

# 2014

## MEDINA COUNTY

### SUBDIVISION REGULATIONS



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Patricia Geissman  
Stephen Hambley

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Vacant Position – No Alternate

**Adopted By:** Medina County Planning Commission November 6, 2002  
**Adopted By:** Medina County Board of Commissioners  
December 30, 2002 Resolution # 02-1147

#### **Amendments**

**Adopted By:** Medina County Planning Commission, June 2, 2004  
**Adopted By:** Medina County Board of Commissioners  
August 9, 2004 Resolution #04-735  
**Adopted By:** Medina County Planning Commission, April 4, 2007  
**Adopted By:** Medina County Board of Commissioners  
June 20, 2007 Resolution #07-0487  
**Adopted By:** Medina County Planning Commission, January 9, 2008  
**Adopted By:** Medina County Board of Commissioners  
March 10, 2008 Resolution #08-0141  
**Adopted By:** Medina County Planning Commission, May 7, 2014  
**Adopted By:** Medina County Board of Commissioners  
May 27, 2014 Resolution #14-0496



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**REGULAR MEETING – TUESDAY, MAY 27, 2014**

The Board of County Commissioners of Medina County, Ohio, met in regular session on this date with the following members present:

PATRICIA G. GEISSMAN      STEPHEN D. HAMBLEY      ADAM FRIEDRICK

Mr. Hambley offered the following resolution and moved the adoption of same, which was duly seconded by Mr. Friedrich.

**RESOLUTION NO. 14-0496  
RESOLUTION AUTHORIZING THE ADOPTION OF REVISIONS TO SECTIONS 301  
DEFINITIONS, 404 SUBMITTAL REQUIREMENTS, and 504 SALE OR EXCHANGE  
OF PARCELS BETWEEN ADJOINING LAND OWNERS OF THE MEDINA COUNTY  
SUBDIVISION REGULATIONS  
ADOPTED BY RESOLUTION NO. 02-1147 ON DECEMBER 30, 2002**

WHEREAS, the Medina County Planning Commission, at a public hearing held November 6, 2002, recommended adoption of the Medina County Subdivision Regulations (hereinafter referred to as Subdivision Regulations) by the Medina County Board of County Commissioners; and

WHEREAS, the Board of County Commissioners of Medina, County, Ohio adopted the Subdivision Regulations on December 30, 2002 after a public hearing on that same date; and

WHEREAS, subsequent use of the 2002 adopted Subdivision Regulations had revealed the need for revisions to Sections 301 Definitions, 404 Submittal Requirements, and 504 Sale or Exchange of Parcels Between Adjoining Land Owners; and

WHEREAS, such revisions were reviewed and comments received from the public at the Medina County Planning Commission Public Hearing of May 7, 2014 and

WHEREAS, on that date the Medina County Planning Commission recommended adoption of the revisions to the Subdivision Regulations (Fourth Revision) attached hereto as Exhibit "A"; and

WHEREAS, the Medina County Board of County Commissions reviewed the Medina County Planning Commission recommendation as to the Fourth Revision and concurs with same.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Medina County, Ohio, that this Resolution providing for the adoption of revisions to the Medina County Subdivision Regulations (adopted December 30, 2002), as set forth in Exhibit "A", is hereby approved.

Voting AYE thereon: Mrs. Geissman, Mr. Hambley, and Mr. Friedrich

Adopted: May 27, 2014

Prepared by: Department of Planning Services

## EXHIBIT "A"

Medina County Planning Commission  
**Subdivision Regulations Amendments**  
Considered at the May 7, 2014 public hearing

The below listed sections of the Medina County Subdivision Regulations are recommended to be amended as follows (new text is red and underlined and text to be deleted is shown as ~~red~~ ~~strikeout~~):

### 301 Definitions

**Common Drive** – As differentiated from a private street or road, a common drive ~~and~~ serves not more than three (3) single-family residential lots and shall not be used to access land outside the subdivision.

**Driveway** - ~~Entryway or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.~~ A vehicular connector allowing access from a public or private street to parking for a single dwelling unit or business or the parking area for a multi-use structure.

**Private Street** –~~Intended for vehicular traffic, a private street is a private way that is not dedicated to the public.~~ Land not dedicated as a public right of way set aside to convey vehicular traffic between the public roadway system and the driveway/s of dwelling unit/s, multiple structures on a common parcel, or the parking area for a multi-use structure or structures. Access to private streets may be limited. Private streets cannot be converted to public streets in the future unless constructed or retrofitted to public standards acceptable to the Medina County Highway Engineer.

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

### 404. Submittal Requirements

#### B. Concept Plan

##### 1. Concept Plan Submittal Requirements

###### a. Application

1. A total of ~~30~~ five folded copies of the Concept Plan plus one copy of the application and supporting material shall be submitted. (Amended 8/9/2004) (Amended 6/20/2007)
2. The Concept Plan shall be drawn on 24-inch by 36-inch sheets to a scale of one-inch equals 100 feet, or as approved by the Director of Planning Services.
3. The Concept Plan shall be submitted in electronic format (CAD and PDF) submitted on a CD or DVD, or emailed if the file size allows. If possible, the files should be geo-referenced and projected to the State Plane coordinate system NAD 1983.

## C. Preliminary Plan

### 1. Preliminary Plan Application

An application for Preliminary Plan review shall include the following provided such plan is submitted within twelve (12) months of the Concept Plan meeting:

- a. A completed application form (*Appendix C*). The developer/subdivider shall file an application for approval with ~~forty (40)~~five copies, folded, of the Preliminary Plan with the Department of Planning Services.
- e. The Preliminary Plan in electronic format (CAD and PDF) submitted on a CD or DVD, or emailed if the file size allows. One copy of the Preliminary Plan (floppy disk, Zip disk, compact disk, or emailed if the file size allows) in electronic format. If possible, the files should be geo-referenced and projected to the State Plane coordinate system NAD ~~1927~~1983.

### 2. Preliminary Plan Submittal

#### c. Proposed Preliminary Plan (Amended 6/20/2007)

8. For sites reserved for public use or common use of property owners, for parks, playgrounds, or other uses, a ~~description~~draft of any proposed covenants, conditions and restrictions must be submitted with the Preliminary Plan. Said description shall include:

### 5. Period of Approval

#### b. Extension of the Approved Preliminary Plan

Prior to the expiration date of the initial two-(2) year approval period for the Preliminary Plan, the applicant or developer must complete an Extension Request Application, and accompanying narrative explaining the progress of the project, and submit ~~same~~five folded copies of the Preliminary Plan (including electronic copies as specified above) to the Department of Planning Services. The request will be placed on the agenda of the Planning Commission at the next regularly scheduled public meeting under Other Business for discussion. The application and narrative will be transmitted to the officials listed in Section 404C3a for review and comment. Up to three one (1)-year extensions may be considered and approved for a preliminary plan.

## D. Final Plat

### 2. Final Plat Submittal

Conditions from Preliminary Plan approval must be met before filing the Final Plat. The Final Plat submission materials shall contain the following: (Amended 6/20/2007)

- a. An application form (*Appendix D*) shall be completed by the subdivider and submitted with the Final Plat and required Supplemental Information. A total of ~~40~~five folded copies of the Final Plat shall be submitted. The required fee shall also be paid at the time of application submittal. (Amended 8/9/2004).
- e. The Final Plat in electronic format (CAD and PDF) submitted on a CD or DVD, or emailed if the file size allows. One copy of the Final Plat (floppy disk, Zip disk, compact disk, or emailed if the file size allows) in electronic format. If possible, the files should be geo-referenced and projected to the State Plane coordinate system NAD ~~1927~~1983.

**504 Sale or Exchange of Parcels Between Adjoining Land Owners**

It must be verified that the proposed sale or exchange of parcels is exempt by virtue of the proposed land conveyance not being a Subdivision pursuant to Subsection 711.001 (B) (1) of the Ohio Revised Code. In addition, for each proposed addition to real property of a parcel between adjoining land owners where such parcel for sale or exchange does not create an additional building site, the grantees' names on the deed shall match the ownership of the adjacent parcel being enlarged by the transfer, and the deed(s) and survey shall have the following notation:

“Not to be used as a separate building site.” ~~without Planning Commission approval.”~~  
(Amended 8/9/2004).

~~One (1) deed for the parcel to be sold or exchanged, and one (1) deed and legal description(s) for the total combined area of contiguous parcels, when appropriate, to be owned by the purchaser, grantee, or transferee as a result of the proposed sale or exchange must be submitted. All deeds need to be submitted for review at the same time. The grantees' names on the deed shall match the ownership of the adjacent parcel being enlarged by the transfer.~~

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## Article I. General Provisions

**100 Title**  
**101 Purpose**  
**102 Goals**  
**103 Authority**  
**104 Jurisdiction**

**105 Interpretation, Conflict, Separability**  
**106 Saving Provision**  
**107 Reservations and Repeals**  
**108 Amendments**  
**109 Public Purpose**

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### **100 Title**

**These rules, regulations, and standards shall be officially known as the “Subdivision Regulations of Medina County, Ohio,” and shall hereinafter be referred to as the “Subdivision Regulations,” “Regulations,” or “Code”.**

### **101 Purpose**

The purposes of the Subdivision Regulations are:

- A. To protect and provide for the public health, safety, and general welfare.
- B. To ensure land to be subdivided is of such character that it can be used safely for building and that any land located in a designated floodplain shall be regulated as not to increase danger to health, life or property or aggravate the flood hazard as determined by the Medina County Floodplain Administration Regulations as administered by the Medina County Flood Administrator.
- C. To ensure that development subject to the Subdivision Regulations occurs in accordance with County plans and policies.
- D. To ensure land subdivided is served by adequate public facilities or approved on-site alternatives and proper provision has been made for drainage, water and sewage disposal.
- E. To ensure the proper arrangement of streets or other highways in relation to existing or planned streets or highways and the County Thoroughfare Plan, so as to promote safe and convenient circulation.
- F. To ensure adequate and convenient traffic movement, utilities, access to fire fighting apparatus, recreation, light, air, and privacy, and for the avoidance of population congestion.
- G. To establish reasonable standards of design and procedures for subdivisions and replats in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.
- H. To ensure appropriate surveying of land and preparing and recording of plats.
- I. To promote the equitable handling of all subdivision plats by providing uniform procedures and standards for observance by both the approving authority and subdivider.

### **102 Goals**

Pursuant to the purposes of Article I Section 101, the following goals shall be sought:

- A. To provide for the orderly and beneficial development of Medina County through appropriate management techniques assuring the timing and sequence of development and the proper design and construction of major and minor subdivisions.
- B. To sustain the rural and cultural heritage and preserve the ecological integrity of the County.

- C. To ensure the ability of the natural environment to adequately support such development without significant negative consequences, and to ensure critical natural resources including rivers, lakes, streams, ponds, creeks, wetlands, and aquifers are protected.
- D. To prevent the pollution or degradation of air, surface or groundwater, streams, and ponds, and to ensure that development subject to the Subdivision Regulations is sensitive to such potential pollution or degradation.

**103 Authority**

The authority to adopt rules and regulations governing plats, subdivisions of land, and site development, and to approve, conditionally approve or disapprove plats, subdivisions of land and site development within the unincorporated portion of Medina County, Ohio, shall be derived from the authority provided pursuant to Chapters 711 and 713 of the Ohio Revised Code (ORC), as amended.

Rules and regulations may be adopted in support of the Subdivision Regulations, including but not limited to stormwater management regulations, access management policy, and erosion and sedimentation controls.

**104 Jurisdiction**

The rules and regulations governing plats and subdivisions of land and site development contained herein shall apply within the unincorporated portion of Medina County, Ohio.

**105 Interpretation, Conflict, and Separability**

**A. Interpretation and Conflict**

In their interpretation and application, the Subdivision Regulations shall be held to be minimum requirements unless otherwise stated. These regulations shall be construed broadly in the case of a conflict with state statutes to promote the purposes for which they are adopted.

**1. Public Provisions**

The Subdivision Regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law. The provisions of the Subdivision Regulations shall supplement any and all laws of the State of Ohio, resolutions of Medina County, or any and all rules and regulations promoted by authority of such law or resolution relating to the purposes and scope of the Subdivision Regulations. Whenever the requirements of the Subdivision Regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, including the Medina County Health Department, the Medina County Highway Engineers Office, and the Medina County Sanitary Engineers Office, the most restrictive or that imposing the higher standards shall govern unless otherwise required by law. In the case of subdivision regulations conflicting with state statutes, the state statutes shall govern.

**2. Private Provisions**

The Subdivision Regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction.

**B. Separability**

Each chapter, section, paragraph, sentence, clause, phrase, or other divisible part of the Subdivision Regulations is hereby declared to be separable. If any such chapter, section, paragraph, sentence, clause, phrase, or other divisible part of the Subdivision Regulations is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining chapters, sections, paragraphs, sentences, clauses, phrases or other divisible parts of the Subdivision Regulations. These same portions of the Subdivision Regulations would have been enacted without the incorporation into the Subdivision Regulations of such unconstitutional or invalid chapter, section, paragraph, sentence, clause, phrase, or other divisible part.

**106 Saving Provision**

The Subdivision Regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations. They shall not be construed as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the County under any section or provision existing at the time of adoption of the Subdivision Regulations. They shall not be construed as vacating or annulling any rights obtained by any person, firm or corporation by lawful action of Medina County except as shall be expressly provided for in the Subdivision Regulations.

**107 Reservations and Repeals**

Upon the adoption of the Subdivision Regulations, according to the Ohio Revised Code, the regulations of Medina County adopted April, 1980, as amended, are hereby repealed, except as to those sections expressly retained in these regulations.

**108 Amendments**

For the purposes of protecting the public health, safety, and general welfare, the Medina County Planning Commission may from time to time recommend an amendment of these regulations to the Medina County Commissioners. These amendments shall then be approved or disapproved by the Medina County Commissioners at a public meeting following public notice. At a minimum, the Subdivision Regulations should be reviewed once every three years. The Director of Planning Services shall conduct a review of the Subdivision Regulations commencing from the effective date of the Subdivision Regulations. The Director of Planning Services shall issue a report to the Medina County Planning Commission with recommendations for proposed amendments.

**109 Public Purpose**

Regulating the subdivision of land and attaching reasonable conditions to land subdivision is an exercise of the valid power delegated to counties by the State of Ohio. The developer/subdivider has the duty of compliance with reasonable conditions required by the Planning Commission for design, dedication, improvement, and development of the land to conform to the physical and economic development of the County and to the health, safety, and general welfare of the future property owners in the subdivision and the community at large.

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## Article II. Administration

<b>200 Responsibilities</b>	<b>204 Effect of Enactment</b>
<b>201 Development Permits</b>	<b>205 Prohibitions</b>
<b>202 Subdivision Fees</b>	<b>206 Replatting Requirements</b>
<b>203 Variances, Administrative Waivers, &amp; Appeals</b>	<b>207 Penalties</b>

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### **200 Responsibilities** *(Effective 6/20/2007)*

#### **A. Director of Planning Services**

The Subdivision Regulations shall be administered and enforced by the Director of the Medina County Department of Planning Services or his/her designated representative. The Director of Planning Services is responsible for the following actions:

1. Final administrative interpretation of the Subdivision Regulations.
2. Final approval or disapproval of Minor Subdivisions.
3. Review, acceptance, and certification of all applications as to completeness under the Subdivision Regulations.
4. Administrative Waivers.
5. Coordinating, summarizing, and packaging all recommendations.

#### **B. Planning Commission**

The Planning Commission is responsible for the following actions:

1. Review and approval, conditional approval or disapproval of Preliminary Plans.
2. Review and approval, conditional approval or disapproval of Final Plats.
3. Review and approval or disapproval of applications for variances to the Subdivision Regulations.
4. Hear appeals of decisions of the Director of Planning Services.
5. Initiation and/or recommendation of amendments to the Subdivision Regulations.
6. Adopting bylaws for the conduct of the Planning Commission's meetings.

#### **C. County Commissioners**

The County Commissioners are responsible for the following actions:

1. Adoption of the Subdivision Regulations and any amendments thereof.
2. Adoption of the fee schedule for the Subdivision Regulations and separate fee schedules for other County departments.
3. Approval of right-of-way dedications and vacations.
4. Acceptance of public improvements for public use and release of said improvements for maintenance by the appropriate public entity.
5. Operations of the Planning Commission or Department of Planning Services staff.

**D. Department of Planning Services**

Under the direction of the Director of Planning Services, the Medina County Department of Planning Services is responsible for the following actions:

1. Administration of the Subdivision Regulations.
2. Processing of all applications under the Subdivision Regulations.
3. Processing and approving minor subdivisions.
4. Maintaining all records related to the Subdivision Regulations.

**201 Development Permits**

The following outlines relationships between the Subdivision Regulations and other development related permits issued by Medina County and other authorities.

**Table A: Related Subdivision Development Permits/Actions** (Effective 6/20/2007)

<b>Permit/Action</b>	<b>Purpose</b>	<b>Issuing Agency Requiring Government Agency</b>	<b>Step in Process</b>
Access Review	To regulate vehicular traffic	Highway Engineer's Office & ODOT	Before any permit
Wetland Permit	To protect wetlands.	Army Corps of Engineers and OEPA	Before any permit
Potable Water Permit	To regulate the quality of water	Health Department or Sanitary Engineer, if applicable	Before building permit
Sanitary Sewer Review	To regulate sanitary sewers supplied by Medina County and other entities.	Sanitary Engineer, if applicable	Before building permit
Sewage System Review	To ensure proper treatment and disposal of wastewater	Health Department/ Sanitary Engineer's	Concurrent with building permit
Stormwater Management Permit and Floodplain/ Grading Review	To ensure proper drainage and to ensure construction is outside/above the 100-yr floodplain and to regulate grading and cutting/filling of soil.	Highway Engineer	Before building permit
Utility Permit	To regulate placement of utilities in right-of-way	Highway & Sanitary Engineer's Office	Before building permit
Zoning Compliance Review	To ensure compliance with township zoning resolution	Zoning Officer	Before minor or major subdivision approval

**202 Subdivision Fees**

Fees are intended to fund the costs of administering the Subdivision Regulations. The Board of County Commissioners shall establish subdivision fees pursuant to the Subdivision Regulations for Preliminary Plan, Final Plat, and Variances, with a recommendation from the Director of Planning Services. Other County departments may have established separate fee schedules.

The fee schedule should be posted in the offices of the County Commissioners, Tax Map Department, County Highway Engineer's Office, and the Department of Planning Services. Fees shall be reviewed on an annual basis and any adjustments recommended by the Director of Planning Services to the County Commissioners for review and approval (*Appendix O*).

All applicable fees shall be paid in full at the time of submittal of an application. Application packages shall be considered to be incomplete and will not be approved for placement on an agenda or otherwise processed, until the required fees are paid in full.

## **203 Variances, Administrative Waivers, and Appeals**

### **A. Variances**

The Medina County Planning Commission may grant variances to the Subdivision Regulations. Each case shall be decided on an individual basis and the physical evidence and burden of proof shall rest with the applicant. Roadway specifications are the exclusive authority of the Board of County Commissioners. The variance shall be considered in accordance with the following variance procedures:

#### **1. Procedure**

An applicant requesting a variance to a provision of the Subdivision Regulations shall complete an application form provided by the Director of Planning Services and shall submit that application form with all necessary fees and accompanying material to the Medina County Department of Planning Services (*Appendix G*). Applications for variances shall be submitted at the same time as materials for the Planning Commission meeting. A total of five copies of the application package and any accompanying narrative shall be submitted.

Upon a review of the submittal and determination that the submittal is complete and meets all requirements per this section, the Director of Planning Services shall place the variance on the agenda for the next Planning Commission meeting. The Director of Planning Services shall review the request and prepare a written recommendation, following review and comments from the appropriate offices. The recommendation shall accompany a copy of the application package that is forwarded to the Planning Commission with the meeting notice. Notice of the variance request shall be posted in the Department of Planning Services and a second public location in the County Administration Building.

The Planning Commission shall hear the request and make a decision of approval, approval with modifications or disapproval within 30 days of hearing the request. In its motion, the Commission shall fully describe the variance(s) granted, including citing the appropriate sections of the Subdivision Regulations, citing the basis, conditions, and reasons for its action, including the criteria under Subsection 203(A) 2 that are met by the applicant in moving for approval. The Commission may also require conditions or modifications to the application that, in its judgment, secure substantially the objective of the standards or requirements so varied or modified and which protect the public health, safety, and general welfare.



**2. Criteria**

In order to approve a variance, the Planning Commission must find that an unnecessary hardship may result from the strict application of the Subdivision Regulations due to exceptional topographic or other physical conditions.

The Planning Commission may vary the regulations so as to relieve an established hardship, provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these regulations or the desirable development of the neighborhood and the community. The Planning Commission may consider self-created nature of the hardship as a factor.

**3. Planning Commission Action Must Not Conflict with Certain Policies**

In approving an application for a variance, the action of the Planning Commission must not conflict with the following policies:

- a. In no instance shall a variance be granted for the sole purpose of increasing economic benefit to the applicant.
- b. In no instance shall a variance be granted which has the effect of nullifying the intent and purposes of the Subdivision Regulations or a valid township zoning resolution if such exists.

