

# **Subdivision Regulations of Delaware County, Ohio**

October 27, 2016

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REGIONAL PLANNING COMMISSION**  
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# **SUBDIVISION REGULATIONS of DELAWARE COUNTY, OHIO**

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# SUBDIVISION REGULATIONS OF DELAWARE COUNTY, OHIO

## **SECTION 100: GENERAL AND ADMINISTRATION**

### **Section 101: General**

#### **101.01 Authority and Enactment.**

The Delaware County Regional Planning Commission (“Commission”) or (“RPC”) and the Board of Delaware County Commissioners approve and adopt these rules and regulations under the provisions of Chapter 711 of the Ohio Revised Code (ORC), to become effective upon certification to the County Recorder. Previous subdivision regulations shall henceforth be deemed repealed.

#### **101.02 Title and Jurisdiction.**

The name of this document is Subdivision Regulations of Delaware County, Ohio, henceforth referred to as “Regulations.” These Regulations apply to the subdivision of land as defined by ORC §711.001 in unincorporated Delaware County.

#### **101.03 Purpose and Scope.**

These Regulations are adopted to:

- a.) Secure and provide for the public health, safety, comfort and general welfare;
- b.) Manage growth and development in accordance with plans, policies or resolutions of the Commission, county or townships and provide for the avoidance of congestion;
- c.) Provide for adequate and convenient open spaces for traffic, utilities, recreation, light, air, and fire, safety and maintenance vehicles and practices;
- d.) Provide safety from fire, flood and other danger;
- e.) Address traffic circulation, storm water management, water and sanitary services, open space, airport influence, noise abatement, flood hazard, and other public requirements and facilities; and
- f.) Provide for proper arrangement of streets, lots and reserves within each project and in relation to existing or planned projects, streets, highways and land uses.

#### **101.04 Violation and Penalty.**

Violation of ORC §711, these Regulations, or Subdivider’s Improvement Agreements are subject to penalties and enforcement measures set forth in such Chapter, Regulations and Agreements. Each day of violation is a separate offense subject to a separate fine (ORC §711.102).

#### **101.05 Validity and Separability.**

If any section or portion of these Regulations is found invalid by a court of competent jurisdiction, such decision shall not affect the validity of remaining sections. These Regulations shall not abate any legal action pending under prior subdivision regulations, nor abrogate, impair or interfere with other applicable laws or regulations, or with deed restrictions.

**101.06 Coordination and Compatibility.**

The subdivider is responsible to ensure proposals comply with any applicable federal, state, Commission, county, township, and district regulations involving subdivision, health, environment, floodplain, storm water, wetland, erosion and sedimentation control, zoning, access management, or other issues.

**101.07 Land Characteristics.**

Applications deemed unfavorable due to topography, drainage, floodplain, geometry, soil, bedrock, geology, water supply, health, environmental, access, maintenance, utility easement, sanitary sewer availability, cemetery, archeological or historical site, scenic river, forest, wetland, school or community service site, parkland or recreation area, or other characteristic shall not be approved for subdivision unless corrective measures are detailed by the subdivider to the satisfaction of the Commission. All subdivisions encompassing land located within the FEMA 100-year floodplain shall comply with the then current Delaware County Floodplain Regulations.

**101.08 Plat Signatures.**

Various county and township departments and authorities sign subdivision plats to signify compliance of the proposal with their requirements. Unless otherwise required by ORC §711.09, no Municipal signatures are required. It is the applicant’s responsibility to ascertain and comply with all applicable regulations of the signatory authorities.

**101.09 Appendix and Handout Materials.**

Information contained in the Appendix of these Regulations and materials distributed by Staff such as, but not limited to, the Resolution Establishing Meeting Procedures, subdivision filing deadlines and meeting dates, fee schedules, information sheets, application forms, checklists, policies, and sample documents, shall be kept current as determined by the Director.

**Section 102: Administration**

**102.01 Administration and Enforcement.**

The Commission, assisted by county departments and authorities, legal counsel, and the County Prosecuting Attorney, shall administer and enforce these Regulations. Discretionary, conflicting or disputed aspects of these Regulations shall be interpreted by the Director. Words used in the present tense may include the future. Words used in the singular may include the plural, and the plural the singular. The word “shall” is mandatory; the word “may” is discretionary.

**102.02 Delay of Action (Tabling).**

A Delay of Action (table) request must be initiated by the subdivider in writing prior to a Commission meeting, or at the RPC meeting prior to a vote. A tabling fee is due within seven (7) days after the request to table has been submitted by the subdivider. Each Delay of Action shall not exceed three months. A subdivision project shall not be tabled for a total of more than six months. The subdivider shall provide revised or supplemental information and materials for review, and request in writing that a tabled application be placed on the agenda of the Commission according to the current Commission submission schedule, and submit appropriate fees. If the subdivider has not requested to place a tabled project on the agenda prior to four (4) weeks before the last scheduled Commission meeting of the tabling period, the Director will place the project on the Commission meeting agenda for Commission action based upon the original submittal.

**102.03 Expiration or Extension of Subdivision Plat Applications.**

Failure to comply within stated time periods of these Regulations as provided in Section 204.04 shall result in the expiration of the application. Before expiration as provided in Section 204.04, the subdivider may submit a written

request for an extension and proper extension fee, indicating the status of the project, stating why the time periods cannot be met, and specifying time length of extension being requested for each extension request, with the maximum total extensions not to exceed one year. Extensions may be considered by the DCRPC; their issuance is discretionary. The subdivider is solely responsible for knowledge of, and compliance with, applicable expiration dates. The requested extension shall be forwarded with a written Staff Report and Recommendation to the Commission for action. In granting an extension, the project may be required to comply with new regulations or standards in effect at the time of the extension.

#### **102.04 Disapproved, Expired or Withdrawn Application.**

If an application is disapproved, the reason shall be stated in the records of the Commission and the disapproval endorsed on the plat. An application shall become void and have no rights, standing or status upon its expiration, disapproval by the Commission or withdrawal by the subdivider. Further consideration of a voided application may be requested by the submission of a new complete application and fee.

#### **102.05 Application Process and Fees.**

Within five (5) days of receipt, the application for Preliminary Plan, Final Plat or Variance shall be scheduled on the agenda for the next appropriate meeting. Fees shall be non-refundable for the following applications: No Plat Approval Subdivision, Sketch Plan, Variance, tabled Preliminary Plan or Final Plat, and applications acted on by the Commission. Fees paid for Preliminary Plan or Final Plat applications which are withdrawn within five (5) days of submission shall be credited toward resubmission of same within 180 days; otherwise, these fees shall be forfeited. Additional fees will be charged for a tabled application.

#### **102.06 Vacating Platted Lots.**

ORC §711.25 and §711.26 address the vacation of land laid out in lots outside municipalities. Procedure for vacating land shall be as interpreted and administered by the County Auditor and County Prosecutor.

#### **102.07 Appeal Procedure.**

Any person aggrieved by action taken under these regulations may have rights of appeal as set forth in Chapter 711 and/or other applicable sections of the ORC.

#### **102.08 Variance Procedure.**

Specific cases may occur whereby extraordinary and unnecessary hardship may result from strict compliance with these Regulations, due to unusual topographical or other conditions, in which case, the Commission may vary the Regulations so as to relieve such hardship.

A complete Variance application, including supporting documentation and fees must be submitted according to the Commission's current application submission schedule. Upon acceptance, the Variance request shall be scheduled for the next appropriate meeting of the Commission. The burden is on the applicant to demonstrate, in writing, each of the following:

- a.) The granting of this variance request shall not be detrimental to the public health, safety and welfare and not injurious to other property;
- b.) The conditions upon which this variance request is based are unique to the property for which this variance is sought;
- c.) Due to the physical surroundings, shape, or characteristics of the property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these Regulations were carried out; and

- d.) The granting of this variance will not vary the provisions of the applicable zoning regulations, comprehensive plans, or other existing development guidelines and regulations, nor shall it otherwise impair the intent and purpose of these regulations, or the desirable development of the neighborhood and community.

