



# Mercer County

Subdivision Regulations

Construction Standards & Drawings

Design Criteria



440 Hoewisher Road  
Sidney, OH 45365  
(937) 497-0200  
(937) 497-0300 Fax

25

**Mercer County**

**Subdivision Regulations**  
**Construction Standards & Drawings**  
**Design Criteria**

The Board of Mercer County Commissioners adopted Resolution #18-1062 on November 27, 2018 approving and adopting the Text Amendments to the Subdivision Regulations and certifying to the Regional Planning Commission.

**Adopted by the Regional Planning Commission on**  
**February 20, 2019 with an effective date of**  
**March 22, 2019**

# **Title One - Subdivision Regulations**

## **1111.00 General Provisions**

1111.01	Title .....	1
1111.02	Intent.....	1
1111.03	Administration.....	1
1111.04	Relation to Other Laws.....	2
1111.05	Interpretation and Separability .....	2
1111.06	Amendment .....	2
1111.07	Jurisdiction .....	2
1111.08	Reservation and Repeals .....	3

## **1112.00 Definitions ..... 4-11**

## **1113.00 Minor Subdivision**

1113.01	Intent .....	12
1113.02	Minor Subdivision Conditions .....	12
1113.03	Submission for Approval of a Minor Subdivision .....	13
1113.04	Submission Requirements .....	13-14
1113.05	Supplementary Information.....	14
1113.06	Administrative Approval Procedure.....	15
1113.07	Minor Subdivision Checklist.....	16-17

## **1115.00 Preliminary Plat (Major Subdivision)**

1115.01	Intent.....	18
1115.02	Submission for Preliminary Plat Approval .....	18
1115.03	Preliminary Plat Form .....	18
1115.04	Preliminary Plat Contents.....	18-20
1115.05	Approval of Preliminary Plat .....	20-21
1115.06	Preliminary Plat Approval Period .....	21
1115.07	Preliminary Plat Checklist.....	22-24

## **1116.00 Final Plat (Major Subdivision)**

1116.01	Final Plat Required .....	25
1116.02	Submission for Approval of Final Plat.....	25
1116.03	Final Plat Form .....	26
1116.04	Final Plat Contents .....	26-28
1116.05	Supplementary Information.....	28-29
1116.06	Approval of Final Plat .....	29
1116.07	Recording of Final Plat.....	29
1116.08	Final Plat Checklist .....	30-32

## **1117.00 Assurance for Completion and Maintenance of Improvements**

1117.01	Improvements and Performance Surety .....	33
1117.02	Inspection of Improvements .....	34
1117.03	Maintenance of Improvements .....	34-35
1117.04	Deferral or Waiver of Required Improvements .....	35
1117.05	Procedure in Case of Failure to Complete Improvements .....	35
1117.06	Procedure in Case of Default.....	35-36
1117.07	Issuance of Zoning Certificates .....	36

## **1118.00 Large Lot Divisions**

1118.01	Purpose and Application of these Regulations .....	37
1118.02	Application Submittal Requirements .....	37-38
1118.03	Review and Approval .....	39
1118.04	Large Lot Dimensions .....	39
1118.05	Flag Lots .....	39-40
1118.06	Agricultural and Personal Recreational Purposes Exemption .....	40-41

## **1123.00 Requirements for Construction Improvements and Design**

1123.01	General Statement .....	42
1123.02	Conformity to Land Use Plans and Zoning.....	42
1123.03	Suitability of Land.....	43
1123.04	Street Improvements.....	43-44
1123.05	Street Signs and Street Names.....	44
1123.06	Special Street Types .....	44
1123.07	Streets for Commercial Subdivisions .....	45
1123.08	Streets for Industrial Subdivisions .....	45
1123.09	Easements .....	45
1123.10	Sidewalks.....	45-46
1123.11	Blocks.....	46
1123.12	Lots .....	46-49
	Figure 1123-1 Minimum Lot Areas and Width Requirements .....	49
1123.13	Survey Monuments.....	50
1123.14	Street and Walkway Lighting.....	50
1123.15	Water Supply Improvements.....	50-51
1123.16	Sanitary Sewer Improvements.....	51-52
1123.17	Drainage Improvements .....	52-53
1123.18	Culverts and Bridges .....	53
1123.19	Electric, Gas, Cable Television, and Telephone Improvements .....	53-54
1123.20	Over-Sized, Over-Depth, and Off-Site Improvements.....	54
1123.21	Cost of Over-Sized and Over-Depth Improvements .....	54-55
1123.22	Extension to Boundaries.....	55
1123.23	Off-Site Extensions .....	55
1123.24	Record Drawings.....	55
1123.25	Drainage Improvement Agreement with County Commissioners .....	55-56