**4. Effect of Approval and Period of Validity**

The approved variance and its conditions shall be noted on the Final Plat. If approved, the variance shall remain valid for 12 months from the date of approval, as long as a subdivision is being actively processed in accordance with the Subdivision Regulations, or upon completion of the subdivision. Subdivisions, which fail to meet the processing requirements, will be required to submit a new variance request to the Planning Commission.

**B. Administrative Waivers**

1. The Director of Planning Services may grant waivers to the Subdivision Regulations in situations where there is a change in technical data. The Subdivision Regulations may also be waived where the Director determines that the purposes of the Subdivision Regulations may be served to a greater extent by an alternative proposal. The Director of Planning Services, following the administrative waiver procedure and criteria, may grant waivers as follows:
  - a. Slight modifications to application and/or submittal requirements that are in substantial conformity with the requirements of the Subdivision Regulations or which would otherwise inhibit the Planning Commission from rendering a decision.
  - b. Minor modifications to a Final Plat after Planning Commission approval and before recording.

The Director, in deciding whether the waiver request is appropriate under the Subdivision Regulations, shall base his/her decision on whether the request is of substance as to require consideration as a request for a variance by the Planning Commission.

2. Procedure and Criteria

An applicant for approval at any stage under the Subdivision Regulations may request an Administrative Waiver by submitting an application (*Appendix F*) and attach information, as provided under Subsection 203(B). The Director of Planning Services shall not formally accept the application package until it is determined to be complete. Following that determination, the Director of Planning Services shall give a written decision within 10 working days.

The applicant requesting the waiver may appeal the Director of Planning Service's decision to the Planning Commission. This appeal must be submitted to the Department of Planning Services within 30 working days after receiving the Director of Planning Service's written decision. The appeal shall be heard and considered by the Planning Commission at its next scheduled meeting. The Commission shall decide the appeal at that meeting, unless the applicant agrees to a tabling of the appeal, to the next regularly scheduled meeting, at which time the Commission shall render a decision.

The Director of Planning Services shall approve a request for an Administrative Waiver provided that all of the following criteria have been fully met:

- a. The applicant has submitted a request that fully demonstrates the desirability of the waiver.
- b. In no instance shall a waiver be granted for the sole purpose of increasing economic benefit to the applicant.
- c. In no instance shall a waiver be granted which nullifies or compromises the intent and purposes of the Subdivision Regulations, or a township zoning resolution if such exists.

3. Effect of Approval

Any waiver of the minimum requirements of the Subdivision Regulations in regard to a particular subdivision or development shall be noted on the Final Plat.

**C. Appeals**

Any person who believes he or she has been aggrieved by the Subdivision Regulations or the action of the Planning Commission, has all the rights of appeal as set forth in Chapter 711 of the Ohio Revised Code or any other applicable section of the Ohio Revised Code, as amended.

**204 Effect of Enactment**

Applications to create subdivisions (major or minor), which have been received by the Medina County Department of Planning Services that are accepted as fulfilling the submittal requirements and which are at the stage of preliminary plan review, shall be processed according to the regulations in place prior to the effective date of these amended regulations.

Applications to create subdivisions (major or minor) submitted to the Department of Planning Services after the effective date of these amended regulations, shall be processed and approved according to these amended regulations.

**205 Prohibitions**

**A. Recording of a Plat**

No plat for any subdivision shall be recorded by the Medina County Recorder or have any validity until said plat has received final approval in the manner prescribed in these and other County regulations.

**B. Revision of Plat after Approval**

Major changes, erasures, modifications or revisions may not be made to a plat of a subdivision after approval has been given by the Medina County Planning Commission and endorsed in writing on the plat unless said plat is first submitted to the Commission for revision per the Subdivision Regulations. Once recorded a plat may not be revised without replatting in accordance with Section 206.

**C. Sale of Land within Subdivisions**

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

**206 Replatting Requirements**

**A. Purpose**

To inform the subdivider of the specific information that must be provided in order to permit review, approval and recording of replats.

**B. Procedures**

As per Ohio Revised Code Section 711.25, any change to streets or sublots in a platted major subdivision is subject to submittal requirements and procedures established herein for plats. Applicants shall include a copy of current subplot/street configuration for reference, a completed application (*Appendix I*), and any other pertinent data requested by the Director or the Planning Commission. No preliminary discussion is required, unless specified by the Director.

**C. Alternate Procedures**

Where the replatting (reconfiguration of a recorded plat) of subdivision does not create any additional building sites, the Director may sign such replat, subject to local approvals, without having the proposal appear formally before the Planning Commission. The Director may require that a replat be reviewed formally by the Planning Commission if it is felt to be warranted due to unique environmental factors; factors relating to the provision of public facilities or factors relating to public safety.

Where the replatting of a subdivision follows the intent demonstrated in a preliminary plan to subdivide land in a specific manner, the Director may sign such replat, subject to local approvals, without having the proposal appear formally before the Planning Commission. Local approvals including but not limited to township trustees or zoning departments, Highway Engineer or Sanitary Engineer Departments or County Health Department.

The Director may require that such a replat be reviewed formally by the Planning Commission if it is felt to be warranted due to the submission of additional information from any local approving entities, or a substantial change has been made to the preliminary plan originally approved by the Planning Commission. A substantial change includes, but is not limited to, rearranging subplot or street patterns, adding additional sublots, or replatting blocks originally approved on the preliminary plan into sublots. (Effective 6/20/2007)

**207 Penalties**

See Ohio Revised Code Section 711.

## Article III. Definitions

### 300 Rules of Construction 301 Definitions

#### 300 Rules of Construction

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

- A. The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- B. The present tense includes the future tense, the singular includes the plural, the plural includes the singular, and the masculine includes the feminine.
- C. The word “shall” is a mandatory requirement; the word “should” is preferred; the word “may” is permissive.
- D. The words “used” or “occupied” include the words “intended, designed or arranged to be used or occupied.”
- E. The word “Sublot” includes the words “lot”, “plot” or “parcel.”
- F. In the case of any difference of meaning or implication between the text of the Subdivision Regulations and any caption, illustration, summary table or illustrative table, the text shall control.
- G. The word “will” indicates a strong inclination towards a desired result and is not a legal mandate.
- H. The word “road” will be synonymous with the word “street”. (Amended 6/20/2007)

#### 301 Definitions

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

**Accessory Building/Structure** - Building or structure detached from the principle building or structure, located on the same lot and customarily incidental and subordinate to the principal building or structure.

**Agriculture** – “Agriculture” includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

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

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

**Archaeological Site** – Land or water areas that show evidence of artifacts of human, plant, or animal activity, usually dating from periods of which only vestiges remain.

**Bicycle Facilities** – A general term denoting improvements and provisions made by public agencies to accommodate or encourage bicycling, including bicycle paths, bicycle lanes, parking and storage facilities, lockers, and showers, maps of bicycle ways, marked routes and shared roadways not specifically designated for bicycle use.

**Bicycle Lane** - A portion of a roadway, which has been designated by striping and pavement markings for the preferential or exclusive use of bicycles.

**Bicycle Path** -A portion of a roadway or separate pathway designated for use by bicycles.

**Bicycle Route** – A system of roads and ways that are linked by signs to aid bicyclists.

**Bikeway** – A bikeway is created when a road has the appropriate design treatment for bicyclists, based on motor vehicle traffic volumes and speed, shared roadway, shoulder, bikeway, bicycle lane or bicycle boulevard.

**Block** – A term used to describe parcels created in major subdivisions:

- a. not to be used as buildable lots, or
- b. reserved for future development, or
- c. a tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines or waterways, or boundary lines. (Amended 6/20/2007)

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

**Buffer** - An area within a property or site either consisting of natural existing vegetation or created by the planting and placement of trees, shrubs, fences, walls, and/or berms, designed to limit the view, light, and/or sound from or to adjacent sites, properties, or thoroughfares.

**Buildable Area** – Area of a lot remaining after the minimum subdivision and zoning requirements for yards, setbacks, easements, and other restrictions have been met.

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

**Building Envelope** - The portion of a lot or parcel bounded by the established setbacks, and/or natural constraints such as wetlands, steep slopes, and/or wooded areas where this principal dwelling or structure may be located.

**Building Line** - See “Setback Line”.

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

**Capital Improvements Program** - A proposed schedule of all future projects by the county or municipalities, listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government operating expenses for the purchase, construction or replacement of the physical assets for the community are included.

**Channel** - A natural or artificial watercourse, which continuously or periodically contains moving water or which connects between two bodies of water. A channel also has definite bed and banks to confine the water.

**Common Drive** – As differentiated from a private street or road, a common drive serves not more than three (3) single-family residential lots and shall not be used to access land outside the subdivision. (Amended 5/27/2014)

**Comprehensive Plan** - A comprehensive, long-range plan intended to guide the growth and development of a community or region that typically includes inventory and analytic sections leading to recommendations for the community’s future economic development, housing, recreation and open space, transportation, community facilities, and land use, all related to the community’s goals and objectives for these elements. (Also known as “MasterPlan”)

**Concept Plan** - A plan prepared for Preliminary Discussion to enable the developer/subdivider to save considerable time and expense in reaching general agreement with the Department of Planning Services as to the form of the plat, the requirements and objectives of the Subdivision Regulations and potential problems.

**Condominium** - An ownership arrangement whereby an individual holds title to an individual unit and joint ownership in common property and/or facilities under provisions of Chapter 5311 of the Ohio Revised Code.

**Condominium Property** - The land, all buildings, improvements, and structures on the land, all easements, rights, and appurtenances belonging to the land, and all articles of personal property which have been submitted to the provisions of the Ohio Revised Code, Chapter 5311.

**Conservation Development** - A contiguous area of land to be planned and developed as a single entity, in which housing units are accommodated under more flexible standards, such as building arrangements and setbacks, than those that would normally apply under single-family district regulations, allowing for the flexible grouping of houses in order to conserve open space and existing natural resources.

**Construction Plans** - The specifications, maps or detailed drawings accompanying a subdivision plat, which show the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Department of Planning Services, Medina County Sanitary Engineer, and the Highway Engineer as a condition for the approval of the plat.

**County** - Medina County, Ohio.

**County Commissioners** - The Board of County Commissioners of Medina County, Ohio.

**County Engineer’s Office** - The Highway Engineer of Medina County, Ohio.

**County Health Department** - The Health Department of Medina County, Ohio.

**County Sanitary Engineer** - A department of the Medina County Commissioner responsible for environmental services, including wastewater systems and community potable water supply.

**Covenant** - A written promise or pledge.

**Critical Root Zone** - That area of a tree in which the majority of a tree’s roots lay. Often 95 percent of those roots are found in the upper 12 to 18 inches of soil and the majority of the roots supplying nutrients and water are found just below the soil surface. The total amount of a tree’s roots is generally proportional to the volume of the tree’s canopy and, if the roots only penetrate a thin soil layer, they must spread far from the tree and beyond the canopy.

**Cul-de-sac** - The paved turnaround at the end of a dead-end street.

**Cul-de-sac Street** – See: Thoroughfare, Street, and Road.

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

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

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

**Density, Net** - Net density is a measure of total dwelling units compared to the total site minus land dedicated for public streets or other purposes as defined in the Township Zoning Resolution.

**The Department of Planning Services** - The department administered by the Medina County Board of Commissioners, which provides staff planning support to the Planning Commission in the administration and execution of the Medina County, Ohio, Subdivision Regulations.

**Design Professional** - A professional in the business of engineering, architecture, planning, landscape architecture, or other profession engaged in design or building.

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

**Director of Planning Services** - The staff person so designated by the Medina County Commissioners as being responsible for processing and coordinating subdivision proposals on behalf of the County Planning Commission.

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

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

**Drainage way** - A watercourse, whether natural or constructed, that drains stormwater from a property.

**Dry Hydrant** – A non-pressurized pipe system permanently installed in lakes, ponds, streams, cisterns, and other structures that provide a means of access to water for the use of fighting fires whenever needed, regardless of weather.

**Driveway** - A vehicular connector allowing access from a public or private street to parking for a single dwelling unit or business or the parking area for a multi-use structure. *(Amended 5/27/2014)*

**Dwelling Unit** - Space, within a building, comprising living, dining, sleeping room or rooms, as well as space and equipment for cooking and bathing, and toilet facilities, for the exclusive use of a group of people living together as a household.

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

**Easement, Access** – An easement for immediate or future use, to provide vehicular and/or pedestrian access and/or accommodation for utilities, from a street to a lot, principal building or accessory structure.

**Easement, Agricultural Conservation** - An easement intended to protect, preserve, and conserve farmland and which shall prohibit the conversion to uses other than agricultural.

**Easement, Conservation** - An interest in property, including the right to enforce restrictions, granted to an organization qualified under state and federal statutes, which protects certain values of the property by prohibiting conversion, development, or incompatible uses.



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

**Easement, Drainage** - An easement created to allow for the purposes of construction, reconstruction, and maintenance of drainage ways.

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

**Emergency Access** – A temporary means of access to a subdivision or site to provide for emergency vehicles.

**Emergency Flow Way** - The flow routes and drainage ways necessary to convey the 100-year storm.

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

**Engineering Code** - The adopted *Engineering Code for Subdivision Development of Medina County, Ohio*, containing the companion engineering and construction standards to the Subdivision Regulations. Copies are available from the Highway Engineer's Office.

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

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

**Escrow** - A deposit of cash from the developer/subdivider to the local government with an approved bank in an account controlled by the County Commissioners and also payable to them, in lieu of an amount required and still in force on a performance or maintenance bond.

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

**Fee Simple Ownership** – A private property land right, sometimes referred to as fee simple absolute, whereby a property owner unconditionally owns a specified piece of land.

**Federal Emergency Management Agency (F.E.M.A.)** – The agency with the overall responsibility for administering the national flood insurance program.

**F.E.M.A. 100-year Floodplain** – Those areas identified as Special Flood Hazard Areas on the most current Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Study produced by F.E.M.A. (Amended 6/20/2007)

**Final Plat** - The final completed map, plan, plat or record of a subdivision that is to be filed in the County Recorder's Office, as further described in the Engineering Code for Medina County, and any accompanying material as described in the Subdivision Regulations or specifically required by the Planning Commission. The Final Plat does not include the engineering construction plans as specified in the Engineering Code.

**Flood Elevation, 100-Year** – The elevation of the water surface of the 100-year flood, referenced to mean sea level or other datum as determined or approved by the Medina County Floodplain Administrator. (Amended 8/9/2004) (Amended 6/20/2007)

**Floodplain** – The areas adjoining a watercourse, which are expected to be inundated when flows in the watercourse exceed the bank-full capacity of the watercourse channel. (Amended 8/9/2004)

**Floodplain, 100-Year** - The areas adjoining a watercourse, which are subject to a one-percent chance of flooding in any given year. (Amended 8/9/2004) (Amended 6/20/2007)

**Flood Prone Soils** – Soil types identified by the United States Department of Agriculture (USDA) as “susceptible to flooding”. (Amended 6/20/2007)

**Floodway** - The channel of a river or other watercourse and the adjacent land areas within the floodplain that have been reserved in order to pass the 100-year flood discharge. A floodway is typically determined through hydraulic and hydrologic engineering analysis such that the cumulative increase in the flood elevation is no more than a designated height. (Amended 8/9/2004) (Amended 6/20/2007)

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

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

**Frontage** - The distance that a parcel abuts a public road or an access easement, as required by and approved under these regulations.

**Frontage Street Tree** - A tree provided by a developer, subdivider, builder or homeowner located adjacent to but outside a road right-of-way.

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

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

**Greenway** – A linear park, alternative transportation route, or open space conservation area that provides passive recreational opportunities, pedestrian and /or bicycle paths, and/ or the conservation of open spaces or natural areas.

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

**Habitat** - The ecological area that supports a species.

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

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

**Homeowners Association** - See Owners Association.

**Hydric Soils** - Soils that are wet long enough to periodically produce anaerobic conditions, thereby influencing the growth of plants.

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

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

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

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

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

**Location Map** See: "Vicinity Map".

**Lot, Sublot:** For purposes of the Subdivision Regulations, a lot or sublot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lots shall have frontage on a dedicated public street, on an approved private street or on an approved access easement.

**Lot or Sublot Frontage** - The front of a lot shall be construed to be the portion nearest the street, approved common access drive or owned access easement to which the lot has access. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "yard" in this chapter.

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

**Lot or Sublot Measurements** - A lot shall be measured as follows:

- A. Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- B. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

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

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

- A. **Corner Lot** - A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the lot meet at an interior angle of less than 135 degrees.
- B. **Interior Lot** - A lot other than a corner lot with only one frontage on a street.
- C. **Through Lot** - A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as "double frontage lots".
- D. **Reversed Frontage Lot** - A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

**Major Subdivision** - See Subdivision, Major

**Marsh** - A type of wetland where the soil is usually waterlogged during the growing season. Vegetation includes cattails, bulrushes, spikerushes, grasses, and various other marsh plants. Marshes would include any wetland "Type 3" or greater, as defined by the U.S. Fish and Wildlife Service Circular No. 39.

**Minor Subdivision** - See Subdivision, Minor

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

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

**Natural Drainage Way** –The natural course taken by water flowing through, within or over the property to be subdivided permitting the uninhibited flow of storm water across the parcel.

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

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

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

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

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

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

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

**Open Space** - An area, which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts or any other recreational facilities. Streets, structures for habitation, sewage ponds and the like shall not be included.

**Open Space Subdivision** – See Subdivision, Conservation.

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

**Owners Association** - An Owners Association, whether or not incorporated, operates under and pursuant to recorded covenants or deed restrictions. Through these covenants or restrictions each owner of a subplot/parcel within the respected Major Subdivision is automatically a member as a condition of ownership. Each member is typically subject to a charge or assessment for a pro-rated share of expenses of the association, which may become a lien against the subplot/parcel of the member.

**Parallel Access Road** – A road separated from and parallel to a highway or arterial, designed to reduce the number of driveways that intersect the highway or arterial.

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

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

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

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

**Perennial Stream** - A stream with continuous flow.

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

**Planning Commission** - The Planning Commission of Medina County, Ohio.

**Planning Commissioners** - The members of the Planning Commission of Medina County, Ohio

**Plat** - The map, drawing or chart on which the developer's/subdivider's plan of subdivision is presented to the Department of Planning Services and Planning Commissioners for review and consideration for approval.

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

**Private Street** – Land not dedicated as a public right of way set aside to convey vehicular traffic between the public roadway system and the driveway/s of dwelling unit/s, multiple structures on a common parcel, or the parking area for a multi-use structure or structures. Access to private streets may be limited. Private streets cannot be converted to public streets in the future unless constructed or retrofitted to public standards acceptable to the Medina County Highway Engineer. (Amended 5/27/2014)

**Professionally Prepared Document** – A document prepared by a registered or licensed professional such as, but not limited to: an engineer, surveyor, attorney, appraiser, and etc.

**Prosecutor, County** - The Prosecutor of Medina County, Ohio.

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

**Public Improvement** - Any drainage ditch, roadway, utility infrastructure, parkway, sidewalk, pedestrian way, bicycle way or bicycle path, tree lawn, off-street parking area, lot improvement or other facility for which the local government shall be responsible for maintenance and operation, or which may affect an improvement for which local government responsibility is established. All improvements shall be properly bonded or constructed.

**Public Right-Of-Way** - A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, and road or for another special use as a public way. In addition to the roadway, it may incorporate the curbs, water, storm sewer, sanitary sewer, electric and communication lines, conduit and gas lines, lawn strips, sidewalks, bicycle lanes, bicycle paths, lighting, and drainage facilities and may include special features (required by the topography or treatment) such as grade separations, landscaped areas, viaducts, and bridges.

**Public Way** - An alley, bicycle path, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land parkway, right-of-way, road, sidewalk, street, viaduct, walk or other ways in which the general public or a public entity have a right or which are dedicated.

**Public Utility** - A public or private corporation that provides a utility service, such as water, sanitary sewer, electric, telephone, cable, natural gas, or other as defined by the ORC or Case Law.

**Replat** - A reconfiguration of lots and/or further subdivision of lots in a recorded plat. It may include all or any part of a previously recorded Plat.

**Reserve** - The identification and setting aside of an area of land on a Preliminary Plan or Final Plat for a particular public or private purpose.

**Reserve Strip or Spite Strip** - A parcel of land, usually unbuildable due to extreme narrowness or depth, which is used solely to prevent access from one parcel to another or to an adjacent roadway, common drive or access easement.

**Riparian Buffer** - A vegetated buffer strip along a watercourse that may filter stormwater or is intended to preserve wildlife habitat.

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

**Road, Private** - See Private Street.

**Road, Public** - A public way, typically bounded between property lines, intended for vehicular traffic, dedicated to the public and constructed to public standards. (Amended 5/27/2014)

**Screening** - A wall, fence, mound, and/or landscaping designed and installed to screen adjacent uses from each other.

**Setback Line** - A line established by zoning resolution or County Building Department requirements, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, or structure may be located above ground, except as may be provided in the Zoning Resolution.