A Staff Variance Report and Recommendation shall be presented to the Commission. In resolving a Variance request, the Commission may impose and enforce conditions consistent with the purpose of these Regulations.

## **SECTION 200: SUBDIVISION TYPES AND PROCEDURES**

### **200.01 General.**

There are two types of recommended subdivision procedures under these Regulations: Subdivision Plat Procedure (Sections 201-206) and No Plat Approval Subdivision Procedure for lots of less than five acres along an existing public street (in accordance with ORC 711.131 and Section 207).

The Subdivision Plat Procedure involves action by the Commission before subdivision plat signature by the Director. Options to the subdivider within the Subdivision Plat procedure include the Multi-Step Subdivision Procedure, or the Combined Subdivision Procedure. If the applicant chooses neither option, and elects to submit a Final Plat application under Section 205, the Final Plat shall meet all requirements listed in Section 206.

The No Plat Approval Subdivision Procedures (Section 207) are processed administratively by Staff. Staff is available to discuss applications before and after all submissions. A proposal involving any of the following shall follow the Subdivision Plat procedure:

- a.) The division of any parcel of land as defined as “subdivision” in ORC §711.001;
- b.) Creation or modification of a public or private street or Common Access Driveway (CAD); or
- c.) Increase in the number of lots served by a private street or CAD.

## **Section 201: Combined Subdivision Procedure**

### **201.01 General.**

The subdivider may file a Combined Action application for Commission action on the Preliminary Plan and Final Plat for proposed subdivisions. It is recommended that the Sketch Plan process precede a “Combined” subdivision application. All Preliminary Plan and Final Plat submission requirements, including required fees, shall be met. If all other requirements are met, the Final Plat shall be signed by the appropriate agencies as noted in Section 205.01 c.), by 12:00 noon on the Monday prior to the RPC meeting. Staff is available to discuss applications before and after all submissions.

### **201.02 Combined Action Downgrade.**

In accordance with Section 102.02, the subdivider may, in writing, waive the 30-day period for Commission action by tabling the Final Plat and downgrade a scheduled “Combined” action to a “Preliminary Plan” action.

## **Section 202: Multi-Step Subdivision Procedure**

### **202.01 General.**

The Multi-Step Subdivision option consists of three separate submissions (Sketch Plan/Site Review, Preliminary

Plan, and Final Plat). The Multi-Step Subdivision Procedure is the recommended procedure.

**Section 203: Sketch Plan / Site Review**

**203.01 General.**

The Sketch Plan / Site Review is required as the first step in new multi-step subdivision plat procedures. The Sketch Plan does not constitute a subdivision plat, plat application, Final Plat, or formal plat review and action by the Commission pursuant to ORC §711.10. The Sketch Plan / Site Review request shall include: a completed and signed application form, one copy of a Sketch Plan no larger than 11" x 17", and fee. The Sketch Plan shall indicate approximate lot dimensions and acreages, information to locate the site, north arrow and scale, and should also indicate woods, watercourses, natural features, easements, buildings, cemeteries, proposed streets and Common Access Driveways and other relevant information. The Sketch Plan / Site Review may be waived if a Sketch Plan / Site Review has been reviewed by the RPC staff and approved by the Township Zoning Commission and Trustees as part of a Planned District's development plan. It may also be waived in the case of a resubdivision of an existing, platted lot.

**203.02 Site Preparation for Review.**

The applicant or agent for the applicant must accompany RPC staff on a site visit. Existing property corners should be marked or be demonstrated accurately by the owner/agent.

**203.03 Sketch Plan / Site Review Comments.**

The Sketch Plan / Site Review visit shall be scheduled for the next appropriate meeting of the Site Review Committee. Within three weeks of visiting the site, Staff shall provide written comments to assist the subdivider in preparing Preliminary Plan and Final Plat materials for presentation to the Commission.

**203.04 New Sketch Plan / Site Review (Expired or Modified).**

If a Preliminary Plan application is not filed within two years of the Sketch Plan / Site Review visit, or if substantial changes are made to the proposal, a new Sketch Plan / Site Review application and fees may be required.

**Section 204: Preliminary Plan Procedure**

**204.01 General.**

The Preliminary Plan shall comply with these Regulations and adequately address: items raised in Sketch Plan/Site Review Comments; location, alignment and right-of-way width of streets and Common Access Driveways; number and boundaries of Final Plats (i.e., platting phases); number, layout, and type of lots and reserves; utility layout, sanitation and environmental issues; zoning requirements; subdivision name; proposed street names; and additional issues, conditions, restrictions and concerns to be resolved before Final Plat approval. This procedure shall parallel the County Engineer's preliminary plan review procedure. Preliminary subdivision applications shall comply with adopted zoning resolutions and approved development plans.

**204.02 Preliminary Plan Submission.**

Within five (5) days following submission, the Preliminary Plan shall be placed on the next appropriate Commission meeting agenda.

**The Preliminary Plan application shall include:**

- a.) Completed and signed application form and fee;
- b.) Preliminary Plan (quantity determined by the Commission), each folded to fit into a legal size folder;

- c.) One reduced copy of the Preliminary Plan no larger than 11" x 17", to scale;
- d.) Copies of composite utilities plan and grading plans (quantity determined by the Commission), each folded to fit in a legal size folder;
- e.) One set of any other items required as part of the Preliminary Engineering submission to the County Engineer and Sanitary Engineer (including CAD plans, when applicable) to the RPC and documentation of receipt of those items by County Engineer and/or County Sanitary Engineer (as applicable);
- f.) Computer Aided Design drawing interchange file (.DXF format), AutoCAD drawing file (.DWG format), or ESRI GIS Data file (.E00) or shape file format on CD;
- g.) Copy of approved development plan with zoning official signature for all Planned Unit Developments, as defined by ORC §519.021 and/or ORC §303.022; and
- h.) RPC sketch plan number (if applicable).

**The Preliminary Plan documents shall include:**

**General:**

- a.) Name of the subdivision with boundaries showing bearings, distances and acreage;
- b.) A location map showing the location of the project with respect to the nearest road intersection.
- c.) North point, bar scale, legend and vicinity map;
- d.) Lots with distances to the nearest foot;
- e.) Boundaries between subdivision plats, if multi-phase platting is requested;
- f.) Identification of zoning district on plans with all setbacks shown within each proposed lot;
- g.) Name, address, and phone number of the subdivider and the consultant preparing the plan;
- h.) Development density as defined by the County Engineer's *Design, Construction, and Surveying Standards Manual, Article VI, Section 601*, and gross density calculated from the overall acreage and total number of lots.

**Natural and Man-Made Features:**

- a.) Street names;
- b.) Topographic contours (specify source datum). Contours shall be provided at the specified interval as follows:
  - 1.) For subdivision lots utilizing household sewage treatment systems, contours shall be provided at 1-foot intervals for the envelope of disturbed areas and 2-foot intervals for all other areas. (5-foot interval over 12% slope);
  - 2.) For subdivision lots utilizing centralized sewer systems, contours shall be provided at 2-foot intervals (5-foot interval over 12% slope);

- c.) Show extent of grading / clearing limits;
- d.) Woods, watercourses, drainage patterns, ponding areas and off-site watersheds affected by improvements within the development;
- e.) The 100-year floodplain of any FEMA NFIP watercourse and base flood elevations if determined;
- f.) Soils information, derived from the Delaware Co USDA Soil Survey or a certified soil scientist;
- g.) Existing building, well and household sewage treatment system locations;
- h.) Utility, access, street, railroad, or other easements and rights-of-way;
- i.) Storm sewers, drainage structures, culverts, field tiles, utilities;
- j.) Known cemeteries, historical or archeological sites;
- k.) Finished grade elevations for the building envelope;
- l.) Adjoining parcel lines on or within 50 feet of the tract boundaries and roads within 200 feet of the tract boundaries;
- m.) Preliminary report of Waters of the United States.

