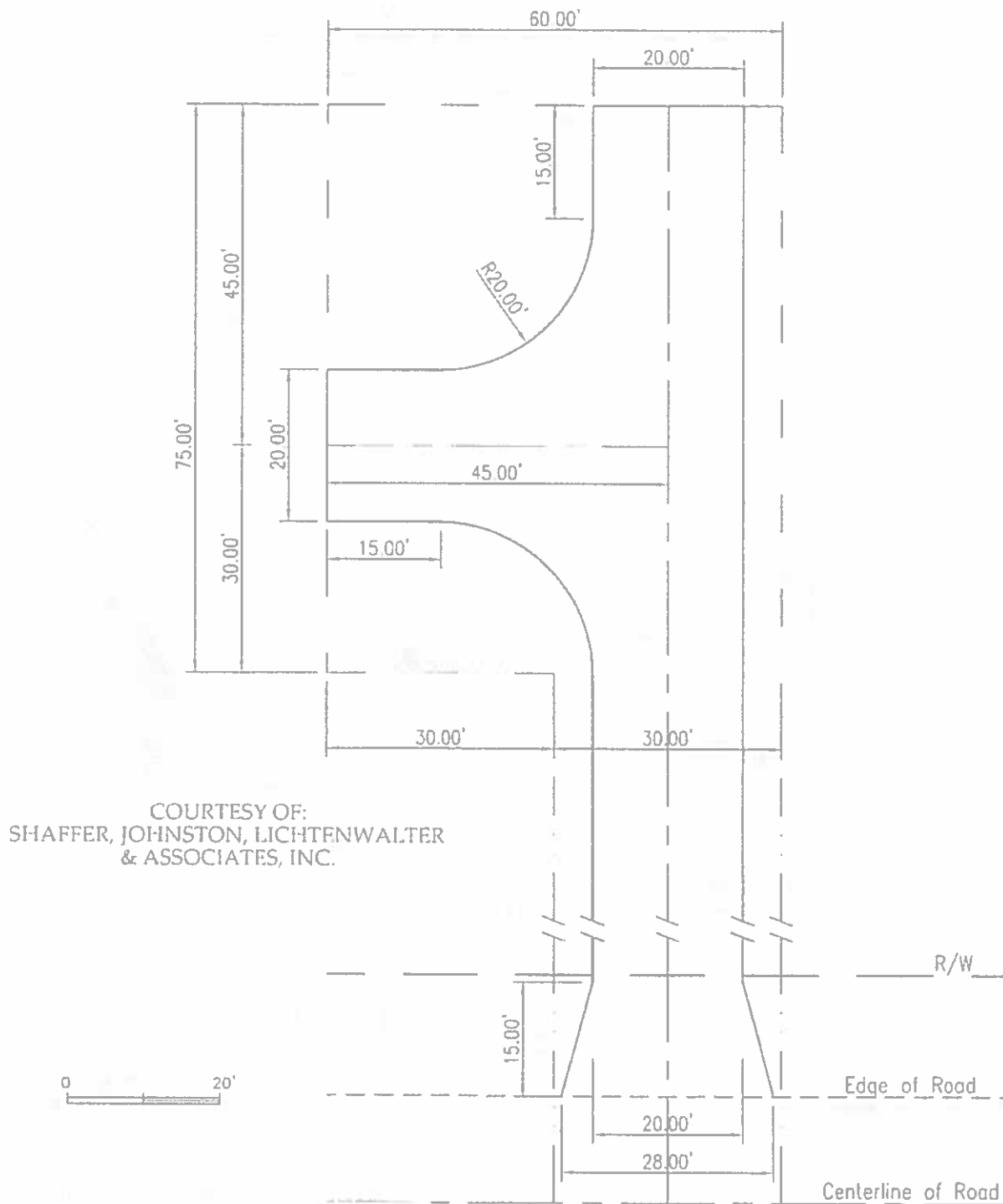


Figure 2: T-type Turnaround

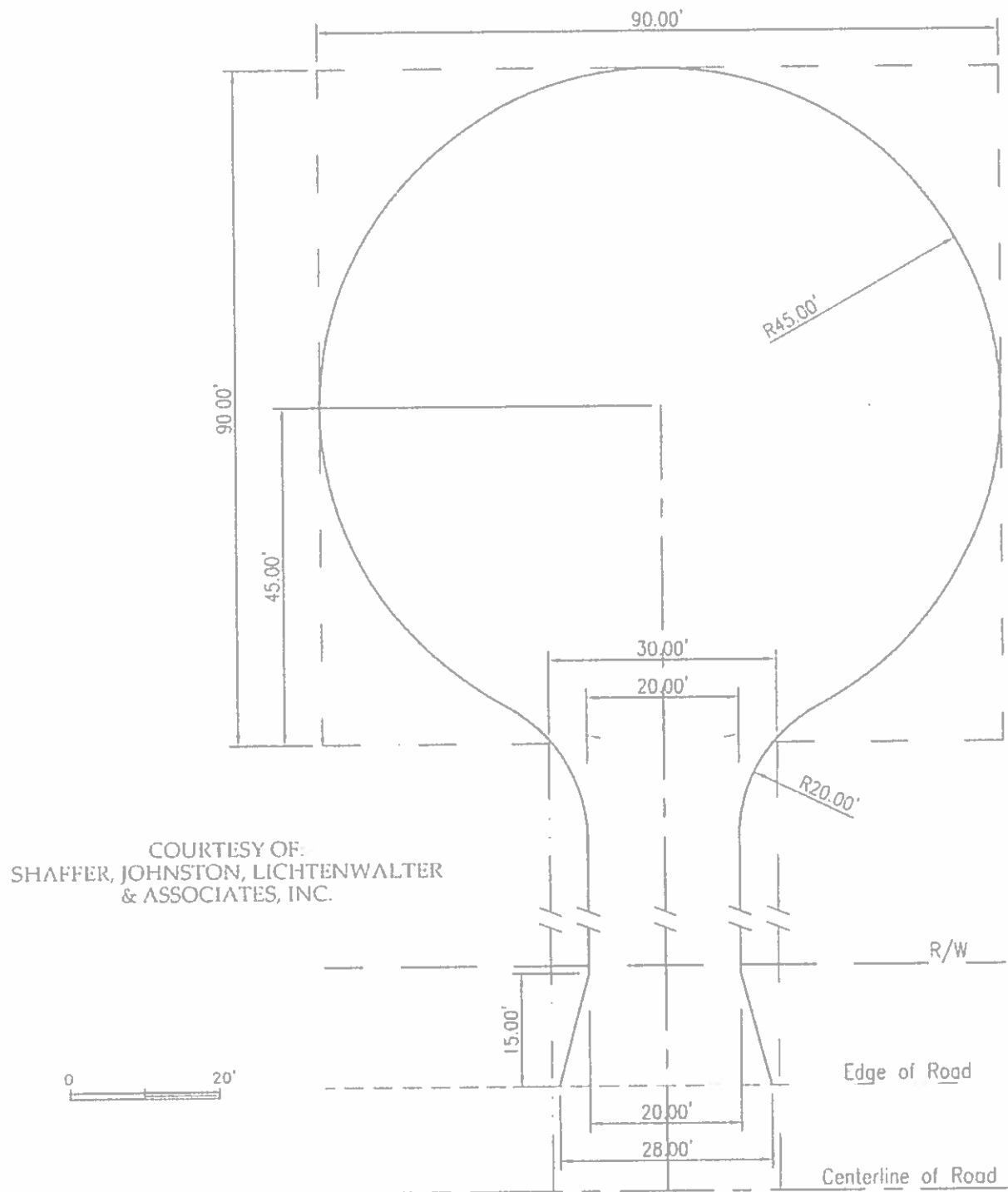


Figure 3: Cul-de-sac Turnaround

(D) Materials and Other Design Standards. A common access drive must satisfy the following materials and design standards:

- (1) The common access drive must have adequate drainage on each side;
- (2) A chip and seal, concrete, or equivalent surface is required where any portion of the common access drive with a grade in excess of 6%;
- (3) For a common access drive featuring a cul-de-sac turnaround as illustrated in Figure 3, a chip and seal, concrete, or equivalent surface is required for the entire length of the drive, including the area within the cul-de-sac;
- (4) The developer shall install and the homeowners shall maintain reflective and visible address marking, with numbers a minimum of 3 inches tall, at the intersection of the public road and the common access drive as well as at each individual drive location;
- (5) The developer shall install and the homeowners shall maintain a reflective marker clearly stating "Private Drive", with letters a minimum of 3 inches tall, which must be installed at the intersection of the public road and the common access drive;
- (6) The developer shall install and the homeowners shall maintain a reflective marker clearly stating "No Parking – Emergency Vehicles Only", with letters a minimum of 3 inches tall, to be installed at the "T"-type turnaround or cul-de-sac; and
- (7) The following minimum specifications, as defined in the Ohio Department of Transportation Construction and Material Specifications Handbook, must be used in the design and construction of the common access drive:
 - (a) Item 204 – Sub-grade Compaction; and
 - (b) Item Spec – 6" Aggregate base, using No. 1 and No. 2 Aggregate as per 703, and;
 - (c) Item 304 – 4" Aggregate base as finish.
 - (d) When applicable, Bituminous Seal Coat, concrete, or equivalent surface.
 - (e) Bituminous Seal Coat shall be as follows:

- (f) A bituminous primer, and cover aggregate if required, shall be placed on the completed base course as a stabilizer, and applied at a rate of 0.50 gal./sq. yd.
- (g) A bituminous surface treatment and cover aggregate of crushed limestone, No. 8, shall be applied at rates of 0.50 gal./sq. yd. and 40 lbs./sq. yd. respectively.

Section 2.7 - UTILITIES

- (A) **Sanitary Sewer.** When a public sanitary sewerage system is reasonably accessible according to the adopted EPA 201 plan for the community, the applicant shall connect with it. The Subdivision Coordinator shall not approve a Minor Subdivision unless Health Department has approved the proposed subdivision relative to applicable sanitary and sewage regulations, or the applicant has received the necessary variance(s) from such regulations.

Section 2.8 - SOIL AND WATER

- (A) The Subdivision Coordinator shall not approve a Minor Subdivision unless the Soil & Water Conservation District has determined that the proposed subdivision substantially complies with the Wayne County Storm Water Management Regulations, including but not limited to storm water management, drainage courses, watercourses, steep slopes, hydric soils, wetlands, and floodplains, or the applicant has received the necessary variance(s) from such regulations.

Chapter 3 - MAJOR SUBDIVISIONS

(Six or more lots; Access by public street or easement)

Section 3.1 - GENERAL

- (A) The purpose of the Major Subdivision is to ensure the creation of sound neighborhoods that are sensitive to the County's rural character, responsive to environmental constraints, appropriate to available supporting infrastructure, and consistent with the Comprehensive Plan. To that end, the Major Subdivision category provides processes and standards for the Planning Commission, County Staff, developers, subdividers, and developers to work together to create quality rural neighborhoods.

Section 3.2 - PROCEDURES

(A) Applications.

- (1) *Pre-Application Meeting.* Prior to submitting an application for a Major Subdivision, the applicant shall meet with the Administrative Officer to discuss the necessary application materials, the process for approval, applicable standards and regulations, and the general suitability of the proposed subdivision under these Subdivision Regulations.
- (2) *Application Submission.* An application for a Major Subdivision consists of three items: an application form; a Development Agreement; and a Preliminary Plan. The Administrative Officer may from time to time make available an application form, which the applicant shall complete in its entirety. The application requirements are set forth on the checklist attached as Appendix B. After participating in the required Pre-Application Meeting, an applicant may submit the application materials to the Planning Department. Within 30 days of submission, the Administrative Officer shall either return the application to the applicant with an explanation as to why it is incomplete or inform the applicant that the application is complete and proceed to the Preliminary Plan Review step.

(B) Preliminary Plan Review.

- (1) *Processing.* Upon marking an application complete and posting the required notices, the Administrative Officer shall place the Preliminary Plan on the agenda of the next regularly scheduled public hearing of the Planning Commission to occur at least 30 days from the day the application was marked complete.

- (2) *Circulation.* The Administrative Officer shall circulate the application to the TRC and any other relevant public agencies and individuals for review and comment. Such review and comment are due to the Planning Department no later than 10 calendar days prior to the Planning Commission hearing at which the application is to be considered.
- (3) *Summary Report.* No later than five days before the hearing, the Administrative Officer shall submit to the Planning Commission a summary of all review and comment and provide a recommendation to approve, approve with modifications, or deny the Preliminary Plan.
- (4) *Hearing.* At the hearing, the Planning Commission shall consider the Preliminary Plan. The Planning Commission shall allow and opportunity for the Administrative Officer, the applicant, and any members of the public in attendance to provide their comments on the proposed Preliminary Plan. The Planning Commission may also call experts to answer questions and provide additional comment.
- (5) *Motion.* The Planning Commission may approve, approve with modifications, or deny the Preliminary Plan. An approval or approval with modifications may only occur if the Planning Commission finds the following:
 - (a) The Preliminary Plan fulfills the purposes and intent of the Comprehensive Plan.
 - (b) The Preliminary Plan is in concurrence with the purposes, intent, standards, and requirements of these Subdivision Regulations.
 - (c) The Preliminary Plan will not adversely impact the public's health, safety, or general welfare.
- (6) *Decision.* No more than fourteen days after the hearing, the Planning Commission shall memorialize its approval, approval with modifications, or denial in a written decision which constitutes a final order appealable to the Wayne County Court of Common Pleas.
- (7) *Effective Period.* A decision of approval or approval with modifications is effective for twelve months, after which time if the

applicant has not acted upon the approval, then the approval expires, and the applicant must resubmit the application.

(C) Final Plat Review.

- (1) *Submission.* Within twelve months of the Planning Commission approving the Preliminary Plan or approving it with modifications, the applicant shall submit to the Planning Commission fifteen copies of the application materials and one Final Plat, all of which must be updated to conform to the Preliminary Plan and any approved modifications. The Final Plat must meet the following standards:
 - (a) The Final Plat must conform to the Wayne County Engineer's, the Wayne County Auditor's, and the Wayne County Recorder's Requirements for all Instruments of Conveyance in Wayne County, Ohio.
 - (b) The Final Plat must be legibly drawn at a scale of not smaller than 200 feet to the inch in waterproof permanent ink on vellum, mylar, or other material of equal permanence.
 - (c) All signatures on the Final Plat must be made using permanent reproducible ink.
 - (d) If a zoning change is involved, the Final Plat must contain a certification from the applicable zoning inspector indicating that the change has been approved.
 - (e) If the Planning Commission specifically required improvements, the Final Plat must contain a certification that such improvements been either installed and approved by the proper officials and agencies.
- (2) *Processing.* The Administrative Officer shall not accept a Final Plat unless and until unless and until a performance agreement and security has been approved by the County Commissioners and/or all improvements per the Development Agreement have been completed, inspected by the County Engineer's Office and are ready for acceptance by the County Commissioners, as required. Within 30 days of submission, the Administrative Officer shall either return the updated application and Final Plat to the applicant with an explanation as to why they are incomplete or inform the applicant that they are complete and place the Final Plat on the

agenda of the next regularly scheduled public hearing of the Planning Commission that will occur at least 30 days from the day the application was marked complete.

- (3) *Circulation.* The Administrative Officer shall circulate the updated application and Final Plat to the TRC and any other relevant public agencies and individuals for review and comment. Such review and comment are due to the Planning Department no later than 10 calendar days prior to the Planning Commission hearing at which the Final Plat is to be considered.
- (4) *Summary Report.* No later than five days before the hearing, the Administrative Officer shall submit to the Planning Commission a summary of all review and comment and provide a recommendation to approve, approve with modifications, or deny the Final Plat.
- (5) *Hearing.* At the hearing, the Planning Commission shall consider the Final Plat. The Planning Commission shall allow and opportunity for the Administrative Officer, the applicant, and the general public to provide their comments on the proposed Final Plat. The Planning Commission may also call experts to answer questions and provide additional comment.
- (6) *Motion.* The Planning Commission may approve, approve with modifications, or deny the Final Plat. An approval or approval with modifications may only occur if the Planning Commission finds all of the following:
 - (a) The Final Plat conforms to the Preliminary and any approved modifications;
 - (b) The Final Plat fulfills the purposes and intent of the Comprehensive Plan;
 - (c) The Final Plat is in concurrence with the purposes, intent, standards, and requirements of these Subdivision Regulations; and
 - (d) The Final Plat will not adversely impact the public's health, safety, or general welfare.

