

Article 4

DESIGN AND CONSTRUCTION STANDARDS

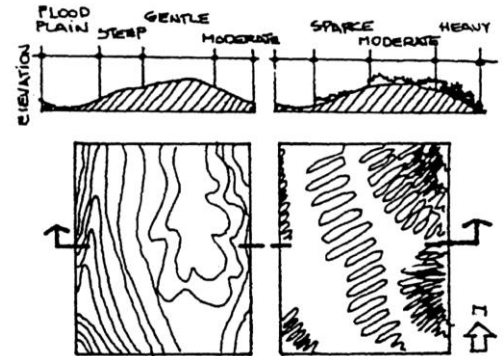
Standards

400 General Purpose

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

401 Suitability of Land

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



402 Conformance to Applicable Rules and Regulations

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

- a. All applicable County or Township Zoning Resolutions (if they exist) and all other

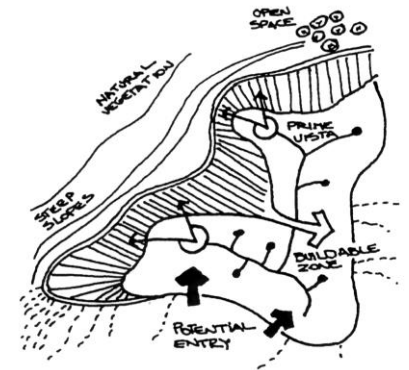
applicable land use laws in which the subdivision is to be located.

- b. The Comprehensive Plan (when it exists), Thoroughfare Plan, Public Utility Plan(s), Capital Improvement Programs, and all other applicable County plans.
- c. The standards and regulations adopted by the County Engineer, County Water and Sewer District, County General Health District, and all boards, agencies, and officials of the County.
- d. The rules of the Ohio Department of Transportation if the subdivision, or any lot, contained therein abuts a state highway or connected street.
- e. All other applicable federal and state agencies.

403 Subdivision Site Design

The design of the subdivision shall take into consideration the County Comprehensive Plan (when it exists), Thoroughfare Plan, County Utility Plans, and other applicable County Plans, and shall be based on a site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site; to avoid areas of environmental sensitivity, and to minimize negative impacts and alterations of natural features. The following specific areas shall be preserved as undeveloped open space, to the extent consistent with the reasonable utilization of land, and in accordance with the U.S. and Ohio Constitutions and state or federal regulations:

- a. Unique and/or fragile areas, including wetlands, as may be defined in Section 404, Federal Water Pollution Act, as amended, and in Ohio Environmental Protection Agency standards.
- b. Land in the floodway, as identified and mapped using the Federal Emergency Management Agency's Flood Hazard Boundary Maps.
- c. Naturally occurring slopes at or exceeding 2.5:1 (40 percent).
- d. Moderately naturally occurring slopes from 5:1 (20 percent) to 2.5:1 (40 percent), unless appropriate engineering measures concerning slope stability, erosion, and resident safety are considered.
- e. Habitats of endangered wildlife, as identified on federal and state lists.
- f. Historically and culturally significant structures and sites, as listed on the National Register of Historical Places.



- g. Land (or dwelling units of the proposed subdivision depending on specific site layout per the Planning Commission) located within 250 feet from the lease lines, rights-of-way, easements, or property limits of any existing active or not yet reclaimed oil and gas well per the ODNR and ORC.
- h. Land located within 200 feet of the lease lines, rights-of-way, easements, or property limits of any high-pressure gas main transmission facility. Development within 1,000 feet of any compressor station, gas storage location, or large diameter interstate transmission main shall be approved on a case-by-case basis.
- i. Land located within 100 feet from the lease lines, rights-of-way, easements, or property limits of any active electrical generation or high voltage transmission facility (equal to or greater than 33,000 Volts).
- j. Land located within 25 feet from public or private cemeteries.
- k. Residential development land within 50 feet of adjacent non-residential land uses.

Open and naturalized spaces required in 403.a to 403.k shall not be cleared or graded and remain in perpetual naturalized state unless approved by the Planning Commission. Enhancements by building fences, and planting additional trees, shrubs, etc. in the open spaces are encouraged. Only dead, damaged, diseased trees and shrubs, and nuisance or invasive species may be felled and removed. Roadways, driveways, utilities, and drainage conveyances will be permitted to cut through open spaces perpendicularly, where needed and with minimal impact. The developer, its assigns, heirs, etc., may own perpetually all open space lands within the development parcel as a perpetual non-conforming/non-buildable lot, or convey open spaces to a residential lot owner. Each residential final plat shall show the limits of the open space and be identified as non-buildable land. The deed and the final plat shall include language that open space shall remain natural, and no structure(s) whether attached or detached or ancillary be erected upon in perpetuity. Where open space is incorporated into a residential lot, the buildable portion of the residential lot will be reviewed for dimensional requirements as outlined in the proceeding sections.