**Proposed Features:**

- a.) Street and/or Common Access Drive location and centerline alignment;
- b.) Lots, and reserves with use and purpose;
- c.) Park land, open space, school land or community service lands;
- d.) Location of storm water improvements and routing paths;
- e.) Location of sanitary sewers or household sewage treatment systems;
- f.) Waterline or well locations;
- g.) Potential street connections for adjacent land to accommodate existing and future development;
- h.) Proposed building envelopes.

**Additional Items:** These items may not apply to all projects. Unless requested, failure to include them shall not be grounds for rejection of the Preliminary Plan application:

- a.) Screening, buffering and/or noise abatement measures;
- b.) Location and results of soil borings or test pits, with Delaware General Health District staff-level recommendation for household sewage treatment systems, where applicable;

- c.) Plat restrictions or private covenants;
- d.) Land reserved for public or common use with consideration for access;
- e.) Traffic control or other public safety or access management measures; traffic calming devices on streets anticipated to carry more than 1,500 vehicle trips per day;
- f.) Conservation, watercourse, no-build, forest or other easement or reserve;
- g.) Sidewalks or bike/pedestrian paths shall be required on at least one side on any street except in the case of a Common Access Driveway;
- h.) Other information, studies, items or provisions deemed necessary or prudent to create buildable sites or promote the public health, safety and welfare.

**204.03 Technical Review Committee (TRC).**

Upon receipt and acceptance of a complete Preliminary Plan submission, copies of the Preliminary Plan shall be sent to the Technical Review Committee (TRC) and a meeting of that Committee shall be scheduled. It is recommended that the applicant or the applicant’s agent and/or appropriate consultants attend this meeting to respond to questions and/or concerns from the Technical Review Committee. Notes taken at TRC meetings serve to assist in the preparation of staff comments for the Regional Planning Commission Preliminary Plan hearing and a preliminary checklist for final plat approval. Statements made by, or on behalf of, the Technical Review Committee or Staff shall not be binding upon the Commission.

**204.04 Commission Action and Expiration.**

Staff shall provide a Preliminary Plan report and recommendation to the Commission. Commission Preliminary Plan approval or conditional approval shall not constitute Final Plat approval, but shall provide an endorsement of the layout and intent of the proposal, and govern the preparation of the Final Plat. The Preliminary Plan shall expire if a complete Final Plat application for the first phase is not submitted within two (2) years of Preliminary Plan approval. However, the approval of a Final plat for the first phase of the subdivision shall serve to extend the Preliminary Plan approval period to five (5) years from the date the Final Plat for the first phase is recorded. A Preliminary Plan shall be void upon expiration of the approval period.

**204.05 Resubmission of Preliminary Plan.**

A Preliminary Plan which has been disapproved, amended, or which has expired may be resubmitted according to these Regulations and procedures, and shall include all information, fees, and other materials as required for Preliminary Plan submission. Such resubmitted Preliminary Plan applications shall be resolved prior to Final Plat action by the Commission.

**Section 205: Final Plat Procedure**

**205.01 Final Plat Submission and Schedule.**

Final Plat application, information and materials shall conform to these Regulations, the Preliminary Plan, and satisfy conditions of Preliminary Plan approval. A draft version of the Final Plat document should be submitted to the RPC at least four weeks prior to submission to the County Engineer for signature. A complete Final Plat application to the Commission shall include:

- a.) Completed and signed application form with fee;

- b.) Original Plat document, to scale, at a minimum size of 11" x 17" or at a maximum size of 22" by 34", signed by the subdivider and lien holder with notary and seal, and surveyor with seal;
- c.) (except as noted in 201.01) Original Plat signed by appropriate zoning authorities, the Delaware General Health District (if a household sewage treatment system is proposed), the Delaware County Sanitary Engineer, the Delaware County Engineer, and Del-Co Water (if applicable);
- d.) Disclosure statement itemizing any aspect of street alignment or lot configuration that is non-compliant with zoning, health, engineering, or subdivision standards;
- e.) Copies (quantity determined by the Commission) of the Final Plat, folded to fit into legal-size folder;
- f.) An additional copy of the Final Plat no larger than 11" x 17";
- g.) An itemized, written response to each condition from the Preliminary Plan RPC meeting.

For plats which include a Common Access Driveway (CAD), the following signed documents must also be submitted:

- h.) CAD plans (quantity determined by the Commission);
- i.) Copy of CAD Maintenance Agreement (A copy of the required CAD Maintenance agreement is attached hereto as Appendix A and made a part of these regulations by this reference).

Other Final Plat requirements are listed in Section 206 of these Regulations. Subdivision improvement plans shall also be submitted by the subdivider directly to applicable public authorities before the Final Plat submission. The Final Plat application shall be placed on the agenda of the next appropriate meeting of the Commission and the township fiscal officer so notified.

**205.02 Notification of ODOT.**

Upon receipt of notice of proposed changes to ODOT highways from the ODOT Director, the Regional Planning Commission shall make note for consideration of future plat applications for three (3) years or until notified by the ODOT Director of completion of the proposed changes. For a Final Plat within 300' of the centerline of a proposed state highway or a state highway for which ODOT proposes changes, or within 500' from the intersection of said centerline with any public road, the Regional Planning Commission Director shall notify ODOT by mail and the Commission shall not approve the plat for 120 days from the date of such notice (§5511.01 ORC).

**205.03 Final Plat Approval or Disapproval.**

Within 30 days after submission of a complete Final Plat application, a Final Plat Staff Report and Recommendation shall be provided to the Commission for approval or disapproval, with such action indicated by the Director on the original plat document. Revisions to the final plat, signed by the County Engineer, County Sanitary Engineer, and/or the Delaware General Health District, zoning authority and Del-Co Water, must be provided to the Commission no later than 5:00 p.m. the Monday prior to the Commission Final Plat hearing. Revisions may require review by those public authorities who have already signed the plat. The Final Plat shall be approved if it complies with the Preliminary Plan, conditions of Preliminary Plan approval, and these Regulations. There shall be no provisions for conditional approvals or conditional endorsements in Final Plat recommendations or Commission actions. Once the Commission has approved the Final plat, no change except for corrections of scrivener's error shall be made to the Final plat unless such Final plat is resubmitted to and approved by the Commission.

**205.04 Resubmission of Final Plat.**

A Final Plat which has been disapproved or is proposed to be amended prior to recording, or which has expired, may be resubmitted according to these Regulations and procedures, and shall include all information, fees, and other materials as required for Final Plat submission. Updated signatures by public authorities shall be secured. Changes to recorded plats which may adversely impact owners of lots within the plat may also require signatures of such owners (ORC §711.24). (See Section 102.07).

If modifications to the Final Plat result in significant modifications to the Preliminary Plan (i.e. increasing number of lots, altering floodplain elevations, altering road alignment, reduction of open space), a revised Preliminary Plan shall also be submitted in accordance with Section 204.05 of these Regulations.

**205.05 Recording and Distributing Copies of Plat.**

The subdivider shall follow all applicable procedures for recording the Final plat including, without limitation, those promulgated by the Delaware County Engineer. A Final Plat that has not been recorded within 15 months of Commission approval shall expire.

The subdivider shall be responsible for satisfying plat requirements and conditions, securing required plat signatures, recording the plat, and providing copies for distribution (quantity of copies determined by Commission).

**205.06 Changing a Recorded Subdivision Plat.**

A Preliminary and Final plat shall be required to amend or change a recorded plat, except as noted under a.) through c.) below. Changes may involve subdividing a lot or reserve, converting a reserve into a lot, changing platted building setback lines, easements, wording, etc.

- a.) Adjacent property transfers as provided under ORC §711.001(B)(1)(b) are exempt from a requirement to amend a plat.
  
- b.) General utility easements, which the Commission reasonably determines at a public hearing are no longer needed, may be vacated with the submission of an application containing a survey exhibit and legal description, prepared by a professional surveyor, of such easement by the land owner to the Commission. Applications shall be subject to the monthly deadline for placement on the Commission agenda and shall require the approval of the Commission before they can be recorded. For purposes of this paragraph, owners of utilities within the platted subdivision shall be entitled to notice of the public hearing and afforded an opportunity to object to the application.