- (7) **Decision.** No more than fourteen days after the hearing, the Planning Commission shall memorialize its approval, approval with modifications, or denial in a written decision which constitutes a final order appealable to the Wayne County Court of Common Pleas.
- (8) **Effective Period.** A decision of approval or approval with modifications is effective for twelve months, after which time if the applicant has not acted upon the approval, then the approval expires, and the applicant must resubmit the application.
- (9) **Recording.** Once the Planning Commission has approved a Final Plat, the original tracing must be returned to the applicant for any and all required modifications. After completing any required modifications, the applicant shall forward the original tracing to the Administrative Officer for processing. Final Plats may not be recorded until all required signatures of officials have been placed on the Final Plat. All Final Plats must be recorded within eighteen months of the date of approval of the Planning Commission. Once the Final Plat has been properly signed by County officials, the Administrative Officer shall file the Final Plat with the County Tax Map Department, which shall process the Final Plat, prior to its recording. Once processed by the Tax Map Department, the Final Plat will be forwarded to the County Recorder's Office to complete recording of the Final Plat. Once recorded, the original tracing of the Final Plat must be filed with the Tax Map Department.

Section 3.3 - LOT STANDARDS

- (A) **Compliance.** All lots shall conform to or exceed the requirements of the Subdivision Regulations and the zoning district regulations for the district in which they are located, if applicable.
- (B) **Lot Arrangement.** The lot arrangement must be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with health and building regulations and in providing approved driveway access to buildings on the lots from an approved road.
- (C) **Lot Dimensions.** The lots in a Major Subdivision must meet the standards of Table 3.3 unless the necessary variance(s) have been approved.

Table 3.3 – Major Subdivision Dimensional Standards

Subdivision Type		Regular with Public Sewer	Regular Without Public Sewer	Cluster with Public Sewer	Cluster without Public Sewer
Minimum Lot Area**		0.25 acres	1.0 acres	0.25 acres*	1.0 acre*
Minimum Lot Frontage (Ft.), by Access Type	Public Right-of-Way (Non-Flag)	75 ft.	150 ft.	50 ft.	75 ft.
	Public Right-of-Way (Flag)	30 ft.	30 ft.	30 ft.	30 ft.
	Access Easement	30 ft.	30 ft.	30 ft.	30 ft.
Maximum Width-to-Depth Ratio		1:4.5	1:4.5	N/a	N/a

* This minimum may be reduced in accordance with the density bonus outlined in Appendix C "Cluster Subdivisions."

** Minimum lot area does not include any portion of a right-of-way, public or private road, access easement, flag/panhandle, flood plain, and/or steep slopes.

Section 3.4 - DEVELOPMENT STANDARDS

(A) **Conformance to Applicable Rules and Regulations.** All major subdivision plats must comply with the following laws, rules, and regulations:

- (1) All applicable statutory provisions;
- (2) All local government zoning ordinances, building and housing codes, and all other applicable laws of the appropriate jurisdiction;
- (3) The official Comprehensive Plan, official map and any other official plans or programs, including capital improvements, of the County or any local governments, including all roads and parks shown on those official plans as adopted;

- (4) The special requirements of the Subdivision Regulations and any rule of the County Health Department and/or appropriate state agencies, such as the Ohio Environmental Protection Agency (OEPA);
 - (5) The rules of the Ohio Department of Transportation (ODOT) if the subdivision or any lot contained therein abuts a state highway or connection road;
 - (6) The standards and regulations adopted by the County Engineer, Office of Environmental Services, County Health Department, the Soil and Water Conservation District, and all other boards, commissions, agencies, and officials of the County and its local governments; and
 - (7) All state and local fire code and/or similar health and safety regulations.
- (B) **Adequate Public Facilities.** The Planning Commission shall not approve a Preliminary Plan unless the Commission determines that public facilities will be adequate to support and service the area of the proposed subdivision. The applicant shall, at the request of the Planning Commission, submit sufficient information and data on the proposed subdivision to demonstrate the expected impact on and possible uses of public facilities of said subdivision. Public facilities and services to be examined for adequacy shall include: roads; sanitary sewer; water service; storm water management; and fire protection. The following standards shall govern:
- (1) Proposed public improvements must be consistent with and properly related to the Comprehensive Plan, as amended;
 - (2) All habitable buildings and buildable lots must be served by an approved means of wastewater collection and treatment;
 - (3) Drainage improvements must accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent increases in downstream flooding. Storm water control methods that may be required include retention or detention and/or the construction of off-site drainage improvements to mitigate the impacts of the proposed development;
 - (4) Proposed roads must provide a safe, convenient and functional system for vehicular, pedestrian and bicycle circulation, and where

necessary for horse drawn vehicles; shall be properly related to the Comprehensive Plan, and shall be appropriate for the particular traffic characteristics of each proposed development; and

- (5) In general, all public improvements and required easements must be extended through the parcel on which new development is proposed. The Planning Commission may require the developer/subdivider to extend off-site improvements to reach the subdivision or to oversize required public facilities to serve anticipated future development as a condition of plat approval.
- (C) **Self-Imposed Restrictions.** If the owner places restrictions on any land contained in the subdivision greater than those required by the Subdivision Regulations, such restrictions or reference thereto must be indicated on the Final Plat. The Planning Commission shall require that restrictive covenants be recorded with the County Recorder in a form to be approved by the Planning Commission and its legal counsel.
- (D) **Major Subdivision Plats Straddling Municipal Boundaries.** Whenever access to the subdivision is required across land in another local government, the Planning Commission may request assurance from its legal counsel that access is legally established. The Planning Commission may also request assurance from the County Engineer and/or local government engineer that the access road is adequately improved, or that a guarantee has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal boundary lines.
- (E) **Monuments and Coordinate Data.** Permanent reference monuments must be placed in the subdivision and coordinate data must be presented as required by the current Requirements for all Instruments of Conveyance in Wayne County, Ohio.
- (F) **Suitability of the Land for Development.** The Planning Commission may find land unsuitable for a subdivision or development due to any one of the following factors:
- (1) Flooding;
 - (2) Improper drainage;
 - (3) Seasonal water table limitations;

- (4) Steep slopes;
- (5) Poor soil conditions;
- (6) Rock formations;
- (7) Adverse earth formations or topography;
- (8) Utility easements;
- (9) Inadequate schools;
- (10) Inadequate transportation facilities;
- (11) Inadequate police or fire protection; or
- (12) Other features or conditions, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas.

(G) **Correction of Unsuitable Land.** Such land may not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission, to solve the problems created by the unsuitable land conditions. Such land must be set aside for uses which do not involve such a danger. The Planning Commission may, in such cases, consult with other cooperating County departments, such as the County Engineer's Office, County Sanitary Engineer's Office, County Health Department, Soil and Water Conservation District and/or County Building Department.

(H) **Subdivision Name.** The proposed name of the subdivision must not duplicate or too closely approximate phonetically the name of any other subdivision in the County. The County Planning Commission has final authority to designate the name of the subdivision, which must be determined at the time of Preliminary Plan approval. Developers are encouraged to use historical and other locally recognized names and words that provide some locally recognized context.

Section 3.5 - ACCESS

(A) **Method of Access.** Each lot resulting from a Major Subdivision must have access to and from the public right-of-way. Access may be provided by any of the following means.

- (1) Any lot may have access through frontage on an existing public road.
 - (2) Any lot may have access through a new public road, constructed and dedicated pursuant to Section 3.6.
 - (3) An access easement approved under Section 2.6 may provide access for up to two lots.
- (B) **Access Management Standards.** The Subdivision Coordinator shall not approve a Minor Subdivision unless the Engineer's Officer has approved the proposed subdivision relative to the access management standards in Appendix E or the applicant has received the necessary variance(s).

Section 3.6 - ACCESS BY NEW PUBLIC STREET

- (A) **Purpose and Intent.** The arrangement, character, extent, width, grade construction, and location of all roads must conform to the Wayne County Comprehensive Plan, or subsequent amendments thereto, and shall be considered in their relation to existing and planned roads, topographical conditions, public convenience and safety, and in their appropriate relations to the proposed uses of the land to be served by such roads. The arrangement of roads shall provide for the continuation of principal roads between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities and/or where such continuation is in accordance with the Comprehensive Plan. The road pattern shall discourage traffic through the interior of a subdivision. The applicant shall provide within the boundaries of the subdivision plat the necessary right-of-way for the widening, continuance, or alignment of such roads in conformity with both the thoroughfare portions of the Comprehensive Plan and the Engineering Code.
- (B) **General Design Standards.** In addition to the requirements established herein, the standards for the design and construction of all streets and roads are as detailed in the Engineering Code.
- (C) **Classification.** All roads shall be classified as either arterial, major collector, minor collector or local. In classifying roads, the County shall consider projected traffic demands after 20 years of development. The following table sets forth the minimum width of rights-of-way.

Table 3.6 – Road Right-of-Way

Road	Arterial	Major Collector	Minor Collector	Local
Minimum Public Right-of-Way	100 ft.	80 ft.	60 ft.	60 ft.

- (D) **Level of Service.** No development may be approved if such development, at full occupancy, will result in or increase traffic on an arterial, collector or local road so that the road does not function at a level of service of C or better. The applicant may propose and construct approved traffic mitigation measures to provide adequate roadway capacity for the proposed development. *Please refer to the Engineering Code.* The applicant shall refer to the County access management policy and/or a recommendation of the County Engineer's Office to determine if a traffic impact analysis is required.
- (E) **Grading and Improvement Plan.** Roads must be graded, improved, and conform to the County standards and specifications, and shall be approved as to design and specifications by the County Engineer's Office, in accordance with construction plans required to be submitted prior to Final Plat approval. If the frontage of the proposed development is 500' or more, then the entire existing road frontage of the development must be graded to a typical section approved by the County Engineer. For township roads including local roads in subdivisions, the County Engineer shall determine design and specifications. The Trustees of the affected township must be notified of the availability of plans by the County Engineer's Office for the proposed project and be afforded an opportunity to submit comments to the County Engineer.
- (F) **Arrangement.** All roads must be properly integrated with the existing and proposed system of major thoroughfares and dedicated rights-of-way as established on the Comprehensive Plan. All thoroughfares must be properly related to special traffic generators such as industries, business districts, schools, churches and shopping centers; to population densities; and to the pattern of existing and proposed land uses. Appropriate road patterns include rectangular gridiron, curvilinear roads, U-shaped or loop roads and a limited number of cul-de-sacs may be permitted where such use will result in a more desirable layout. Proposed road rights-of-way must be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other extreme physical conditions, or unless in the opinion of the County Planning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

(G) **Topography.** Roads must be related appropriately to the topography. It is recommended that local residential roads, within their length, include some curvature wherever possible to avoid monotony and total conformity of lot appearance. It is recommended that roads be laid out to maximize the number of building sites at, or above, the grades of the roads so as to facilitate optimum drainage patterns. Grades of roads should conform as closely as possible to the original topography. A combination of steep grades and curves must be avoided. Roadway placement shall avoid natural features. Existing perennial streams, drainageways, ditches etc., should be preserved by the developer/subdivider. In the layout of roads, every effort shall be taken by the developer/subdivider to preserve existing natural features of the site, particularly those that may enhance the value of the development, such as steep wooded slopes, existing wooded areas, natural marsh wildlife habitat, wooded stream corridors and areas of archaeological, historical and cultural significance. Minor or local roads (both specialized residential and industrial) shall be laid out to conform as much as possible to the topography to discourage use by unrelated through traffic, to permit efficient drainage and utility systems, and to require the minimum number of roads necessary to provide convenient and safe access to property.

(H) **Road Names.** The Preliminary Plan must include proposed names for all roads, which shall be reviewed and approved by the County Planning Commission prior to submittal of the Final Plat. The applicant shall also consult with the Postmaster prior to selecting names. Final road names shall be shown on the Preliminary Plan and Final Plat. The following criteria shall be used in naming roads:

- (1) Names shall be sufficiently different in sound and spelling from other road names in the County so as not to cause confusion. Proposed road names should not duplicate existing road names of record in the emergency response district, unless they are extensions.
- (2) Where feasible, road names should bear a relationship to the subdivision name.
- (3) Roads should be named after natural features in the immediate area (e.g., hills, streams, woods or native plants or animals) or local historic family names, buildings, or events. Additional sources for names should be local, state, or national historical figures (e.g., Jefferson).

- (4) Rural words are preferred, such as road, lane, or way, as opposed to suburban words such as street, drive, avenue, circle, place, court, view, or vista.
- (5) New roads adjacent to older communities should use traditional names, such as High Street or Elm Lane.
- (6) Road names must be continuous the entire length of the road.
- (I) **Road Regulatory Signs.** The developer/subdivider shall deposit with the County at the time of Final Plat approval a fee as determined by the County Engineer's Office for each road sign as required by the County at all road intersections. The County Engineer's Office shall install all road signs before issuance of certificates of occupancy by the County Building Department for any residence on the roads approved. Road name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which are to be determined by the County Engineer's Office.
- (J) **Roadway Lights.** Upon the request of the County Engineer's Officer, installation of roadway lights may be required at key intersections or areas of concern. Roadway lights shall meet the design and specification standards established for the appropriate township lighting district. In the absence of township lighting standards and in the interest of public health, safety, and welfare, the following will apply:
 - (1) Light fixtures must minimize glare and light trespass onto adjacent properties and shall be so designed as to eliminate light pollution occurring off-roadway.
 - (2) Lampheads must be Full Cut-off, designed to project light downward with minimal lateral and no upward spread.
 - (3) Lamp bulbs shall be LED style at a lumen to be specified by the County Engineer's Office.
 - (4) Lighting must not exceed 26-foot pole mounting height, nor be less than 16 feet.
 - (5) Roadway light posts, if located in the right-of-way, must be of a breakaway design.

- (K) **Reserve Strips.** The creation of reserve strips shall not be permitted adjacent to a proposed road in such a manner as to deny access from adjacent property to such road.

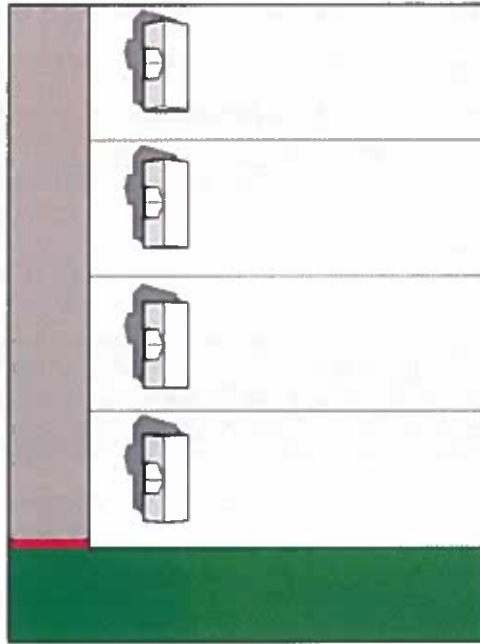


Figure 4: A reserve strip is illustrated in red.

(L) **Stub Roads and Cul-De-Sacs.**

- (1) Stub roads must be provided for every 1,500 feet of block length.
Stub roads extending to the rear lot lines must be constructed within a 60-foot right-of-way.

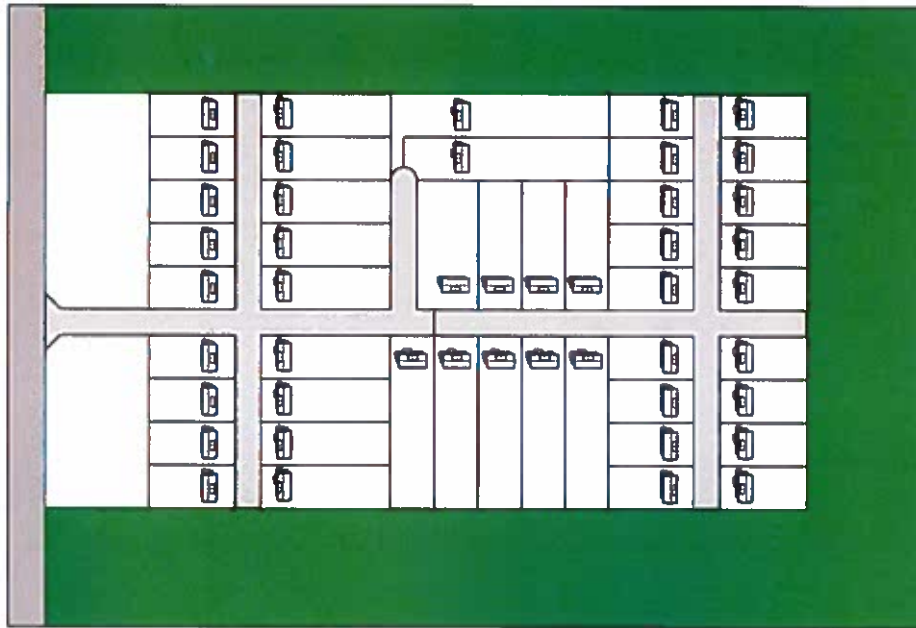


Figure 5: Stub ends lead to the edges of the developed parcel.