The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and, to mitigate adverse effects of noise, odor, traffic, drainage, and utilities on neighboring properties. The placement of buildings in residential developments shall take into consideration topography, building height, orientation, and drainage.

404 Public and Private Streets

- a. Public Streets shall be required for all subdivisions except for Minor Subdivisions with the Homestead (Family) Provision. A private road maintenance agreement shall be approved by the Planning Commission for all Homestead (Family) Provision minor subdivisions (*See Appendix A*).

- All public streets shall be constructed to the minimum standards documented in Article 5 of these Regulations per the County Engineer.
- b. Private Streets are only permitted in a subdivision with a variance (less the Homestead Provision Minor Subdivision) from these Regulations approved by the Planning Commission. A homeowner/commercial association shall be established to document the infrastructure (streets, utilities, stormwater, etc.) construction and future maintenance responsibilities, and shall be approved by the Planning Commission.
- All private streets shall be constructed to the minimum standards documented in Article 5 of these Regulations per the County Engineer.

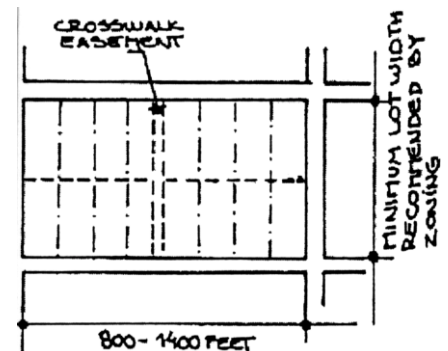
The following statement shall be applied to the plat and legal description of a proposed minor subdivision (lot split) on a private street.

“The undersigned grantee(s) hereby acknowledge(s) that (he, she, they) understand that the premises described herein is located upon a non-dedicated private street. Further, the grantee(s) understand that no government body is responsible for the care and maintenance of said private street per the required private road maintenance agreement, or homeowner/commercial association agreement that is required for all private streets in Belmont County within a minor or major subdivision.”

405 Blocks

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

- The arrangements of blocks shall conform to the street design criteria set forth in Article 5 of these Regulations.
- Blocks shall be arranged to accommodate lots and building sites of the size and character required by these Regulations and any applicable Zoning Resolution; to provide for adequate community facilities, and with regard of the limitations and opportunities of topography.
- Irregularly shaped blocks, blocks intended for cul-de-sacs and loop streets, and blocks containing interior parks and playgrounds may be approved by the Planning Commission, if properly designed and located.
- No block shall be larger than (1300) feet, and no less than (800) feet. Cross streets shall be provided between blocks.

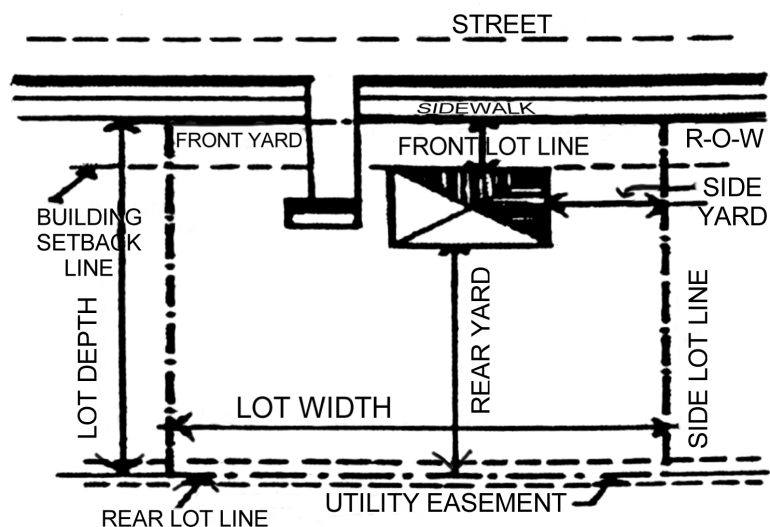


- e. A street shall not be more than 1,300 linear feet in length without a cross street, turnaround, or cul-de-sac without approval of the County Engineer and Planning Commission.
- f. Where blocks are more than (900) feet in length, a walkway easement not less than (10) feet in width at, or near the halfway point of the block, may be required between streets.
- g. Blocks in the traditional gridiron pattern should consist of two tiers of lots and a public, or private, alleyway may be included to separate them. A public alleyway, whether one or two-way, must meet roadway requirements per the County Engineer. A private alleyway shall have the easement shown on the final plat; and the deed incorporate language that the alley is private and shall not be maintained by the County or Township.
- h. Through lots (extending from one parallel street to the other) shall be discouraged to avoid problems between adjoining owners, and to reduce the number of streets.
- i. Major subdivisions may be required to have emergency access road(s) with the fire apparatus roads having an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet per the County Engineer with recommendation from the local fire department and approval by the Planning Commission.