Notices shall be sent via certified mail at least twenty (20) days prior to the public hearing on the application, and notice of the public hearing shall be published once in a newspaper of general circulation within Delaware County at least fourteen (14) days prior to the public hearing. The publication shall serve as public notice to all owners of utilities of the pendency of the application whether or not they were individually named and notified. The applicant shall file with the Commission at the time of application a list of the owners of utilities entitled to notice and shall deposit with the Commission the cost of postage for the notices.

- c.) Easements which are held by the County and under the exclusive use and control of the County may be vacated without Commission approval by the County Commissioners upon the advice of the County Engineer.

When required, the new plat shall be signed by the owners of the property determined to be injuriously affected, as determined by the Commission at the time of its consideration of the Preliminary plan, by such an amendment

or change.

Property owners within the plat proposed to be changed shall receive notice of the Commission meeting and be afforded an opportunity to appear at the time of consideration of the Preliminary plan for the purpose of showing if they are “injuriously affected” by the proposed plat amendment or change. The RPC shall charge a fee for the notification to parties.

For purposes of Section 102.07, an owner of property within the plat proposed to be changed may be deemed to be “injuriously affected” if any one of the following conditions would create adverse circumstances directly related to a specific lot or set of lots as a result of the proposed amendment or change to the subdivision plat:

- a.) The lot size or configuration of one or more lots in the subdivision would be altered by a change in an existing street or right-of-way alignment;
- b.) The lot size or configuration of one or more lots in the subdivision would be altered because a new street or right-of-way is to be dedicated within the previously recorded plat;
- c.) Lots created by an amendment or re-subdivision of the plat would adversely impact other lots within the plat by reason of the proposed lot size, value, configuration or location;
- d.) A lot would be adversely impacted by a change in storm drainage runoff, a change in the water supply or water flow, the existence of health or safety risks, or any circumstance which would prohibit or unreasonably limit the ability of the property owner to use the lot for its intended purpose; or
- e.) The size, location or configuration of any lot would violate or not conform to restrictions or regulations applicable to such lot without first having obtained a variance or other appropriate relief.

## **Section 206: Final Plat Document**

### **206.01 General.**

The Final Plat shall be of a media, size, scale and microfilm standard to satisfy the County Engineer, Auditor and Recorder. Surveying practices, plats and legal descriptions shall meet requirements of the Ohio Revised Code and these Regulations. All research, investigation, monumentation, measurement specifications, plats of survey, descriptions, and subdivision plats shall conform to the *Minimum Standards for Boundary Surveys in the State of Ohio*, ORC §4733-37 (Adm. Code).

### **206.02 Final Plat Contents.**

The following shall be shown on the Final Plat:

- a.) Subdivision and street names and Regional Planning Commission file number;
- b.) Location map, legend, north arrow and scale;
- c.) Acreage, purpose and ownership of each reserve or no-build lot;
- d.) Total acreage allocated to streets, lots and reserve lots;
- e.) Centerline alignment of streets with radii, right-of-way widths and names;
- f.) Lot numbers and boundary lines with distance and bearing;

- g.) Existing and proposed easements with dimensions and purpose, and wording addressing off-site easements (as necessary);
- h.) Zoning designation and setbacks (in accordance with 206.04(j));
- i.) Adjacent plat name, volume and page; acres, owner, book and page of adjacent unplatted land;
- j.) Floodplain location if shown graphically on the applicable Flood Insurance Rate and FIRM community and panel number, suffix letter, map date and zone designation;
- k.) A 5" x 3" blank rectangle at 200% (2½" x 1½" at the recordable size) near the Recorder endorsement for placement of the recording information by the Recorder's office;
- l.) The RPC case number located in the top right corner of the first page;
- m.) Other notes, items, restrictions or provisions required by these regulations.

**206.03 Final Plat Statements and Signatures.**

Flexibility in plat wording may be allowed, provided meaning and intent are not compromised and deviations are acceptable to plat signing authorities. The following shall be included on the Final Plat:

Situated in the Township of\_\_\_\_, County of Delaware, State of Ohio, and being a part of [Farm Lot\_\_\_\_, Quarter-Township\_\_\_\_, Township\_\_\_\_, Range\_\_\_\_, U.S. Military Survey Lands] or [(Name)'s Virginia Military Survey Number\_\_\_\_], and being the same tract as conveyed to\_\_\_\_ as described in Deed Book\_\_\_\_, Page\_\_\_\_, County Recorder's Office, Delaware, Ohio.

We/I, the undersigned, being all the owners and lien holders of the land platted herein, certify that the attached plat correctly represents our/my " \_\_\_\_\_," a subdivision of lots numbered \_\_\_\_ to \_\_\_\_ inclusive, and do hereby accept this plat and do voluntarily dedicate \_\_\_\_ acres for public road right-of-way as shown hereon and not heretofore dedicated.

In Witness thereto, \_\_\_\_ have hereunto set their hands this \_\_\_\_ day of \_\_\_\_, (year) \_\_\_\_.  
 (Applicant(s) and witness(es) signature lines as needed)

[ Notarized and witnessed signatures of all subdividers and lien holders ]  
 (The above to be properly executed in accordance with conveyance laws.)

SURVEYED AND PLATTED BY [name of surveyor]: I hereby certify that I have surveyed the property described in the foregoing title caption and that said survey and plat are accurate and correct to the best of my knowledge and belief.  
 Surveyor Signature - with SEAL

- Signature block for: \_\_\_\_\_ Township Zoning Official
- Signature block for: Delaware General Health District (if applicable)
- Signature block for: Delaware County Sanitary Engineer
- Signature block for: Delaware County Engineer
- Signature block for: Delaware County Regional Planning Commission
- Signature block for: Del-Co Water (if applicable)

For plats with Common Access Driveway(s):

CAD Maintenance Agreement cross-reference: Official Book No., Page No.

For plats along existing public roads:

This \_\_\_\_\_ day of \_\_\_\_\_ (year)\_\_\_\_, rights-of-way for public streets and roads herein dedicated to public use are hereby accepted for the County of Delaware, State of Ohio.

For plats with new public streets:

This \_\_\_\_\_ day of \_\_\_\_\_ (year)\_\_\_\_, rights-of-way for public streets and roads herein dedicated to public use are hereby approved for the County of Delaware, State of Ohio. Street improvements within said dedicated rights-of-way shall not be accepted for public use and/or maintenance unless and until construction is complete and streets are formally accepted by Delaware County.

\_\_\_\_\_  
Delaware County Commissioners

Transferred this \_\_\_\_\_ day of \_\_\_\_\_ (year)\_\_\_\_. \_\_\_\_\_ Delaware County Auditor

Recorded this \_\_\_\_\_ day of \_\_\_\_\_ (year)\_\_\_\_, at \_\_\_\_\_ A.M./P.M. in Book \_\_\_\_\_, Page(s)\_\_\_\_; Plat Cabinet \_\_\_\_\_, Slide \_\_\_\_\_. Fee \$\_\_\_\_\_. \_\_\_\_\_ Delaware County Recorder

#### **206.04 General Plat Notations.**

Flexibility in wording may be allowed if the meaning and intent are not compromised and deviations are deemed acceptable. The plat shall contain the following notes (additional notes may be required by the Director, Commission or other plat signing authority):