- (2) If a road must be a temporary dead-end and the adjacent property is undeveloped, the rights-of-way must be extended to the property line. In all cases, temporary dead ends or cul-de-sacs must conform to the design requirements for a permanent turnaround as specified in the Engineering Code.
- (3) Where a road does not extend to the boundary line of the subdivision and its continuation is not required by the County Planning Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than 50 feet. However, the Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities.
- (4) A cul-de-sac turnaround must be provided at the end of all permanent road terminations in accordance with the standards of the Engineering Code. For greater convenience to traffic, more effective police and fire protection, and efficiency of road maintenance, permanent cul-de-sac terminated roads must be limited to serving 20 dwelling units, however, the number of lots on the cul-de-sac turnaround must be limited to four (4) lots with individual drives, but if shared driveways are proposed, a maximum

of six (6) lots with three (3) drives may be allowed. In no instance may a road terminating in a cul-de-sac exceed 1,400 feet in length.

- (5) The preferred cul-de-sac design is circular. If islands are landscaped, they should be dedicated to an existing or proposed Homeowners Association for ownership and maintenance. Landscaped islands should be planted with native plantings requiring minimal maintenance. Circular cul-de-sacs should be designed with a 30-foot inside radius for the pavement. If an island is to be provided, the inside radius should increase to at least 45 feet.
- (6) As an option to a standard cul-de-sac, a one-way 15-foot wide circular lane can be used if approved by the Planning Commission. Such an approach is advisable when an outstanding natural feature exists in the location of a proposed cul-de-sac, such as a mature stand of trees or a pond. The lane must be shown on the Preliminary Plan, placed in a public right-of-way and a cross section provided for review and approval by the County Engineer's Office.
- (7) Developers/subdividers shall post a sign meeting the requirements of the County Engineer's Office indicating that each stub road is intended to provide for a through road in the future.
- (M) **Completion.** When a proposed subdivision involves the construction of a new public road, such public improvements must be constructed according to the Development Agreement, inspected, and ready for approval by the County Engineer before a Final Plat may be submitted to the County Planning Department for processing.

Section 3.7 - DRAINAGE AND STORM SEWERS

- (A) **General.** The Planning Commission shall not recommend approval of any Preliminary Plan or Final Plat of a subdivision that does not make adequate provision for storm water runoff and floodwater channels, basins or other acceptable measures. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers and other facilities, where required, shall be designed in accordance with the applicable regulations.
- (B) **Areas of Poor Drainage.** Whenever a subdivision is proposed for an area that is subject to flooding but located outside the 100-year floodplain as mapped by the National Flood Insurance Program (NFIP), the Planning Commission

may approve such subdivision provided that the applicant adequately addresses poor drainage concerns. The Planning Commission may deny subdivision approval for areas of extremely poor drainage, including proposed subdivisions that are dominated by hydric soils.

(C) **Floodplain Areas.** The County discourages development within floodplains. The Planning Commission may approve a subdivision that is proposed to be in the 100-year floodplain, as estimated by NFIP mapping, U.S. Federal Emergency Management Agency (FEMA), only as it meets the building standards, health code, zoning and floodplain regulations. These floodplain areas should be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps. A developer/subdivider may challenge the accuracy of NFIP mapping by filing a map amendment request per FEMA guidelines, which requires the preparation of a hydrologic and hydraulic engineering study. Upon amendment of the maps by FEMA, a subdivision may be proposed which would then be located outside the 100-year floodplain. See *Wayne County Special Purpose Flood Damage Prevention Regulations* for more guidance.

(D) **Buried Drainage Systems.** Existing farm field tile systems shall be mapped to the extent practical and reflected in all submissions required by these regulations. Provisions should be made to maintain to the extent possible (and if necessary restore) the continuity of existing buried drainage systems, such as agricultural field tiles, in subdivisions. The Soil and Water Conservation District may review submissions and inspect restorative work.

(E) **Dedication of Drainage Easements.**

(1) When a subdivision is traversed by a drainage course, there shall be provided a private drainage course easement or drainage right-of-way conforming substantially to the lines of such drainage course. The developer/subdivider shall dedicate by a private drainage course easement an area on both sides of existing drainage courses to a minimum distance of 15 feet or greater as measured from the centerline of the subject drainage course to the satisfaction of the Soil and Water Conservation District. The easement shall be written to follow the centerline of the drainage course. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. The Soil and Water Conservation District shall be consulted by the developer/subdivider relative to appropriate landscaped plantings. Private Drainage Easements shall be shown around permanent

storm water practices on the Final Plat. The drainage and drainage course easements define limits of storm water practices that are to be preserved and maintained.

- (2) Where topography or other conditions are such as to make impractical the inclusion of permanent storm water practices within road rights-of-way, perpetual unobstructed easements at least 20 feet in width shall be provided across property outside the road lines and with satisfactory access from the road to the permanent storm water practice. Drainage easements shall extend from the road to a natural watercourse or to other permanent storm water practices. When a proposed drainage system will carry water across private land outside the subdivision in a new, engineered drainage course or storm sewer system, appropriate drainage rights including easements shall be secured from the affected property owners. Easements shall be indicated on the Preliminary Plan and Final Plat.
 - (3) Existing watercourses through a subdivision shall have a permanent, undisturbed buffer of at least 50 feet measured from the ordinary high mark of each streambank. These buffers shall be indicated on the Final Plat.
- (F) **Roadside Drainage.** The provision of roadside drainage must be accommodated through storm water facilities meeting the requirements of the County Engineer's Office.

Section 3.8 - **SANITARY SEWERS**

- (A) **General.** The applicant shall install sanitary sewer facilities in a manner prescribed by the County Office of Environmental Services. All plans must be designed and approved in accordance with the rules, regulations and standards of the County Office of Environmental Services, County Health Department and Ohio Environmental Protection Agency (OEPA), as applicable. Necessary action shall be taken by the developer/subdivider to extend or create a sanitary sewer district for the purpose of providing sewerage facilities to the subdivision when no district exists for the land to be subdivided, provided the creation of such district and its service area is in concurrence with the Comprehensive Plan.
- (B) **Suburban Density Residential Development.** Sanitary sewer facilities for subdivisions with lot areas less than one acre shall connect with public sanitary sewerage systems. Sewers shall be installed to serve each lot and to

grades and sizes required by approving authorities. No sewage treatments systems or treatment plants (private or group disposal systems) shall be permitted. Sanitary sewerage facilities (including the installation of laterals in the right-of-way) shall be subject to the specifications, rules, regulations, and guidelines of the County Office of Environmental Services, County Health Department and OEPA, as applicable.

(C) Rural Density Residential Development. Sanitary sewer facilities for subdivisions with lot areas one acre or greater in size shall be constructed as follows:

- (1) When a public sanitary sewerage system is reasonably accessible and proposed for sanitary sewer, according to the adopted EPA 201 plan for the community, the developer/subdivider shall connect with it and provide sewers accessible to each lot in the subdivision; and
- (2) When public sanitary sewerage systems are not reasonably accessible but shall become available within a reasonable time (not to exceed 20 years), according to the adopted EPA 201 plan for the community, the developer/subdivider may choose one of the following alternatives:
 - (a) Central sewerage system with the maintenance cost to be assessed against each property benefited. Where plans for future public sanitary sewerage systems exist, the developer/subdivider shall install the sewer lines, laterals and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains; or
 - (b) Sewage treatment systems, provided the applicant shall install sewer lines, laterals and mains from the road curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made. Sewer lines shall be laid from the house to the road line and a connection shall be available in the home to connect from the sewage treatment system to the 204 Major Subdivisions 9/8/2008 Wayne County, Ohio Subdivision Regulations 4.27 sewer system when the public sewers become available. Such sewer system shall be capped until ready for use and shall conform to all plans for installation of the public sewer system, where such exist, and shall be ready for connection to such public sewer system.

- (3) When sanitary sewer systems are not reasonably accessible and will not become available for a period in excess of 20 years, according to the adopted EPA 201 plan for the community, the applicant may install sewage treatment systems or central sewerage systems meeting the specifications, rules, regulations and guidelines of the County Office of Environmental Services, County Health Department and OEPA, as applicable.
- (D) **Mandatory Connection to Public Sewer System.** Mandatory connections to existing sanitary sewer systems are governed by the Wayne County Health Department Sanitary Code.
- (E) **Sewage Treatment System Requirements.** If public sewer facilities are not available and sewage treatment systems are proposed, minimum lot areas shall conform to the requirements of the County Health Department or OEPA, as applicable. Soil evaluations and test holes shall be made as directed by the Health Department and the results submitted to the department for review. The department shall also approve the sewage treatment system, including the size of the septic tanks and size of the tile fields or other secondary treatment device. A one-year maintenance bond may be required of the installing contractor.
- (F) **Leach Fields in Common Areas.** Common areas designated as permanent open space on a Final Plat may be proposed for the location of septic leaching fields for on-lot wastewater systems. Such a proposal shall be reviewed and approved by the County Health Department prior to submittal of a Preliminary Plan and Final Plat. In designing such a system, a Septic System Easement shall be shown on the Preliminary Plan and Final Plat for the purpose of installing and maintaining septic leaching systems in the reserve. The location of leaching systems and their respective receiving fields shall also be designated. Lots shall be designated that will benefit from individual easements and showing a general location for the connection with the receiving leach field in the common area. The use of the common area in which septic leaching fields are located shall be limited in use to passive recreation and natural areas and noted on the Final Plat. The use of the surface area shall not interfere with the subsurface use as a septic leaching field. Certain high transpirational grasses may be planted and maintained above the leach field areas. The cost of seeding and maintaining said grasses shall be borne by the Homeowners Association.

Section 3.9 - UTILITIES (OTHER THAN WATER).

- (A) **Location.** All utility facilities, including but not limited to: natural gas; electric power; telephone; and cable television shall be underground throughout the subdivision. Plans are required to be submitted to and receive approval by the County Engineer's Office. Whenever existing utility facilities are located above ground, except when existing on public roads and rights-of-way, they shall be removed and placed underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the Preliminary Plan and Final Plat. Underground service connections to the road property line of each platted lot shall be installed at the developer's/subdivider's expense. At the discretion of the Planning Commission, the requirement of service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use. Utility construction plans will be submitted as part of the subdivision engineering plan review process, including information on proposed road bores and the size and material of conduit to be employed.
- (B) **Easements.** Easements for utilities shall be provided outside a road right-of-way. Utility easements shall be established in cooperation with the applicable utility and the County. Coordination shall be established between the developer/subdivider and the applicable utility companies and County for the establishment of utility easements in adjoining properties. Easements shall be indicated on the Preliminary Plan and Final Plat.
- (C) **Installation.** All utilities, except for house connections, shall be installed according to the Engineering Code.

Section 3.10 - SIDEWALKS, PEDESTRIAN ACCESS, AND BIKEPATHS

- (A) **General.** A pedestrian circulation system should be designed to assure that pedestrians can walk safely and easily within subdivisions, between properties and activities or special features within the neighborhood open space system. Sidewalks should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels, where applicable).
- (B) **Sidewalks.** Public sidewalks shall be required for all commercial lots. The Planning Commission, in its sole discretion, may determine whether sidewalks are required for non-commercial lots based on consideration of the following criteria:

- (1) Whether the proposed subdivision will likely be used for residential purposes;
- (2) The distance of the proposed subdivision from schools and other amenities;
- (3) The average width of the lots within the proposed subdivision;
- (4) The presence of existing sidewalks and the appropriateness of continuing them in the proposed subdivision; and
- (5) The physical features of roads between the lots and the potential for safety hazards to pedestrians or motorists.

Sidewalks shall meet the design and construction standards of the County Engineer's Office. When required by the Planning Commission per the standards above, sidewalks shall be included within the dedicated right-of-way of public roads or located parallel to private roads. Along arterials and collectors, sidewalks shall be six feet in width. Along local roads, sidewalks shall be four feet in width, unless also serving as a bike path, then the sidewalk shall be six feet in width. All sidewalks should be separated from roads, whether public or private, no closer than shown on the typical section for the subdivision. At a minimum this should be a two-foot wide median strip of grassed or landscaped area.

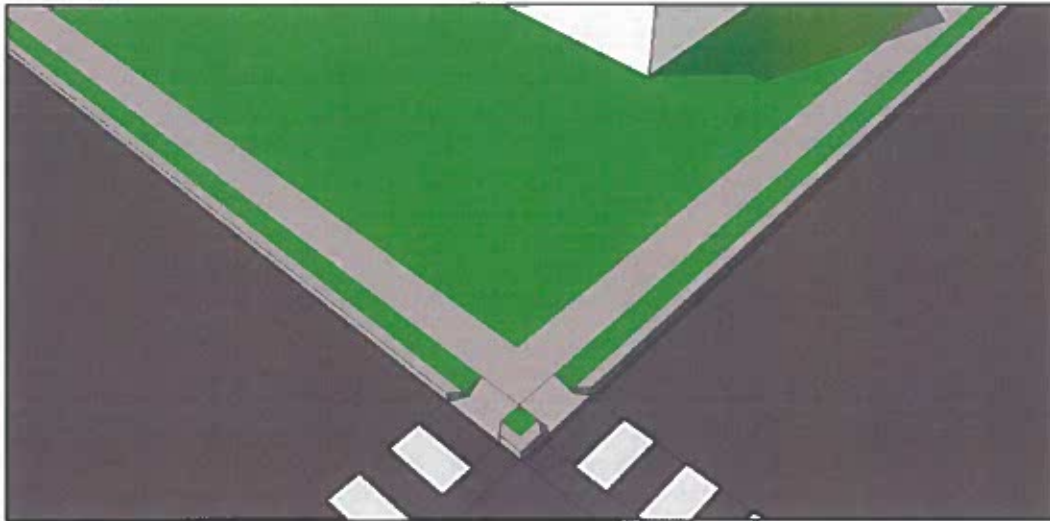


Figure 6: A grassed area of 2 feet width is shown between the curb and the sidewalk.

- (C) **Pedestrian Access.** In order to facilitate pedestrian access from roads to schools, parks, playgrounds, or other nearby roads, the Planning Commission may require perpetual unobstructed easements at least 10 feet in width. Easements shall be indicated on the Preliminary Plan and Final Plat.
- (D) **Bike paths.** In order to facilitate bicycle access from roads to schools, parks, playgrounds, or other nearby roads, the Planning Commission may require perpetual unobstructed easements at least 10 feet in width. Easements shall be indicated on the Preliminary Plan and Final Plat.

Section 3.11 - LANDSCAPING, SCREENING, AND BUFFERING

- (A) **General.** Landscaping, screening, and buffering are encouraged in all subdivisions to enhance the physical appearance of County development; to buffer incompatible developments and land uses; to buffer agricultural operations from adjacent incompatible development and vice versa; to improve the environmental performance of new development by reducing or mitigating the impacts resulting from storm water runoff, air pollution, glare and noise.

Section 3.12 - ON-SITE LIGHTING

- (A) **General.** For commercial and industrial subdivisions, on-site lighting shall not trespass beyond property lines and shall be so designed as to eliminate light pollution occurring off-site. Lighting shall be classified into the following three types, all of which should be incorporated into commercial and industrial sites: pedestrian lighting; private parking lighting; and public road lighting. On-site lighting shall be governed by the following standards. Preliminary Plans and Final Plats shall include documentation in response to these requirements, which will be reviewed and approved by the Planning Commission.
- (B) **Pole Mounting Height.** Lighting shall not exceed the following pole mounting heights: pedestrian lights shall not exceed 16 feet; private parking lights shall not exceed 28 feet; and if required, public road lights shall be as specified by the appropriate township lighting district.