**Sewage Systems** - Any private or individual sewage system, which receives sewage as approved by the County Health Department or the Ohio Environmental Protections Agency.

**Sewer System, Central** - A sewer system constructed to Medina County or Ohio Environmental Protection Agency standards. . It includes wastewater treatment and distribution facilities.

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

**Sight Distance** – The length of roadway that is necessary to insure the operator of a vehicle has an unobstructed view of the entire intersection and sufficient length of the road to provide safe driving conditions.

**Site** - A lot or parcel proposed for development.

**Slope** - The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees. (See Terrain Classification)

**Soil and Water Conservation District (SWCD)** - As organized under Chapter 1515 of the ORC; referring either to the Soil and Water Conservation District Board or its designated employee(s).

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

**Stormwater Runoff.** Surplus surface water generated by rainfall that does not seep into the earth but flows overland.

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

**Street** - See Thoroughfare, Street, Road.

**Structure** - A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

**Subdivider** - See Developer, The following apply:

- A. A person having an interest in land and who causes it, directly or indirectly, to be divided into a subdivision.
- B. A person who directly or indirectly sells, leases or develops or offers to sell, lease or develop, or advertises to sell, lease or develop any interest, lot, parcel, site, unit or plat in a subdivision.
- C. A person who engages directly or through an agent in the business of selling, leasing, developing or offering for sale, lease or development a subdivision or any interest, lot, parcel, site, unit or plat in a subdivision.
- D. A person who is directly or indirectly controlled by or under direct common control with any of the foregoing.

**Subdivision** - As per Section 711.001, ORC;

- A. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale, exchange, or adjustment of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
- B. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

**Subdivision, Conservation** – A contiguous area of land to be planned and developed as a single entity, in which Sublots are accommodated under more flexible standards, such as building arrangements and setbacks, than those that would normally apply under township zoning regulations, allowing for the flexible grouping of uses in order to conserve open space around existing natural resources.

**Subdivision, Major** - All subdivisions not classified as minor subdivisions, including but not limited to: subdivisions of more than five lots, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.

**Subdivision, Minor** - A division of a parcel of land that does not require a plat to be approved by a planning authority according to Section 711.131, ORC. Also known as a “lot split”.

**Subdivision, Standard** – a major or minor subdivision, as defined by the ORC, in which property is subdivided into Sublots in compliance with the township zoning resolution.

**Sublot** - See: “Lot, Sublot”.

**Substantial Conformity** – Functionally, quantitatively, and qualitatively equivalent or identical with all essential and material requirements.

**Surveyor** - Any person registered to practice surveying in the State of Ohio by the State Board of Registration, as per Section 4733.14 ORC.

**Tax Map Department** - The Tax Map Department as administered by the Medina Highway Engineer’s Office.

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

- A. **Level to Rolling** - Land that has a cross slope of zero to 10 percent or less.
- B. **Hilly** - Land that has a cross slope of more than 10 percent but not more than 25 percent.
- C. **Hillside** - Land that has a cross slope of more than 25 percent.

**Thoroughfare Plan** - The most recent plan adopted by the Planning Commission indicating the location of thoroughfares within the County.

**Thoroughfare, Street, Road** - The full width between right-of-way lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- A. **Alley** - A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- B. **Arterial** - A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
- C. **Boulevard** - A divided street, which can carry large or small amounts of vehicular traffic depending upon width, parking regulations and lot access. A street intended to serve as an arterial or collector.
- D. **Collector** - A thoroughfare, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from major local streets to arterial streets, including the principal entrance and circulation routes within subdivisions.
- F. **Cul-de-Sac Street** - A local street with one end open to traffic and the other end permanently terminating in a turnaround.
- G. **Loop** - A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the 180 degree system of turns are not more than 1,000 feet from said arterial or collector street, nor normally more than 600 feet from each other.
- H. **Minor Residential** - A street whose sole function is to provide access to abutting residential properties.
- I. **Principle Residential** - A street primarily for providing access to residential, or other abutting property.
- J. **Stub-Street** - A street that continues to the property line with the intention of extending to another development in the future.

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



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

**Unbuildable Area** – An area in which a structure could not be built as a permitted use under existing regulations. (Amended 6/20/2007)

**Unbuildable Lot** – A parcel or subplot that fails to meet the minimum standard for development. (Amended 6/20/2007)

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

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

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

**Vernal Pools** – Appearing or occurring in the spring, a transitory body of water produced by spring rains.

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

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

**Watercourse** –Any natural, public or private body of water including lakes, ponds, streams, gullies, swales or ravines having banks, a defined bed, and a definite direction of course, either continuously or intermittently flowing.

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

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

**Water System, Public** - A system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days of the year. This term includes any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and any collection or pre-treatment storage

facilities not under such control, which are used primarily in connection with such system. A public water system is either a “community water system” or a “non-community water system”.

**Wetland** - An area inundated or saturated by surface or ground water at a frequency or duration sufficient to support under normal circumstances, wetland hydrology, hydric soils, and hydrophilic vegetation.

**Wetland Jurisdiction** --An area inundated or saturated by surface or ground water at a frequency or duration sufficient to support under normal circumstances, wetland hydrology, hydric soils, and hydrophilic vegetation and where the discharge of dredged or fill material requiring a permit from the U.S. Army Corps of Engineers or the Ohio Environmental Protection Agency is proposed.

**Yard** - A required open space unoccupied and unobstructed by any structure or portion of a structure.

**A. Yard, Front** - A yard extending between side lot lines across the front of a lot and extending from the front property line to the established building setback line.

**B. Yard, Rear** - A yard extending between side lot lines across the rear of a lot and from the rear lot line to the established rear yard setback line.

**C. Yard, Side** - A yard extending from the side property line to the established side yard setback line on both sides of the lot or parcel between the lines establishing the front and rear yards.

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

**Zoning Inspector** – A person designated by the Township Trustees to administer and enforce zoning regulations.

## Article IV. Major Subdivisions

<b>400 Purpose</b>	<b>403 General Procedures</b>
<b>401 Subdivision Types</b>	<b>404 Optional Procedures</b>
<b>402 Covenant and Restrictions/ Owners Association</b>	<b>405 Submittal Requirements</b>

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### **400 Purpose**

It is the purpose of the Medina County Subdivision Regulations to ensure all major subdivisions will have the appropriate available supporting infrastructure and be consistent with all applicable Zoning Regulations' policies, standards, and requirements of the Townships and the requirements of the County Highway Engineer, County Sanitary Engineer, County Health Department, and the Medina County Planning Commission.

### **401 References to Standard and Conservations Subdivisions located in Appendix.**

### **402 Covenants and Restrictions/Owners Association**

An Owners Association is a viable tool for owning and/or maintaining various aspects of a subdivision, including but not limited to, stormwater management and natural drainage ways, common areas, open space, private streets and sidewalks, bicycle lanes, and landscape elements (e.g. gateways, buffers, etc.). Major Subdivisions with private dedicated features such as these shall establish covenants and restrictions providing for an owners association and specifically assigned duties, responsibility, membership, and authority. Covenants and restrictions so established shall be either recorded as a page or pages on the Final Plat or referenced on the Final Plat as to Document Number(s) of the recorded document which has been recorded after approval by the Medina County Prosecutor. (Amended 6/20/2007)

#### **A. Roles and Responsibilities**

Areas reserved for special protection, maintenance, or use, including private streets and natural resources such as floodplains, forests, riparian corridors, and wetlands or stormwater management and natural drainage ways established via the subdivision process may be owned or managed by an owners association or other party such as a conservancy or land trust as approved by the Prosecutor's Office. The association, where applicable, may be responsible for maintenance, insurance, and taxes on common areas including open space, recreational facilities, private roads, and common access drives.

#### **B. Submission**

The proposed owners association covenants, restrictions, and documents (3 copies) shall be submitted to the Department of Planning Services by the developer/subdivider during the Preliminary Plan stage. The owners association shall be established with the filing of the Final Plat. Once established, the association has clear legal authority to maintain and exercise control over common open space and facilities. As each subplot/parcel is sold, the purchaser must become a member of the association, and this membership shall be written into the deed and run with the land in perpetuity. (Amended 6/20/2007)

#### **C. Bylaws**

The developer/subdivider shall provide a preliminary description of the association with the submittal of the Preliminary Plan including its bylaws and methods for maintaining open space. The bylaws outlining the rules and regulations of the association shall be drafted in concurrence with the Subdivision Regulations.

**403. General Procedures**

**Applicability**

While the developer may choose to go directly to the Preliminary Plan submittal, it is recommended that before any land is subdivided the owner of the property proposed to be subdivided, or his/her authorized agent, should apply for and secure approval of the proposed subdivision in accordance with the following procedures, which include the following four steps. Each of these steps must be completed in the following order:

- A. Preapplication Meeting.**
- B. Concept Plan.**
- C. Preliminary Plan.**
- D. Final Plat.**

Each respective meeting must take place prior to submittal for the next step. (Amended 6/20/2007)

**404. Submittal Requirements**

All submittal requirements shall be prepared in compliance with the requirements of the Subdivision Regulations. Applicants shall rely upon the Director of Planning Services for interpretation. Plans shall be prepared by the appropriate design professional to the satisfaction of the Director of Planning Services. Information for plan submittal is available at the Department of Planning Services.

Developers who intend to submit a plan of a subdivision are strongly encouraged to submit a pre-application sketch and concept plan, for MCDPS staff review in order to provide a clear understanding and to ensure compliance with the requirements contained within these regulations as well as to avoid duplication and/or wasted engineering efforts. Such submission does not, however, constitute formal subdivision review pursuant of Section 711.10, of the Ohio Revised Code. (Amended 6/20/2007)

**A. Preapplication Meeting**

The purpose of this meeting is to discuss early and informally the purpose and effect of these regulations and the criteria and standards contained in these regulations, and to familiarize the developer with the zoning resolutions, and the drainage, sewage, and water systems of Medina County, Ohio. It will also acquaint the applicant with local comprehensive plans, local and countywide transportation plans, and other adopted zoning regulations or planning policies of local municipalities and Medina County, Ohio. (See *Appendix J*.)

Because it is the purpose of this meeting to discuss a preliminary concept prior to engineering, at a stage where changes can be made easily, the sketch can be any drawing that locates the property and roughly delineates the proposed subdivision. The Developer/Subdivider hereinafter referred to as Subdivider, is encouraged to meet with the staff of the Department of Planning Services very early in the subdivision process. The purpose of this meeting is to review the Sketch and to discuss early and informally the following items, at a minimum:

1. The development process and effect of these and other related regulations including drainage, sewerage, water, and stormwater requirements.
2. The criteria and standards contained therein.

3. The Sketch and general conceptual suitability of the proposed subdivision per the Subdivision Regulations.
4. The other relevant planning documents.

**B. Concept Plan**

A Concept Plan (*Appendix B*) must be submitted for a review and recommendation by the Department of Planning Services prior to submittal of a Preliminary Plan. The Concept Plan is not an official plat as defined by ORC 711.01. The Concept Plan shall address the entire development. (Amended 6/20/2007)

**1. Concept Plan Submittal Requirements**

The developer/subdivider shall submit a Concept Plan and required Supplemental Information in accordance with requirements established by Section 404B of the Subdivision Regulations. The Plan shall also address the summary results of the pre-application meeting, if applicable, as well as a completed application form (*Appendix B*).

**a. Application**

1. A total of five folded copies of the Concept Plan plus one copy of the application and supporting material shall be submitted. (Amended 8/9/2004) (Amended 6/20/2007)
2. The Concept Plan shall be drawn on 24-inch by 36-inch sheets to a scale of one-inch equals 100 feet, or as approved by the Director of Planning Services.
3. The Concept Plan shall be submitted in electronic format (CAD and PDF) submitted on a CD or DVD, or emailed if the file size allows. If possible, the files should be geo-referenced and projected to the State Plane coordinate system NAD 1983. (Amended 5/27/2014)

**b. Base Information**

The following base information shall be provided on all sheets:

1. Name and address of developer, property owner, land planner, landscape, architect, engineer, and/or surveyor and contact person.
2. Structures within 200 feet of the boundary lines of the project and adjoining property owned by the applicant, including parcel number if available.
3. Vicinity map.
4. North arrow.
5. Title block shall be in the lower right-hand corner. The title block shall include title "Concept Plan", sheet title, proposed subdivision name, developer, and preparer, scale of the plan, and date, and revisions numbered and dated.
6. Existing zoning districts and applicable standards.
7. Tax Parcel Number of the land to be subdivided.

**c. Existing Conditions**

The following information should be provided for a more realistic interpretation of site characteristics in map or text form to indicate existing conditions on the subject site. These conditions shall be superimposed on the most current and legible aerial photograph, if the information is available. (Amended 6/20/2007)

1. Existing generalized natural features at a minimum, including: streams, rivers, lakes, creeks, ponds and steep slopes obtained from USGS maps.
2. Existing generalized land use; structures and buildings, including: underground mines; all above ground and below ground transmission lines; gas and oil wells; and water wellheads.
3. Existing utilities, including: water; sanitary sewer; stormwater; electric; natural gas; cable; etc.

4. Existing streets and roads, bicycle paths, bicycle lanes, pedestrian walkways, and greenways.
5. Existing open space, parks and recreation facilities.
6. The Concept Plan shall be submitted using existing contours.
7. Existing FEMA-established 100-year floodplain boundaries (based on the Flood Insurance Rate Maps).

**d. Soils Map**

1. The appropriate pages from the Medina County Soil Survey shall be included with the Concept Plan with the subject site clearly denoted.
2. Flood Prone Soils shall be highlighted and identified.

**e. Proposal** The following improvements shall be indicated on the Concept Plan of the subject property:

1. Proposed generalized lot layout and building envelope(s).
2. Proposed utilities, including: water; sanitary sewer; and stormwater facilities.
3. Proposed roads and sidewalks, bicycle paths, bicycle lanes, pedestrian walkways, and greenways.
4. Proposed parks and recreation facilities.
5. Proposed open space areas.
6. Blocks for future development and/or open space.

**2. Concept Plan and Distribution Review**

The Director of Planning Services shall circulate the Concept Plan to the relevant public agencies and individuals for review and comment. A copy of the application and plan shall also be forwarded to the Township Zoning Department, Trustee Chair, Zoning Commission Chairperson, Secretary, and the Chairperson of the Board of Zoning Appeals where the subdivision is located for distribution, review and comment. A period of fifteen (15) days will be provided for review and comment of the distributed Concept Plan.

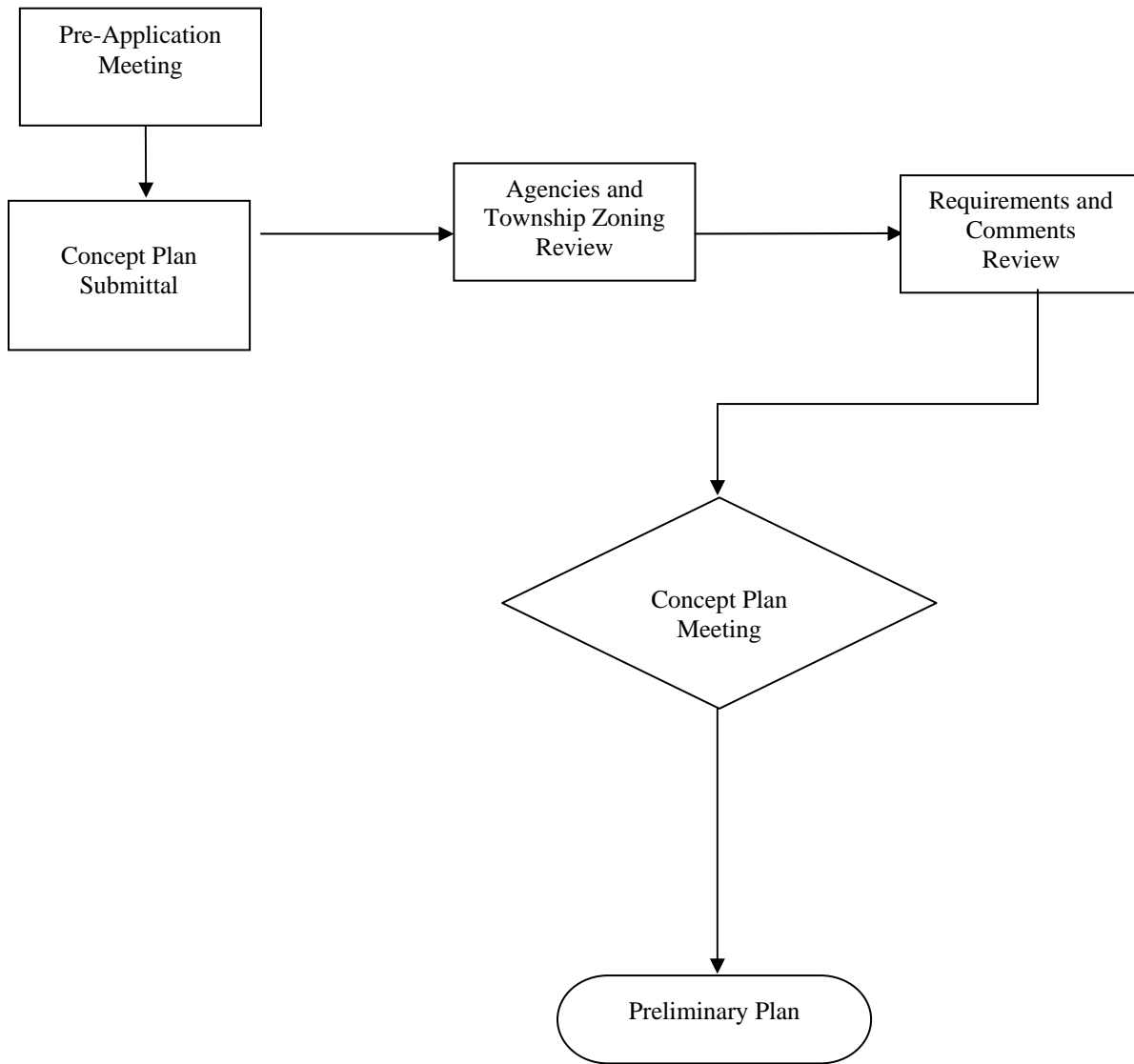
**3. Concept Plan Meeting.**

A Concept Plan meeting will be scheduled following the end of the review and comment period. The Subdivider, the Department of Planning Services, and all parties selected for distribution shall be invited to attend. The Director of Planning Services shall provide a summary of comments and concerns to the applicant following the review meeting. The Concept Plan meeting must take place prior to submittal of a Preliminary Plan.

**4. Need for Storm Water Study**

Whenever a Concept Plan is submitted for an area that is subject to flooding, contains soils that are prone to flooding, or where there is concern with encroachment into wetlands, floodplains, streams or drainage courses, the Department of Planning Services or the Highway Engineer may require the applicant to provide on-site and/or downstream drainage studies and/or additional floodplain studies. Such studies shall comply with the current Medina County Storm Water Management Regulations. (Amended 8/9/2004) (Amended 6/20/2007)

**Chart A: Concept Plan** (Amended 6/20/2007)



**C. Preliminary Plan**

The Preliminary Plan is a required submittal by a developer/subdivider and must be reviewed and approved by the Planning Commission prior to submittal of a Final Plat. The Preliminary Plan shall address the entire development. The developer/subdivider shall present all information needed to enable the Planning Commission to determine that the proposed layout is satisfactory and shall serve the public interest. This stage also ensures that the developer/subdivider will not be required to expend extensive monies without some assurance that the plat will be finally approved. (Amended 6/20/2007)

**1. Preliminary Plan Application**

An application for Preliminary Plan review shall include the following provided such plan is submitted within twelve (12) months of the Concept Plan meeting:

- a. A completed application form (*Appendix C*). The developer/subdivider shall file an application for approval with five copies, folded, of the Preliminary Plan with the Department of Planning Services. (*Amended 5/27/2014*)
- b. A Preliminary Plan in conformance with the requirements set out in the Subdivision Regulations. Such plan must also address or reflect the written comments of the Concept Meeting summary where applicable. (*Amended 6/20/2007*)
- c. A draft of the proposed covenants and/or deed restrictions, if applicable. At a minimum, applicant shall submit a descriptive paragraph indicating the intent of the covenants and restrictions concerning perpetual ownership, maintenance, and/or construction of common lands and/or facilities.
- d. The payment of all fees as required.
- e. The Preliminary Plan in electronic format (CAD and PDF) submitted on a CD or DVD, or emailed if the file size allows. If possible, the files should be geo-referenced and projected to the State Plane coordinate system NAD 1983. (*Amended 6/20/2007*)
- f. Completed "Preliminary Plan Checklist" (*Appendix L*).

Upon determination of compliance with the Preliminary Plan submission requirements the Department of Planning Services will place the proposed Preliminary Plan on the Planning Commission agenda for official filing and review by the Planning Commission. The Preliminary Plan shall be considered at the next regularly scheduled meeting of the Planning Commission following notification to the subdivider from the Department of Planning Services that the Preliminary Plan and application are in compliance, provided the notice of determination of compliance is given by the Director of Planning Services at least three (3) weeks prior to the regularly scheduled meeting.