- a.) "Non-exclusive utility easements are platted for the construction, operation and maintenance of public and private utilities, storm water management, and service connections thereto, above and beneath the surface of the ground.";
- b.) "Easements are granted within dedicated road right-of-ways, non-exclusive utility easements, and designated waterline easements to Del-Co Water Co., Inc. and other water utilities for installation and maintenance of waterlines, valve, meter crocks and appurtenances.";
- c.) "On file with county engineering, building, health and platting authorities are plans indicating the nature and location of various subdivision improvements.";
- d.) If the plat includes lots served by household sewage treatment systems, a note shall be placed on the plat that states: "Deviation in house locations and location and design of household sewage treatment systems shown on development plans on file with the Delaware General Health District may be allowed only if alternate locations and designs are submitted to, coordinated with, and approved by building, zoning and health authorities.";
- e.) Unless waived by Sanitary Engineer, a note shall be placed on the plat that states: "Owners, their successors, heirs or assigns of these lots agree when a central sanitary sewer system becomes available, the lot shall be connected to it. Acceptance of title to a lot in this subdivision shall constitute waiver of future notice or hearing on this requirement. This covenant shall be included in conveyance of title for said lots.";
- f.) Unless otherwise waived by the Sanitary Engineer, a note shall be placed on the plat that states: "Sanitary

sewer easements are solely for construction, operation and maintenance of public and/or private sanitary sewers and service connections, and may be crossed by other utilities.”;

- g.) If a plat includes a Common Access Driveway, a note shall be placed on the plat that states: “Approval of this plat by the Delaware County Regional Planning Commission, the Delaware County Commissioners and/or any other governmental authority shall in no way constitute a dedication or acceptance of the Common Access Driveway shown thereon, and all such Common Access Driveway(s) shall be and remain a private access way. The Delaware County Regional Planning Commission, the Delaware County Commissioners and every other public authority signing this plat shall have no responsibility or liability for or arising out of the construction, improvement, maintenance and/or use of any such Common Access Driveway. The owners of these lots and their successors and assigns agree to and shall be bound by the foregoing provision, which provision shall be deemed to be and is a covenant running with the land.”;
- h.) If a plat includes a private street, a note shall be placed on the plat that states: “Approval of this plat by the Delaware County Regional Planning Commission, the Delaware County Commissioners and/or any other governmental authority shall in no way constitute a dedication or acceptance of the private street shown thereon, and all such private street(s) shall be and remain a private access way. The Delaware County Regional Planning Commission, the Delaware County Commissioners and every other public authority signing this plat shall have no responsibility or liability for or arising out of the construction, improvement, maintenance and/or use of any such private street. The owners of these lots and their successors and assigns agree to and shall be bound by the foregoing provision, which provision shall be deemed to be and is a covenant running with the land.”;
- i.) Unless otherwise waived by the County Engineer, a note shall be placed on the plat that states: “Be advised: A sub-surface drainage system may exist on this site. The system and/or outlet if located on this property must be maintained at all times.”;
- j.) A note shall be placed on the plat that states: “Zoning setbacks reflect current zoning standards at the time of the zoning inspector’s signature of the final plat and are not subdivision plat restrictions.”

## **Section 207: No Plat Approval (NPA) Subdivision Procedure**

### **207.01 General.**

The No Plat Approval subdivision procedure (NPA Subdivision) may be used, in accordance with ORC 711.131, to request a proposed division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road, and involving no more than five (5) lots, after the original tract (as defined herein) has been completely subdivided. No-plat subdivisions (lot splits) as described in ORC 711.131 are not permitted within a previously platted subdivision. The quantity of lots must include the residue, if any, of the original tract (ORC 711.131).

An NPA subdivision request shall be filed by the landowner or designated representative. An application shall be submitted which would include the deed for the new lots identifying Grantor and Grantee with survey drawing and legal description approved by the Delaware County Map Department, signed application form, and required fee. Once submitted, a NPA Subdivision application may not be tabled. The Commission acting through the Executive Director or the Executive Director’s designee is required to approve or disapprove an NPA Subdivision application within seven (7) business days.

### **207.02 NPA Subdivision Application Requirements.**

To enable the Commission to appropriately evaluate an NPA Subdivision Application the landowner or designated

representative is encouraged to provide adequate information/materials at the time of application submission, and to meet with Commission staff to review and discuss the proposal. The application shall include the following:

- a.) Topographic contours (specify source datum). Contours shall be provided at the specified interval as follows:
  - 1.) For subdivision lots utilizing household sewage treatment systems, contours shall be provided at 1-foot intervals for the envelope of disturbed areas and 2-foot intervals for all other areas (5-foot interval over 12% slope);
  - 2.) For subdivision lots utilizing centralized sewer systems, contours shall be provided at 2-foot intervals (5-foot interval over 12% slope);
- b.) Show extent of grading / clearing limits;
- c.) A drainage plan with review and written endorsement by the Delaware County Soil & Water Conservation District;
- d.) Existing and proposed building and well (if applicable), location and type of household sewage treatment system;
- e.) Soil type delineation;
- f.) New or additional roadway easements and/or utility easements. Easements must be conveyed and recorded by a separate instrument prior to the recording of the NPA Subdivision;
- g.) Appropriate floodplain status information showing areas within the 100-year floodplain/floodway;
- h.) Access points in accord with adopted access management standards of the Ohio Department of Transportation driveway approval if access is to a state highway;
- i.) Recording data for NPA subdivision deeds previously approved from the original tract parcel;
- j.) Drainage improvements and other applicable requirements of the Delaware County Engineering and Surveying Standards for Subdivision Development;
- k.) Written endorsement of the NPA subdivision from health and zoning authorities;
- l.) A plan illustrating all NPA subdivisions and/or lot splits of adjacent parcels within the past year, and recording date of each;
- m.) The subdivider shall mark proposed lot corners with stakes and colored flagging; and
- n.) Boundary survey by a professional surveyor.

### **207.03 Review and Approval.**

If the DCRPC staff finds that a proposed division of a qualifying original tract as defined herein is not contrary to applicable platting, subdividing, zoning, health, sanitary or access management regulations, regulations adopted under ORC §307.37(B)(3) regarding existing surface or subsurface drainage, or household sewage treatment rules

adopted under ORC §3718.02 including, but not limited to, rules governing household sewage disposal systems, it shall approve the proposed division within seven (7) business days after its submission and, on presentation of a conveyance of the parcel, shall stamp the conveyance "Approved by Delaware County Regional Planning Commission; No Plat Required," and have it signed and dated by the Director or his designated representative. The burden is upon the subdivider to demonstrate compliance with these Regulations. Incomplete or deficient proposals shall be disapproved and the subdivider notified of issues and reasons for disapproval. NPA deeds must be recorded within 180 days of approval or the approval expires.

#### **207.04 Adjacent Property Transfer.**

The transfer of a portion of a parcel to an adjacent landowner may be handled by the Adjacent Property Transfer process when the deed for the acreage being transferred does not create an additional building site. Endorsement by zoning and health authorities may be required to ensure the parcel being reduced in size will remain compliant with applicable standards. If the Adjacent Property Transfer results in a remaining parcel of less than five acres, then said remaining parcel shall be subject to all requirements of these Regulations, and the transfer of the property may be approved only if the remaining parcel complies with these Regulations. An NPA subdivision and applicable fees may be required. The Grantee's name on the deed shall match the ownership of the adjacent parcel to which the transferred acreage is to be associated. Deeds and surveys for adjacent property transfers shall include the following covenant notation prior to approval:

"The herein described x.xx acres shall not constitute an independent building site separate from the Grantees' adjacent parcel unless approved by the DCRPC as such in accordance with applicable Subdivision Regulations."

#### **Section 208: Reserved**

### **SECTION 300: SUBDIVISION IMPROVEMENTS**

#### **Section 301: General**

##### **301.01 Responsible Public Authorities.**

The County Engineer shall be the authority responsible for plan review and approval, construction inspection and compliance, and if applicable, administration of Subdivider's Improvement Agreement (SIA) and surety for public and private streets (non-CAD) and storm water management. The Sanitary Engineer shall have the same status and responsibilities for sanitary sewer and facility improvements.

##### **301.02 Improvement Plans and Drawings.**

Final engineering plans for street, storm water management and sanitary sewer improvements shall be drawn at an appropriate scale and be signed and sealed by a Professional Engineer. Final plans shall include a title sheet, index and location maps, typical sections, plan and profile view, bench mark and engineering details. An itemized estimate of quantities and costs shall be included if a construction surety is involved. Plans or drawings not requiring the signature of an Engineer shall meet requirements of the applicable public authority.