## **1124.00 Planned Unit Development (PUD)**

1124.01	General Statement .....	57
1124.02	Purpose .....	57
1124.03	General Requirements .....	57
1124.04	Open Space.....	57-58
1124.05	Management of Common Property .....	58
1124.06	Improvement Guarantee .....	58
1124.07	Conformity to Existing Streets and Thoroughfare Plan .....	58
1124.08	Public Streets .....	58
1124.09	Private Streets .....	59
1124.10	Staging of Residential Planned Unit Development .....	59

## **1125.00 Miscellaneous Provisions**

1125.01	Recording of Plat.....	60
1125.02	Revision of Plat After Approval.....	60
1125.03	Sale of Land Within Subdivisions.....	60
1125.04	Schedule of Fees.....	60
1125.05	Penalties.....	61
1125.06	Variances .....	61
	Application for a Variance Mercer County Regional Planning Commission ...	62
1125.07	Appeal .....	63

## **SECTION 1111.00 GENERAL PROVISIONS**

### **1111.01 Title**

The provisions of this Chapter shall be known as the Subdivision Regulations of Mercer County and shall be referred to hereinafter as these Regulations.

### **1111.02 Intent**

These Regulations are adopted to secure and provide for the following:

- A. Proper arrangement of streets or highways in relation to existing or planned streets or highways or to the Comprehensive Land Use Plan.
- B. Adequate and convenient open spaces for vehicular and pedestrian traffic, utilities, access for fire-fighting and other emergency apparatus and recreation.
- C. Establishment of standards for the construction of any and all improvements as herein required.
- D. Conformance with the existing Zoning Regulations, if applicable.
- E. Orderly and efficient layout and the appropriate use of the land.
- F. Accurate surveying of land, preparing and recording of plats and the equitable handling of all subdivision plats by providing uniform procedures and standards for observance by both the approving authority and subdividers.
- G. Protection against floodplain encroachment and possible future flood damage.
- H. Protection of the public health, safety and general welfare of the citizens.
- I. Guidance for public and private policy and action in order to provide adequate and efficient transportation, water, sewerage and other public requirements and facilities.

### **1111.03 Administration**

These Regulations shall be administered by the Regional Planning Commission of Mercer County. The Regional Planning Commission, assisted by other government agencies, legal counsel, and through other advice it may solicit, shall administer and enforce these Regulations. Discretionary, conflicting, or disputed aspects of these Regulations shall be interpreted by the Planning Director or other responsible party as chosen by the Board of County Commissioners or Regional Planning Commission.

#### **1111.04 Relation to Other Laws**

- A. The provisions of these Regulations shall supplement any and all laws of the State of Ohio, resolutions of Mercer County, Mercer County Design Criteria and Construction Standards and Drawings, or any and all rules and Regulations promulgated by authority of such law or ordinance relating to the intent and scope of these Regulations. Whenever the requirements of these Regulations are at variance with the requirements of any law, ordinance, regulations of the Board of Health or Ohio Environmental Protection Agency (OEPA), the most restrictive or that imposing the higher standards shall govern.
- B. No subdivision plat shall be approved for recording until the requirements of these Regulations have been met and certification thereof has been endorsed upon the plat of the appropriate reviewing authority.
- C. Whenever a township or part thereof has adopted a county or township zoning plan, under Sections 303 or 519 of the Ohio Revised Code, all proposed subdivisions shall meet the requirements of said zoning plan, as well as the provisions of these Regulations.

#### **1111.05 Interpretation and Separability**

- A. Interpretation - In their interpretation and application, provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.
- B. Separability - If any part or provision of these Regulations, or the application thereof to any person or circumstance, is judged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in all controversy in which such judgment shall have been rendered. Such judgement shall not affect or impair the validity of the remainder of these Regulations or the application thereof to other persons or circumstances. The Board hereby declares that it would have enacted the remainder of these Regulations even without any such part, provision, or application.