## **2. Preliminary Plan Submittal**

The Preliminary Plan should be drawn on 24-inch by 36-inch sheets to a scale of not less than one inch equals 100 feet unless a different scale is required by staff for review purposes. When more than one sheet is required, an index shall be submitted as a separate sheet or incorporated into the title block. Submittal requirements may be consolidated and submitted provided the intent of this section is met. The Preliminary Plan shall contain at a minimum the following information:

### **a. Base Information**

1. Proposed name of subdivision (must not duplicate others in Medina County), township, and tract or original lot or section number.
2. Names, addresses, and telephone numbers of subdivider, property owner, engineer, and/or surveyor.
3. Permanent parcel numbers of the property to be subdivided and names of the property owners contiguous to and directly across the street from the proposed subdivision. Recorded subdivisions must be identified.
4. Scale must equal 1" = 100' (or otherwise authorized by Director), north arrow, date of Preliminary Plan and changes, date of survey.
5. All adjacent property owned by the subdivider.
6. A vicinity map showing the relationship of the proposed subdivision to the adjacent area.
7. Total number of lots, area of lots and blocks and parcels, area of public roadways, areas of open space dedications together with the proposed recipient of fee interest and/or holder of conservation easement, and total area of the subdivision.



8. Existing zoning and proposed zoning, lot sizes and yard frontage and setback requirements.

**b. Existing Data**

1. Boundary line survey showing bearings, distances, and acreage as surveyed by a Registered Surveyor.
2. Easements – Location, width and purpose.
3. Streets on and adjacent to the subdivision – Names, locations, right-of-way, existing easements and roadway width. Existing streets and roads, including: locations, widths, and names of all streets and roads. Streets which have been preliminarily approved or recorded but which remain unimproved shall be indicated with dashed lines.
4. Utilities on and within 200 feet of the subdivision – including: water; sanitary sewer and Stormwater facilities, (indicating approximate pipe sizes and directions of slope); underground transmission lines; water wellheads; electric and telephone pole; fiber optic lines; street lights; fire hydrants; landfills; public utility easements; railroad right-of-ways and existing underground drainage tile systems or information related to whether the property was drained.
5. Ground elevations of the subdivision at two-foot contour intervals.
6. Subsurface conditions of the subdivision – Any conditions that are not typical such as abandoned mines, or wells.
7. Existing generalized natural features: including the limits of the F.E.M.A. established 100-year floodplain (where applicable), floodway and floodway fringe depicted separately, including elevations and boundaries); soils; wetlands; wooded areas; hedgerows; streams, rivers, lakes, creeks, ponds; steep slopes and ravines. (Amended 8/9/2004) (Amended 6/20/2007)
8. Existing structures, buildings, and drainage structures, bicycle paths, bicycle lanes, pedestrian walkways, and greenways.
9. Oil and/or gas wells, storage tanks and separator units; including the distances of these facilities from existing or proposed property lines, existing or proposed streets and existing or proposed habitable buildings. If oil/gas wells have been abandoned and plugged, documentation of such from ODNR must be submitted.
10. Zoning district, lot size and yard frontage and setback requirements.
11. Planned public improvements – Highway or other major improvements planned by public authorities for future construction on or within 200 feet of the subdivision.
12. Existing community facilities, including parks and recreation facilities (may be combined with land use).

**c. Proposed Preliminary Plan** (Amended 6/20/2007)

1. All land within a proposed subdivision, exclusive of dedicated roads, shall be designated as either a Sublot or a Block. Sublots shall be numbered in numerical order and Blocks shall be designated with a letter and in alphabetical order throughout the subdivision and phases thereof. Blocks intended to remain unbuildable or developed under the respective governmental entity's definition of "Open Space" shall be further designated as "Open Space". Blocks intended for future development shall be designated "For future development". (Amended 6/20/2007)
2. Sublot numbers in numerical order and blocks in alphabetical order throughout the subdivision.
3. Proposed building envelopes.

4. Layout of all proposed and existing sublots with approximate dimensions and minimum area in square feet (acres if lot size is greater than one acre), and lot frontages.
  5. Proposed streets identified by name or by letter designation, right-of-way width, and pavement widths.
  6. Other right-of-ways or easements with location, width, and purpose.
  7. Building setback lines as required by zoning.
  8. For sites reserved for public use or common use of property owners, for parks, playgrounds, or other uses, a description of any proposed covenants, conditions and restrictions must be submitted with the Preliminary Plan. Said description shall include:
    - a. Agreements and provisions for any community association, homeowner's association or owner's association with provision for association membership and responsibility.
    - b. The construction, administration, and maintenance of all proposed common property, common facilities and common lands.
  9. The enabling declaration; the declaration of covenants, conditions and restrictions, the articles of incorporation; and the corporate by-laws.
  10. Sites for other uses such as multi-family dwellings, shopping facilities, churches, industry, or other uses, exclusive of single family dwellings.
  11. Approximate location of storm and sanitary sewers and water lines.
  12. Approximate location and size of drainage structures and culverts.
  13. All areas where the natural topography is to be modified outside public right-of-way.
  14. Boundaries of proposed phases of the subdivision, if applicable.
  15. Fire pond location and associated easements for access. Maintenance of the dry hydrant and fire pond must be addressed as part of the home owner association documents and deed restrictions.
  16. Other information – Any other information identified at the Concept Plan meeting necessary to adequately review the subdivision proposal.
  17. Field Review – The subdivider shall place a field stake at the right-of-way of the existing street, at its intersection with the centerline of all proposed streets.
  18. Wetlands –The developer shall contact in writing the applicable U.S. Army Corp of Engineers District Office regarding the proposed subdivision, and shall submit such correspondence to the Medina County Planning Commission as a condition of Preliminary Plan approval.
- d. Proposed Stormwater and Environmental Management Plan/Map – The following shall be shown:**
1. Existing topography at two-foot intervals. Contour lines shall be indicated 50 (fifty) feet beyond the subdivision boundary.
  2. Proposed drainage and stormwater management systems, as required by the Medina County Stormwater Management and Sediment Control Rules and Regulations including: the type of structures; drainage easements; proposed changes in topography; the FEMA 100-year floodplain (floodway and floodway fringe shall be indicated separately, if applicable) and 100-year flood elevations. (Amended 8/9/2004)
  3. Soil Types: Flood prone soils, if any, shall be indicated. (Amended 8/9/2004)

4. All related watershed boundaries, indicating in which watershed the subdivision is located, and all known underground drainage tile systems. This may be presented as a map insert on the same page.
5. Locations and extent of tentative erosion and sedimentation control measures, as required by the Highway Engineers Office.
6. Preliminary grading plans for the entire area covered by the Preliminary Plan.
7. A copy of the Developers Notice of Intent to obtain an Ohio E.P.A. stormwater management permit if applicable.

**e. Construction Drawings**

A set of construction drawings and specifications for all improvements shall be provided to the County Highway Engineer's Office per the Engineering Code and County Stormwater Regulations. (Amended 8/9/2004)

**3. Review of Preliminary Plan and Notice of Public Meeting**

- a. The Department of Planning Services, shall transmit a copy of the proposed Preliminary Plan and a meeting notice to the following officials for their review and comment:
  - Medina County Highway Engineer
  - Medina County Sanitary Engineer
  - Medina County Health Department
  - Medina County Soil and Water Conservation District
  - Appropriate Township Trustee Chair; Township Clerk; Zoning Commission Chair and/or Secretary; and Chairperson of the Board of Zoning Appeals, Township Zoning Inspector. Township, Fire Department
  - Township Police/Sheriff Department
  - ODOT, when applicable (Section 5511.01 ORC)
  - Medina County Commissioners
  - Medina County Emergency Management Agency
  - Other officials, agencies, and utility providers as deemed necessary by the Medina County Department of Planning Services.
- b. The Medina County Planning Commission shall hold a public meeting on each Preliminary Plan as provided by its rules and regulations for the holding of such meetings. The subdivider shall be notified in writing of the date, time, and place of said meeting at least five (5) days prior to such meeting. The Commission shall notify the Medina County Gazette for publication of the Time, date, and place of such meeting at least five (5) days prior to such meeting. A notice shall be posted in two (2) public places as determined by the Commission at least five (5) days prior to such meeting.

**4. Planning Commission Consideration**

- a. **Public Meeting** The Planning Commission shall consider the Preliminary Plan at its regularly scheduled public meeting. Department of Planning Services staff shall present the proposal, comments, and a recommendation. The developer shall present comments regarding the proposal and the Department of Planning Services staff recommendation. The general public

shall be permitted opportunity to comment. The Planning Commission may call experts to answer questions and provide additional comment.

- b. **Approval** The Planning Commission shall approve, approve with modifications, or disapprove the Preliminary Plan within sixty (60) calendar days of the establishment of an application filing date unless a tabling of the Commission's deliberations is requested in writing by the applicant. In making a motion to approve, the Commission shall base its approval on the following findings:
  1. The Preliminary Plan meets the standards and requirements of the Subdivision Regulations and conforms to the Township Zoning Resolution.
  2. The Medina County Sanitary Engineer has determined the subdivision will be adequately serviced by central water and sanitary sewer subject to approval of detailed plans or the Medina County Health Department has determined the proposed lot(s) are suitable for on-site wastewater system and/or water wells or cisterns in lieu of central water supply.
  3. The Medina County Highway Engineer has determined the Preliminary Plan for streets, stormwater management and natural drainage ways protection is acceptable subsequent to the approval of more detailed construction drawings.
- c. **Disapproval** If a Preliminary Plan is disapproved, the reasons for such disapproval shall be in writing.
- d. **After Meeting** After action on the Preliminary Plan by the Commission, the developer/subdivider shall provide ten (10) copies of the Corrected Preliminary Plan or a sufficient number for distribution as determined by the Planning Commission. Said Preliminary Plan shall show any corrections, modifications, and/or information as may be required by the Commission. Such shall be done prior to submittal of construction plans and /or the Final Plat. (Amended 6/20/2007)

## 5. Period of Approval

Except as otherwise provided in these in regulations, Preliminary Plan approval shall be effective for a period of twenty-four (24) months.

### a. Effect of Approval

A Preliminary Plan approved by the Planning Commission is a general plan and guide to preparation of detailed construction plans and plats. The approved Preliminary Plan shall not be affected by any changes of these regulations during the initial two (2) year approval period, or during any single period of extension.

### b. Extension of the Approved Preliminary Plan

Prior to the expiration date of the initial two (2) year approval period for the Preliminary Plan, the applicant or developer must complete an Extension Request Application, and accompanying narrative explaining the progress of the project, and submit five folded copies of the Preliminary Plan (including electronic copies as specified above) to the Department of Planning Services. (Amended 5/27/2014) The request will be placed on the agenda of the Planning Commission at the next regularly scheduled public meeting under Other Business for discussion. The application and narrative will be transmitted to

the officials listed in Section 404C3a for review and comment. Up to three one (1)-year extensions may be considered and approved for a preliminary plan.

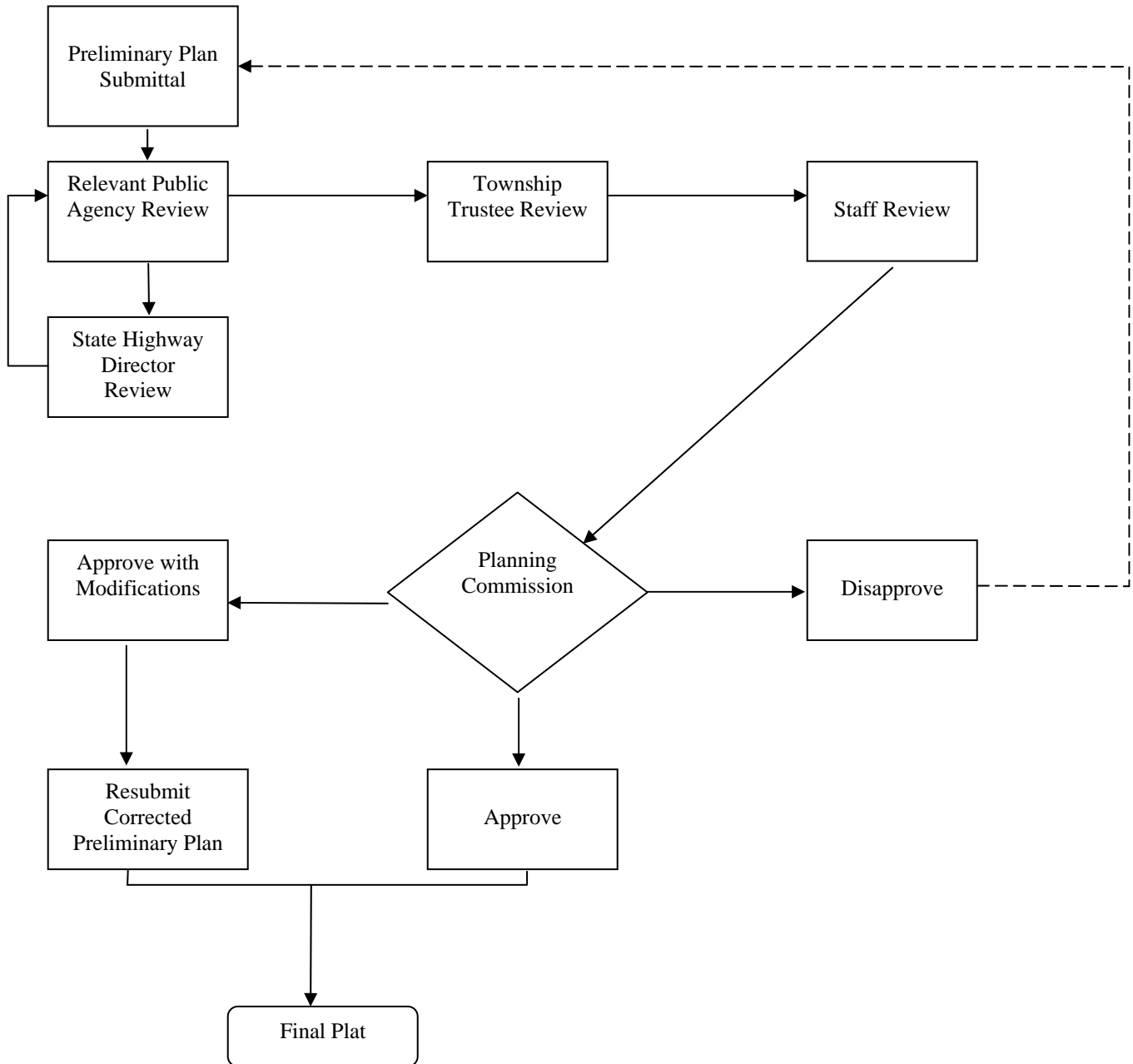
After the 60-month period, any phase(s) or portion(s) of the originally-approved Preliminary Plan not having received Final Plat approval, must be resubmitted for formal processing under the current regulations. (Amended 6/20/2007)

**6. Revisions to Preliminary Plan**

During the preparation of construction plans, technical reasons may necessitate the modification of the approved Preliminary Plan. Whenever the modifications would substantially change between the Final Plat and the approved Preliminary Plan, the change and completed Preliminary Plan Revisions application (*Appendix J*) shall be submitted to the Director of the Department of Planning Services for consideration. Within five (5) working days after receipt of the notification of change with the approvals from appropriate agencies, the Director will:

- a. Give written approval for the modifications, or
- b. Give written notice that the proposed modifications must be reviewed by the Planning Commission at its next scheduled public meeting.

Chart B: Preliminary Plan Process:



**D. Final Plat**

After receiving notice of the Preliminary Plan approval or a determination relative to use of the procedure (403A), the subdivider may proceed with the application for approval of the Final Plat by the Planning Commission. The Final Plat is a required submittal by a developer/subdivider and shall be reviewed and approved by the Planning Commission prior to recording. The Final Plat may address a portion or phase of the approved Preliminary Plan as determined by the subdivider and shall not be submitted until all the conditions of the Preliminary Plan approval have been met.

**1. Preapplication Meeting**

The developer/subdivider may, and is encouraged to, meet with the staff of the Department of Planning Services prior to submitting a Final Plat for determination of compliance and establishment of a filing date. The purpose of this meeting is to allow the developer/subdivider and the Medina County Department of Planning Services staff to review the following together:

- a. The Preliminary Plan approval and the recommended conditions.
- b. The development process and the effect of these and other related regulations on the Final Plat.
- c. The criteria and standards required for determination of compliance of the plat.

Following such meeting, the Director of Planning Services may forward to the developer/subdivider a written summary of the meeting.

**2. Final Plat Submittal**

Conditions from Preliminary Plan approval must be met before filing the Final Plat. The Final Plat submission materials shall contain the following: (Amended 6/20/2007)

- a. An application form (*Appendix D*) shall be completed by the subdivider and submitted with the Final Plat and required Supplemental Information. A total of five folded copies of the Final Plat shall be submitted. The required fee shall also be paid at the time of application submittal. (Amended 8/9/2004) (Amended 5/27/2014)
- b. A "Final Plat Applicant Checklist" (*Appendix M*) as provided by the Medina County Department of Planning Services completed and signed by the developer.
- c. The plat shall be drawn in ink on mylar on a sheet of 11"x17" or 18"x24" at a scale of 1"=100'. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision.
- d. An original mylar of the Final Plat and forty (40) paper copies, folded, at the original scale, and one (1) copy reduced to 11x17 paper size.
- e. The Final Plat in electronic format (CAD and PDF) submitted on a CD or DVD, or emailed if the file size allows. If possible, the files should be geo-referenced and projected to the State Plane coordinate system NAD 1983. (Amended 5/27/2014)
- f. Subdivision Identification, in accordance with the Land Conveyance Standards, where applicable:
  1. Name of subdivision, township, tract, and original lot, or section number.
  2. Title identifying the intent of the plat.
  3. Date, north arrow, and scale.
  4. Vicinity map at 1" = 5,280' scale with north arrow. (Amended 8/9/2004)
  5. Control Points - All dimensions, angles, and bearings are to be referred to control points, such as the nearest established street line, section lines or other established point.
  6. Lines and Boundaries - Center lines and right-of-way lines of street easements and other right-of-way, natural and artificial water courses, streams, FEMA boundaries, shorelines, corporation lines, and property lines of all lots and parcels with distances, radii, arcs, chords, and tangents of all curves (nearest one hundredth of a foot), bearings, or deflection angles (nearest second).
  7. In subdivisions with multiple owners or subdividers, the plat shall include an accurate background drawing (indicated by broken lines) of metes and bounds descriptions of the subdivider's lands which are included within the subdivision.

8. The required building setback lines accurately shown with dimensions.
9. Street names must not duplicate another in Medina County. Right-of-way width of each street within proposed subdivision and those adjoining must be shown.
10. Sublot and block identification - Sublots shall be numbered in consecutive order and blocks in alphabetical order.
11. FEMA 100-year floodplain (floodway and floodway fringe shall be indicated separately, if applicable) and 100-year flood elevations. (Amended 6/20/2007)
12. In subdivisions with floodplains, the minimum required lowest floor elevation (including the basements floor elevation), shall be indicated for all structures in or adjacent to the 100-year floodplain. (Amended 8/9/2004) (Amended 6/20/2007)
13. Total site data - Including acreage, number of residential lots, acres in parks, open space and other public uses, acres in blocks and acres in right-of-way.
14. Land for public use - Show boundaries and identify the use of all parcels, which are to be dedicated or reserved for public use or easements.
15. Names of recorded owners of adjoining unplatted land and reference to subdivision plats of adjoining platted land by name, volume, and page of County Recorder's plats. (Amended 8/9/2004)
16. Signature and seal of a Registered Surveyor on each sheet to the effect that the plat represents a survey which balances and closes, and that the monuments shown thereon exist or shall be set as shown, that pins are set at all lot corners and that all dimensional and geodetic details are correct.
17. Notarized certification by the owner or owners of the subdivision and the offer of the dedication of streets and other public areas and that there are no unpaid taxes or assessments against the land contained in the plat.
18. Variances approved, if any.
19. Monuments - Location and description of those found, set, or to be set.
- g. Plat Certification or appropriate documentation, or letters in lieu of actual signature on the Plat for the following, must be submitted at the time of filing of the Final Plat for review and placement on the agenda of the Planning Commission:
  1. Certification from the Township that the Final Plat as submitted is in compliance with local zoning standards and requirements. Such Certification shall be in the form of an executed signature block on the original mylar and signed by at least two of the Township Trustees.
  2. All appropriate documentation and permits from County and State regulatory agencies and public or private conservation organizations.
  3. A subdivision not served by a public sanitary sewer system shall have certification by the Medina County Health Department stating, "The Medina County Health Department had determined through site evaluations that the proposed lots for this subdivision are capable of supporting the installation of non-discharging sewage systems and hereby conditionally approve this plat as proposed. Any changes from the submitted proposal are not included in this approval. If noted, the following conditions and/or limitations shall apply to this subdivision." Such certification shall be in the form of an executed signature block on the original mylar and signed by the Medina County Health Commissioner.
  4. A subdivision served by a public central sanitary sewer shall be certified by the Medina County Sanitary Engineer, or appropriate regulatory agency,



stating all required wastewater disposal facilities and central water facilities have been satisfactorily installed or adequate financial guarantees have been approved. Such Certification shall be in the form of an executed signature block on the original mylar.