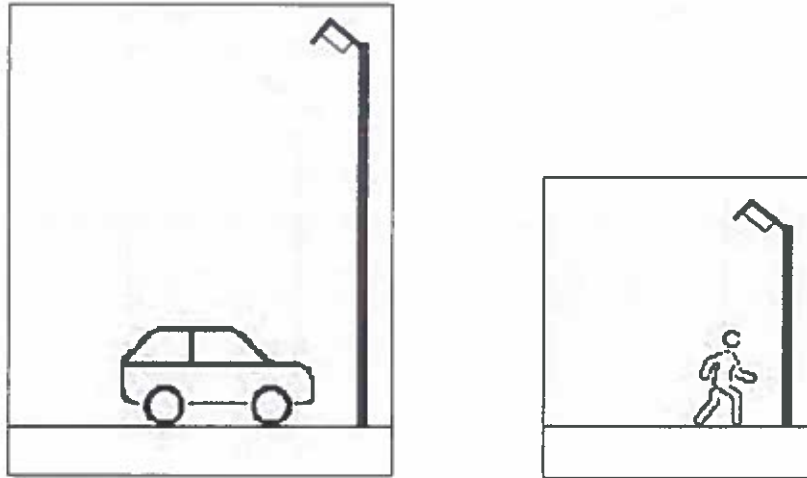


Figure 7: An outdoor parking light fixture is illustrated as a maximum of 28 feet in height. An outdoor pedestrian light fixture is illustrated as a maximum of 16 feet in height.

- (C) **Fixtures.** All other external light fixtures including pole or wall mounted, and parking lot lighting shall be Full Cut-off type fixtures of similar type and style. The initial development parcel shall dictate the standard for the remaining development parcels. Accent lighting of buildings or landscaping shall be permitted from concealed Full Cutoff type fixtures.

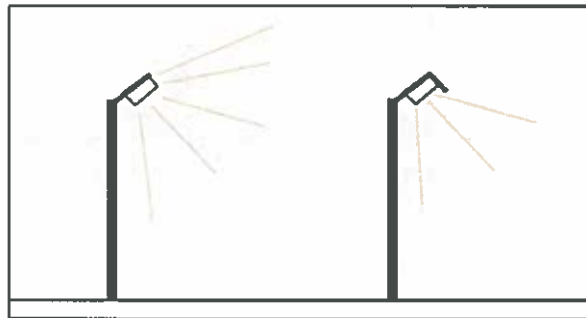


Figure 8: On the left is a non-full-cut-off-type fixture, which is not permitted. On the right is full-cut-off-type fixture, which is permitted.

- (D) **Glare.** Light fixtures shall minimize glare and light trespass onto adjacent properties and shall be so designed as to eliminate light pollution occurring off-site.

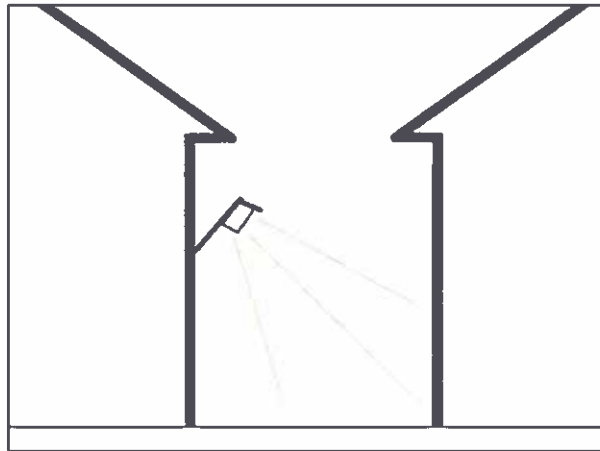


Figure 9: In this illustration, light is glaring on adjacent property, which does not comply with these regulations.

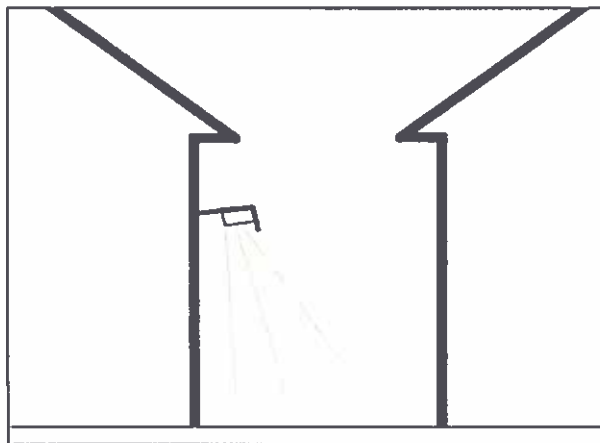


Figure 10: In this illustration, light is aimed so that it does not glare on adjacent property, which conforms to these regulations.

(E) **Finish.** All light poles and standards shall have a dark finish.

(F) **Location.** Fixtures should be located outside the right-of-way, unless the posts supporting them are of a breakaway design.

Section 3.13 - INDUSTRIAL DEVELOPMENT: PARKS, SITES, STANDARDS

(A) **Industrial Parks.** Future sites for industrial parks, which would in most cases require subdivision approval per these regulations, should meet the following criteria as established in the Comprehensive Plan:

- (1) Easily served by electricity, water and sanitary sewer service, telephone and natural gas.
- (2) Easily accessed from the existing road network.
- (3) Adjacent to similar industrial uses or commercial development, but not adjacent to residential development.
- (4) Not within close proximity to an underground aquifer, groundwater recharge areas, or water wellheads.
- (5) Not within a floodplain or prime agricultural property.
- (6) Not constrained by environmental features including streams, high quality timber, wetlands, prime agricultural soils, species habitat, etc. unless development of the site is directed away from these features.

(B) Industrial Sites. The following standards are applicable to individual industrial development sites and should be met by Commercial/Industrial Subdivision Plats:

- (1) Controlled site access that minimizes curb cuts onto the public road network. Entrances and exits should be clearly marked.
- (2) Parking lots and service areas should not be the principal visual elements of the site and emphasis should be placed on the buildings and landscaping. Service areas should be located to the rear and sides of the buildings.
- (3) Convenient access, visitor parking and on-site circulation to facilitate movement. Safety and efficiency should be emphasized.
- (4) Screening of outdoor storage, work areas and equipment with evergreen plant materials, earthen mounds and/or walls or fences with 100 percent opacity.
- (5) The site plan and architecture should emphasize the main building entry and on-site landscaping. A landscaped buffer should separate off-road parking areas from the road right-of-way and office portions of industrial buildings.

(6) Signs should be ground mounted, monumental-type signs with masonry bases. The sign should be designed to be compatible with the main building.

(7) Exterior colors should be neutral or earth toned.

(C) Industrial Development Standards - Parking.

(1) Parking lots should be set back a minimum of 25 feet from property lines.

(2) Cross easement parking should be encouraged between uses.

(D) Industrial Development Standards – Lot Coverage. Maximum lot coverage should be 20,000 square feet per acre for building or 70 percent lot coverage impervious surfaces and a minimum of 30 percent of a site should be greenspace containing no buildings, structures, off-road parking or loading or storage areas.

(E) Industrial Development Standards - Utilities.

(1) All visible new or relocated utility lines, including: water supply; sanitary sewer service; electricity; telephone; gas; cable; and related connections or feeder lines should be placed underground.

(2) All utility connections (e.g. transformers, meters, etc.) should be kept to the rear or the side of the building.

(F) Industrial Development Standards - Circulation and Parking. A permanent cross-access easement should be granted by all parties that allow access to full-service intersection(s) by all parcels. This facilitates interconnection of parking lots and fewer curb-cuts/road accesses.

(G) Industrial Development Standards - Parking. In addition to meeting the current County Engineer's Office requirements, the following guidelines should be followed in the design of parking facilities.

(1) Parking stalls should be laid out in the most efficient manner; 90-degree layouts are suggested with nine foot by 19-foot stalls and 22 foot to 24-foot aisles.

- (2) Handicap parking spaces should meet current American with Disabilities Act (ADA) guidelines. Handicap ramp access should be included in conjunction with these parking spaces.

(H) Industrial Development Standards - Waste and Refuse. All waste and refuse should be containerized and fully screened from view by a solid wall or fence with materials that are harmonious with the building architecture.

(I) Industrial Development Standards - Nuisances, Service, and Outdoor Areas.

- (1) No noises, smoke, odors, vibrations, or other nuisances should be permitted adjacent to residential structures or uses.
- (2) Service courts and loading docks should be screened from all roads and neighboring properties by landscaping, mounding or walls.
- (3) No outside sales, displays, or storage of materials, supplies, equipment, or products should be permitted on any portion of the parcel outside an approved structure unless fully screened by evergreen plantings, mounds, walls, or fences.

(J) Industrial Development Standards - Landscaping.

- (1) Any portion of a lot upon which a building or parking area is not constructed should be landscaped.
- (2) A minimum greenbelt of 15 feet should be maintained at all internal property lines except alongside property lines when similar uses are adjacent and cross easement parking is provided. All existing trees in healthy condition should be preserved within the greenbelt.
- (3) Shrub plantings are recommended massed or clustered in beds rather than singular shrub plantings.
- (4) Site unity can be maintained by specifying the same species of major landscape elements (shade trees, evergreen trees and ornamental trees). New compatible species of shrubs and ground cover should be introduced as needed to provide interest, focal points, and screening around new development.

(5) To the extent possible, all existing trees (in healthy and good condition) should be preserved within parking and yard areas. Care should be taken in the placement of building and parking areas to work around existing trees if possible. All trees to remain on-site, should be properly protected during all construction with snow fencing.

(K) **Industrial Development Standards - Coordination.** Applicants should coordinate industrial development with the Wayne County Economic Development Council and any applicable governmental authority.

Section 3.14 - ENVIRONMENTAL PLANNING

(A) **General.** The following provisions are provided as general guidance to planning a Major Subdivision.

(B) **Preserving Resources in a Development.** In the design of open space systems in a subdivision, a decision must be made early in the process as to which natural resources should be preserved. Developers/subdividers are encouraged to meet with the County's Technical Review Committee. Any site may contain a combination of mature woodlands, wetlands, prime agricultural soils and floodplain among others. Selecting the priority resources to be preserved will identify those portions of a site that are therefore set aside for development. The decision should be based upon the quality of natural resources on site, preservation efforts on adjacent parcels and in the general vicinity, and the unique characteristics of the site that affect its developability (e.g. topography, soil suitability for leach fields, etc.). In many cases development of a site may be clustered into one or more subareas, with the open space flowing throughout the balance of the development. The residential portions of the site should be linked with the open space set asides to provide residents access through pedestrian paths or trails. The open space set asides can also be intended to create a transition or buffer between the residential portions of the development and adjacent working farms. In general building lots should not be placed in natural resource areas. As required elsewhere by the Subdivision Regulations, certain resources are to be protected and placed in permanent open space reserves. Where that does not occur and building lots are placed in a resource area, the building envelope should be located to minimize its impact and the balance of the lot located in the resource area could be placed in a no-build reserve on the Final Plat.

(C) **Designing Open Space Systems.** Open space reserves should be designed to preserve and maintain mature woodlands, fields, pastures, meadows and

orchards, stream corridors, etc. and should create sufficient buffer areas to minimize conflicts between residential areas and conflicting uses, including working farms. Open space networks should be continuous and not designed in unconnected fragments. Open space within a neighborhood should build upon existing natural networks, such as a stream system and/or ravines. Active recreation areas - such as playfields, recreation equipment, etc. - should be connected to the network. Components should not be linear unless protecting a linear feature such as a stream corridor, hedgerow, or tree line. Consideration should also be given to providing for interconnected wildlife corridors. Pedestrian connections should be provided so residents have other options than using the road network. The open space should also abut existing or potential open space land on adjacent parcels.

(D) **Greenway Guidelines.** Greenways are natural corridors or buffers. They can consist of a natural area and pedestrian trails. Greenways are typically found along major streams and their tributaries, as a recreational path and as a wildlife corridor. Greenways should be integrated into the design of all subdivisions. Greenway buffers can serve a valuable role in filtering storm water runoff adjacent to stream and creek systems. These buffers function as a trap for pollutants and excessive nutrients dissolved or suspended in storm runoff. Slowing runoff velocity allows storm water to be absorbed into the soil and to be taken up by vegetation. Defining the appropriate buffer width is based upon soil permeability, slope, vegetation in the buffer and the amount and type of pollutants likely to be found in the runoff. At a minimum such buffers should be 50 feet in width. Consultation with the SWCD is recommended. The following general guidelines are provided relative to greenway widths, which are determined based upon the type of greenway proposed:

- (1) *Pedestrian Path or Trail* – A minimum 20 feet, in width with a path of five to ten feet in width with an asphalt, gravel or mulched surface.
- (2) *Buffer along Stream or Creek* – A minimum 50 feet from the ordinary high water mark for an intermittent stream and a minimum 75 feet from the ordinary high water mark for a perennial stream; consult with SWCD.
- (3) *Wildlife Corridor* – Up to 300 feet or more; consult with SWCD and the ODNR. A pedestrian path or trail should be used to provide recreational opportunities and should connect neighborhoods with open space features, such as a park, pond or a stream corridor. Such paths or trails should meander through the open space reserves and should have sufficient points of interest along the

paths or at end points. Greenway corridors established in a subdivision for the purposes of wildlife habitat should range in width up to 300 feet or more. The recommended width should be based upon consultation with the SWCD and naturalists from the ODNR, Division of Wildlife. Such buffers may be located along a stream or creek system, or adjacent to an exceptional wetland, pond, or lake.

(E) **Reserves.** Two platting options are available for permanently designating and preserving open space features. A reserve can be placed on the plat to permanently set aside open space features for common use by subdivision residents and/or the public. Reserves should be dedicated to a Homeowners Association, public entity or non-profit land trust or other conservation organization. A conservation easement should also be dedicated for reserves. Reserves are a strong legal tool for protecting open space features. As an alternative when open space features and natural resources are located on individual subdivision lots, a no-build reserve can be designated on the plat. A no-build reserve would, in general, preclude the placement of buildings and other structures in the designated area unless otherwise stated. No-build reserves also should include language that the protected natural resource should not be disturbed by the property owner.

(F) **Aquifers and Aquifer Recharge Areas.** Aquifers are important geologic features that serve as a source of potable water. Aquifer recharge areas are geologic features that encourage the replenishment of aquifers by surface water. Aquifers and aquifer recharge areas should be protected from adverse impacts by development to ensure water resources are conserved for use by current and future residents and businesses. Applicants shall work with the Health Department and SWCD in addressing these issues. The following protection measures should be taken:

- (1) Any development should consider the type of groundwater resource over which it is to be built.
- (2) The Wayne County Health Department and ODNR Division of Water should be consulted by the developer during the Preliminary Plan phase of development.
- (3) Aquifers and aquifer recharge areas should be placed in permanent platted no-build reserves and/or protected through deed restrictions and conservation easements.
- (4) Public water system wellhead protection plans as filed with the OEPA shall be consulted for compliance.

(G) **Forests.** Land to be subdivided or developed should be designed and improved to minimize impact on existing forest resources, including hedgerows and tree lines; in reasonable conformity to existing topography in order to minimize clearing or alteration of existing plant communities, especially woodlands and other forest resources; and to minimize associated storm water runoff and soil erosion impacts that would damage woodlands. Applicants and builders should to the extent possible place structures and improvements as far removed from existing vegetation as possible. Baseline data of existing forest resources should be based upon Wayne County aerial photographs, which may be field verified by the SWCD. Lots should be laid out with consideration of existing hedgerows and tree lines between fields or meadows to ensure their ongoing protection and preservation. Hedgerows and tree lines should be designated "no build" zones on plats if not placed in an open space reserve or conservation easement. Major subdivisions should minimize impacts on large woodlands (those greater than five acres), especially those containing many mature trees or a significant wildlife habitat. Also, woodlands of any size on highly erodible soils with slopes greater than 10 percent should be avoided. Building lots should be located outside these areas or "no build" zones should be designated on the plat within individual lots, to protect the woodlands. Woodlands in poor condition with limited forest management potential or value can provide suitable locations for residential development. When any woodland is developed, great care should be taken to locate all areas to be disturbed or impacted by buildings, roads, yards, septic disposal fields, etc., in areas where there are no large trees or obvious wildlife areas, to the fullest extent that is practicable. The following protection measures should be taken:

- (1) All efforts should be taken by the developer/subdivider to place lots, buildings, structures, utilities, and other improvements as far removed from forest resources as feasible.
- (2) Topographical changes to a site should be minimal and should not substantially alter existing storm water runoff patterns.
- (3) Utilities should be designed not to intrude into forest areas designated or intended for preservation.
- (4) Developers and builders proposing the placement of buildings and structures on wooded sites should ensure that a ten-foot zone as measured from the building's footers be designated in which no trees will be preserved.