#### **1111.06 Amendment**

These Regulations may be amended by the County Commissioners after meeting requirements as specified in the Ohio Revised Code.

#### **1111.07 Jurisdiction**

These Regulations shall be applicable to all subdivision of land located within the unincorporated area of Mercer County.

**1111.08 Reservation and Repeals**

Upon the adoption of these Regulations, according to law, any Mercer County Subdivision Regulations adopted and amended are hereby repealed.



## **SECTION 1112.00 DEFINITIONS**

For the intent of these 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 number includes the plural, and the plural number includes the singular.
- C. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
- D. The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied”.
- E. The word “lot” includes the words “plot” or “parcel”.
- F. Regardless of capitalization, definitions are standard.

### **ALLEY (See Thoroughfare)**

### **BLOCK**

A unit of property entirely surrounded by public highways and streets, railroad rights-of-way, waterways, or other barriers, or combination thereof.

### **BOARD**

The Board of County Commissioners.

### **BUILDING LINE (See Setback Line)**

### **BUILDING SITE**

A parcel under separate deed or description containing less than 5 acres and having road frontage.

### **COMMUNITY FACILITIES**

Existing, planned and proposed parks, playgrounds, schools, other public lands and buildings of the County for which these Regulations are in effect.

### **COMPREHENSIVE LAND USE PLAN**

A plan or any portion, thereof, adopted by the Regional Planning Commission and the Board of County Commissioners showing the general location and extent of present and proposed physical facilities, including housing, industrial, and commercial uses, major streets, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

**CONSTRUCTION DRAWINGS**

A complete set of engineering drawings drawn to scale containing, but not limited to, grading plans, street plans and profiles, cross sections, sanitary sewer plans and profiles, water main plans and profiles, storm sewer plans and profiles, a complete topographical layout of all existing appurtenances and structures located within the right-of-way, and any other requirement as outlined in the Mercer County Design Criteria and Construction Standards and Drawings.

**CORNER LOT (See Lot)**

**COUNTY**

When a statement is made referring to review or approval, it will be the department having the jurisdiction.

**CUL-DE-SAC (See Thoroughfare)**

**DEAD-END STREET (See Thoroughfare)**

**DEDICATION**

The appropriation of land to Mercer County by its owner for any public use.

**DEVELOP**

To make a development; also to do any grading or filling of land, whether undeveloped or already subdivided, so as to change the drainage or the flow of water, or to do any work upon the land that is capable of serving as a subdivision or development of building sites in the future.

**DEVELOPER**

Any person, subdivider, partnership, or corporation or duly authorized agent who constructs or contracts to construct improvements on subdivided land.

**DEVELOPMENT (See Subdivision)**

**DIRECTOR OF REGIONAL PLANNING COMMISSION**

The person appointed by the County Commissioners to administer these Regulations. In the absence of an appointed director, the County Engineer or the appointed designee shall have the authority to administer these Regulations.

**EASEMENT**

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

**ENGINEER**

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

**FLAG LOT**

Flag Lots are generally not permitted. See Section 1118.04 for further information.

**FINAL PLAT (See Plat)****IMPROVEMENTS**

Street pavement or resurfacing, curbs, gutters, sidewalks, pedestrian walkways, water lines, sanitary and storm sewers, landscaping and other related matters normally associated with the development of land into building sites.

**INSPECT, INSPECTION**

The visual observation of construction to permit the County or its representative to render a professional opinion as to whether the contractor is performing the services in a manner indicating that, when completed, the services will be in accordance with the Mercer County Subdivision Regulations, Construction Standards and Drawings, and Design Criteria. Such observations shall not be relied upon in any part as acceptance of the services, nor shall they relieve any party from fulfillment of customary and contractual responsibilities and obligations.

**LARGE LOT**

A piece or parcel of land along an existing public street, not involved in the opening, widening, or extension of any street or road, and involving the establishment of parcels that are not less than 5 acres and not more than 20 acres, inclusive of the right-of-way.

**LOT**

A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and its accessory buildings and uses, and having frontage on an improved public or private street.

- A. Corner – A lot located at the intersection of two or more streets.
- B. Through Frontage – 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.
- C. Interior – A lot with only one frontage on a street.

**LOT AREA**

The computed area contained within the lot lines.