5. Certification of County Engineer that all required improvements have been satisfactorily installed or financial guarantees have been provided to cover all construction.
6. Acceptance of offers of dedication by County Commissioners, when all improvements have been constructed, or financial guarantees and construction agreements have been approved.
7. Approval of plat by the Planning Commission. (Amended 6/20/2007)
8. Certification by the Medina County Engineer stating, "Construction plans have been approved."
9. For new subdivisions with planned public improvements, or replatting of existing subdivisions, which modifies previously approved public improvements, written approval by the applicable U.S. Army Corps of Engineers District Office, or other applicable agency, is required before acceptance of public improvements or dedication of public easements.
- h. Covenants and Restrictions and/or deed restrictions including establishment of Owners Association, and if applicable, assignment of responsibilities, ownership of common areas, and any other areas of responsibility or concern relative to public or private maintenance of areas or facilities. Such covenants and/or Deed Restrictions shall be on a page or pages of the proposed Final Plat or referenced thereon and approved by the Medina County Prosecutors Office as to form and correctness.
- i. Protective covenants, conditions and restrictions, if any, shall be either shown on the plat or recorded separately as a separate instrument, provided volume and page reference thereto is indicated on the plat. Said covenants, conditions and restrictions shall include: (Amended 6/20/2007)
  1. Agreements and provisions for any community association, homeowners association or owner's association with provisions for membership and responsibility.
  2. Agreements and provisions for the construction, administration and maintenance of all common property and/or common facilities, including all common property and common elements of property titled to individual property owners.
- j. If a variance is requested, then the subdivider must submit a formal request in writing to the Planning Commission at the time the plat is filed.

### **3. Submittal of Final Plat and Establishment of Application Filing**

The developer/subdivider shall submit the following:

- a. The completed application (*Appendix D*) for Final Plat approval by the Medina County Planning Commission on forms provided by the Medina County Department of Planning Services.
- b. Payment of application fees as required.
- c. Final Plat Submittal To Planning Commission

**4. Compliance of Application**

The above-required documents will be reviewed by the Medina County Department of Planning Services to determine compliance for official filing for review by the Planning Commission. In its review, the Department of Planning Services shall determine that the submittal is in substantial conformity with the Preliminary Plan as approved by the Planning Commission and any conditions that may have been recommended by the Planning Commission, the Medina County Engineer, Medina County Sanitary Engineer, Medina County Health Department, Medina County Soil and Water District, Medina County Prosecutors Office, and the Township Zoning Officer.

- a. The Department of Planning Services will notify the applicant in writing as to the determination of compliance of the Final Plat for filing or of any changes or corrections necessary for compliance. Such review should normally be accomplished within sixty (60) days. The official filing date of the Final Plat shall be the date of notification of determination of compliance of the Final Plat. A hearing by the Planning Commission will be set within 30 days. The Final Plat shall not be placed on the agenda of the Planning Commission unless certified as being in compliance by the Director of Planning Services.
- b. The Department of Planning Services, upon notification to the Subdivider that the Final Plat and accompanying documents are in compliance for review by the Planning Commission, shall transmit within five (5) days by regular mail to the Clerk of the Township Board of Trustees in which the plat is located, notification of the submission of the plat for final approval and the time, date and location of the Planning Commission meeting.
- c. Upon determination of compliance of the application and the establishment of the filing date, the Department of Planning Services staff shall place the Final Plat on the Planning Commissions agenda.
- d. Staff Recommendations. The Department of Planning Services shall submit to the Planning Commission a written summary of the proposed plat, comments, and a recommendation to approve, approve with modifications, or disapprove the Final Plat no less than five calendar days before the established meeting date. In recommending approval or approval with modifications, the Director of Planning Services shall indicate the subdivider's compliance with conditions placed by the Planning Commission on the approval of the Preliminary

**5. Planning Commission Consideration**

- a. **Public Meeting** The Planning Commission shall consider the Final Plat at a regularly scheduled public meeting or otherwise established public meeting date. Within five (5) working days of submission of a subdivision plat in accordance with the provisions of Section 313 and 314 hereof, the Commission shall send copies of the plat and a meeting notice to the applicable township clerk by certified mail, return receipt requested. Copies of the plat shall be sent by the Commission for review by appropriate reviewing authorities. The Commission shall notify The Medina County Gazette for publication of the date, time, and place of such meetings at least five (5) days prior to any Commission meeting. A notice shall be posted in two (2) public places as determined by the Commission at least five (5) days prior to any Commission meeting of such meeting, date, time, place, and agenda.

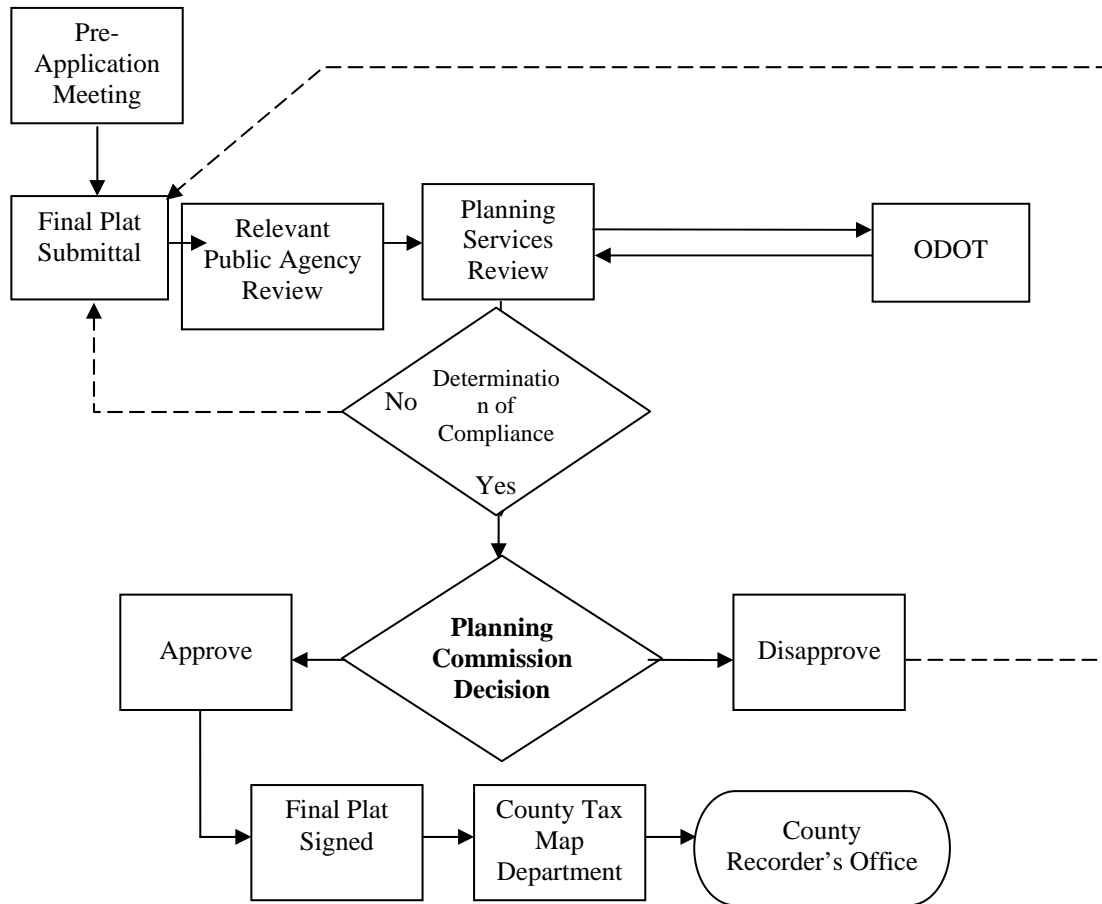
The Department of Planning Services staff shall present the Final Plat with comments when appropriate, and a recommendation. The Subdivider shall present comments regarding the Final Plat and the Director of Planning Services' recommendation. The general public shall be permitted opportunity to comment. The Planning Commission may call experts to answer questions and provide additional comment.

- b. **Disposition of Plat** The Planning Commission shall approve, or disapprove, or approve with modifications, the Final Plat within thirty (30) calendar days of the receipt of an application. However, the applicant may request that the Planning Commission table the deliberations until a date certain. The request shall be in writing and approved by the Planning Commission. In making a motion to approve a Final Plat, the Commission shall base its approval on all of the following criteria, which shall be cited in its decision:
1. The Final Plat fulfills the purpose and intent of the Subdivision Regulations.
  2. The Final Plat meets the standards and requirements of the Subdivision Regulations.
  3. The Final Plat is in substantial conformity with Preliminary Plan and conditions.
  4. The Final Plat is in conformity with the Township Zoning Resolution.
  5. If not serviced by central sanitary sewer or water, the Medina County Health Department has determined through site evaluations that the proposed lots for the subdivision are capable of supporting the installation of non-discharging sewage systems and has conditionally approved the plat as proposed, provided no changes are made and subject to conditions or limitations of note.
  6. If serviced by central sanitary sewer or public water system, the Medina County Sanitary Engineer has determined that all required central wastewater disposal facilities and central water facilities have been satisfactorily installed or adequate financial guarantees have been approved.
  7. The Medina County Highway Engineer has approved the construction drawings and the Director of Planning Services is authorized to execute the Final Plat on behalf of the Planning Commission upon certification by the Highway Engineer that the construction is complete or that adequate financial guarantees have been provided.
- d. **Plat Approval** The approval of the Planning Commission shall be signed on the Final Plat. The approval of a Final Plat by the Planning Commission shall be effective immediately following the meeting at which approval was given unless there were modifications for approval, but may not be recorded until all signatures have been placed on the plat. All signatures on the Final Plat shall be made using permanent black ink.

The Commission may authorize the Director to endorse its approval of plats when the subdivider has met all the requirements hereunder, together with such additional requirements as may be designated by the Commission during the review process. The Director shall not have the authority to disapprove a plat when all of the requirements for approval have been met. (Amended 8/9/2004)  
Final Plats for all phases of the subdivision must be submitted within twenty-four (24) months of approval of the Preliminary Plan. An extension may be granted by the Planning Commission not to exceed an additional twenty-four (24) months. Up to three, one-year extensions may be granted by the Planning Commission.

- e. **Plat Disapproval** If the plat is disapproved, the grounds for disapproval shall be stated in the records of the Commission, and a copy of said record shall be forwarded to the subdivider. The Planning Commission shall not disapprove the plat if the subdivider has complied with the conditions required for the approval of the Preliminary Plan. If disapproved, the subdivider may make necessary corrections or revisions and resubmit the plat within sixty (60) days of disapproval, to the Department of Planning Services for placement on the next regularly scheduled meeting of the Planning Commission or the subdivider may, seek relief in the Medina County Court of Common Pleas. (Amended 6/20/2007)

**Chart C: Final Plat Process**



**6. Recording of the Final Plat**

Once the Final Plat document has been properly signed, the applicant can begin the recording process. The signed Final Plat must be delivered and signed in at the County Tax Map Department for processing. The Tax Map Department must receive the digital data from the Surveyor/ Engineer and process the data to add to the Medina County Tax Map Data Base. Once the processing is done the applicant or his representative will be notified to take the Final Plat from the Tax Map Department to the Medina County Auditor's Office for transferal of the Sublots and Blocks to the Auditor's Tax Roll. The applicant then takes the Final Plat to the County Recorders' Office for the actual "Recording" of the Plat. A copy of the recorded Final Plat document must be submitted to the Department of Planning Services for its records. (Amended 6/20/2007)

**E. Construction Drawings**

1. **Construction Plan Submittal:** A set of construction drawings for all improvements shall be provided by the subdivider or property owner to the County Highway Engineer's Office and the County Sanitary Engineer and/or County Health Department per the Engineering Code. The plans must receive approval by the Highway Engineers Office prior to the installation of improvements and before approval of the Final Plat provided the conditions or changes required for Commission approval of the Preliminary Plan have been incorporated therein.
2. **Construction Plan Review Procedure:**
  - a. Upon submission of completed plans, as specified by the applicable reviewing authority, the County Engineer and Health Department or Sanitary Engineer shall review the plans. A written report of the review shall be given to the Subdivider and to the Department of Planning Services.
  - b. No construction shall commence for any improvement until all construction plans have been approved by the County Engineer, and, if applicable, by the Sanitary Engineer and/or County Health Department. No construction plans shall be approved until a Preliminary Plan, and any corrections or modifications thereon, have been approved by the Planning Commission. The County Engineer and appropriate agencies as determined by the Commission shall be sent a copy of the approved Preliminary Plan signed by the Director. The Preliminary Plan approval, is good for twenty-four (24) months. If construction takes longer, a time extension is required.

**405 Optional Procedures**

The Director of Planning Services, at the request of the applicant, may permit the following abbreviated procedures.

**A. Expedited Subdivision Procedure**

The applicant may combine the Preliminary Plan and Final Plat procedures. In doing so, the same procedural steps will occur. A single set of documents, however, will be submitted as directed by the Director of Planning Services. Under this expedited procedure, the applicant must still submit a Concept Plan to the Department of Planning Services as required in Section 405(B).

**B. Construction Plans**

Constructions Plans must be approved and financial guarantee must be in place prior to approval under this procedure.

## Article V. Minor Subdivisions

**500 Purpose and Intent**  
**501 Applicability**  
**502 Criteria for Establishing Lots**

**503 Submittal Requirements**  
**504 Sale or Exchange of Parcels  
between Adjoining Land Owners**

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### **500 Purpose and Intent**

It is the intent of the Planning Commission to ensure lots created under these regulations (Article V) are suitable and appropriate as sites for development. These regulations are intended to create lots that meet health, building, and zoning standards.

### **501 Applicability**

Pursuant to ORC 711.131 a Minor Subdivision is a division of a parcel of land that meets certain criteria and shall be approved by the Director of the Department of Planning Services as authorized by the Planning Commission without a plat. These criteria include the following:

- A. A Minor Subdivision shall be located along an existing public street meeting the established frontage requirements of the township zoning resolution and shall involve no opening, widening, or extension of any street or road.
- B. A Minor Subdivision shall be limited to not more than five lots any one of which is less than five (5) acres, after the division of any parcel of land shown as a single unit or contiguous units on the last preceding tax roll. (Amended 6/20/2007) (Amended 3/10/2008)
- C. A Subdivision on a common drive involving no more that three (3) residential lots shall be considered a Minor Subdivision.

### **502 Criteria for Establishing Lots**

#### **A. Approval of a Minor Subdivision**

Approval of a Minor Subdivision may be granted by the Director of the Department of Planning Services as designated by the Planning Commission if the proposed division of a parcel of land meets all the following conditions:

- 1. The proposed minor subdivision is located along an existing public street or road, and involves no opening, widening or extension of any public street or road as distinguished from a common drive as provided in Article IV of these Subdivision Regulations.
- 2. The proposed minor subdivision complies with all applicable zoning and subdividing regulations.
- 3. The property has been surveyed and an acceptable survey drawing, legal description, deed and other information including existing structures relating to the property have been submitted with the application. (Amended 3/10/2008)
- 4. The proposed lot(s) have been approved by the Township Trustees and/or designated township official within the township where the minor subdivision is located for consistency with zoning.

#### **B. Procedure**

The following procedure shall be followed in submitting, reviewing, and approving proposed Minor Subdivisions:

- 1. A Minor Subdivision application (*Appendix E*) available at the Department of Planning Services shall be filed by the landowner or designated representative. A complete

- application shall contain a survey drawing, a deed, a legal description for each subplot being created, a fee as set forth in these regulations, and a certification of approval by the Health Department, zoning inspector, and others as may be applicable.
2. After the Minor Subdivision has been given approval by any other departments with review responsibility, the deed, a copy of the Health Department approval and an original of the survey drawing is then checked by the Director of the Department of Planning Services or his/her designee for its conformity with these Regulations. The Director of Planning Services shall stamp and sign the deed and survey "approved-no plat required," within seven working days after submission if the lots in question meets all requirements as specified above.
  3. The deed shall then be taken to the Tax Map Office, County Auditor by the applicant/designee for the transfer of property, and then to the County Recorder where it will become a legal lot of record. Minor Subdivision requests expire if not recorded within thirty days of approval.
  4. If a Minor Subdivision proposal is disapproved, the subdivider shall be notified of the issues and reasons for the disapproval.
  5. If the owners (and/or the owner's agent) of the property disagree with the decision or requirements specified regarding a Minor Subdivision, the owner may then appeal to the Planning Commission.

**503 Submittal Requirements**

A complete and acceptable submittal for review and processing of a Minor Subdivision must include the following:

- A. An application form (*Appendix E*) provided by the Department of Planning Services completed in its entirety including the following information:
  1. Name, address, telephone number, fax number, and e-mail address of existing property owner.
  2. Name, address, telephone number, fax number, and e-mail address of surveyor or preparer of the submittal if different from the property owner. (If the application is not signed by the property owner, a letter from the property owner must be submitted authorizing the designee to act on behalf of the property owner.)
  3. Location and size of existing and proposed parcels and existing permanent parcel numbers.
- B. A survey drawn to a reasonable scale prepared by a registered surveyor in the State of Ohio prepared in accordance with the Land Conveyance Standards and Requirements for Approvals of Deed Descriptions, Surveys and Plats in Medina County, Ohio and also indicating the following: (*Amended 3/10/2008*)
  1. Name, address, telephone number, fax number, and e-mail address of existing property owner.
  2. Name, address, telephone number, fax number, and e-mail address of surveyor or preparer of the submittal if different from the property owner.
  3. Township lot or lot numbers.
  4. North arrow and bar scale.
  5. Location information including: distances and bearings; adjacent or frontage roads; and adjacent parcel ownership.



6. Acreage of all proposed lots and acreage of all remaining property resulting from the division of the original parcel, including highlighting in bold lines existing and proposed boundaries.
  7. All existing buildings on the land being subdivided plus any existing buildings located within 50' of the proposed property lines for the land being subdivided. (Amended 6/20/2007) (Amended 3/10/2008)
  8. If FEMA boundaries exist, the following note may be required by the Highway Engineer: "Portions of this parcel lie within the FEMA designated 100-year flood plain. No building or deposition of fill material will be permitted within the floodplain without the appropriate engineering study." (Amended 6/20/2007) (Amended 3/10/2008)
  9. Any and all proposed easements, setbacks, reserves, or no build zones.
  10. Certification by the township zoning official as to conformity with township zoning regulations.
- C. Deeds for each of the lots. (Amended 8/9/2004)
- D. A site evaluation from the Health Department for one, two, and three-family residential use, or from the Environmental Protection Agency for residential use of more than three-family and non-residential use shall be submitted with the application and survey. (Amended 8/9/2004). (Amended 3/10/2008)
- E. A filing fee (*Appendix O*) shall be charged and must be paid at the time of application submittal. (Amended 8/9/2004)

#### **504 Sale or Exchange of Parcels Between Adjoining Land Owners**

It must be verified that the proposed sale or exchange of parcels is exempt by virtue of the proposed land conveyance not being a Subdivision pursuant to Subsection 711.001 (B) (1) of the Ohio Revised Code. In addition, for each proposed addition to real property of a parcel between adjoining land owners where such parcel for sale or exchange does not create an additional building site, the grantees' names on the deed shall match the ownership of the adjacent parcel being enlarged by the transfer, and the deed(s) and survey shall have the following notation:

"Not to be used as a separate building site." (Amended 8/9/2004) (Amended 5/27/2014)

## Article VI. Planning Principles and Design Standards

**600 Purpose**  
**601 General Standards**  
**602 Subdivision Standards**  
**603 Lots**  
**604 Public Roads**  
**605 Drainage and Storm Sewers**  
**606 Water Facilities**

**607 Sewerage Facilities**  
**608 Sidewalks, Pedestrian, and  
Bicycle Paths Access**  
**609 Utilities**  
**610 Public Sites Reservation**

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### 600

#### **Purpose**

The regulations in Article VI inclusive shall control the planning principles and the manner in which streets, sublots, and other elements of a subdivision are arranged on the land. These design controls shall help ensure: convenient and safe streets, usable sublots; provide space for public utilities, adequate drainage and stormwater management. oil erosion, loss of topsoil, and excessive topographical changes should be minimized. Well-planned and functional development shall be promoted, minimizing the undesirable features of unplanned, haphazard growth.

The Medina County Planning Commission has the responsibility for reviewing the design of each future subdivision early in its design and development. The Commission shall ensure that each proposal meets the intent and requirements of this Article and Article IV, Major Subdivisions.

The Planning Commission shall withhold plat approval if a proposed subdivision is not in conformance with these planning principles and regulations or not in conformance with the jurisdictional responsibilities of County departments whose regulations apply to a proposed subdivision.