- (5) Impervious surfaces should not be located adjacent to forest preservation areas.
- (6) Trees intended to be preserved on a site should be protected during all construction activities by placement of temporary, protective fencing at the boundary of the tree drip zone and the placement of a sign indicating such every 10 feet along the protective fencing.
- (7) No construction activity, storage of building materials and equipment, or other surface disturbances should occur within the drip zone of a tree designated for preservation.
- (H) **Historical, Archaeological, and Cultural Resources.** Land to be subdivided or developed should be designed and improved to minimize its impact on historical, archaeological, and cultural resources. Developers and builders should to the extent possible place structures and improvements as far removed from existing historical, archaeological, and cultural resources as possible. Development of a site containing historic, archaeological and/or cultural resources - whether known or unknown - should coordinate with the Ohio Historic Preservation Office (OHPO) in identifying, cataloging, and preserving such resources. Baseline should be based upon the Ohio Historic Inventory and records of OHPO, local inventories, surveys, studies and reports, and additional surveys as required by the County Planning Department or County Planning Commission. The following protection measures should be taken:
 - (1) To the extent feasible - economic and physical - historical, archeological, and cultural resources should be preserved on a site and integrated into the development. If compatible, new and historical structures should be juxtaposed from one another. Alternately, open space may be used to buffer historical resources from new development.
 - (2) Subdivisions should be designed so that lot layout does not intrude upon historical resources. Roads should be oriented so that views of the resource from the public road are of its primary facade(s) or view.
 - (3) Resources that are set aside on a site should be placed in permanent platted reserves and/or protected through deed restrictions and conservation easements. Another option would be

to set aside resources for purchase by or donation to the County or an appropriate preservation organization.

- (I) **Hydric Soils.** Hydric soils are not appropriate locations for buildings and on-site wastewater treatment and disposal systems, particularly leach fields. Home sites and on-site wastewater systems should not be approved on hydric soils because hydric soils have a very slow infiltration rate and are typified by a high ground water table and surface ponding. The County Health Department maintains a list of hydric soils. The following protection measures should be taken:

- (1) Homesites and on-site wastewater treatment and disposal systems should not be located in hydric soils.
- (2) Development should be concentrated on that portion of a site that does not contain hydric soils.
- (3) Open Space Subdivision techniques should be used in designing a site.
- (4) Hydric soils should be placed in an open space reserve on a plat or placed in no-build reserves on individual parcels on a plat.

- (J) **Prime Agricultural Soils.** Prime agricultural soils are a nonrenewable resource and are critical to Wayne County's economic base. Where appropriate such soils should be placed in a no-build reserve on a plat and/or protected through a conservation easement. The Wayne County Soil Survey identifies prime agricultural soils. The following protection measures should be taken:

- (1) Development should be located on soils not classified as prime agricultural soils.
- (2) Where feasible development should be concentrated on a portion of the site with the balance left in a natural state for agricultural purposes and configured such that it can be easily farmed.
- (3) Open Space Subdivision techniques should be used in designing a site.
- (4) Prime agricultural soils that are set-aside on a site should be placed in permanent platted no-build reserves and/or protected through deed restrictions and conservation easements.

(K) **Species Habitat.** Land to be subdivided or developed should be designed and improved in reasonable conformity to existing habitat in order to minimize disturbance and alteration, to minimize associated storm water runoff and soil erosion impacts that would damage such habitat. Developers/subdividers and builders should to the extent possible place structures and improvements as far removed from existing habitat as possible. Baseline data of existing species habitats should be based upon the Ohio Natural Heritage Database, Wayne County aerial photographs and other pertinent studies, all of which may be field verified by the SWCD. The following protection measures should be taken:

- (1) Grading or removal of vegetative cover should not be permitted within 25 feet of a designated species habitat. Such 25-foot buffer should be placed in a no-build reserve on the Preliminary Plan and Final Plat or Minor Subdivision.
- (2) Open space reserves in subdivisions should be located to maximize the preservation of species habitats.
- (3) Utilities and roads should not be located in a species habitat, species habitat buffer or a conservation easement.
- (4) Topographical characteristics should not be altered in a way that will negatively affect surface water or groundwater that supports a protected habitat, as determined by the SWCD.

(L) **Steep Slopes.** These regulations apply to all steep slope areas. Steep slope areas are defined as areas with an average slope of more than 10 percent. The developer shall submit sufficient detailed information as to geologic conditions, soil types, and underground water level in order that a determination can be made by the Planning Department in consultation with the County Engineer's Office and the Health Department as to the suitability of development of the particular location. The following protection measures should be taken:

- (1) Developers/subdividers shall comply with the Wayne County Storm Water Management Regulations administered by the Wayne Soil and Water Conservation District.
- (2) For information regarding cuts, fills, and compaction of fill, refer to the Engineering Code.

- (3) Retaining walls may be required whenever topographic conditions warrant or where necessary to retain fill or cut slopes within the rights-of-way. Any work within rights-of-way requires the approval of the County Engineer.
 - (4) Grading or removal of vegetative cover should not be permitted on land with existing steep slopes, except when: 1) The contiguous area of steep slopes is less than 20,000 square feet. 2) There is sufficient area outside of riparian corridor and wetland buffers for required erosion and sedimentation control measures.
- (M) **Wetlands.** Land to be subdivided or developed should be designed and improved in a way that does not impact delineated wetlands and reduces impacts on non-delineated but preserved wetlands. In particular, land disturbance should not negatively affect the water quality of wetlands. Baseline data of existing wetland resources should be based upon delineation studies conducted for the OEPA or U.S. Army Corps of Engineers, and/or studies conducted at the direction of the SWCD per the Subdivision Regulations. The following protection measures should be taken:
- (1) Grading or removal of vegetative cover should not be permitted within 25-feet of a wetland. Such 25-foot buffer should be placed in a no-build reserve on the Preliminary Plan and Final Plat or Minor Subdivision, and a conservation easement should be created.
 - (2) Open space reserves in subdivisions should be located to include preserved wetlands.
 - (3) Utilities should not be located in a wetland, wetland buffer or a conservation easement.
 - (4) Topographical characteristics should not be altered in a way that will negatively affect the water quality and quantity of a preserved wetland, as determined by the Ohio EPA or Army Corps of Engineers.

Section 3.15 - RURAL CHARACTER

The following guidelines are provided to ensure rural character in Wayne County is protected and preserved in subdivisions and related development.

- (A) **Preserving Scenic Views and Vistas.** Scenic views and vistas should be maintained – particularly as seen from public roadways – by placing building

lots in other areas on the site or by placing the lowest density development areas where views and vistas will not be wholly interrupted. Prominent hilltops or ridges should be avoided, and instead building lots should be placed on lower topographic features. In open rural landscapes a deep “no-build, no plant” buffer is recommended along the public roadway where those views or vistas are prominent or locally significant. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep “no-build, no-cut” buffer should be respected, to preserve existing vegetation.

(B) Maintaining the Character of Scenic Roads. Most roadways in Wayne County can be characterized as scenic, given the County’s physical characteristics and its historical rural landscape. The view of the landscape from a road is an important element in defining the County’s rural landscape and character. The following are required when designing a Major Subdivision to ensure the character of the County’s scenic roads is protected:

- (1) The portion of the subdivision intended to contain homes should be located as far removed from the adjacent road as possible. At the same time, residences should not be placed in the middle of open fields but located adjacent to woodlands.
- (2) The existing natural landscape along the road - if of aesthetic quality as a rural landscape such as a hedgerow - should be placed in a landscape easement on the Final Plat, with the ownership and maintenance conveyed to a Homeowners Association. The landscape strip should be maintained in its natural state.
- (3) Trees located along a road should not be removed as part of the development of a subdivision - unless safety concerns necessitate such removal. Construction activities should not occur in the drip zone of such trees.
- (4) Improvements undertaken by the developer/subdivider or builder to enhance the landscaped area along a road should be designed in a way that is compatible with and respectful of the rural landscape that traditionally exists along the County’s rural roads. This includes the type and placement of plantings and other vegetation, fencing, gateways and other improvements.
- (5) Appropriate features along the roadside include: rail or picket fencing; natural wildflowers and plantings; and the preservation of existing historical structures and buildings, which can be integrated into gateways and roadside treatments. Historical barns, silos and

other significant outbuildings can be set aside for community use or used for equipment storage for maintenance.

Chapter 4 - DEFINITIONS

Adversely Affected Person – A person who appears before the reviewing authority to express support or opposition to a proposed subdivision.

AASHTO – American Association of State Highway and Transportation Officials. Organization which establishes standards for most forms of ground transportation and access byways.

Access Management – A set of policies and standards that manage the number and location of access points (driveways) on the public road system.

Accessory Buildings/Structures - Buildings and structures that are accessory to a principle building or structure.

Administrative Officer - The staff person so designated by the Wayne County Commissioners as being responsible for processing and coordinating subdivision proposals on their behalf.

ADT – (Average Daily Trips) – A trip by a single privately operated vehicle (POV) regardless of the number of persons in the vehicle. Data is presented in units as a daily trip rate, such as the number of trips taken by an individual on a typical day by class of activity.

Applicant – An individual submitting an application for approval of a subdivision or other related action under the authority and provisions of the Wayne County Subdivision Regulations.

Aquifer – A consolidated or unconsolidated geologic formation or series of formations that are hydraulically interconnected and that have the ability to receive store or transmit water.

Archaeological Resources – The resources, remains or other physical features that are remnants of previous human activity.

Best Management Practices (BMPs) – activities or structural improvements that help reduce the quantity and improve the quality of storm water runoff.

Block – A tract of land bounded by roads or by a combination of roads and public parks, cemeteries, railroad rights-of-way, shorelines or waterways, or boundary lines.

Bond – Any form of security including a cash deposit, surety bond, or instrument of credit in an amount and form satisfactory to the Wayne County Commissioners.

Buffer – A naturally vegetated area or vegetated area along the exterior boundaries of a development which is landscaped and maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses, or to separate a natural feature from development.

Building – Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind.

Building Envelope – The portion of a lot or parcel that contains the principal building, accessory structures, and on-site wastewater system and water well, if required.

Caliper – The diameter of a tree as measured approximately four feet above the ground.

Channel – A natural or artificial watercourse, which continuously or periodically contains moving water or which, forms a connecting link between two bodies of water; it has a definite bed and banks, which confine the water.

Color-corrected – The form of high-pressure sodium (HPS) gas element light fixture which filters-out light wavelengths that may be harmful to the eyesight or visual acuity of humans or other animals.

Common Access Drive (CAD) – A private way, which provides vehicular access to at least two but no more than ten lots and is governed by a Homeowners' Association or similar agreement.

Common Area – Any land area, and associated facilities, within a conservation development that is held in common ownership by the residents of the development through a Homeowners' Association, Community Association, or other similar legal entity.

Comprehensive Plan – A plan, or any portion thereof, adopted by the County Planning Commission and County Commissioners, showing the general location and extent of present and proposed land use including housing, industrial, and commercial uses, major roads, parks, schools, and community facilities. The plan establishes the overall goals, objectives, and policies of the County.

Conservation Development – An approach to designing a site that maximizes the conservation of open space and which clusters development.

Construction Plans – The specifications, maps or drawings accompanying a subdivision plat, which show the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the County Planning Commission and the County Engineer as a condition for the approval of the plat.

County – Wayne County, Ohio.

County Commissioners – The Board of County Commissioners of Wayne County, Ohio.

County Engineer's Office – The County Engineer of Wayne County, Ohio.

County Health Department – The Health Department of Wayne County, Ohio.

County Planning Commission – The County Planning Commission of Wayne County, Ohio.

County Planning Department – The Department, responsible to the Wayne County Board of Commissioners, which provides staff planning support to the County Planning Commission in the administration and execution of the Wayne County, Ohio, Subdivision Regulations.

County Sanitary Engineer (or Sanitarian) – The county staff person responsible for environmental services, including wastewater systems.

Covenant – A written promise or pledge.

Cultural Resources – Resources and other physical features that are remnants or components of the community's culture.

Dedication – The offering for conveyance of land or public improvements for any general and public uses, reserving to the owner no other rights than those of the general public.

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

Density, Gross – Gross density is a measure of total dwelling units compared to the total site.

Density, Net – Net density is a measure of total dwelling units compared to the total site minus land set aside for roads, parks, and greenspace.

Density, Low Residential – Land to be utilized for residential purposes, which does not exceed one dwelling unit per gross acre.

Density, Medium - High Residential – Land to be utilized for residential purposes, which has more than eight dwelling units per gross acre, but does not exceed 12 dwelling units per gross acre.

Density, Medium - Low Residential – Land to be utilized for residential purposes, which ranges from one to two dwelling units per gross acre.

Density, Medium - Residential – Land to be utilized for residential purposes including town houses, which has more than two dwelling units per gross acre, but does not exceed eight dwelling units per gross acre.

Density, High - Residential – Land to be utilized for residential purposes which exceeds 12 dwelling units per gross acre.

Density, Very Low – Land to be utilized for residential purposes, which is less than one dwelling unit per acre.

Develop; Development – The physical improvement of a tract of land.

Development Agreement – An agreement between a developer/subdivider and the County Commissioners which outlines the public improvements to be constructed as part of a subdivision and other related matters.

Developer – Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under the Subdivision Regulations to effect a subdivision of land hereunder for himself or for another. See also subdividers.

Drainage, Sub-Surface – A route or course located below the ground surface along which water moves or may move to drain an area.

Drainage, Surface – A route or course located on the ground surface, along which water moves or may move to drain an area.

Drainage Way – A watercourse, whether natural or constructed, that drains storm water from a property.

Drip Zone – The drip zone is the area measured from the trunk to the outside reaches of a tree's canopy.

Driveway/Private Road – Every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

Dwelling – Any building or structure which is wholly or partially used or intended to be used for living or sleeping by one or more human occupants.

Dwelling Unit – A space, within a building, comprising living, dining, sleeping room or rooms, as well as space and equipment for cooking and bathing, and toilet facilities, all used by one or more people living in a household.

Dwelling Unit, Common Wall Single Family Attached – Type of residential construction characterized by a common vertical firewall separating housing units, where no more than three units are attached in a group.

Dwelling, Detached Single Family – Detached, individual dwelling units, which accommodate one family related by blood, adoption, or marriage, or up to five unrelated individuals living as one housekeeping unit. The type of construction of such units shall conform either to the OBOA (Ohio Building Officials Association), or CABO (Council of American Building Officials) One and Two family dwelling code, or other applicable building code, or be classified as an Industrialized Unit under the Ohio Basic Building Code, or conform to the Ohio Revised Code 3781.06 definition of permanently sited manufactured home as provided for in ORC 519.212.

Dwelling, Two Family – A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units, living independently of each other.

Dwelling, Apartment Building – A building in which lodging and/or boarding are provided and offered to the public for compensation.

Dwelling, Townhouse – A building consisting of a series of three (3) or more attached or semi-detached dwelling units, each with a ground floor and a separate ownership or as a condominium.

Easement – Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property, including maintenance.

Easement, Access – An easement providing permanent access from a public road through a property to another location(s) or property(s).

Easement, Agricultural Conservation – An easement intended to protect, preserve and conserve farmland and which shall prohibit the development of said ground.

Easement, Conservation – An easement intended to protect, preserve and conserve a natural feature, which shall prohibit the construction of any buildings or structures within the easement and shall prohibit the removal of all vegetation, except that which is necessary for protecting the public health and safety and/or according to an approved forest management plan, where required.

Easement, Landscape – An easement intended to protect a landscaped area or feature.

Easement, Petition Drainage - An easement created to allow for the purposes of construction, reconstruction and maintenance of drainage ways funded through assessments, as specified in the Ohio Revised Code, Section 6137.

Easement, Private – An easement provided for all interested property owners.