##### **301.03 Easements.**

When additional right-of-way is provided along existing public roads in widths as specified by the County Engineer, county or township Thoroughfare Plans or these Regulations, such right-of-way may be dedicated on the subdivision plat, except in the NPA Subdivision where roadway easements must be conveyed and recorded by a separate instrument prior to recording of the NPA. Other street or utility easements and notations shall be provided on the

subdivision plat as directed by the County Engineer and Sanitary Engineer. Off-site easements may be required by the County Engineer, Sanitary Engineer or Health Department.

### **Section 302: Health and Sanitation**

#### **302.01 County Sanitary Engineer.**

Final engineering plans for sanitary sewers and facilities shall be in accordance with “Standard Plans & Specifications for Construction of Sanitary Facilities in Delaware County, Ohio,” adopted by the County Commissioners and administered by the Sanitary Engineer.

#### **302.02 Delaware General Health District.**

Design of residential household sewage treatment systems shall comply with the “Household Sewage Treatment System Rules,” adopted and administered by the Delaware General Health District. For lots using household sewage treatment systems, Delaware General Health District endorsement of a Lot Development Plan showing details of proposed household sewage treatment systems shall be secured before Final Plat approval by the Commission.

### **Section 303: Final Engineering Plans**

#### **303.01 General.**

Final engineering plans for drainage and storm water management items shall comply with the “Delaware County Engineering and Surveying Standards for Subdivision Development,” adopted by the County Commissioners and administered by the County Engineer. No subdivision or development having inadequate grading, storm drainage, erosion and sedimentation control or flooding impairment shall be approved.

### **Section 304: Public and Private Streets**

#### **304.01 General.**

Final engineering plans for public or private streets shall be in accordance with the “Delaware County Engineering and Surveying Standards for Subdivision Development,” administered by the County Engineer, the current Delaware County Thoroughfare Plan, the current Delaware County Access Management Plan, and these Regulations. Design standards, plan approval, and construction inspection requirements shall be the same for private streets as for public streets, unless allowed otherwise by the Delaware County Engineer. Streets shall be considered in relation to existing and planned streets, topography, access, safety, and proposed use of lands to be served. The County Engineer’s Map Department shall determine the acceptability of street names and subdivision plat names. Streets not identified on the Final Plat as “private street” shall be public, with dedication of land as public right-of-way. Acreage for private streets shall be separate from the lots they serve. Plat wording shall specify ownership and maintenance responsibilities for private streets.

#### **304.02 Non-Standard Items.**

Street and right-of-way features not covered by these Regulations or regulations of the County Commissioners shall be resolved to the satisfaction of the Director and Commissioners.

### **Section 305: Access Management**

#### **305.01 Access Management and Traffic Safety.**

The County Engineer, Zoning Inspector, or Regional Planning Commission may regulate, via subdivision regulations, prohibit or alter lots with vehicular access directly onto public arterial roads or state routes which are identified in the current Delaware County Thoroughfare Plan, and the current Delaware County Access Management Plan. ODOT may regulate access on state and/or federal routes. This may require Access Management practices such as

frontage roads, service roads, reverse frontage lots with internalized access, restriction on number and location of drives, drives with turn-arounds, turn lanes, Shared Access Point (SAP), Common Access Driveway (CAD), buffering, or other traffic control and safety practices. The need for Access Management practices on collector, local, or other streets shall be based upon project specific characteristics.

All future development (including an NPA subdivision) shall be reviewed under and comply with the same criteria for access management and traffic safety as contained in the Delaware County Thoroughfare Plan and/or in the Delaware County Access Management Plan adopted pursuant to ORC §5552.

### **305.02 Shared Access Point (SAP).**

The Shared Access Point is a privately constructed and owned access management practice restricting two lots to a single access point onto the public roadway. Other vehicular access along the lot frontages shall be prohibited by covenant wording. If an SAP is required for access management purposes, the filing of cross-easements and maintenance agreements is also required.

### **305.03 SAP Restrictions.**

SAPs shall not be used to provide access for more than two lots. Lots served by a SAP shall have proper road frontage and be reviewed and approved according to the Delaware County Access Management Plan and Thoroughfare Plan. The SAP drive apron and culvert in the public road right-of-way shall comply with all applicable standards, including but not limited to County Engineer, ODOT, and Commission standards, and shall be included as a part of any roadside improvements for the subdivision.

## **Section 306: Common Access Driveway (CAD) Subdivisions**

### **306.01 General.**

Common Access Driveways are privately owned and maintained common driveways to access a limited number of residential lots as defined in Section 306.02. They are subject to the subdivision plat procedure described in Section 200.

CAD subdivisions are approved at the Commission's discretion. They may be requested on tracts of land that do not lend themselves either alone or in conjunction with adjacent property to be otherwise developed due to the following conditions, including, without limitation:

- Unique tract shape or small tract size;
- Previously subdivided adjacent lands with no opportunity for road connection;
- Severely constrained topography (i.e. deep ravines, floodplains);
- Unsuitable soils;
- Preservation of mature or unique vegetation; and/or
- Limited lot geometry that makes it unfeasible to build a public or private street.

The Common Access Driveway subdivision shall not be used to avoid the construction of a network of interconnecting public and/or private streets.

CAD subdivisions may only be allowed where the Commission has determined, at its discretion, that conditions exist on or around the site which will be better served through the use of a CAD subdivision; that there is no need to provide for a continuing street system; that the use of a CAD subdivision will be in accordance with the objectives of all adopted plans for the area; that the CAD subdivision will be served adequately by essential public facilities and services; and that the use of a CAD subdivision will better serve to secure and provide for adequate and convenient open spaces for traffic, utilities, access, recreation, light and air, and for the avoidance of population congestion.

A Common Access Driveway is not and will not be maintained by the RPC, the County, or Township, but by the lot owners who share access by the Common Access Driveway. The County, the Commission, and the Township do not undertake any liability for the inspection or maintenance of CADs.

**306.02 Number of Lots.**

The CAD may serve and provide access for up to three (3) lots as shown on the CAD subdivision plat. Two (2) additional lots contiguous to the CAD at the point of access to the public or private road by the CAD and which would meet the current applicable zoning requirements as free-standing lots may, at the discretion of the Commission, be accessed by the CAD.

**306.03 CAD Restrictions.**

The CAD shall connect directly onto a public road or a private road built to public standards. The CAD and utility easement acreage shall be incorporated into one or more of the lots it serves. Acreage not included in the CAD subdivision plat and CAD Maintenance Agreement shall not be accessed by the CAD. The CAD shall be labeled on the plat as “Common Access Driveway (CAD) – Ingress/Egress and Utility Easement”.

**306.04 Fire-Fighting Plans.**

After receiving preliminary CAD subdivision plans from the subdivider, the Commission shall provide preliminary CAD subdivision plans to the local fire chief with a request for his review and recommendation.

**306.05 Design and Construction Certification.**

The subdivider shall contract with an Ohio Registered professional engineer to design the Common Access Driveway. The engineer shall certify that sound engineering practices were used in the design and construction of the CAD and that it complies with all CAD standards and requirements.

Common Access Driveways shall be constructed to the satisfaction of the certifying engineer. The certification shall be signed and stamped with the contracted Ohio Registered engineer’s professional seal. The certification letter shall include, at minimum, the following language:

“As the contracted engineer for the \_\_\_\_\_ Common Access Driveway Subdivision, I hereby certify that sound engineering practice was used in the design and construction of the CAD, that I have inspected the CAD during the construction process, and that the CAD is in conformance with the CAD plans (unless site conditions during construction warranted additional improvements) and meets or exceeds the requirements of the Delaware County Regional Planning Commission.”

[Signature, date, and seal]

The CAD, as constructed, shall be approved by the Commission prior to the Director signing the final plat.