### 601

#### **General Standards**

##### **A. Conformance to Applicable Rules and Regulations**

In addition to the requirements established herein, all subdivision plats shall comply where applicable with the following laws, rules, and regulations:

1. All applicable statutory provisions.
2. All township regulations, Medina County building and housing codes, and all other applicable laws of appropriate jurisdictions.
3. Official plans or programs, including capital improvement plans of the County or any local governments, including all streets and parks shown on those official plans as adopted.
4. The special requirements of the Subdivision Regulations and any rule of the County Health Department and/or appropriate state agencies, including but not limited to the Ohio Environmental Protection Agency (OEPA), ODNR, the United States Environmental Protection Agency (USEPA), and the U.S. Army Corps of Engineers.

5. The rules of the Ohio Department of Transportation (ODOT) if the subdivision or any subplot contained therein abuts a state highway or connection street or affects any land within three hundred (300) feet of the center line of a proposed new highway or highway for which changes are proposed, as described in the certification by the director, or within a radius of five hundred (500) feet from the point of intersection of that center line with any public road or highway.
6. The standards and regulations adopted by the County Highway Engineer, County Sanitary Engineer, County Health Department, and all other boards, commissions, agencies, and officials of the County and its local governments.
7. All state and local fire code and/or similar health and safety-related regulations.
8. American Association of State Highway and Transportation Officials (AASHTO) *Guide for Development of New Bicycle Facilities* where applicable.

### **B. Adequate Public Facilities**

The applicant shall demonstrate that existing public facilities and infrastructure are sufficient to support the proposed subdivision and the proposed development; or shall provide the means and/or mechanisms(s) to met these demands. The applicant shall submit sufficient information and data on the proposed subdivision to demonstrate the expected impact on, and possible uses of public facilities of said subdivision. Public facilities and services to be examined for adequacy shall include: roads; sanitary sewer; water service; stormwater management; fire protection; open space; and parks and recreation. The following standards shall govern:

1. All habitable buildings and buildable sublots shall be connected to a public water system or individual wells or other alternative water system capable of providing water for health and emergency purposes, including fire protection.
2. All habitable buildings and buildable sublots shall be served by an approved means of wastewater collection, treatment and disposal.
3. Natural drainageway easements shall accommodate and provide for the uninhibited flow of water across the development.
4. Stormwater control methods as required by the Medina County Stormwater Management policy may be necessary including retention or detention and/or the construction of off-site drainage improvements to mitigate the impacts of the proposed development on the natural drainage way.
5. Proposed roads shall provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation, and where necessary for horse drawn vehicles; and shall follow the Highway Engineer's standards and be appropriate for the particular traffic characteristics of each proposed development. Access management shall be applied where applicable.
6. In general, all public improvements and required easements shall be extended through the parcel on which new development is proposed. The developer may be required to extend off-site improvements to service the proposed subdivision.

**C. Plats Straddling Jurisdictional Boundaries**

Whenever access to the subdivision is required across land in another local jurisdiction, the Planning Commission may request assurance from its legal counsel that access is legally established. The Planning Commission may also request assurance from the County Highway Engineer and/or local government engineer that the street is adequately established, or that a guarantee has been duly executed and is sufficient in amount to assure the construction of the street. In general, subplot lines should be laid out so as not to cross jurisdictional boundary lines.

**D. Monuments and Coordinate Data**

Permanent reference monuments shall be placed in the subdivision and State Plane 1984 coordinate data shall be presented as required.

**E. Suitability of the Land for Development**

The Planning Commission may find areas within a subdivision subject to hazards and may restrict development so as not to increase danger to health, life, and property or aggravate the flood hazard. The following factors may be considered:

1. Features or conditions, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas.
2. Flooding.
3. Improper drainage.
4. Steep slopes.
5. Poor soil conditions.
6. Rock formations.
7. Adverse earth formations or topography.
8. Utility easements.
9. Inadequate water supply.
10. Jurisdictional Wetlands
11. OEPA delineated waste sites
12. Abandoned underground mines

Problems encountered in the design of the subdivision shall require that adequate methods are formulated by the developer and approved by the Planning Commission, to solve such problems. The Planning Commission may, in such cases, consult with other governmental departments, such as the County Highway Engineer's Office, County Sanitary Engineer's Office, County Health Department, Soil and Water Conservation District, or County Building Department, ODNR, or require additional professional study by the subdivider.

**F. Subdivision Name**

The proposed name of the subdivision shall not duplicate or too closely approximate phonetically the name of any other subdivision in the County. The County Highway Engineer's Office shall have final authority to designate the name of the subdivision. Developers are encouraged to use historical and other locally recognized names, words, etc. that provides some locally recognized context.

**G. Surety for Public Improvements**

Public improvements must be constructed, inspected, and ready for acceptance by the County Commissioners before a Final Plat may be executed by the Director of Planning Services. If public improvements cannot meet this requirement, then a performance agreement and surety must be approved by the County Commissioners. Details regarding sureties can be found in the “Engineering Code for Subdivision Development of Medina County Ohio (hereinafter referred to as “Engineering Code”).

**602 Subdivision Standards**

The following establishes standards and criteria allowing sufficient flexibility in the development of subdivisions consistent with township zoning regulations:

**A. General Layout**

The design of a standard or conservation subdivision, including the arrangement of streets, sublots, building envelopes, utility easements, common areas and restricted open space, shall be in accordance with the following:

1. Comply with the development standards set forth in the township zoning regulations.
2. Preserve, where practicable or to the extent required, features of the site of environmental sensitivity and minimize impacts and alterations to the site’s natural features.

**B. Access to Sublots and Building Envelopes**

Each subplot and/or building envelope within the subdivision shall have sufficient access to ensure passage and efficient traffic flow and reasonable ingress and egress for emergency vehicles.

Private streets and common drives are discouraged unless a clear public benefit is established, however a subplot or building envelope is not required to have frontage on a dedicated street when an adequate private street or common drive and easements for utilities are provided between a public street and the proposed subplot or building envelope consistent with the standards established therefore by the Medina County Highway Engineer.

**C. Design Principles**

1. Street alignments should follow natural contours and be designed to conserve natural features whenever possible.
2. Environmentally sensitive areas should be permanently preserved where practical or as determined by township zoning.
3. Streets should be planned to avoid excessive stormwater runoff and extensive storm sewers systems.
4. Publicly dedicated streets shall be required in any development which connect two existing public streets, or which are intended to provide a future continuing street system beyond the project boundaries.
5. Streets that are not otherwise required to be public streets may be private streets in compliance with Section 604 (D) 2.
6. Common drives shall be permitted in compliance with Section 604 (D) 1.

7. Extensions of public walkways or bikeways contiguous to the subdivision may be required.

**603 Sublots**

All sublots shall front onto a public road, private road, or access easement and all sublots shall conform to the requirements of the zoning district regulations for the district in which they are located. The following regulations shall govern the design and layout of sublots and subplot improvements.

**A. Sublot Arrangement**

The subplot arrangement should be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all sublots in compliance with health and building regulations and in providing approved driveway access to buildings on the sublots from an approved road. A subplot should not be divided by a school district boundary.

**B. Sublot Frontage**

Sublot frontage shall be approved under one of the following conditions:

1. A subplot may front onto a public road.
2. The Planning Commission may approve the creation of sublots that front on a private road in an easement where authorized by township zoning. Sublot frontage on a private road is measured along the easement line.
3. The Planning Commission may approve the creation of a subplot that has access to a public road through an access easement.

**C. Building Envelope**

The building envelope is defined as the portion of a subplot or parcel bounded by the established setbacks where the principal building or structure may be located. In laying out a parcel(s) or subdivision, placement of building envelopes should avoid to the extent possible any protected or conserved natural features.

**D. Double Frontage Sublots and Access to Sublots**

See Section 604(C), Access Standards.

**E. Natural Drainage Ways**

A natural drainageway easement as defined in these regulations shall be shown on the plat for all natural drainage ways.

**604 Public Roads**

**A. Purpose and Intent**

The arrangement, character, extent, width, grade construction, and location of all roads shall conform to the Medina County Thoroughfare Plan, or subsequent amendments thereto, and shall be considered in their relation to existing and planned streets, topographical and environmental conditions, public convenience and safety, and in their appropriate relations to the proposed uses of the land to be served by such streets. The

arrangement of streets shall provide for the continuation of streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, and for efficient provision of utilities. The developer/subdivider shall provide within the boundaries of the subdivision plat, the necessary right-of-way for the widening, continuance, or alignment of such streets in conformity with the Engineering Code.

**B. General Design Standards**

In addition to the requirements established herein, the standards for the design and construction of all streets and roads are as detailed in the Engineering Code.

**1. Classification**

All roads shall be classified according to the following:

- a. Freeways are designed to carry large volumes of traffic moving at high speeds under free-flowing conditions. Freeways connect major points of traffic generation such as cities, industrial concentrations, and major recreational areas. Access from freeways to adjacent land is allowed only at carefully designed and controlled grade separation interchanges. No pedestrian or slow moving traffic is allowed on freeways.
- b. Principal Arterial Thoroughfares carry large volumes of traffic at medium to high speeds. The major difference between this class and the Freeway class is in the control of access. Principal Arterials may vary from partial to no access control. Principal Arterials form the boundaries of residential neighborhoods, but they should not traverse a neighborhood. Service to abutting lands is a subordinate function to the provision of travel service. Spacing in urban and suburban areas should be at one and one-half to two-mile intervals, except within the central business area. In rural areas, spacing will be greater with no standards. Arterials should have as few intersections with local streets as possible. Land access functions of arterials shall be designed to maintain a high level of travel service through use of marginal access roads or widely spaced curb cuts. For the purpose of these regulations, a Principal Arterial Street will generally have traffic volume in excess of 5,000 vehicles per day.
- c. Minor Arterial Thoroughfares interconnect with and augment the major arterial system. They provide service to trips of moderate length and provide intra-community continuity. Minor Arterial Thoroughfares place greater emphasis on access to adjoining land although the movement of through traffic remains primary. Minor Arterial Thoroughfares are spaced at three-fourths to one-mile intervals in urban and suburban areas. Minor Arterial Thoroughfares are designed to carry traffic volumes in excess of 4,000 vehicles per day.
- d. Principal Collector Streets are intended to funnel traffic from local streets within neighborhoods to the arterial system. Conversely, Principal Collectors penetrate the neighborhoods to distribute traffic from the arterial system to local streets and thus the ultimate destination. Principal Collectors may have a large number of intersections with local streets and should be the primary street intersecting artery. Collectors provide both through traffic and land access service, but access points should be grouped or otherwise designed in consideration of the street's through-

traffic function. For the purpose of these regulations, Principal Collectors are designed to serve up to 4,000 vehicles per day.

- e. Minor Collector Streets are an intermediate step between local streets and collectors. Minor Collectors carry some through traffic, but not as much and for shorter distances than a Principal Collector. Such streets would likely collect traffic from several local streets and direct it to a Principal Collector. However, the traffic service function of a Minor Collector is secondary to its land access function. For purposes of these regulations, Minor Collector Streets shall not have a design traffic volume in excess of 2,000 vehicles per day.
- f. Principal Residential Streets provide access to all abutting properties, but also provide some traffic service. The traffic service function of this type of street is to collect traffic from abutting properties and Minor Residential Streets and distribute it to higher types of streets. The Minor Residential Street carries predominantly passenger vehicles with significant numbers of service vehicles. For the purpose of these standards, a Principal Residential Street shall not have a design traffic volume in excess of 1,000 vehicles per day.
- g. Minor Residential Streets provide access to all abutting properties, rather than providing for large volumes of traffic. Minor Residential Streets will have either a stop or yield sign located on them when they intersect other types of streets and will usually have unrestricted pedestrian traffic. In general, the Minor Residential Street will carry predominantly passenger vehicles with an occasional service vehicle or moving van. For the purpose of these standards, a Minor Residential Street shall have a design traffic volume of no more than 400 vehicles per day.
- h. Commercial/Industrial Streets are streets that provide access to and from areas that are predominantly commercial or industrial in nature now, or have the potential to become so in the near future.

## **2. Grading and Improvement Plan**

Roads shall be graded, improved, and conform to the County standards and specifications, and shall be approved as to design and specifications by the County Highway Engineer's Office, in accordance with construction plans required to be submitted prior to Final Plat approval. The entire existing road frontage shall be graded to a typical section approved by the County Highway Engineer. For township roads including local roads in subdivisions, the County Highway Engineer shall determine design and specifications.

## **3. Arrangement**

All streets shall be properly integrated with the existing and proposed system of major thoroughfares and dedicated rights-of-way. All thoroughfares shall be properly related to special traffic generators such as, but not limited to, industries, business districts, schools, churches, medical facilities and shopping centers; to population densities; and to the pattern of existing and proposed land uses.

Combinations of appropriate street patterns including rectangular gridiron, curvilinear streets, U-shaped or loop streets, and cul-de-sacs may be permitted where such use will result in a more desirable layout. Proposed street rights-of-way shall be arranged to provide for the continuation of existing streets and public access to adjacent



unplatted land, when appropriate, to improve access to properties within the block. This is desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts as desired by the local governing authority. Such street rights-of-way shall be extended to the boundary line of the tract to be subdivided.

The following criteria shall be considered for determining whether it is desirable or practical for streets to be extended to undeveloped properties:

- a. A resolution of the Township may be provided by the Township Trustees indicating the desire of the Township that the street be platted or not be platted to continue to the adjacent property.
- b. The potential to subdivide adjacent land for future use, and existing stubs are considered.
- c. The access route for emergency vehicles is approved by the Fire Department.
- d. The existing and future volume of traffic will be adequately serviced.
- e. The natural topography and other valuable site features, including flood prone soils, wetlands, unique vegetation or animal habitat, woodlands, and slope, are considered.
- f. Where no development is actively planned for the adjacent property, the County may accept the dedication of land for future street extension without requiring such street and associated improvements to be constructed. In this case, the Township involved must be willing to hold the performance guarantee for the development and construction of the future street extension. In the absence of an additional development, which would benefit by such construction of the street extension, the Township shall bear the additional costs, if any, which may be incurred as a result of the construction of the street extension at a later date.

If a development is proposed that would benefit from the construction of said street extension, and is required by the Planning Commission to connect its streets to the streets in the preexisting subdivision, the developer of the proposed subdivision shall be required to bear the costs, in addition to the performance guarantee funds, of constructing the street extension.

The developer of the original subdivision shall be required to perform the necessary grading operations to accommodate the future street extension as part of the construction plan approval by the Highway Engineer.

The Township, Medina County Engineer and the Medina County Planning Commission shall evaluate the retention of the performance guarantee and the feasibility of the future road extension ten (10) years from the date of the Final Plat.

If it is determined by the Township, the Medina County Engineer and the Medina County Planning Commission, at that time, steps shall be initiated to vacate the road. If the road is vacated, the funds and the performance guarantee shall be returned to the developer or his successor. (Amended 6/20/2007)

**4. Minor or Local Streets Configuration**

Minor or local streets (both specialized residential and industrial) shall be laid out to conform as much as possible to the topography to discourage use by unrelated through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

**5. Blocks**

The arrangement of blocks shall be such as to conform to the street planning criteria set forth both herein and in the Engineering Code, and shall be arranged to accommodate sublots and building sites of the size and character required as set forth in the Subdivision Regulations or any applicable zoning resolution and to provide for the required community facilities. The block requirements of this section may be waived in order to conserve natural features and to otherwise satisfy the criteria and objections of these regulations and the principles of conservation development as provided by the applicable township zoning resolution.

**6. Topography**

Roads shall be related appropriately to the topography. It is recommended that local residential roads, within their length, include some curvature wherever possible to avoid monotony. It is recommended that streets be laid out to maximize the number of building sites at, or above, the grades of the streets so as to facilitate optimum drainage patterns. Grades of streets should conform as closely as possible to the original topography. A combination of steep grades and curves should be avoided.

Roadway placement should, if possible, avoid natural features. Existing perennial streams, drainage ways, ditches etc., should be preserved by the developer/subdivider. In the layout of roads, every effort shall be taken by the developer/subdivider to preserve existing natural features of the site, particularly those that may enhance the value of the development, such as steep wooded slopes, existing wooded areas, natural marsh wildlife habitat, wooded stream corridors, and areas of archaeological, historical, and cultural significance.

**7. Non-Residential Subdivisions**

In non-residential subdivisions, the streets and other access ways shall be planned in connection with: the groupings of buildings; location of rail facilities; provision of alleys; truck loading and maneuvering areas; bicycle paths and bicycle lanes; walks; and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian and bicycle.

In industrial subdivisions, collector streets shall be planned to serve industrial areas exclusively and shall connect with arterial streets so that no industrial traffic will be directed onto any residential streets. Street rights-of-way shall be planned to be extended to the boundaries of any adjoining land planned for industry, except for severe physical conditions or if the Commission finds such extension is not in accordance with the approved plans of the area.

**8. Reserve Strips**

The creation of private reserve strips or spite strips shall not be permitted. Access reservation easements limiting access pending future street extension shall be granted to the Medina County Commissioners. A 10 (ten) foot reservation strip to control access from a stub street to undeveloped land within the dedicated right-of-way shall be required.

**9. Stub Streets and Cul-De-Sacs**

If a street must be a temporary dead-end and the adjacent property is undeveloped, the rights-of-way shall be extended to the property line. In all cases, temporary dead ends or cul-de-sacs shall conform to the design requirements for a permanent turnaround as specified in the Engineering Code.

Where a road does not extend to the boundary line of the subdivision and its continuation is not required by the Township Trustees or the Planning Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than 50 feet. However, the Township Trustees or the Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian and bicycle traffic, utilities or emergency access.

A cul-de-sac turnaround shall be provided at the end of all permanent turnarounds in accordance with the standards of the Engineering Code. For greater convenience to traffic, more effective police and fire protection, and efficiency of road maintenance, permanent cul-de-sac streets shall not serve in excess of 40 dwelling units, nor have a length in excess of 2,500 feet. The length of the cul-de-sac street shall be measured along the centerline of the proposed cul-de-sac street from the centerline of the nearest existing or proposed intersecting through street to the center of the cul-de-sac turn around. (Amended 8/9/2004)

The preferred cul-de-sac design is circular. Landscaped islands should be planted and should be designed according to the Highway Engineer's standards.

As an option to a standard cul-de-sac, a one-way 15-foot wide circular lane can be used if approved by the Planning Commission. Such an approach is advisable when an outstanding natural feature exists in the location of a proposed cul-de-sac, such as a mature stand of trees, or a pond or a ravine crossing. The lane must be shown on the Preliminary Plan, placed in a public right-of-way, and a cross section provided for review and approval by the County Highway Engineer's Office.

**10. House Numbers**

Each dwelling unit should be designated with reflective house numbers.

**11. Structures in Right-Of-Way/Mailboxes**

Structures shall be prohibited in the right-of-way, however a standard breakaway type mailbox for rural mail delivery is permitted. No mailbox shall be constructed to be a permanent structure.

**C. Access Standards**

**1. Frontage on Approved Road**

No subdivision (major or minor) shall be approved unless the area to be subdivided shall have frontage as required herein on an existing state, county or township road or a street shown upon a plat recorded in the County Recorder's Office, or an approved access easement as permitted herein. Such public road, street or highway must be suitably dedicated as required under the standards of the Engineering Code. Where limited site distance exists as determined by the Highway Engineer or ODOT to insure appropriate access, improvements shall be required.

**2. Access Limitations**

Where a subdivision borders on or contains an existing arterial or proposed arterial road, the Planning Commission may require that vehicular access to such streets be limited by one of the following means:

- a. The subdivision of sublots so as to back onto the arterial and front onto a parallel residential street; no access shall be provided from the arterial.
- b. A series of U-shaped streets, short loops or cul-de-sacs entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal sublots backing onto the arterial.
- c. A Parallel Access Road (a road separated from the arterial by a planting or grass strip and running parallel thereto, having access thereto at suitable points).

**3. Access Points in Major Residential Subdivisions**

No single access subdivision shall contain more than fifty (50) dwelling units. The provision of opportunities for roads to access adjacent, undeveloped properties and emergency only access points will not be considered a secondary means of access. Larger subdivisions may be required by the Commission to have a proportionately greater number of such access points to ensure adequate and reasonable ingress, egress and emergency access. (Amended 8/9/2004)

**4. Double Frontage Sublots**

Double frontage sublots and reversed frontage sublots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography or orientation, as determined by the Planning Commission.

**D. Alternative Roads**

**1. Common Access Drives**

Common access drives, as distinguished from a private street or road, may be permitted for up to three residential lots. Lot dimensions shall comply with the township zoning in effect. Such drives shall be private, placed within a platted access easement, owned and maintained by the abutting properties, and whose design shall be reviewed and approved by the local County Engineer to ensure safe and adequate access. The following criteria are intended to minimize the amount of roadway conflicts caused by excessive and unmanaged driveways and shall guide the decision of the Planning Commission in approving common access drives.