Easement, Public – An easement provided for public entities.

Easement, Utility – An easement provided for entities and companies providing sanitary sewer, water, storm water, gas, electric, telecommunication, cable television and other public utility services.

Emergency Flow Way – The flow routes and drainageways necessary to convey the 100-year storm.

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

Engineering Code – The adopted Wayne County Engineering Code for Subdivision Development, containing the companion engineering and construction standards to the Subdivision Regulations. Copies are available from the County Engineer's Office.

Entry Feature – A landscape feature and/or built decorative features located at the entrance to a development.

Expressway - A limited or controlled access highway providing for the expeditious movement of through traffic between major municipalities and not intended to provide land access service.

Final Plat – The final completed map, plan, plat or record of a subdivision that is to be filed in the County Recorder's Office, as further described in the Subdivision

Regulations and Engineering Code, and any accompanying material as described in the Subdivision Regulations or specifically required by the County Planning Commission. The Final Plat does not include the engineering construction plans as specified in the Engineering Code.

Flag Lot – A lot, also known as a “rear lot” or a “panhandle lot” which utilizes a narrow strip of land or stem not a building site to provide frontage on a public street.

Flood Elevation – The elevation of the water surface of the base flood based on the current vertical datum maintained by the National Oceanic and Atmospheric Administration.

Floodplain – The areas adjoining a watercourse which are expected to be flooded as a result of a severe combination of meteorological and hydrological conditions.

Floodway – The channel of the watercourse and those portions of the adjoining floodplain, which are used to convey a flood.

Floodway, Fringe – The portion of the 100-year floodplain outside of the floodway.

Forester – A professional, who develops, cares for and cultivates forests.

Forest Delineation – A qualitative and quantitative study that determines the boundaries of a forest resource through an analysis of its characteristics and supporting ecosystem, including topographical and groundwater considerations.

Forest Ecosystem – The organisms that comprise a biotic community, often defined by the predominate tree species (e.g. a beech-maple forest).

Frontage – The distance that a lot or parcel abuts a public road right-of-way, an access easement, or a common access drive as required by and approved under these regulations.

Full Cut-off – Roadway lighting lamp-head with a flat, horizontal lens and full, side-shielding to direct illumination downward, minimize outward and eliminate upward light spread.

Geographic Information System (GIS) – A computer system consisting of hardware and software that captures, stores, maintains, and displays spatially referenced data.

Global Positioning System (GPS) - A worldwide radio navigation system formed from a constellation of satellites and their ground stations. GPS uses these satellites to calculate positions on the surface of the Earth.

Grade - The slope of a road, street or public way, specified in percentage (%) terms.

Gross Acre - A measurement of the amount of development compared with the total size of the site (i.e., 100 dwellings on a 50-acre parcel equates to two units per gross acre).

Habitat - The ecological area that supports a species.

Hamlet - One of the following unincorporated, platted villages: Blachleyville, Burton City, Canaan Center, Centerville, Easton, Funk, Jefferson, Kidron, Lattasburg, Maysville, Millbrook, Moreland, New Overton, Pittsburg, Reedsburg, Sterling, and West Lebanon.

Hedgerow - A row of trees and other vegetation along a property line typically associated with a farm.

Highway, Limited Access - A freeway or expressway providing a trafficway for through traffic, in respect to which owners or occupants of abutting property or lands and other persons 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 over such trafficway.

Historic Resources - Buildings, structures and other improvements that are of historic value due to their age or importance.

Horse-Drawn Wagon Path - A path or portion of a public or private right-of-way intended for use by horse-drawn wagons and other similar non-motorized vehicles.

Hydric Soils - A hydric soil is a soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

House Number - The house number is the official street or road address assigned to a tax parcel.

Improvements - Road pavements or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, drains, street/road lights, flood control and drainage facilities, utility lines, landscaping and other related matters normally associated with the development of undeveloped land into building sites.

Intermittent Stream - A stream that does not flow on a continuous basis.

Intersection Stopping Sight Distance - That length of highway that is required to be visible to the driver to allow the driver on a minor highway to safely cross or obtain access to a major highway.

Joint Ownership - Joint ownership among persons shall be construed as the same owner; "constructive ownership" for the purpose of imposing subdivision regulations.

Land Application of Wastewater Effluent - The act of applying wastewater effluent on undeveloped land (including golf courses) to serve as fertilizer for crops or other landscape material.

Landmark Tree - A tree with a minimum caliper of 24 inches.

Landscape Plan - A landscape plan is a professionally prepared document, which shall provide sufficient information for the County to determine whether the proposed landscape improvements are in conformance with the other requirements of these regulations.

Leach Fields – Land designated for the decomposition of domestic waters.

Level of Service – A measurement of the service level of a public road to accommodate traffic volumes.

Location Map - See "Vicinity Map".

Lot - A parcel of land of sufficient size to meet the requirements of these Subdivision Regulations. Such lots shall have frontage on an improved public road, on an approved private road, or on an approved access easement, and may consist of:

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

Lot Annexation – the sale or exchange of parcels between adjoining lot owners where such sale or exchange does not create additional building sites.

Lot Improvement - Any building, structure, place or other object or improvement of the land on which they are situated which constitutes a physical betterment of real property or any part of such betterment.

Lot Measurements - A lot shall be measured as follows:

A. Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear (not including the right of way or the flag/panhandle portion of a lot).

B. Width of a lot shall be considered to be the average distance between lines connecting the front and rear lot lines at each side of the lot at the corners (not including the right of way or the flag/panhandle portion of a lot).

Lot, Minimum Area – The total computed area contained within the lot lines, exclusive of any portion of the right-of-way, public or private road, access easement, flag/panhandle, flood plain, and/or steep slopes.

Lot of Record – A lot which is a part of a subdivision plat recorded in the Office of the County Recorder, or a lot or parcel described by metes and bounds, the description, instrument or conveyance of which has been so recorded.

Lot Split – see Minor Subdivision.

Lot Type – Terminology used in the Subdivision Regulations with reference to corner lots, double frontage lots, interior lots and through lots as follows:

A. Lot Type, Corner Lot – A lot located at the intersection of two or more roads. A lot abutting on a curved road or roads shall be considered a corner lot if straight lines drawn from the foremost points of the lot meet at an interior angle of less than 135 degrees.

B. Lot Type, Interior Lot – A lot other than a corner lot with only one frontage on a road.

C. Lot Type, Through Lot – A lot other than a corner lot with frontage on more than one road. Through lots abutting two roads may be referred to as "double frontage lots".

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

Lumens Compared To Watts – Lumens is a measurement of light output; wattage is a measure of electric consumption. Within each type of light generation (i.e. incandescent, sodium, mercury, halide) there is a relationship of watts to lumens. Typical equivalencies, specifically for high-pressure sodium, follow: 100W = 9,500Lu, 150W=16,000Lu, 200W=22,000Lu.

Major Subdivision – Any proposed division of land that does not fall into the Minor category.

Marsh – A type of wetland where the soil is usually waterlogged during the growing season.

Vegetation includes cattails, bulrushes, spike rushes, grasses and various other marsh plants. Marshes would include any wetland "Type 3" or greater, as defined by the U.S. Fish and Wildlife Service Circular No. 39.

Metes & Bounds – The boundary lines of land, with their terminal points and angles. A way of describing land by listing the compass directions and distances (metes) of the boundaries (bounds). (Per Black's Law Dictionary.)

Minimum Lot Area - See "Lot, Minimum Area."

Minor Subdivision – Pursuant to R.C. 711.131, a Minor Subdivision is a proposed division of a parcel of land that has frontage on an existing public street, not involving the opening, widening, or extension of any street or road, and involving no more than five lots after the original tract has been completely subdivided.

Monuments - Permanent concrete or steel markers used to establish all lines of the plat of a subdivision, including all lot corners, boundary line corners and points of change in road alignment. For a detailed description, refer to the Engineering Code.

National Register of Historic Places - A registry of federally designated historic properties, sites and districts.

Natural Resource Conservation Service (NRCS) - A governmental agency with the responsibility of ensuring development is in compliance with the conservation efforts of natural resources. Previously known as the Soil Conservation Service. NRCS is an agency of the U.S. Department of Agriculture.

No-Build Reserve - An area of a lot and/or subdivision plat designated as an area in which no buildings, structures or other improvements, including utilities, are to be located.

Nonresidential Subdivision – A subdivision whose intended uses is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of the Subdivision Regulations.

Off-Site - Any premises not located within the area of the property to be subdivided, whether or not in the common ownership of the applicant for subdivision approval.

Ohio Historic Inventory - An inventory of state recognized historic resources.

Ohio Natural Heritage Database - An inventory of state recognized natural resources.

Ohio Revised Code - Abbreviated ORC for reference purposes in the Subdivision Regulations. ORC is a set of laws enacted by the state legislature governing the conduct of and scope of regulation by political subdivisions and agencies of the State of Ohio.

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

Original Tract – As defined in R.C 711.131 and as interpreted by the Attorney General in Opinion 1964 O.A.G. 1044, a contiguous quantity of land held in common ownership which has not been platted by the existing owner or owners as of January 1 of the current tax year.

Owner – Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in land sought to be subdivided under the Subdivision Regulations.

Parcel – A portion of land separated or proposed to be separated from other portions of land by legal description, recorded subdivision plat, or a recorded survey for purposes of sale, lease, purchase, agreement, or separate use.

Parcel Number - The number assigned to any unit of land in the possession of or recorded as the property of one person.

Parking Lot - An open area, excluding a road or other public right-of-way, used for the parking of vehicles and available to the public, whether for free or for compensation.

Parking Space, Off-Road - For the purpose of the Subdivision Regulations, an off-road parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public road or alley and maneuvering room, but shall be located totally outside of any road or alley right-of-way.

Parking Space, On-Road - For the purpose of the Subdivision Regulations, an on-road parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides located within the road or alley right-of-way.

Pedestrian Friendly – The density, layout and infrastructure that encourages walking and biking within a subdivision or development, including short setbacks, front porches, sidewalks and bike paths.

Perennial Stream - A stream with continuous flow.

Performance Agreement – An agreement by a subdivider or developer with Wayne 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/subdivider's agreement.

Phase, Subdivision - An application for subdivision approval submitted pursuant to a Preliminary Plan, or at the option of the developer/subdivider, pursuant to a specific plan in which the applicant proposes to immediately subdivide the property but will develop in one or more individual phase(s) over a period of time.

Planning Department - The Planning Department of Wayne County, Ohio. **Planning Commission** - See "County Planning Commission".

Plat – The map, drawing or chart on which the developer's/subdivider's plan of subdivision is presented to the County Planning Commission for review and consideration for approval.

Preliminary Plan - The plans and documentation demonstrating that all applicable subdivision requirements of the County's Subdivision Regulations have been met. Preliminary Plan is not a Final Plat.

Prime Agricultural Soils - Prime agricultural soils, as defined by the U.S. Department of Agriculture, are soils that are best suited to producing food, feed, forage, fiber and oilseed crops. Prime agricultural soils produce the highest yields with minimal inputs of energy and economic resources and farming these soils results in the least damage to the environment. These soils are a non-renewable resource.

Prosecutor, County - The Prosecutor of Wayne County, Ohio.

Public - Open to common use, whether or not under public ownership.

Public Improvement - Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree lawn, offroad parking area, lot improvement or other facility for which the local government shall be responsible for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Public Right-Of-Way - A strip of land occupied or intended to be occupied by a road, crosswalk, railroad, and road or for another special 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 separations, landscaped areas, viaducts and bridges. The

usage of the term “road right-of-way” for land-platting purposes shall mean that every right-of-way hereafter established and shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or area of such lots or parcels.

Public Way - An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land parkway, right-of-way, road, sidewalk, street, subway tunnel, viaduct, walk or other ways in which the general public or a public entity have a right or which are dedicated, whether improved or not.

Public Utility – A public or private corporation that provides a utility service, such as electric, telephone, and cable or natural gas.

Reserve - The identification and setting aside of an area of land on a Preliminary Plan or Final Plat for common use.

Re-subdivision - A change in a map of an approved or recorded subdivision plan or plat if such change significantly affects any road layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions and which results in a change in the intent of the County Planning Commission’s original approval.

Riparian Buffer - A vegetated buffer strip along a watercourse that filters storm water and provides wildlife habitat.

Riparian Corridor - A riparian corridor consists of a coherent system of perennial and intermittent streams.

Road, Private - A private way intended for vehicular traffic that is not dedicated to the public.

Road, Public - A public way, typically bounded between property lines, intended for vehicular traffic, dedicated to the public and improved to public standards.

Screening - A wall, fence, mound and/or landscaping designed and installed to create a screen between adjacent properties or uses.

Sewage Disposal Systems, Household - Any sewage disposal or treatment system or part thereof for a single family, two-family or three-family dwelling, which receives sewage as, approved by the County Health Department.

Sewers, Central or Package Sewerage System - A complete, independently operating sewer system including collection and treatment facilities constructed by the

developer/subdivider to the standards of the County or Ohio Environmental Protection Agency (OEPA) and to serve a new subdivision in an outlying area. Such a system must be approved and accepted by the Board of County Commissioners for transfer of ownership and operation to the County.

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

Sight Distance - A visual distance along a road or across an intersection.

Site - A lot or parcel proposed for development.

Slope - The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

Slope, Steep - Steep slopes are slopes of 10 percent or greater.

Soil and Water Conservation District (SWCD) - As organized under Chapter 1515 of the Ohio Revised Code; referring either to the Wayne County Soil and Water Conservation District Board or its designated employee(s).

Soil Survey - The Soil Survey of Wayne County, Ohio, as prepared by the U.S. Department of Agriculture, as amended.

Storm water - The rainfall that accumulates on the ground.

Stream - A course of running water usually flowing in a particular direction in a defined channel and discharging into some other stream or body of water.

Street - See "road".

Subdivider - The following apply:

A. A person having an interest in land and who causes it, directly or indirectly, to be divided into a subdivision.

B. A person who directly or indirectly sells, leases or develops or offers to sell, lease or develop, or advertises to sell, lease or develop any interest, lot, parcel, site, unit or plat in a subdivision.

C. A person who engages directly or through an agent in the business of selling, leasing, developing or offering for sale, lease or development a subdivision or any interest, lot, parcel, site, unit or plat in a subdivision.

D. A person who is directly or indirectly controlled by or under direct common control with any of the foregoing.

Subdivision – Pursuant to R.C. 711.001, a subdivision is either of the following:

(1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding general tax list and duplicate of real and public utility property, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the following are exempt:

(a) A division or partition of land into parcels of 20 or more acres not involving any new streets or easements of access;

(b) The sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites;

(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 leaseholders or as easements for the extension and maintenance of public or private sewer, water, storm drainage, or other similar facilities.

Subdivision, Major – See “Major Subdivision.”

Subdivision, Minor – See “Minor Subdivision.”

Subdivision Coordinator – an individual tasked with oversight of meeting the day-to-day administrative requirements of the Minor Subdivisions Section (203) of the Subdivision Regulations, designated by the Administrative Officer per Section 203.05 B.

Surveyor - Any person registered to practice surveying in the State of Ohio by the State Board of Registration, as per Section 4733.14 ORC. Tax Map Department - The Tax Map Department as administered by the Wayne County Engineer’s Office.

Technical Review Committee - A committee responsible for the informal, preliminary review of development plans per the Subdivision Regulations.

Terrain Classification - Terrain within the entire area of the Preliminary Plan is classified as level, rolling or hillside for discussion and analysis purposes. The classifications are as follows:

- A. Level to Rolling - Land that has a cross slope zero to 10 percent or less.
- B. Hilly - Land that has a cross slope of more than 10 percent but not more than 15 percent.
- C. Hillside - Land that has a cross slope of more than 15 percent.

Thoroughfare, Street, Road - The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows: (These are defined for use of the Planning Commission and are not meant to replace definitions within the Engineering Code.)

A. Alley - A minor street or road used primarily for vehicular service access to the back or side of properties abutting on another street or road.

B. Arterial - A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route. For the purpose of design standards, any road projected to carry an average daily traffic (ADT) over 5,000 vehicles may be designated an arterial road. Recommended right-of-way is 100 feet.

C. Boulevard - A divided road, which can carry large or small amounts of vehicular traffic depending upon parking regulations and lot access. A road intended to serve as an arterial or collector.