**306.06 CAD Standards and Requirements.**

Common Access Driveway design shall be consistent with sound engineering practices and principles necessary to provide for the public health, safety, and welfare, which shall include but not be limited to safe and adequate storm water management, access, maneuvering and use by fire and safety vehicles, and meeting the standards set forth in these regulations. Additional or more restrictive standards may be required for the promotion and protection of the public health, safety, and welfare, by the certifying engineer, zoning official, Director of the Regional Planning Commission, or County Engineer. Unless a greater standard is required the minimum standards for CAD subdivisions are as follows:

- a.) Any lot within the CAD subdivision contiguous to a public road shall be prohibited from directly accessing

the public road and the CAD subdivision plat shall contain a notation incorporating this restriction;

- b.) The CAD easement shall be at least 60 feet wide to permit driveway construction, roadside drainage and utility service infrastructure;
- c.) The minimum cross-section of the Common Access Driveway shall be built in a manner sufficient to support the largest fire/emergency vehicle in the district(s) that may serve that location as well as the anticipated construction vehicles for the building sites. Provisions shall be made for the drainage of the sub-grade along the length of the Common Access Driveway;
- d.) Adequate drainage along the sides of the Common Access Driveway shall be provided either by enclosed storm sewers or by grassy ditches with a maximum side slope of 3:1. Minimum ditch gradient shall be .5%. Above-ground utility structures shall not be placed within the drainage areas nor installed in a manner that interferes with surface or subsurface drainage;
- e.) The 100-year flood routing and storm water management practices for the CAD subdivision shall be reviewed by and are subject to the approval of the County Engineer;
- f.) The Common Access Driveway shall be at least 12 feet wide. Passing lanes of 6 feet in width and 35 feet in length shall be provided every 350 feet or less. Distance from the centerline of the connecting public or private road and the first passing area shall not exceed 350 feet;
- g.) A “T”, “hammerhead” or cul-de-sac turnaround shall be provided at the Common Access Driveway terminus or other approved location;
- h.) The maximum gradient within any specific location of the Common Access Driveway shall be 10%;
- i.) All trees and shrubs including protruding branches within 16 feet horizontally and 20 feet vertically from the centerline of the CAD shall be removed and maintained as cleared area unless there is a more restrictive standard in the Township;
- j.) A pole-sign shall be installed at the subdivider’s expense, located at the CAD intersection with the connecting public or private road. Such sign may be integrated into a common mailbox structure. The pole-sign shall be made of rot-resistant wood or comparable weather-resistant material. The pole-sign shall be placed outside the public right-of-way and shall include the words “Private Drive” in contrasting letters. The “Private Drive” sign shall be no larger than two square feet (1 foot by 2 feet) on each side. All CAD addresses shall be displayed collectively on the pole-sign at the CAD entrance and shall be made of reflective material. The “Private Drive” sign and addresses shall be legible from the connecting public or private road and continuously maintained at this location. A rendering of the sign including proposed materials shall be submitted at the time of Preliminary Plan application;
- k.) Each lot shall individually display its address at the driveway entrance to the CAD when the address is assigned. The address/sign shall be made of reflective material and be legible from each lot’s driveway entrance;
- l.) There shall be no future extension of or off the CAD to additional lands unless approved by the RPC, in its discretion;
- m.) All design and construction activities within a county or township road right-of-way shall be approved by

the County Engineer, or within a state route right-of-way approved by ODOT;

n.) The CAD easement shall be specifically set forth on the subdivision plat;

o.) The proposed CAD maintenance agreement shall be submitted at the time of the Final Plat application.

### **306.07 CAD Maintenance Agreement.**

Prior to the plat being signed by the Director, an approved and recorded Maintenance Agreement shall be submitted to the Commission. The plat shall contain a cross-reference of where the Maintenance Agreement is recorded. The minimum requirements for a Maintenance Agreement are set forth in Appendix A. (Appendix A is attached hereto and made part of these regulations by this reference.)

### **SECTION 400: DEFINITIONS**

**Access:** A way or means of approach to provide physical entrance to a property.

**Adjacent Property:** A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land; also: contiguous; abutting.

**Business Day:** A day of the week, excluding Saturday, Sunday or a legal holiday as defined in ORC §1.14.

**CAD Subdivision:** A subdivision created and approved pursuant to the regulations of Section 306.

**Certification:** Written statement by the appropriate officer or person that required constructions, inspections, tests or notices have been performed and comply with applicable requirements.

**Commission:** The Delaware County Regional Planning Commission.

**Commissioners:** Board of County Commissioners, Delaware County, Ohio.

**Common Access Driveway (CAD):** Privately constructed, owned and maintained common driveway within a platted ingress/egress easement serving not more than three (3) lots (or up to five (5) as prescribed in Section 306.02) and properly shown on a subdivision plat approved by the Commission in accordance with Section 306 of these Regulations. A Common Access Driveway is classified as a private street, except that construction standards are generally less stringent than public street standards and the County Engineer does not provide plan review, approval or construction inspection.

**County:** Delaware County, State of Ohio, including officials, agencies, departments, or other representatives.

**County Engineer:** Delaware County Engineer and designated representatives.

**County Commissioners:** The Delaware County Board of Commissioners or designated representative.

**County Sanitary Engineer:** The Delaware County Sanitary Engineer or designated representative.

**Deed:** Legal document conveying ownership of real property.

**Director:** Executive Director of the Delaware County Regional Planning Commission.

**Easement:** Rights granted by a landowner to and/or for use by the public, a corporation, person, or entity, for a

specified purpose of a designated portion of land.

**Enforcement Measures:** Enforcement measures may consist of, but shall not be limited to: stop work orders, moratorium on permits or approvals, denial or revocation of permits or approvals, forfeiture or use of funds or sureties, plat vacation, published Notice-of-Violation in newspaper, notification of mortgage or lien holder, penalties or fines, etc.

**Engineer:** A registered engineer authorized to practice professional engineering by the State Board of Registration as specified in ORC §4733.14.

**Erosion:** a) The wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep; b) Detachment and movement of soil or rock fragments by wind, water, ice, or gravity.

**Grade:** The degree of rise or descent of a sloping surface.

**Health Department:** Delaware General Health District Commissioner and designated representatives.

**Improvements:** Any man-made addition to the natural state of the land which increases its utility or value, including but not limited to: street, Common Access Driveway, Shared Access Point, grading, storm water management and sanitary items.

**Lot:** A parcel of land of sufficient size to meet minimum health and zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required, and which has frontage on an improved public street, approved private street, or Common Access Driveway.

**Maintenance Agreement:** Document governing the responsibilities of maintenance of required subdivision improvements. (See Appendix A for minimum requirements.)

**Metes and Bounds:** A method of describing the boundaries of land by directions and distances from a known point of reference.

**Next Appropriate Meeting:** Unless otherwise required by law, the date governed by schedule prepared annually by the Commission setting filing deadline, administrative and meeting dates.

**O.D.O.T.:** Ohio Department of Transportation officials and designated representatives.

**O.R.C.:** Ohio Revised Code.

**Original Tract:** a tract of land that is: (1) a contiguous quantity of land undivided by lot lines and established by legal description that is of record on January 1st of each calendar year, and (2) is owned by one person or in common ownership, and which (3) is not part of any platted subdivision.

**Plan, Preliminary:** Drawings, plans and materials representing a proposed subdivision or development; does not constitute a subdivision plat.

**Plan, Sketch:** A rough sketch of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

**Plat, Subdivision (Final Plat):** Original subdivision plat document intended for recording, prepared and sealed by a professional surveyor in accordance with these Regulations and illustrating a subdivision or other development.

**Plat, Survey (Survey Drawing):** Survey plat drawn to scale prepared and sealed by a professional surveyor graphically representing a metes and bounds legal description, showing all essential data pertaining to the boundaries and subdivisions of a tract of land. The drawing may also include other information and shall be included with deeds submitted for Commission approval.

**Private Street:** Privately constructed, owned and maintained street, or road within a platted ingress/egress easement, serving more than one platted lot, properly shown on a subdivision plat approved by the Commission in accordance with these Regulations, for which the County Engineer shall provide plan review and approval and construction inspection.