- a. Common access drives may only be permitted where adequate site distance is available, according to the standards of the County Highway Engineer's Office.
- b. Common access drives may be permitted for up to three sublots.
- c. The minimum driveway width shall be per the Engineering Code.
- d. Drives in excess of 500 feet shall provide a 10-foot by 30-foot turnout and the Planning Commission or Director of Planning Services shall determine its location.
- e. The minimum width of a common access easement shall be 50 (fifty) feet.
- f. An Owners Association agreement or some other approved document and a drive maintenance agreement shall be established for all sublots sharing a common access drive, recorded and with comparable language placed on the deeds for all sublots with access to the drive.
- g. The local Fire Department shall have reviewed the proposed drive for safety purposes prior to its construction. The Medina County Floodplain Administrator shall have reviewed the proposed drive for compliance with floodplain regulations.

## 2. Private Roads

Private roads, as distinguished from a common drive, may be provided with the approval of the Planning Commission and according to township regulations. The design of private roads shall be approved by the County Highway Engineer's Office. Maintenance shall be the responsibility of the developer/subdivider and/or future property owners. The Final Plat shall not be recorded until a professional civil engineer licensed in the state of Ohio has provided documentation to the Highway Engineer approving the installation of the roadway(s) as provided in the reviewed plans.

Pre-existing private roads shall not be accepted by the County as publicly dedicated roads unless such pre-existing roads meet the applicable right-of-way width, design and construction standards of the Engineering Code for public roads, as approved by the County Highway Engineer's Office.

Each private street shall be identified by a street sign in compliance with the County Highway Engineer standards stating the name and clearly stating it is private (PVT).

## 3. Emergency Access:

Emergency access is a temporary means of access to a subdivision or site to provide for emergency vehicles. Load bearing requirements and maintenance of the emergency access must be provided.

## 605 Drainage and Storm Sewers

### A. General Requirements

The Planning Commission shall not recommend approval of any Final Plat of a subdivision that does not make adequate provision for stormwater management, natural drainage, and easements in accordance with the Medina County Stormwater Management and Sediment Control Rules and Regulations. No stormwater management system shall negatively impact any natural water source. The stormwater drainage system shall be

separate and independent of any sanitary sewer system. Storm sewers and other facilities, where required, shall be designed in accordance with the Engineering Code.

**B. Nature of Stormwater Facilities**

**1. Location**

Drainage facilities shall be located in the road right-of-way where feasible or in perpetual unobstructed easements of appropriate width and shall be constructed in accordance with construction standards and specifications of the County Highway Engineer's Office.

**2. Accessibility to Public Storm Sewers**

Where a public storm sewer is accessible, the developer/subdivider shall install storm sewer facilities. If no outlets are within a reasonable distance, adequate provision shall be made for the disposal of stormwater subject to the specifications of the County Highway Engineer's Office. However, in subdivisions containing sublots less than 15,000 square feet in area and in commercial and industrial subdivisions, underground storm sewer systems shall be constructed throughout the subdivisions and be conducted to an approved detention outfall or a retention facility. Inspection and approval of facilities shall be made by the County Highway Engineer's Office.

If a connection to a public storm sewer will eventually be provided, as determined by the County Highway Engineer's Office and the Planning Commission, the developer/subdivider shall make arrangements for future stormwater disposal by a public utility system prior to approval of the Final Plat.

**3. Accommodation of Upstream Drainage Area**

Any culvert or other drainage structure shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The developer's/subdivider's professional engineer shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications as approved by the County Highway Engineer's Office.

**4. Effect on Downstream Drainage Areas**

No subdivision shall be approved unless provision is made for adequate stormwater management. The developer's/subdivider's professional engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Surface water runoff from a development shall be drained through an adequate outlet. The County Highway Engineer shall approve the location of the outlet. The outlet may be a ditch, stream, storm sewer or approved detention or retention basin, which has sufficient capacity to accommodate the runoff in a reasonable manner.

**C. Floodplains**

**1. Federal Emergency Management Agency (FEMA) Floodplains.**

FEMA floodplain boundaries shall be as shown on the Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, Flood Insurance Study, and other studies as references in the Medina County Flood Damage Reduction Regulations.

**2. Local Floodplains.**

For streams which do not have FEMA-designated floodplains and where such streams would potentially cause flooding concerns due to the topography of the area, lot configuration, and proposed infrastructure improvements, the Medina County Highway Engineer's Office may require the 100-year flow elevations to be determined for those streams during Construction Drawing Review. Those areas determined to be inundated by 100-year flow shall be subject to standards in the Medina County Stormwater Management Regulations.

**3. Floodplain Standards.**

- a. Development within FEMA-designated 100-year floodplains shall comply with National Flood Insurance Program (NFIP) standards and the Medina County Flood Damage Reduction Regulations.
- b. In general, street surfaces should be located one or more feet above the 100-year flood elevation in both FEMA and Local Floodplains. Locations in which the 100-year flood elevation is allowed to overtop the street shall be as approved by the Medina County Highway Engineer. At such locations, the allowable depth of flow over the street shall be in accordance with the Medina County Stormwater Management Regulations.
- c. All sanitary sewer systems, individual or household sewage systems, and water systems must either be located outside of FEMA or Local Floodplains or be flood-proofed. Final approval of such systems rests with the Medina County Health Department, Sanitary Engineer, and/or local water and sewer district, and any other appropriate authority. (Amended 8/9/2004)

**D. Dedication of Drainage Easements**

**1. General Requirements**

When a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater, natural drainage-way easement, or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width as will be adequate for the purpose of allowing free flow of water across or through the subdivision. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. The Soil and Water Conservation District shall be consulted by the developer/subdivider relative to appropriate landscaped plantings.

**2. Drainage Easements**

Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least 20 feet in width or wider if determined necessary for drainage facilities shall be provided across property outside the road lines and with satisfactory access to the

road. Easements shall be indicated on the Final Plat. Drainage easements shall extend from the road to a natural watercourse or to other drainage facilities.

When a proposed drainage system will carry water across private land outside the subdivision in new, engineered watercourses, appropriate drainage rights shall be secured from the affected property owners and guaranteed maintenance and preservation assured.

The developer/subdivider shall dedicate, either in fee or by a drainage or conservation easement, area on both sides of existing watercourses to a minimum distance of 15 feet or greater as measured from the centerline of the subject watercourse, to the satisfaction of the Planning Commission pursuant to County Ditch Regulations.

**E. Roadside Drainage**

The provision of roadside drainage shall be accommodated through stormwater facilities meeting the requirements of the County Highway Engineer's Office.

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**Water Facilities**

**A. General Requirements**

When a public water main is accessible, the developer/subdivider shall take necessary action to extend or create a water main for the purpose of providing a water supply for domestic water use and fire protection as required by the County Sanitary Engineer's Office. The developer/subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the County Sanitary Engineer's Office. All water mains shall be at least eight inches in diameter. The County Sanitary Engineer's Office shall approve water mains.

The location of all fire hydrants and all water supply improvements shall be shown on the Preliminary Plan. The cost of installation shall be borne by the developer/subdivider.

**B. Private Wells, Cisterns or Hauled Water Storage Tank**

If a public water system is not available, individual water systems shall be provided so that an adequate supply of potable water will be available to every subplot in the subdivision. The County Health Department shall approve all individual water systems and the Ohio EPA or the County Sanitary shall approve any public water system.

If the Planning Commission requires that a connection to a public water main be provided as a condition of approval of an individual well or central water system, the developer/subdivider shall install, cap, and mark the distribution system in anticipation of the connection.

**C. Fire Hydrants**

Fire hydrants shall be required for all subdivisions on central water systems, where the systems can support such hydrants. Fire hydrant locations shall be approved by the appropriate local Fire Department. To eliminate future street surface openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements shall be installed before any final paving of a street shown on the Final Plat.



**D. Fire Ponds and Dry Hydrants**

Where central water systems are not available or not sufficient and the local jurisdiction requires dry hydrants, the Planning Commission shall require dry or drafting hydrants and such shall be required on the Final Plat unless the local Fire Department requests in writing a preference that the site not be equipped with such facilities. Access to and maintenance of both the fire pond and dry hydrant shall be designated on the Final Plat. *Refer to the Engineering Code for specifications.*

607

**Sewerage Facilities**

**A. General Requirements**

The developer/subdivider shall install sanitary sewer facilities in a manner prescribed by the County Sanitary Engineer's construction standards and specifications, as required by the County Sanitary Engineer's Office. All plans shall be designed and approved in accordance with the rules, regulations, and standards of the County Sanitary Engineer and Ohio Environmental Protection Agency (OEPA), as applicable. Sewer systems should not be located in conservation areas whenever possible. The exact location of all sewer systems shall be determined by the Medina County Sanitary Engineer (MCSE), and shall be an adequate distance from water sources to ensure that surface water quality is not negatively impacted. Necessary action shall be taken by the developer/subdivider to extend or create sewer facilities for the purpose of providing service to the subdivision when no sewer facilities exists for the land to be subdivided.

**B. Sublots of Less than One (1) Acre**

Subdivisions with subplot areas less than one acre shall connect with public sanitary sewerage systems. Sewers shall be installed to serve each subplot, and to grades and sizes required by approving authorities. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted. Sanitary sewerage facilities (including the installation of laterals in the right-of-way) shall be subject to the specifications, rules, regulations, and guidelines of the County Sanitary Engineer and OEPA, as applicable.

**C. Sublots of One (1) Acre or More**

When public sanitary sewer systems are not reasonably accessible, the applicant may install individual sewage systems meeting the specifications, rules, regulations, and guidelines of the County Health Department and OEPA, as applicable. The applicant may install individual sewage systems as long as they are in conformance with the 208 Water Quality Management Plan for Northeast Ohio, Medina County Health Department Regulations, and/or Ohio EPA regulations.

**D. Individual Disposal System Requirements**

If public sanitary sewer facilities are not available and individual sewage systems are proposed, they shall conform to the requirements of the County Health Department for residential development and the Ohio EPA for commercial or industrial development.

**E. Sewage Systems in Common Areas**

Common areas designated as permanent open space on a Final Plat may be proposed for the location of on-lot sewage systems. Such a proposal shall be reviewed and approved by the County Health Department prior to submittal of a Preliminary Plan and Final Plat.

In designing such a system, a sewage system easement shall be shown on the Preliminary Plan and Final Plat for the purpose of installing and maintaining sewage systems. The location of sewage systems shall also be designated. Sublots may be designated to benefit from individual easements. The use of the common area in which sewage systems are located shall be limited in use to passive recreation areas and noted on the Final Plat. The use of the surface area shall not interfere with its use as a sewage system area. The Owners Association may require that certain high transpirational grasses be planted and maintained above the sewage system areas. The cost of seeding and maintaining said grasses should be borne by the Owners Association or individual owners under the direction of the association.

The standards of the sewage system installations shall be reviewed and approved by the County Health Department and/or the Ohio EPA, as applicable. Each owner shall be responsible for installation, maintenance, and repair of the sewage system, serving his/her structure.

**608 Sidewalks, Pedestrian, and Bicycle Access**

When proposed by the developer, a pedestrian and bicycle circulation system should be designed to assure that pedestrians and bicyclists can walk and bicycle safely and easily on a site, between properties and activities or special features within the neighborhood open space system. Sidewalks, bicycle lanes or bicycle paths may connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels, where applicable). Bicycle routes are ineffectual unless signs are highly specific designating such routes.

**A. Sidewalks**

Sidewalks may be required on both sides of the street in all residential subdivisions where the average subplot width is less than 100 feet and on one side of the street where the average subplot width is greater than 100 feet and less than 175 feet. No sidewalk is required where the average subplot width is 175 feet or greater, unless required as part of Township zoning.

Public sidewalks may be required for all commercial sublots. Public sidewalks may be required for industrial sublots (for example in industrial parks or similar settings where there are pedestrian linkages between buildings), subject to the approval of the Planning Commission.

Sidewalks shall meet the design and construction standards of the County Highway Engineer's Office.

When required by the Planning Commission per the standards above, sidewalks shall be included within the dedicated right-of-way of public roads or located parallel to private roads. Along arterials and collectors, sidewalks shall be six feet in width. Along local streets, sidewalks shall be four feet in width. A shared use path accommodating bicyclists and pedestrians shall be 10 feet in width.

All sidewalks should be separated from roads, whether public or private, no closer than shown on the typical section for the subdivision. At a minimum this should be a two-foot wide median strip of grassed or landscaped area.

**B. Bicycle and Pedestrian Access**

In order to facilitate bicycle access from roads to schools, parks, playgrounds or other nearby roads, the Planning Commission may require perpetual unobstructed easements at least 10 feet in width. Easements shall be indicated on the Preliminary Plan and Final Plat. If required to be constructed by the Commission, the width of bicycle paths shall be six feet one-way and 10 feet two-way and constructed per specifications of the County Highway Engineer's Office.

**609 Utilities (excluding water, sanitary sewer or stormwater)**

**A. Location**

All utility facilities, including but not limited to: natural gas; electric power; telephone; and cable television shall be installed underground whenever possible. Utilities should not be located in natural areas, parks, conservation areas, or conservation easements unless absolutely necessary. Plans are required to be submitted to the County Highway Engineer's Office. Whenever existing utility facilities are located above ground, except when existing on public roads and rights-of-way, they shall be removed and placed underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the Preliminary Plan and easements provided on the Final Plat. Underground service connections to the street property line of each platted subplot shall be installed at the developer's/subdivider's expense. Utility construction plans will be submitted as part of the construction plan review process, including information on proposed road bores and the size and material of conduit to be employed.

**B. Easements**

Easements for utilities shall be provided centered on subplot lines, or outside a road right-of-way or as otherwise required. Utility easements shall be established in cooperation with the applicable utility and the County. Coordination shall be established between the developer/subdivider and the applicable utility companies, and the County for the establishment of utility easements in adjoining properties.

When topographical or other conditions are such as to make impractical the inclusion of utilities within the rear subplot lines, perpetual unobstructed easements at least 10 feet in width shall be provided along side subplot lines with satisfactory access to the road or rear subplot lines.

No buildings or other improvements shall be placed within a recorded easement, unless provided in said easement (multiple purpose easement) or as approved by the Planning Commission, such as telephone or electric power lines.

Easements shall be indicated on the Preliminary Plan and recorded on the Final Plat.

**C. Installation**

All utilities shall be installed prior to filing of the Final Plat unless otherwise approved by the Medina County Highway and Sanitary Engineers.

**610 Public Sites Reservation**

Whenever a tract of land to be subdivided includes a proposed park, school facility or other public use as designated on any development plan duly adopted by a political subdivision of the State of Ohio, the Commission shall require that all areas of such designated land within the proposed subdivision be reserved for public agency acquisition for the indicated public use. The area(s) in question shall be shown and marked on the Preliminary Plan and the Final Plat, "Reserved for Public Use".

As part of the Concept Plan review, the applicable political subdivision shall indicate in writing its intent with regard to acquisition of any public site. Negotiations for acquisitions of any such land areas so reserved for public use shall be initiated by the applicable political subdivision within a 120 day period after the Concept Plan meeting. Failure on the part of the political subdivision to initiate negotiations for acquisition within the 120 days shall result in the removal of the "reserved" designation from the property area for development, in accordance with these regulations.

During the prescribed 120 days, or until such time that the applicable political subdivision notifies the Department of Planning Services that it no longer intends to acquire the designated land, the land shall not be disturbed in any way so as to defeat the proposed public use without permission of the applicable political subdivision.

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**Article VII. Large Lot Developments** (Amended effective 3/10/08)

**700 Purpose and Intent**  
**701 Applicability**

**702 Criteria for Establishing Lots**  
**703 Submittal Requirements**

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**700 Purpose and Intent**

It is the intent of the Planning Commission to ensure lots created under these regulations (Article VII) are suitable and appropriate as sites for development. These regulations are intended to create lots that meet health, building, and zoning standards.

**701 Applicability**

Pursuant to ORC 711.133 a Large Lot Development is a division of a parcel of land that meets certain criteria and shall be approved by the Director of the Department of Planning Services as authorized by the Planning Commission without a plat. These criteria include the following:

- A. A Large Lot Development shall be located along an existing public street meeting the established frontage requirements of the township zoning resolution and shall involve no opening, widening, or extension of any street or road.
- B. A Large Lot Development shall be limited to lots greater than five acres and less than ten (10) acres.
- C. Parcels of land to be used only for agricultural or personal recreational purposes shall be exempt from the approval requirements of this Article. On the presentation of a conveyance of such a parcel, the Director of the Department of Planning Services as designated by the Planning Commission shall stamp the conveyance “no approval or plat required under ORC 711.133; for agricultural or personal recreational use only”. Future divisions or partitions of such parcels are not exempt from the provisions of this Article. When parcels of land exempt under this division from approval requirements of this section are subsequently to be used for other than agricultural or personal recreational purposes, the Director of the Department of Planning Services shall first determine that such a parcel complies with the rules adopted under this section. (Amended 3/10/2008)

**702 Criteria for Establishing Lots**

**A. Approval of a Large Lot Development**

Approval of a Large Lot Development may be granted by the Director of the Department of Planning Services as designated by the Planning Commission if the proposed division of a parcel of land meets all the following conditions:

- 1. The proposed Large Lot Development is located along an existing public street or road, and involves no opening, widening or extension of any public street or road as distinguished from a common drive as provided in Article IV of these Subdivision Regulations.
- 2. The proposed Large Lot Development is not contrary to any applicable zoning, health, sanitary or access management regulations, or regulations adopted under division (B)(3) section 307.37 of the ORC regarding surface or subsurface drainage, including, but not limited to, rules governing household sewage disposal systems. (Amended 3/10/2008)

3. The property has been surveyed and an acceptable survey drawing, legal description, deed and other information including existing structures relating to the property have been submitted with the application. (Amended 3/10/2008)
4. The proposed lot(s) have been approved by the Township Trustees and/or designated township official within the township where the Large Lot Development is located for consistency with zoning.

**B. Procedure**

The following procedure shall be followed in submitting, reviewing, and approving proposed Large Lot Developments:

1. A Large Lot Development application (*Appendix R*) available at the Department of Planning Services shall be filed by the landowner or designated representative. A complete application shall contain a survey drawing, a deed, a legal description for each lot being created, a fee as set forth in these regulations, and a certification of approval by the Health Department, zoning inspector, and others as may be applicable.
2. After the Large Lot Development has been given approval by any other departments with review responsibility, the deed, a copy of the Health Department approval and an original of the survey drawing is then checked by the Director of the Department of Planning Services or his/her designee for its conformity with these Regulations. The Director of Planning Services shall stamp and sign the deed and survey "approved-no plat required," within one of the following timeframes:
  - a. For proposed divisions into not more than six separate parcels, approval shall be within seven calendar days after its submission.
  - b. For proposed divisions into more than six separate parcels but less than fifteen separate parcels, approval shall be within fourteen calendar days after its submission.
  - c. For proposed divisions into fifteen parcels or more, approval shall be within twenty-one calendar days after its submission.
3. The deed shall then be taken to the Tax Map Office, County Auditor by the applicant/designee for the transfer of property, and then to the County Recorder where it will become a legal lot of record. Large Lot Development requests expire if not recorded within thirty days of approval.
4. If a Large Lot Development proposal is disapproved, the subdivider shall be notified of the issues and reasons for the disapproval.
5. If the owners (and/or the owner's agent) of the property disagree with the decision or requirements specified regarding a Large Lot Development, the owner may then appeal to the Planning Commission.

**703 Submittal Requirements**

A complete and acceptable submittal for review and processing of a Large Lot Development must include the following:

- A. An application form provided by the Department of Planning Services completed in its entirety including the following information:
  1. Name, address, telephone number, fax number, and e-mail address of existing property owner.
  2. Name, address, telephone number, fax number, and e-mail address of surveyor or preparer of the submittal if different from the property owner. (If the application is not

- signed by the property owner, a letter from the property owner must be submitted authorizing the designee to act on behalf of the property owner.)
3. Location and size of existing and proposed parcels and existing permanent parcel numbers.
- B. A survey drawn to a reasonable scale prepared by a registered surveyor in the State of Ohio prepared in accordance with the Land Conveyance Standards and Requirements for Approvals of Deed Descriptions, Surveys and Plats in Medina County, Ohio and also indicating the following:
1. Name, address, telephone number, fax number, and e-mail address of existing property owner.
  2. Name, address, telephone number, fax number, and e-mail address of surveyor or preparer of the submittal if different from the property owner.
  3. Township lot or lot numbers.
  4. North arrow and bar scale.
  5. Location information including: distances and bearings; adjacent or frontage roads; and adjacent parcel ownership.
  6. Acreage of all proposed lots and acreage of all remaining property resulting from the division of the original parcel, including highlighting in bold lines existing and proposed boundaries.
  7. All existing buildings on the land being subdivided plus any existing buildings located within 50' of the proposed property lines for the land being subdivided.
  8. If FEMA boundaries exist, the following note may be required by the Highway Engineer: "Portions of this parcel lie within the FEMA designated 100-year flood plain. No building or deposition of fill material will be permitted within the flood plain without the appropriate engineering study."
  9. Any and all proposed easements, setbacks, reserves, or no build zones.
  10. Certification by the township zoning official as to conformity with township zoning regulations.
- C. Deeds for each of the lots.
- D. A site evaluation from the Health Department for one, two, and three-family residential use, or from the Environmental Protection Agency for residential use of more than three-family and non-residential use shall be submitted with the application and survey.
- E. A filing fee (*Appendix O*) shall be charged and must be paid at the time of application submittal.