D. Collector, Major - A thoroughfare, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from major local roads to arterial roads, including the principal entrance and circulation routes within subdivisions. For the purpose of design standards, any road projected to carry ADT between 3,000 and 5,000 vehicles may be designated as a collector road. Recommended right-of-way is 80 feet.

E. Collector, Minor - A thoroughfare, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from major local roads to arterial roads, including the principal entrance and circulation routes within subdivisions. For the purpose of design standards, a local road shall have an ADT between 1,000 and 3,000 vehicles. Recommended right-of-way is 60 feet.

F. Cul-de-Sac - A local road with one end open to traffic and the other end permanently terminating in a vehicular turnaround.

G. Local - A road primarily for providing access to residential, commercial or other abutting property. For the purpose of design standards, a local road shall not have an ADT in excess of 1,000 vehicles. Recommended right-of-way is 60 feet.

H. Loop - A type of local road, each end of which terminates at an intersection with the same arterial or collector road, and whose principal radius points of the 180 degree system of turns are not more than 1,000 feet from said arterial or collector road, nor normally more than 600 feet from each other.

I. Minor - A road whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than nine dwelling units and is expected to or does handle an ADT of up to 90 vehicles per day.

J. Private - A strip of privately owned land providing access to abutting properties.

K. Stub-Road - A road that is typically short in length, continued to the property line with the intention of extending to another development in the future.

Topography - The configuration of the surface, including its relief and the position of natural and constructed features.

Traffic Control Device - Signs, signals, markings, and other devices prescribed to regulate, guide, or warn traffic.

Tree - A large, woody plant having one or several self-supporting stems or trunks and numerous branches; may be classified as deciduous or coniferous.

USGS - The United States Geological Survey (USGS) collects and distributes data regarding the location and extent of physical features and natural resources.

Utility Services - Any above- and below-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a non-profit organization, a corporation or any entity defined as a public utility for any purpose by (the appropriate provision of state law) and used in connection with the production, generation, transmission, delivery, collection or storage of water, sewage, electricity, gas, oil or electronic signals.

Variance - A variance is a modification of the strict terms of the relevant regulations.

Vicinity Map - A drawing located on a submittal which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within Wayne County in order to better locate and orient the area in question.

Walkway - A dedicated public way for pedestrian use only, whether along the side of a road or access way between blocks or parcels.

Wastewater System, Central - A wastewater system constructed to Wayne County or Ohio Environmental Protection Agency standards to serve a new community or other development in an outlying area. It includes wastewater treatment and distribution facilities.

Wastewater System, Community - A public wastewater system that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

Wastewater System, Non-Community - A public wastewater system that is not a community wastewater system.

Wastewater System, Individual or Household - A wastewater system designed to serve only one individual or household, as approved by the County Health Department.

Wastewater System, Private - A private wastewater system for the provision of removing wastewater, if such system has fewer than 15 service connections and does not regularly serve an average of at least 25 individuals daily at least 60 days out of the year.

Wastewater System, Public - A wastewater system for the provision of removing wastewater, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days of the year.

Watercourse - A channel in which a flow of water occurs either continuously or intermittently in a definite direction. The term applies to either natural or built channels.

Watershed - The land areas from which water drains to a given point; the drainage basin in which the subdivision is located or that land whose drainage is affected by the subdivision.

Water System, Central - A water system constructed to Wayne County or Ohio Environmental Protection Agency standards to serve a new community or other development in an outlying area. It includes water treatment and distribution facilities.

Water System, Community - A public water system that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

Water System, Non-Community - A public water system that is not a community water system.

Water System, Individual or Household - A water system designed to serve only one individual or household, as approved by the County Health Department.

Water System, Private - A private water system for the provision of water for human consumption, if such system has fewer than 15 service connections and does not regularly serve an average of at least 25 individuals daily at least 60 days out of the year. A private water system includes any well, spring, cistern, pond or hauled water and any equipment for the collection, transportation, filtration, disinfection, treatment or storage of such water extending from and including the source of the water to the point of discharge from any pressure tank or other storage vessel; to the point of discharge from the water pump where no pressure tank or other storage vessel is present; or, in the case of multiple service connections serving more than one dwelling, to the point of discharge from each service connection. A private water system does not include the water service line extending from the point of discharge to a structure.

Water System, Public - A system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days of the year. This term includes any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system, and any collection or pre-treatment storage facilities not under such control, which are used primarily in connection with such system. A public water system is either a "community water system" or a "non-community water system".

Wetland - Those areas that are inundated or saturated by surface water 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 hydric soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Zoning - The regulations and limitations by districts of the height, bulk and location, including percentage of lot occupancy, building setback lines and other structures and of the premises in such districts.

Zoning Inspector - The Zoning Inspector of Wayne County, Ohio or one of its township subdivisions, appointed by the Wayne County Commissioners or Township Trustees.

APPENDIX A – MINOR SUBDIVISION APPLICATION CHECKLIST

The applicant for a Minor Subdivision must complete in entirety an application form provided by the Department of Planning, which may be amended by the Administrative Officer from time to time, and which shall contain all of the following:

- ☐ Name, address, telephone number, fax number, and e-mail address of existing property owner and applicant (if different from the property owner), and the parcel number of the lot(s) proposed for a subdivision;
- ☐ Location and size of existing and proposed parcels; and
- ☐ Signature of applicant, agent, or property owner.
- ☐ A site plan professionally drawn to a scale not smaller than one-inch equals 200 feet and indicating the following:
 - ☐ Name and address of existing property owner and applicant (different from the property owner);
 - ☐ Township, section, and quarter section;
 - ☐ North arrow and bar scale;
 - ☐ Locational information including location map, adjacent or frontage roads, and adjacent parcel ownership;
 - ☐ Acreage of all proposed lots and acreage of all remaining property resulting from the division of the original parcel, including existing and proposed boundaries;
 - ☐ Soils indicating hydric and prime agricultural soils;
 - ☐ Site drainage and 100-year floodplain, including floodway and floodway fringe, elevation, and boundaries;
 - ☐ Steep slopes as defined herein, underground mines, woodlands, wetlands, and all other natural features;
 - ☐ Any and all proposed easements, reserves, or no-build zones;

- ☐ House number of existing property or adjacent property, if available; and
- ☐ Any other natural and built features or conditions that the Subdivision Coordinator or TRC requests to be shown on the sketch plan, based on the determination that such information would affect the suitability of the proposed site for subdivision.
- ☐ A soil survey and/or soil borings may be required by the Subdivision Coordinator on the advice of the Health Department or Soil & Water Conservation District.

APPENDIX B – MAJOR SUBDIVISION APPLICATION CHECKLIST

The applicant for a Major Subdivision must complete in entirety an application form provided by the Department of Planning, which may be amended by the Administrative Officer from time to time, and which shall contain all of the following:

- ☐ A Development Agreement conforming to these Subdivision regulations and containing the following information:
 - ☐ A summary of all proposed improvements, including but not limited to:
 1. Water, sanitary sewer, and storm water management facilities.
 2. Roads, curbs and gutter, sidewalks, bikepaths, traffic control improvements, fire hydrants, road lighting, and road trees.
 3. Landscape buffers, entry features, and landscape easements.
 4. Open space dedications, in-lieu fees, and conservation easements.
 - ☐ A Performance Guaranty Agreement with appropriate security, as required by the County Commissioners, guaranteeing installation of all public improvements, per the Engineering Code.
 - ☐ A Maintenance Guaranty Agreement with appropriate security, as required by the County Commissioners, guaranteeing the maintenance of all public improvements, per the Engineering Code.
 - ☐ A promise that the applicant will comply with all applicable laws and regulations and the plans submitted and approved with the Preliminary Plan.
- ☐ The Preliminary Plan must include the following required materials on 24-inch by 36-inch sheets to a scale or not less than one-inch equals 200 feet and shall include the following base information on all sheets:
 - ☐ The name and address of the developer, property owner, land planner, landscape architect, engineer, and/or surveyor;
 - ☐ Adjoining property owners, deed references, and/or recorded subdivision names, recording references, and adjoining property structures within 200 feet or as specified by the Administrative Officer;
 - ☐ Vicinity map (section and range);

- ☐ The ownership, acreage, and boundaries of all adjacent properties within 200 feet of the subdivision or as specified by the Administrative Officer, and if a recorded subdivision adjoins the subject site, the subdivision name, lot numbers, block numbers and recording number must be indicated with dashed lines;
 - ☐ North arrow;
 - ☐ A title block in the lower right-hand corner, including the title "Preliminary Plan," sheet title, proposed subdivision name, developer and preparer, scale of the plan, tax map and parcel numbers, sheet index, date, and revisions numbered and dated;
 - ☐ Boundary of the proposed subdivision clearly indicated by a heavy line with bearings and distances; and
 - ☐ Existing topography at two-foot intervals for slopes under 10 percent and at 10-foot intervals for slopes 10 percent or greater, with contour lines indicated 50 feet beyond the subdivision boundary.
- ☐ For the subdivision and all property within 200 feet of the subdivision or as specified by the Administrative Officer, the following conditions must be depicted to scale and be superimposed on the most current and legible aerial photograph, all of which together constitutes the Existing Conditions Map:
- ☐ Existing generalized natural features, including: the limits of the 100-year floodplain (floodway and floodway fringe depicted separately, including elevations and boundaries); hydric soils; prime agricultural soils; wetlands; wooded areas; landmark trees; vegetative fencerows; streams; steep slopes and ravines with buffers indicated as required by the Subdivision Regulations. At the request of the TRC, the developer/subdivider may be required to calculate the 100-year storm flooding levels for drainage areas greater than 50 acres and show the area of flooding on the map;
 - ☐ Existing generalized land use, structures, buildings, and drainage structures;
 - ☐ Existing zoning;
 - ☐ Existing utilities, including: water; sanitary sewer and storm water facilities, (indicating approximate pipe sizes and directions of slope); underground transmission lines; oil and natural gas wells; water wellheads; electric and

telephone poles; road lights; fire hydrants; landfills; public utility easements; and existing underground drainage tile systems or information related to whether the property was drained;

- ☐ Existing streets and roads, including: locations, widths and names of all streets and roads; existing easements; and roads which have been preliminarily approved or recorded but which remain unimproved shall be indicated with dashed lines;
- ☐ Existing community facilities, including parks and recreation facilities;
- ☐ Location and approximate age of any burial grounds, historical, archaeological and cultural resources; and
- ☐ Applicable zoning districts and standards.
- ☐ *Proposed Subdivision Plan.* The following proposed improvements must be superimposed on top of the Existing Conditions Map:
 - ☐ Proposed generalized land use, including proposed building envelopes and soils clearly demarcated from the Wayne County Soil Survey, as amended;
 - ☐ Proposed layout of all proposed and existing lots with approximate dimensions and minimum area in square feet (acres if lot size is greater than 100,000 square feet), section number, phase number and part number, building lines, and lot frontages;
 - ☐ Lot numbers in numerical order throughout the entire subdivision;
 - ☐ The location, dimensions, use, and area of all property proposed to be reserved or temporarily reserved for public use, or reserved for the use of all property owners in the subdivision and the location, dimensions and purposes of any proposed easements; and
 - ☐ Total number of lots, area of lots and parcels, area of public roadways, areas of open space dedications, and total area of the subdivision.
- ☐ *Proposed Landscape and Road Frontage Tree Plan.* The following proposed improvements must be superimposed on top of the Existing Conditions Map:
 - ☐ Road frontage trees;

- ☐ Buffers;
- ☐ Entry features; and
- ☐ Road medians.

APPENDIX C – CLUSTER SUBDIVISIONS

- (A) **General.** The Planning Commission may authorize the development of a Cluster Subdivision if it determines, in its sole discretion, that a Cluster Subdivision is an appropriate tool to preserve the natural geologic features of the subject property.
- (B) **Minimum Lot Size.** Minimum lot size for a Cluster Subdivision (Table 3.3) may be reduced by computation of a density bonus based on the standard of one (1) dwelling per acre with 10% adjustments for meeting each of the criteria listed below. The total limitation on gross density is that established by the Health Department based on soil septic capacity, including systems in common areas. All calculations of lot size adjustment density bonuses and interpretations of subjective terms below are subject to final determination by the Administrative Officer. (Example: a 10-acre open space project begins with a 10 dwelling site allowance. Assuming that the developer meets four of the criteria below, a 40% bonus is awarded yielding 15 dwelling sites allowed in the development. If the Health Department determines that soil conditions will only support 13 dwellings, that is the maximum allowed.)
- (1) Maintenance of more than 50% of natural predevelopment tree-cover if at least 50% of total project area is naturally forested at predevelopment.
 - (2) Where agricultural easements guarantee farming will continue in the reserved open space and which may result in CAUV tax reduction for the homeowner's association.
 - (3) In cases where the open space is reserved by easement and/or homeowners agreement in its natural unaltered state and preserved as such.
 - (4) When the open space reservation exceeds 50% of the total proposed development area per Preliminary Plan and Final Plat.
 - (5) Establishment of continuous common area with contiguity to every lot in the proposed subdivision.
 - (6) Use of Low Impact Best Management Practices (BMP) for: minimization of runoff potential, maintenance of predevelopment time of concentration and runoff volume.

- (7) Plans that delineate preservation of substantial natural or historic features in the open space reserve.
- (8) Scenic vista preservation by architectural planning for homesites/building envelopes with view lines plotted.
- (9) Locating adjacent to an existing or planned Cluster Subdivision.

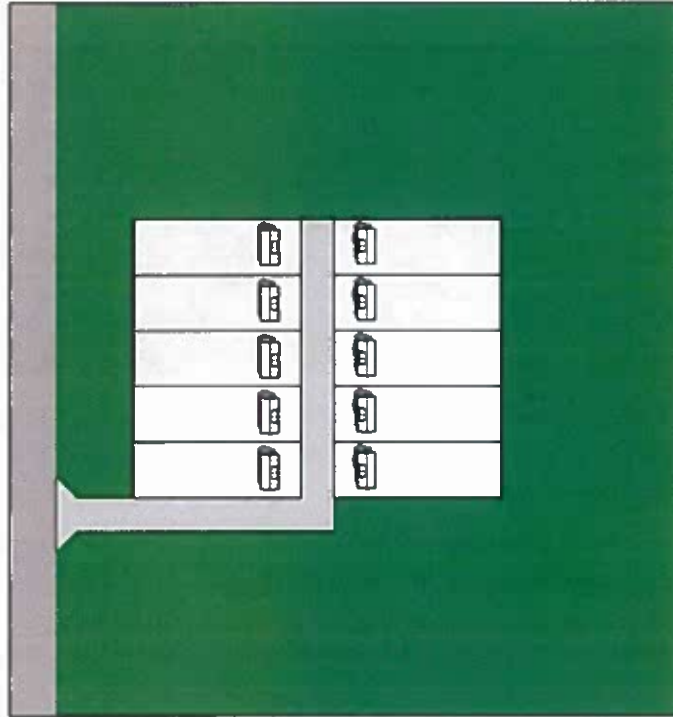


Figure 11: In this illustration, a Cluster Subdivision is built with no density bonus—in this case, 10 lots.

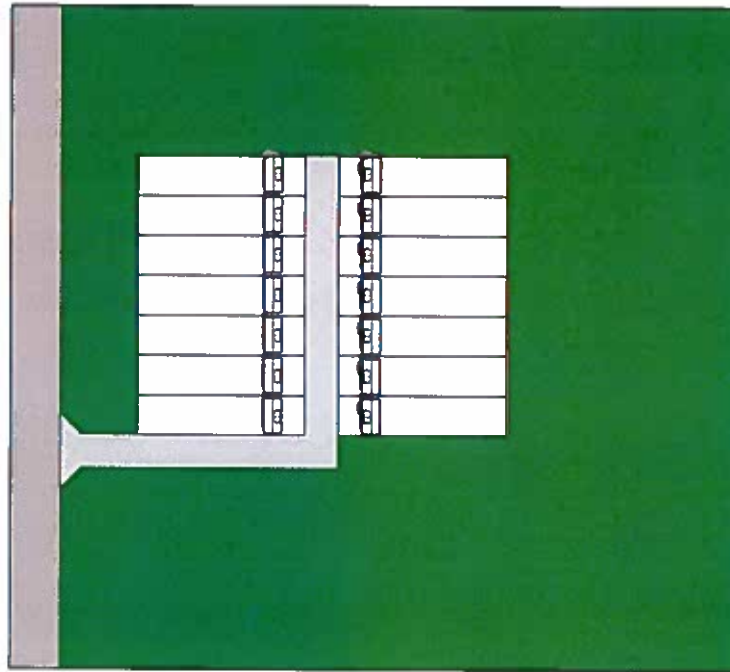
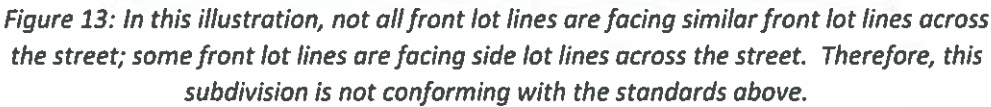


Figure 12: In this illustration, the Cluster Subdivision received a density bonus of 40%, making 14 lots—rather than 10 lots with no bonus—permissible.