**Public Authority:** One or more of the following: Delaware County Code Compliance, Regional Planning Commission, County Commissioners, County Engineer, Health Department, ODOT, Sanitary Engineer, Zoning authority (County or Township), or other public entity.

**Regulations:** Subdivision Regulations of Delaware County, Ohio.

**Reserves:** Parcels of land within a subdivision set aside for future subdivision or set aside for other purposes as noted on the plat.

**Right-of-Way:** A strip of land occupied, or intended to be occupied, by a road, cross-walk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

**Sedimentation:** a) The depositing of earth or soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a product of erosion; b) In waste water treatment, the settling out of solids by gravity.

**Shared Access Point (SAP):** Access management practice restricting two lots to a single shared vehicular access onto the public roadway, in accordance with these Regulations.

**Sanitary Engineer:** County Sanitary Engineer and designated representatives.

**Site Review Committee:** Group which conducts on-site reviews of proposed subdivisions, consisting of representatives from: Delaware County Regional Planning Commission, Delaware General Health District, Soil and Water Conservation District, Delaware County Code Compliance, Delaware County Engineer; Delaware County Sanitary Engineer, and Zoning Officials.

**Staff:** Employees of the Delaware County Regional Planning Commission.

**Storm Water Management:** Items concerning earth-disturbing activities and storm water run-off and control, such as but not limited to: storm sewers and structures, storage basins, subsurface drainage, grading, major storm routing paths, erosion and sedimentation control, road or drive culverts, swales, ditches, watercourses, bridges, etc.

**Subdivider:** Landowner or their representatives proposing the subdivision of land.

**Subdivider's Improvement Agreement (SIA):** Agreement between a subdivider and public authority concerning

the manner in which specified subdivision improvements shall be provided. Content and format shall be determined by the applicable public authority.

**Subdivision:** As defined by ORC §711.001.

**Submission Date:** Date governed by schedule prepared annually by the Commission setting filing deadline, administrative and meeting dates.

**Surveyor:** A registered surveyor, authorized to practice professional surveying by the State Board of Registration, as specified in ORC §4733.

**Technical Review Committee:** Advisory group to the Commission generally comprised of: the Director of the Delaware County Regional Planning Commission, the County Engineer, the County Sanitary Engineer, a representative of the Delaware General Health District, the Director of the County Code Compliance, the Soil and Water Conservation District, appropriate township zoning officials, appropriate state agency representatives (i.e., ODOT representatives for projects with frontage on State Routes), the Fire Official, and representatives of applicable utility companies.

**Variance:** Permission to depart from the requirements of existing regulations.

**Zoning Official:** Administrative official designated by township and/or county officials to administer and enforce the adopted zoning ordinance and issue zoning permits and certificates.

## Appendix A

### **DECLARATION OF COMMON ACCESS DRIVE MAINTENANCE AGREEMENT**

As a condition of subdivision plat signature by the Delaware County Regional Planning Commission (“COMMISSION”) Director, this Common Access Drive (“CAD”) Maintenance Agreement (“AGREEMENT”) is established pursuant to the Subdivision Regulations of Delaware County, Ohio (“REGULATIONS”). The subdivider shall record this AGREEMENT at the office of the Delaware County Recorder and shall reference this AGREEMENT and its recording date, volume and page on the subdivision plat.

THIS DECLARATION AND AGREEMENT is made and established by the subdivider(s) of \_\_\_\_\_, a subdivision plat approved by the COMMISSION on \_\_\_\_\_, 20\_\_ (RPC File #\_\_\_\_\_). Upon recording of the subdivision plat, the following covenants and conditions shall apply to the lots served by the CAD and shall be binding upon and inure to the benefit of all subsequent grantees, heirs, successors and assigns of said lots.

ITEM 1.) **IMPROVEMENTS.** “Improvements” and “maintenance” as used in the AGREEMENT shall include: initial construction, snow removal, drainage and erosion control items, tree or vegetation trimming or removal, and maintaining adequate bearing strength and access and maneuvering room for fire and safety vehicles.

ITEM 2.) **ACCESS AND ADDRESSING.** The CAD shall be kept free of obstructions and maintained in an adequate condition to provide safe and adequate access and maneuvering of fire fighting, safety and emergency vehicles to the satisfaction of the Fire Chief. Addresses shall be posted along the CAD to the satisfaction of the Fire Chief.

ITEM 3.) **REVIEW AND COMPLIANCE.** Lot owners consent to use and review of CAD improvements by fire, safety, health, subdivision, zoning, and building authorities, and agree to promptly comply with written requests or orders of such authorities relative to CAD access, maneuvering room, strength, addressing, safety and environment.

ITEM 4.) **STANDARDS.** The CAD shall be constructed and maintained in accordance with, or to higher standards than, construction plans prepared for this project by a Professional Engineer, and in accordance with sound engineering and construction practices and principles.

ITEM 5.) **ADDITIONAL LOTS, OR CAD EXTENSION OR DEDICATION.** The unanimous written consent of all LOT VOTES shall be required to request approval from platting authorities to increase the number of lots served by the CAD or to upgrade to public standards and dedicate and convert the privately owned CAD to a publicly owned and maintained roadway.

ITEM 6.) **ENFORCEMENT.** All remedies, legal and equitable, shall be available to all lot owners and public authorities referenced in this AGREEMENT to provide for its enforcement. Failure to adequately construct and maintain the CAD shall represent violation of this AGREEMENT. Zoning, Building and Health permits may be withheld for lots served by the CAD if violations of this AGREEMENT are determined to exist.

ITEM 7.) **LOT VOTE.** Each lot shall be entitled to one vote (“LOT VOTE”) in matters concerning this AGREEMENT. Decisions under this Agreement not specified as requiring unanimous consent of all LOT VOTES shall be governed by a majority of the LOT VOTES, or in the case of a tie vote, the LOT VOTE(S) cast by the lot(s) with the higher sum of percentage of maintenance expenses, or in case of a tie vote between lots whose sums of percentages of maintenance responsibility are equal, by the affirmative LOT VOTE(S). Any vote not cast and any abstaining vote shall be deemed and counted as a non-affirmative (negative) vote.

ITEM 8.) **PERCENT OF EXPENSES.** Compensation under this AGREEMENT for voluntary (non-voted) CAD maintenance shall be strictly at the discretion of each lot owner, otherwise, responsibility for maintenance

expenses shall be allocated as follows:

Lot # \_\_\_\_\_ - \_\_\_\_\_ %; Lot # \_\_\_\_\_ - \_\_\_\_\_ %;

Lot # \_\_\_\_\_ - \_\_\_\_\_ %; Lot # \_\_\_\_\_ - \_\_\_\_\_ %;

Lot # \_\_\_\_\_ - \_\_\_\_\_ %;

ITEM 9.) **MODIFICATIONS.** Items 7) and 8) of this AGREEMENT may be modified, in writing, by the unanimous written consent of all LOT VOTES, and shall become effective upon presentation to the COMMISSION of a copy of a new AGREEMENT that has been recorded with the Delaware County Recorder. However, no such modification shall be intended, interpreted or have the effect of circumventing, abrogating or nullifying provisions and requirements of Items 1) through 6), both inclusive, of this AGREEMENT.

THIS DECLARATION AND CAD MAINTENANCE AGREEMENT made, entered and established by:

\_\_\_\_\_  
Subdivider Signature (& printed)

\_\_\_\_\_  
1st Witness (signature & printed)

\_\_\_\_\_  
2nd Witness (signature & printed)

\_\_\_\_\_  
Subdivider Signature (& printed)

\_\_\_\_\_  
1st Witness (signature & printed)

\_\_\_\_\_  
2nd Witness (signature & printed)

STATE OF OHIO, COUNTY OF \_\_\_\_\_, SS:

BEFORE ME, a Notary Public in and for said county, personally appeared \_\_\_\_\_

\_\_\_\_\_, who acknowledged the signing of the foregoing instrument to be their free and voluntary act and deed for uses and purposes therein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_. My Commission Expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public (Signature and Seal)

cc: Delaware County Regional Planning Commission

NOTE: Subject to change by applicable law.