## Appendix A. Environmental Planning Guidelines

<b>00 Purpose</b>	<b>06 Prime Agricultural Soils</b>
<b>01 Planning Considerations</b>	<b>07 Riparian Corridors</b>
<b>02 Aquifers and Aquifer Recharge Areas</b>	<b>08 Rural Character</b>
<b>03 Forests</b>	<b>09 Species Habitat</b>
<b>04 Historical, Archaeological, and Cultural Resources</b>	<b>10 Steep Slopes</b>
<b>05 Hydric Soils</b>	<b>11 Wetlands</b>

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### **00 Purpose**

Existing natural features and amenities that add value to community as a whole, or which are nonrenewable and critical to the County's economy and quality of life, should be preserved, conserved, and/or protected in the design of a subdivision. Subdivisions should reflect the uniqueness of the site, responding to its topography, soils, woodlands, wetlands, streams and creeks, floodplain, species habitats, aquifers and archaeological, cultural, and historical resources.

Efforts should be taken to ensure that natural resources are sufficiently protected and preserved. Trees or other substantial vegetation should not be removed from any subdivision nor any change of the grade of the land affected until a Preliminary Plan for a Major Residential Subdivision (residential, commercial or industrial) or a Minor Residential Subdivision has been approved.

In designing a subdivision (major or minor) the developer/subdivider should comply with the requirements of this section of the Medina County Subdivision Regulations. In designing a site to accommodate development, it is recommended that building envelopes be placed on a parcel in locations that minimize impact to natural features.

In considering an application submitted under the Subdivision Regulations, the County, Department of Planning Services, County Highway Engineer's Office, the County Sanitary Engineer, Soil and Water Conservation District (SWCD), County Planning Commission, and County Commissioners should consider the guidelines of this section.

Developers/subdividers are strongly encouraged to work with the Department of Planning Services, SWCD, USDA, Natural Resource Conservation Service (NRCS), and the Ohio Department of Natural Resources (ODNR), and to consult the Medina County Natural Resource Inventory.

### **01 Planning Considerations**

The following considerations are provided as a general guide to planning a Major Residential Subdivision.

#### **A. Preserving Resources in a Development**

In the design of open space systems in a subdivision, a decision must be made early in the process as to which natural resources should be preserved and their general location.

Developers/subdividers are encouraged to meet with the County's Department of Planning Services staff to review the site's existing natural character. Any site may



contain a combination of mature woodlands, wetlands, prime agricultural soils, and floodplain among others.

Selecting the most important resources to preserve will help isolate those portions of a site that are suitable for development. The decision should be based on the quality of natural resources on site, preservation efforts on adjacent parcels and in the general vicinity, and the unique characteristics of the site that affect its developability (e.g. topography, soil suitability, etc.).

In many cases development of a site may be clustered into one or more subareas, with the open space flowing throughout the balance of the development. The residential portions of the site should be linked with the open space to provide resident access through pedestrian and bicycle paths, bicycle lanes or trails. The open space can also be intended to create a transition or buffer between the residential portions of the development and adjacent working farms.

In general building sublots should not be placed in significant natural resource areas. As required elsewhere by the Subdivision Regulations, certain resources may be protected and placed in permanent open space reserves. Where building sublots are placed in a resource area, the building envelope should be located to minimize its impact on the natural resource. The balance of the subplot located in the resource area could be placed in a no-build reserve on the Final Plat.

## **B. Designing Open Space Systems**

Open space reserves should be designed to preserve and maintain mature woodlands, fields, pastures, meadows and orchards, stream corridors, etc., and should create sufficient buffer areas to minimize conflicts between residential areas and conflicting uses, including working farms.

Open space networks should be continuous and not designed in unconnected fragments. Open space within a neighborhood should build upon existing natural networks, such as a stream system and/or ravines. Active recreation areas - such as playfields, recreation equipment, etc. - should be connected to the network. Components of the open-space network should not be linear unless protecting a linear feature such as a stream corridor, hedgerow or tree line. Consideration should also be given to providing for interconnected wildlife corridors.

Pedestrian and bicycle connections may be provided so residents have options other than using the road network. The open space should also abut existing or potential open space land on adjacent parcels.

## **C. Greenway Guidelines**

Greenways are natural corridors or buffers. They can consist of a natural area and pedestrian and bicycle trails, lane, or path. Greenways are typically found along major streams and their tributaries, as a recreational path and as a wildlife corridor. Greenways should be integrated into the design of all subdivisions.

Greenway can incorporate buffers which can serve a valuable role in filtering stormwater runoff adjacent to stream and creek systems. These buffers function as a trap for pollutants and excessive nutrients dissolved or suspended in storm runoff. Slowing

runoff velocity allows stormwater to be absorbed into the soil and to be taken up by vegetation.

Defining the appropriate buffer width is based upon soil permeability, slope, vegetation in the buffer and the amount and type of pollutants likely to be found in the runoff. To determine the appropriate width consult with the SWCD.

The following general guidelines are provided relative to greenway widths, which are determined based upon the type of greenway proposed.

- 1. Pedestrian and Bicycle Path or Lane** – A minimum 20 feet in width with a path five to ten feet wide composed of asphalt, gravel or mulched surface. Paths or lanes should not bisect mature woodlots but go around to offer wildlife a better environment.
- 2. Buffer along Stream or Creek** – A minimum width; consult with ODNR
- 3. Wildlife Corridor** – Up to a minimum of 300 feet width; consult with the ODNR.

A pedestrian path or lane should be used to provide recreational opportunities and should connect neighborhoods with open space features, such as a park, pond or a stream corridor. Such paths or lanes should meander through the open space reserves and should have sufficient points of interest along the paths or at end points.

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

#### **D. Open Space Blocks**

There are many options available for permanently designating and preserving open space. Examples include:

1. A block can be placed on the plat to permanently set aside open space features for common use by subdivision residents and/or the general public. Such blocks can be dedicated to an Owners Association, public entity or non-profit land trust or other conservation organization.
2. Protecting open space features and natural resources on individual subdivision sublots may be accomplished by an open space easement. Such easement, in general, precludes the placement of buildings and other structures in the designated area unless otherwise stated, and includes language that protects the natural area against disturbance by the property owner, with enforcement responsibility usually assigned to an owners association.

## **02 Aquifers and Aquifer Recharge Areas**

### **A. Intent**

Aquifers are important geologic features that serve as a source of potable water. Aquifer recharge areas are geologic features that encourage the replenishment of aquifers by surface water. Aquifers and aquifer recharge areas should be protected from adverse impacts by development to ensure water resources are conserved for use by current and future residents and businesses. Developers/subdividers should work with the Ohio EPA,

Division of Drinking and Ground Waters, Medina County Health Department and ODNR, Division of Water in addressing these issues.

**B. Protection Measures**

The following protection measures should be taken:

1. Any development should consider the type of groundwater resource over which it is to be built.
2. The Medina County Health Department, Ohio EPA, Division of Drinking Water and ODNR Division of Water should be consulted by the developer during the Concept Plan phase of development.
3. Aquifers and aquifer recharge areas should be placed in permanent platted no-build reserves and/or protected through deed restrictions and conservation easements.

**03**

**Forests**

**A. Intent**

Land to be subdivided or developed should be designed and converted to minimize impact on existing forest resources, including hedgerows and tree lines; in reasonable conformity to existing topography in order to minimize clearing or alteration of existing plant communities, especially woodlands and other forest resources; and to minimize associated stormwater runoff and soil erosion impacts that would damage woodlands. Developers/subdividers and builders should to the extent possible place structures so as to minimize destruction of mature trees. Sublots should be laid out with consideration of existing hedgerows and tree lines between fields or meadows to ensure their ongoing protection and preservation. Hedgerows and tree lines should be designated “no build” zones on plats if not placed in an open space reserve or conservation easement.

Major residential subdivisions, lot size permitting, should minimize impacts on large woodlands (those greater than five acres), especially those containing numerous mature trees, forest vernal pools, or a significant wildlife habitat. Also, development of woodlands of any size on highly erodible soils with slopes greater than 25 percent should be avoided. Building sublots should be located outside these areas or “no build” zones should be designated on the plat within individual sublots to protect the woodlands.

Woodlands in poor condition with limited forest management potential or value can provide suitable locations for residential development. When any woodland is developed, great care should be taken to locate all areas to be disturbed or impacted by buildings, roads, yards, sewage systems etc., in areas where there are no large trees or obvious wildlife areas, to the fullest extent that is practicable.

**B. Protection Measures**

The following protection measures should be taken:

**1. Site Planning**

- a. All efforts should be taken by the developer/subdivider to place sublots, buildings, structures, utilities and other improvements as far removed from forest resources as feasible.
- b. Topographical changes to a site should be minimal and should not substantially alter existing stormwater runoff patterns.

- c. Utilities should be designed not to intrude into forest areas designated or intended for preservation. To the extent possible, utilities should be placed in street rights-of-way.

**2. Construction Practices**

- a. Trees intended to be preserved on a site should be protected during all construction activities by placement of temporary, protective fencing at the boundary of the tree drip zone or critical root zone and the placement of one sign along the protective fencing.
- b. No construction activity, storage of building materials and equipment, or other surface disturbances should occur within the drip zone or critical root zone of a tree designated for preservation.

**04 Historic, Archaeological, and Cultural Resources**

**A. Intent**

Land to be subdivided or developed should be designed and converted to minimize its impact on historical, archaeological, and cultural resources and to consider the location of abandoned railroad rights-of-way. Developers and builders should to the extent possible place structures and improvements as far removed from existing historical, archaeological and cultural resources as possible. Development of a site containing historic, archaeological and/or cultural resources - whether known or unknown - should coordinate with the Ohio Historic Preservation Office (OHPO) in identifying, cataloging, and preserving such resources. Baseline data should be based upon the Medina County Natural Resource Inventory, the Ohio Historic Inventory, and records of OHPO, and the Ohio Department of Transportation (ODOT), local inventories, surveys, studies, and reports, and additional surveys as requested by the County Department of Planning Services or County Planning Commission.

**B. Protection Measures**

The following protection measures should be taken:

1. To the extent feasible - economic and physical - historical, archeological, and cultural resources should be preserved on a site and integrated as much as possible into the development. If compatible, new and historical structures should be juxtaposed from one another. Alternately, open space may be used to buffer historical resources from new development.
2. Subdivisions should be designed so that subplot layout does not intrude upon historical resources. Roads should be oriented so that views of the resource from the public road are of its primary facade(s) or view.
3. Resources that are set-aside on a site should be placed in permanent platted reserves and/or protected through deed restrictions and conservation easements. Another option would be to set aside resources for purchase by or donation to the County or an appropriate preservation organization.

**05 Hydric Soils**

**A. Intent**

Hydric soils may not be appropriate locations for buildings and sewage systems. Hydric soils have a very slow infiltration and permeability rate and are typified by a high ground water table and surface ponding. The Medina County Soil Survey identifies hydric soils.

**B. Protection Measures**

The following protection measures should be taken:

1. On-site wastewater treatment and disposal systems should not be located in hydric soils.
2. Development should be concentrated on that portion of a site that does not contain hydric soils.
3. Hydric soils should be placed in an open space reserve on a plat or placed in no-build reserves on individual parcels on a plat.

**06 Prime Agricultural Soils**

**A. Intent**

Prime agricultural soils are a nonrenewable resource and are critical to Medina County's economic base. Within the Conservation Area, development should minimize its impact to or not impact prime agricultural soils by avoiding such sites or locating on the least critical soils on a site, so as to preserve the maximum amount of prime agricultural soil. Where appropriate such soils should be placed in a no-build reserve on a plat and/or protected through a conservation easement. The Medina County Soil Survey identifies prime agricultural soils.

**B. Protection Measures**

The following protection measures should be taken:

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

**07 Riparian Corridors**

**A. Intent**

Land to be subdivided or developed should be designed and converted in reasonable conformity to existing topography and vegetation in order to minimize impacts on existing riparian corridors, including stream-side vegetative cover, stormwater runoff, water quality, and species habitat. Developers/subdividers and builders should to the extent possible place structures and improvements as far removed as feasible from stream

and creek riparian corridors. Baseline data of existing riparian corridors should be based upon Medina County aerial photographs and/or USGS 7.5-minute quad maps.

**B. Protection Measures**

The following protection measures should be taken:

1. Grading, removal of vegetative cover and placement of new buildings and structures should not be permitted in direct proximity of intermittent or perennial streams as determined by the Soil and Water Conservation District. Such areas should be placed in a no-build reserve or watercourse easement on the Preliminary Plan and Final Plat.
2. Open space reserves in subdivisions should be located to maximize the preservation of riparian corridors.
3. Underground utilities may be placed in the buffers indicated under Subsection 1 above, however, following construction, the disturbed area should be returned to a natural, vegetative state within six months of completion of the construction activity.
4. If the ODNR places a designation on a riparian corridor in Medina County, then the buffer standards of ODNR should apply.
5. Roads should not be located in buffers.

**08**

**Rural Character**

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

**A. Preserving Scenic Views and Vistas**

Scenic views and vistas should be maintained where practical. In open rural landscapes a deep “no-build, no plant” buffer is recommended along the public roadway where those views or vistas are prominent or locally significant. In wooded areas where the sense of enclosure is a feature that should be maintained, a “no-build, no-cut” buffer should be respected, to preserve existing vegetation.

**B. Maintaining the Character of Scenic Roads**

Most roadways in Medina County can be characterized as scenic, given the County’s physical characteristics and its historical rural landscape. The view of the landscape from a road is an important element in defining the County’s rural landscape and character.

The following guidelines should be followed in designing a Major Residential Subdivision to ensure the character of the County’s scenic roads is protected.

1. The portion of the subdivision intended to contain homes should be located as far removed from the adjacent road as possible. At the same time, residences should not be placed in the middle of open fields, but located adjacent to woodlands.
2. The existing natural landscape along the road - if of aesthetic quality as a rural landscape such as a hedgerow - should be placed in a landscape easement on the Final Plat, with the ownership and maintenance conveyed to an Owners Association. The landscape strip should be maintained in its natural state.
3. Trees located along a road should not be removed as part of the development of a subdivision - unless safety concerns necessitate such removal. Construction activities should not occur in the drip zone or critical root zone of such trees.

4. Improvements undertaken by the developer/subdivider or builder to enhance the landscaped area along a road should be designed in a way that is compatible with and respectful of the rural landscape that traditionally exists along the County's rural roads. This includes the type and placement of plantings and other vegetation, fencing, gateways, and other improvements.
5. Appropriate features along the roadside include: rail or picket fencing; natural wildflowers and plantings; and the preservation of existing historical structures and buildings, which can be integrated into gateways and roadside treatments. Historical barns, silos, and other significant outbuildings can be set aside for community use or used for equipment storage for maintenance.

## **09 Species Habitat**

### **A. Intent**

Land to be subdivided or developed should be designed and converted in reasonable conformity to existing habitat in order to minimize disturbance and alteration, to minimize associated stormwater runoff and soil erosion impacts that would damage such habitat. Developers/subdividers and builders should to the extent possible place structures and improvements as far removed from existing habitat as possible. Baseline data of existing species habitats should be based upon the Ohio Natural Heritage Database, Medina County Natural Resource Inventory, Medina County aerial photographs, and other pertinent studies, all of which may be field verified by qualified personnel.

### **B. Protection Measures**

The following protection measures should be taken:

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

## **10 Steep Slopes**

### **A. Intent**

These regulations apply to all hillside terrain areas in Major Subdivisions. Steep slopes are defined as areas with an average slope of more than 25 percent. The developer should submit sufficient detailed information as to geologic conditions and soil types in order that a determination can be made by the Department of Planning Services in consultation with the County Highway Engineer's Office as to the safety of development of the particular location.

**B. Protection Measures**

The following protection measures should be taken:

1. A grading plan should be submitted showing contour lines at two-foot intervals where average slopes exceed 20 percent. Elevations are to be based on the sea level datum (USGS), if available. The approximate subplot layout and dimensions should be shown for each subplot and each building site. Where pads are utilized or proposed for building sites, data should state existing topography and the approximate proposed finished grades, location and size of each building site, and finished grade of streets prior to consideration of the Final Plat. The grading plan should include existing and proposed grades, including the rights-of-way and up to the minimum building setback line, and should be reviewed by the SWCD for adequate erosion and sedimentation control.
2. For information regarding cuts, fills, and compaction of fill, refer to the Engineering Code.
3. Retaining walls may be required whenever topographic conditions warrant or where necessary to retain fill or cut slopes within the rights-of-way. Such requirements require the approval of the County Highway Engineer.
4. Grading or removal of vegetative cover should not be permitted on land with existing steep slopes, except when there is sufficient area outside of riparian corridor and wetland buffers for required erosion and sedimentation control measures.

**11 Wetlands**

**A. Intent**

Land to be subdivided or developed should be designed and converted in a way that does not impact delineated wetlands and reduces impacts on non-delineated but preserved wetlands. In particular, land disturbance should not negatively affect the water quality of wetlands. Baseline data of existing wetland resources should be based upon delineation studies conducted for the OEPA or U.S. Army Corps of Engineers.

Where deemed appropriate by the Department of Planning Services, Planning Commission, the OEPA or U.S. Army Corps of Engineers, an applicant for a subdivision should undertake a study to delineate a wetland. Such study should be prepared by a qualified professional under guidelines established by the OEPA or U.S. Army Corps of Engineers. Such study should be completed by the applicant and approved by the OEPA or U.S. Army Corps of Engineers prior to submittal of a Preliminary Plan.

**B. Protection Measures**

The following protection measures should be taken:

1. Grading or removal of vegetative cover should not be permitted within 25-feet of a wetland. Such buffer of an appropriate distance as determined by the SWCD should be placed in a no-build reserve on the Preliminary Plan and Final Plat, and a conservation easement should be conveyed to the OEPA or U.S. Army Corps of Engineers or qualified holder.
2. Open space reserves in subdivisions should be located to include preserved wetlands.
3. Utilities should not be located in a wetland, wetland buffer, or a conservation easement.



4. Topographical characteristics should not be altered in a way that will negatively affect the quality and quantity of wetland, as determined by appropriate reviewing agencies.

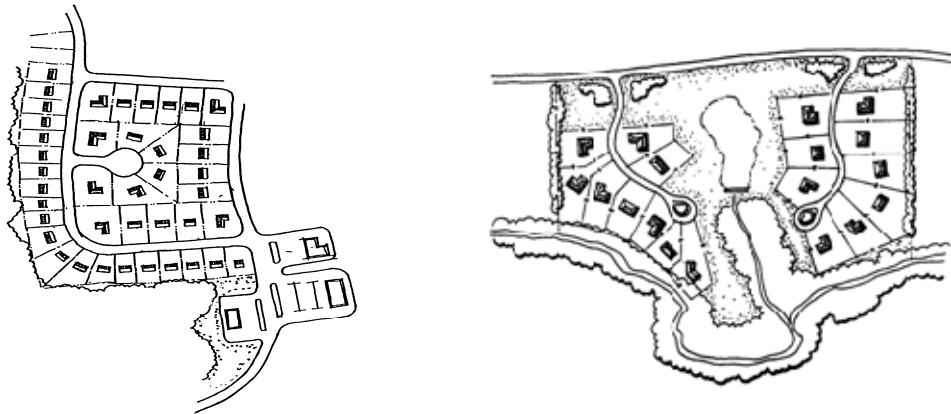
### Subdivision Types

Subject to township zoning authority creative approaches to designing and constructing subdivisions are permitted. A Major Subdivision application for a Concept Plan or Preliminary Plan shall indicate the type of subdivision proposed by the developer as provided for in the township zoning resolution. Design standards stipulated herein should also be reflected in the submitted Concept Plan and Preliminary Plan and will require certification by the township zoning authority as to its compliance with the Township Zoning Resolution. The following Major Subdivision types are permitted in Medina County per the Subdivision Regulations:

#### A. Standard Subdivision

A major or minor subdivision, as permitted by the Ohio Revised Code, in which property is subdivided into sublots having the minimum size, front, side, and rear yards as specified by the appropriate township zoning resolution and with each lot having the requisite frontage on a dedicated public or private street (see Article VI).

#### Sketches A & B: Example of Standard and Conservation Subdivisions



#### B. Conservation Subdivision

A contiguous area of land to be planned and developed as a single entity, in which development may be accommodated under more flexible standards, for building arrangements and setbacks, than those under traditional zoning. This allows for a more flexible grouping of uses in order to conserve open space and existing natural resources. This can be accomplished through land development techniques set forth in township zoning resolutions that permit flexibility in the arrangement of land use and roads (see Appendix A).