- (C) **Corner Lots.** Dimensions of corner lots must be large enough to allow for the construction of buildings.
- (D) **Commercial and Industrial Lots.** Depth and width of lots reserved or laid out for commercial and/or industrial purposes shall be adequate to provide for the off-road parking and loading facilities required for the type of use and development contemplated.
- (E) **Lot Orientation.** The lot line common to the road right-of-way shall be the front line of the lot. All lots must face the front line and a similar line across the road. Wherever feasible, lots shall be arranged so that the rear line does not abut the sideline of an adjacent lot.



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corridors should be based upon Wayne County aerial photographs and/or USGS 7.5-minute quad maps and/or SWCD Soil Survey Maps, any of which may be field verified by the SWCD. Additionally, the following protection measures must be taken:

- (1) Grading, removal of vegetative cover and placement of new buildings and structures shall not be permitted within 50 feet of an intermittent stream and within 75 feet of a perennial stream. Such areas shall be placed in a no-build reserve or watercourse easement on the Preliminary Plan and Final Plat.
 - (2) Open space reserves in subdivisions shall be located to maximize the preservation of riparian corridors.
 - (3) Underground utilities may be placed in the buffers indicated above, however, following construction, the disturbed area shall be returned to a natural, vegetative state within six months of completion of the construction activity.
 - (4) If the ODNR places a designation on a riparian corridor in Wayne County, then the buffer standards of ODNR shall apply.
 - (5) Roads may not be located in buffers except for crossings.
- (H) *Existing Lots in Sewered Area.* In sewered areas, no additional dwelling units may be added to an existing developed lot unless the minimum lot area requirements of Table 3.3 are met.

APPENDIX D – SAMPLE COMMON ACCESS DRIVE AGREEMENT

THIS EASEMENT AGREEMENT ("Agreement") is made this [^], 20 [^], between [^], [marital status] ("First Owner," whether one or more) and [^], [marital status] ("Second Owner," whether one or more), under the following circumstances:

- A. First Owner is the owner of certain real property located at [^] and described in Exhibit A attached to this Agreement ("Property #1").
- B. Second Owner is the owner of certain real property located at [^], adjacent to Property #1, and described in Exhibit B attached to this Agreement ("Property #2").
- C. Third Owner is the owner of certain real property located at [^], adjacent to Property #1, and described in Exhibit B attached to this Agreement ("Property #3").
- D. First Owner, Second Owner, and Third Owner (each an "Owner" and collectively the "Owners") desire to establish a permanent easement for the location and maintenance of the common driveway between Property #1, Property #2, and Property #3 (each a "Property" and collectively the "Properties").

NOW, THEREFORE, First Owner, Second Owner, and Third Owner agree as follows:

1. Grant of Easement by First Owner. First Owner grants to Second Owner and Third Owner a perpetual, nonexclusive easement for purposes of ingress and egress, and for all ordinary private driveway purposes, on, over and across a strip of land [^] feet in width along the east line of Property #1 and extending southerly from the south right-of-way of line of [^] Street for a distance of [^] feet.

2. Grant of Easement by Second Owner. Second Owner grants to First Owner and Third Owner a perpetual, nonexclusive easement for purposes of ingress and egress, and for all ordinary private driveway purposes, on, over and across a strip of land [^] feet in width along the west line of Property #2 and extending southerly from the south right-of-way line of [^] Street for a distance of [^] feet.

3. Grant of Easement by Third Owner. Second Owner grants to First Owner and Third Owner a perpetual, nonexclusive easement for purposes of ingress and egress, and

for all ordinary private driveway purposes, on, over and across a strip of land [^] feet in width along the west line of Property #3 and extending southerly from the south right-of-way line of [^] Street for a distance of [^] feet.

4. Driveway Area and Shared Driveway Defined. The two strips of land described in Paragraphs 1, 2, and 3 are collectively referred to as the "Driveway Area." The driveway improvements now or in the future constructed in the Driveway Area are referred to as the "Shared Driveway."

5. Maintenance of Shared Driveway.

(a) First Owner shall perform all maintenance, repairs and replacements necessary to keep the entire Shared Driveway in good condition and repair. The obligations created by this Section 5 shall include, but not be limited to, patching, repaving, snow and ice removal, sweeping and striping of the Shared Driveway now or in the future located in the Driveway Area. This Easement shall include the right of First Owner to enter upon the portions of the Shared Driveway located on Property #2 and Property #3 as necessary for the purpose of maintaining, repairing and/or replacing the Shared Driveway. Second Owner and Third Owner shall reimburse First Owner for one-half of the costs incurred pursuant to this Section.

(b) If First Owner fails to perform its maintenance and repair obligations under this Agreement and that failure is not cured within fifteen (15) days after written notice (except that no such notice shall be required if immediate action is needed in order to restore or maintain access), Second Owner and Third Owner shall have the right, but not the obligation, to perform the maintenance and repairs and to hold the First Owner liable for one-half of the costs so incurred. This Easement includes the right of the Second Owner and Third Owner to enter upon portions of the Shared Driveway located on Property #1 as necessary for the purpose of maintaining, repairing and/or replacing the Shared Driveway.

(c) Amounts incurred by First Owner under Section 5(a), or by Second Owner or Third Owner under Section 5(b), shall be invoiced to the other Owners (as to such Owner's one third (1/3) share) on a monthly [quarterly/annual] basis. All amounts payable under this Agreement shall be due and payable within thirty (30) days after receipt of written notice of the amount due and the basis of the Owner's obligation to make the payment under this Agreement. Amounts not paid within such thirty (30) day period shall bear interest at a rate of 10% per annum, but in no event higher than highest rate permitted by Ohio law, from the expiration of the thirty (30) day period until payment is made. In addition, the defaulting Owner shall be obligated to reimburse the other Owner(s) for reasonable attorneys' fees and other costs and expenses necessary to obtain enforcement of this Agreement against the defaulting Owner.

[ALTERNATIVE MAINTENANCE PROVISION: EACH MAINTAINS PORTION OF DRIVEWAY ON ITS OWN PROPERTY.

5. Maintenance of Shared Driveway.

(a) Each Owner agrees to maintain in a reasonably clean and orderly condition, and to promptly repair and replace as necessary, the portion of the Shared Driveway on that Owner's property. The maintenance and repair obligations with respect to the Shared Driveway shall include, but not be limited to, the patching, repaving, snow and ice removal, sweeping and striping of that portion of the Shared Driveway.

(b) Each Owner agrees that it shall not make any changes to the portion of the Shared Driveway located on its Property without the written consent of the other Owners, except for maintenance, repairs or replacements permitted or required by Section 5(a).

(c) Each Owner shall have the right to clear or move any debris, objects, vehicles or other impediments found on the Shared Driveway that obstructs vehicular access to that Owner's Property. If any Owner fails to provide the maintenance, repairs and replacements required under Section 5(a) with respect to the portion of the Shared Driveway for which it is responsible, the other Owners shall have the right, after not less than ten (10) days written notice (except that no notice will be required in the case of an emergency), to enter upon the defaulting Owner's portion of the Driveway Area to perform the necessary maintenance, repairs and replacements, and to charge the defaulting Owner for the costs so incurred.

(d) Any amounts required to be reimbursed pursuant to Section 5 that are not paid within thirty (30) days after they are invoiced to the other party shall bear interest at the "prime rate" of interest as announced from time to time by [^], plus [^] % per annum, until paid. In addition, the defaulting Owner shall be obligated to reimburse the other Owner(s) for reasonable attorneys' fees and other costs and expenses necessary to obtain enforcement of this Agreement against the defaulting Owner.]

[ALTERNATIVE MAINTENANCE PROVISION: MUTUAL/INFORMAL MAINTENANCE:

5. Maintenance of Shared Driveway. Each Owner shall have the right to make all ordinary and necessary repairs, maintenance and replacements of the Shared Driveway located in the Driveway Area. Except as otherwise provided in this Agreement, the costs so incurred shall be shared equally by the parties. Before performing any repairs, maintenance or replacements, the party intending to make the same shall notify the other parties in writing of this intention and of the estimated cost to complete the repairs, maintenance or replacements. This notice may be waived if the other parties agree to pay that party's one third (1/3) share of the cost of the repair, maintenance or replacements. Failure of the other parties to object by giving written notice within 10 days after receipt of the first notice shall be deemed approval of the proposed repairs, maintenance or replacements and an agreement to pay one-half of the estimated costs

(except as provided in Section 6). If objection is made by giving written notice within the 10-day period, an Owner may nevertheless proceed with the repairs, maintenance or replacements at that Owner's expense. However, no Owner shall unreasonably withhold approval and agreement to pay for its share of the cost of the requested repairs, maintenance or replacements. An Owner unreasonably withholding approval shall be liable to reimburse the other for one third (1/3) of the costs of the repairs, maintenance or replacements plus all costs, including reasonable attorneys' fees, incurred in collecting the same.]

6. Damage to Easement Areas. Notwithstanding the cost-sharing provisions set forth in Section 5, any costs of maintaining, repairing or replacing the Shared Driveway caused by the negligent or wrongful acts of an Owner, its agents, employees, invitees, contractors, tenants or subtenants, shall be borne solely by that Owner, and the other Owner(s) shall not be required to contribute to those costs.

7. Indemnification. Each Owner, on behalf of that Owner and its successors and assigns as the Owner of its Property, agrees to indemnify, defend and hold the other Owner harmless against any and all claims, demands, damages, liabilities, losses or expenses (including, without limitation, reasonable attorneys' fees), arising as a result of the exercise by the indemnifying Owner, or any agent, employee, invitee, contractor, tenant or subtenant of the indemnifying Owner, of any right granted by this Agreement, unless and to the extent that the claim, demand, damage, liability, loss or expense was sustained as a result of any negligent or other wrongful acts of the indemnified Owner or its agents, employees, invitees, contractors, tenants or subtenants.

8. Insurance. Each Owner of a Property on which a building is located shall maintain general liability insurance with a combined single limit of not less than \$ [^] for bodily and personal injury or death of any person and for property damage arising out of any one occurrence. The policy shall include coverage with respect to that party's contractual indemnity contained in this Agreement. [The other Owners shall be named as additional insureds under this policy. Each Owner shall, upon request of the other(s), furnish a certificate or other proof that this insurance is in effect.]

9. Liens. No Owner shall permit or suffer any liens or encumbrances to attach to or be filed against any other Owner's Property, or the Driveway Area, as a result of any work, service, or materials supplied by or to that Owner or any other matter undertaken by that Owner pursuant to this Agreement. If an Owner should suffer or permit any such lien to attach to any other Owner's Property or the Driveway Area, that Owner shall, at its sole cost and expense, promptly discharge the same. Nothing contained in this Agreement shall be construed to be a consent to a mechanic's or materialman's lien against any Owner's Property or the Driveway Area.

10. Reserved Rights. Each Owner shall have the right to use any portion of the

Driveway Area owned by that Owner for any and all purposes not inconsistent with the purposes set forth in this Agreement.

11. Benefit and Burden. This Agreement shall be binding upon and inure to the benefit of each Owner and its respective successors in title to all or part of such Owner's Property, and the burdens and benefits of this Agreement shall run with the land. Upon the conveyance of all of any Owner's interest in a Property, the transferring Owner shall have no further liability or obligations under this Agreement from and after the date of such conveyance. Such release shall not impair or affect the liability and the obligation of the acquiring Owner.

12. No Merger. The easements established and created by this Agreement shall not merge or be otherwise impaired or affected by reason of the common ownership of all or any portion of the real property benefitted by or subject to this Agreement.

13. Entire Agreement. This Agreement may not be modified or amended except by an instrument in recordable form signed by the party against whom enforcement is sought and any mortgagee of record of the real property owned by the party that is benefitted by or subject to this Agreement.

14. Cost of Enforcement. In the event of any dispute under this Agreement, the non-prevailing party shall pay, on demand, all out-of-pocket costs and expense incurred by the prevailing party or parties (including, without limitation, reasonable attorneys' fees).

15. Remedies. In the event of a breach of any obligation created under this Agreement, a non-breaching party may, in addition to any other remedy provided in this Agreement, seek any remedies that party may have at law or in equity to enforce this Agreement, including specific performance.

16. Severability. A determination by any court, governmental body or otherwise that any provision of this Agreement is invalid or unenforceable in any instance shall not affect the validity or enforceability of any other provision, or the validity of the same provision in any circumstances not controlled by such determination.

[OPTIONAL ADDITIONAL CLAUSES:]

[17. Grant of Temporary Construction Easements. Each Owner grants to the other Owners over its respective Property a temporary construction easement for purposes of ingress and egress and all other uses necessary or appropriate to construct the Shared Driveway on, over and across the portion of the Driveway Area located on its respective Property. The use of the easement granted in this Section 17 shall be kept to a minimum and shall not unreasonably interfere with the construction or operation of the improvements located or to be located on the other Owners' Properties. The temporary

easements granted in this Section 17 shall terminate on the earlier of (a) completion of construction of the Shared Driveway, or (b) [^] months after the date of this Agreement.]

[18. Initial Improvements. While constructing its improvements on Property #1, First Owner shall construct the portion of the Shared Driveway located on Property #1. While constructing its improvements on Property #2, Second Owner shall construct the portion of the Shared Driveway located on Property #2. [Alternatively: First Owner shall construct the Shared Driveway on all Properties and each other Owner shall reimburse First Owner for one third (1/3) of the cost of that construction, not to exceed a maximum reimbursement of \$ [^] .] The Shared Driveway shall be constructed in accordance with Section 2.6 of the Wayne County Subdivision Regulations, referred to hereafter as the "Construction Requirements." Before the commencement of construction, each Owner shall provide to the other the proposed plans and specifications for the Shared Driveway improvements, and the other Owner shall have the right to approve the same, such approval not to be unreasonably withheld if the plans and specifications are in conformity with the requirements of this paragraph. If for any reason any Owner has not constructed the initial driveway improvements before the time that any other Owner needs such improvements for the use of its Property, and if the Owner fails to complete its portion of the Shared Driveway within a reasonable time after written notice, the other Owner shall have the right to construct the driveway improvements within the Driveway Area at its own expense, such construction to be made in accordance with the Construction Requirements. The Owner installing the Shared Driveway in that instance shall be entitled to reimbursement of one third (1/3) of the reasonable cost of the Shared Driveway.]

[19. Future Uses and Development. The intention of the parties is that this Agreement shall permit the integrated use of the Properties without unduly hindering future uses to which the Properties may be put. Each Owner reserves the right to use its Property for any and all uses and purposes consistent with the easement rights granted in this Agreement.]

[20. Title. Each of the Owners covenants with the other Owners that it is the owner of its respective Property and has the full power to convey the rights granted under by this Agreement. Each Owner warrants and will defend the same against the claims of all persons, subject, however, to (a) all legal highways, (b) other easements, conditions, covenants and restrictions of record, (c) real estate taxes and assessments not yet due and payable, and (d) zoning, building and other applicable laws, codes and regulations.]

[21. Notices. All notices and communications required or permitted to be given or made to any Owner shall be deemed to be served three (3) days after deposit in the United States mail, registered or certified, postage prepaid, return receipt requested, addressed to such Owner as follows:

To First Owner: [^]

Each Owner shall give a copy of any notice or communication delivered under this Agreement to any mortgagee of record of the other Owner if the mortgagee has made a written request of the Owner for such copies. Either Owner may change its address for notices and communications from time to time by giving notice to the other Owner as provided by this Section.]

SIGNED this [^], 20 [^].

APPENDIX E – ACCESS MANAGEMENT STANDARDS

[To be inserted once approved by the Board of Commissioners at a later date.]