406 Lot Improvements

Lot Arrangement and Dimensions

- a. Lot arrangement, design and dimensions shall be such that all lots will provide satisfactory building sites. Driveway access to buildings on the lot shall be from a dedicated public street (existing or proposed or on a private street meeting public street standards per the County Engineer). Lots shall be properly related to topography, and the character of the surrounding development; and shall be in compliance with the County or Township Zoning Resolution (if applicable), the County General Health District regulations, and these Regulations.



- b. Where soil conditions are of such a nature that proper operation of wells and septic tanks may be impaired, the Planning Commission, upon recommendation from the County General Health District may increase the size of any or all lots in the subdivision, or may deny approval of the subdivision.
- c. Minimum Lot Sizes
 - The minimum lot width of all lots shall be 50 feet (including panhandle or flag lots).
 - The minimum lot depth shall be 100 feet.
 - Dimensions of corner lots shall be large enough to allow the erection of buildings, observing the minimum front-yard setback from both streets (typically 33% larger than the minimum lot width).
- d. . Minimum Building Setbacks
 - The minimum front yard building setback shall be 25 feet from local streets.
 - The minimum front yard building setback shall be 50 feet from arterial and collector streets.
 - The minimum side yard setback shall be 10 feet.
 - The minimum rear yard setback shall be 25 feet.
 - Other non-habitual structures such as sheds, garages, barns etc., shall be setback a minimum 10 feet from the property line or per the State Building Code.
- e. Other Setbacks
 - A 50-foot buffer with screening of a minimum 6 feet high (fence, landscaping, mounding, etc.) shall be required where a residential use is adjacent to commercial and industrial land uses.
 - A 50-foot buffer with screening of a minimum 6 feet high (fences, landscaping, mounding, etc.) shall be required adjacent to railroad tracks.
 - A 50-ft buffer with screening of a minimum 6 feet high (fences, landscaping, mounding, etc.) shall be required adjacent to arterials, state highways and open drainage ditches along the right-of-way.
 - A setback from high pressure gas line shall be required based on the size of the line, and damage zone based on best management practices from the gas company and/or Planning Commission recommendation.

Lot Orientation

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

same angle of deflection between the front lot line and the minimum building setback line as established by the Zoning Resolution (if applicable), or these Regulations.

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

Double Frontage Lots and Access to Lots

- a. Double frontage and reversed frontage lots shall be avoided except, where necessary to provide separation of residential development from traffic arterials, or to overcome specific disadvantages of topography and orientation. Residential lots abutting arterial or collector streets, where marginal access streets are not desirable or possible to attain, shall be designed as reverse lots or with side lot lines parallel to the major traffic streets. These requirements may be waived by mutual consent of the County Engineer and the Planning Commission.
- b. Lots shall not be created by dividing land at the end of stub streets in adjacent subdivisions when such stub streets are intended to promote continuity of street systems and extended in adjoining subdivisions.

407 Easements and Rights of Way

- a. Location of utility line easements within the road right-of-way shall be located outside of the improved portion of the roadway. Utility easements may also be located along the front lot line, or centered on the rear or side lot line, as necessary for utility lines. Easements shall give access to every lot, park or public grounds. Such easements shall be a total of not less than twenty (20) feet wide or per the County reviewing department and/or agency.
- b. Recommendations on the proposed layout of telephone, electric company, gas company, and any other easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the developer to submit copies of the preliminary plan to all appropriate public utility companies.
- c. Easements shall be provided for storm drainage purposes. Such easements shall conform substantially with the lines of any natural water course, channels, streams, or creeks which traverse the subdivision, or for any new channel which is established to substitute for an existing natural watercourse, channel, stream or creek. Such easements shall be of sufficient width to provide adequate area for maintenance, however, shall not be less than twenty (20) feet or per the County reviewing department and/or agency. Provisions of an easement in no way make any political subdivision responsible for maintenance of stormwater facilities. The final plat shall specify the entity, or person, responsible for maintenance of storm water facilities.

- d. Whenever practicable, the utilities shall be placed underground, according to the standards of the appropriate utility company.
- e. The location of mailboxes, and similar structures in the right-of-way of a public or private street, shall be constructed so as to not create a hazard to the public and shall be constructed pursuant to standards of the County Engineer, the Ohio Department of Transportation, and the applicable post office.

408 Standards for Nonresidential Subdivisions

- a. In addition to the principles and standards in these Regulations, the applicant shall demonstrate to the satisfaction of the Planning Commission that the streets, parcels, blocks, and lot patterns proposed are specifically designed and adapted to the uses anticipated and take into account other uses in the vicinity.
- b. Proposed industrial parcels shall be suitable in area and dimension to the types of industrial development anticipated.
- c. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial, or industrial subdivision, including the provision of extra depth in parcels backing up on existing, or potential residential development, and provisions for a permanently landscaped buffer strip, when necessary.
- d. Blocks intended for commercial and industrial subdivisions shall be designed specifically for such purposes, and shall include adequate provision for parking, loading, and delivery services.
- e. Lots intended for other non-residential use shall be specifically noted and designed for such purposes, and shall have adequate provisions for off-street parking, setbacks, loading, and unloading areas.