**LOT LINE**

- A. Front – A street right-of-way line forming the boundary of a lot.
- B. Rear – The lot line that is most distant from, and is, or is most parallel with, the front lot line. If a rear lot line is less than 15 feet long, or if the lot comes to a point at the

rear, the rear lot line shall be a line of at least 15 feet, lying wholly within the lot, parallel to the front lot line.

C. Side – A lot line which is neither a front lot line nor a rear lot line.

### **LOT MEASUREMENT**

A lot shall be measured as follows:

- A. Depth - The distance between the midpoints 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 - The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the required front building setback line.

### **MAINTENANCE SURETY**

A surety by a subdivider or developer with the County for the amount of 10% of the performance surety guaranteeing the maintenance of the physical improvements according to the plans and specifications within the time prescribed.

### **MINOR SUBDIVISION (See Subdivision)**

### **MONUMENTS**

Permanent concrete or iron markers used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary line corners, and points of change in street alignment shall comply with the Minimum Standards for Boundary Surveys in the State of Ohio (ORC 4733-37).

### **OPEN SPACE**

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

### **ORIGINAL PARCEL, SITE, OR LOT**

A parcel, site, or lot of record in the Mercer County Recorder's Office on the date these Regulations are adopted.

### **PAD**

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

### **PARCEL**

A piece of land that cannot be designated by lot number.

**PEDESTRIAN WALKWAY**

A right-of-way dedicated for the purpose of a pedestrian access through residential, commercial, and industrial areas, and located so as to connect to two or more streets, or a street and a public land parcel.

**PERFORMANCE SURETY**

An agreement by a subdivider or developer with Mercer County for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to the plans and specifications within the time prescribed.

**PLANNED UNIT DEVELOPMENT (PUD)**

An area of land, in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a preplanned environment under more flexible standards, such as lot size and setbacks, than those restrictions that would normally apply under these Regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

**PLANNING COMMISSION**

The Mercer County Regional Planning Commission.

**PLAT**

A map of a tract or parcel of land, made from a survey by a registered surveyor in the State of Ohio.

- A. Preliminary Plat - A plat showing all requisite details of a proposed subdivision submitted to the Regional Planning Commission for purpose of preliminary consideration, prepared in conformance with these Regulations.
- B. Final Plat – A plat of all or part of a subdivision providing substantial conformance to the Preliminary Plat of the subdivision prepared in conformance with these Regulations and suitable for recording by the County Recorder.

**PROTECTIVE COVENANT**

A restriction on the use of all private property within a subdivision, to be set forth on the plat and/or incorporated in each deed, for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

**PUBLIC RESERVATION**

A portion of a subdivision which is set aside for public use and made available for public use or acquisition.

**PUBLIC UTILITY**

A firm, association, syndicate, corporation, co-partnership, municipal authority or public agency, board or commission, duly authorized to furnish, and furnishing under governmental

regulations, to the public: facilities, products or services such as gas, electricity, sewage disposal, communication, telephone, transportation, water, etc.

**REPLATS/VACATION PLATS**

Alteration, modification or adjustment of existing lots, lot lines, property lines or right-of-way lines and/or vacation thereof of an existing major subdivision within Mercer County shall require Regional Planning Commission and the Board of County Commissioners approval.

**RIGHT-OF-WAY**

Land reserved, used, or to be used for a street, alley, walkway, or other public purpose.

**SETBACK LINE**

A line established, generally parallel with and measured from the lot line, defining the limits of a yard unless otherwise defined in a Township Zoning Code.

**SEWER, CENTRAL OR GROUP**

An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

**SEWER, ON-SITE**

A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process, or an equally satisfactory process, for the elimination of sewage, and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

**SKETCH PLAN**

An informal plan or sketch showing the existing features of a site and its surroundings and the general layout of a proposed subdivision which can be presented to the Regional Planning Commission for informal discussions.

**STREET (See Thoroughfare)**

**SUBDIVIDER (See Developer)**

**SUBDIVISION**

- 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 5 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 5 acres not involving any new streets or easements of access and the sale or exchange of parcels between adjoining lot owners, shall be exempted and the sale or exchange 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.
- C. Major Subdivision – Subdivision of land that does not qualify for a minor subdivision.
- D. Minor Subdivision – Division of a parcel of land involving no more than 5 lots (inclusive of the remaining or original parcel) any one of which is less than 5 acres, from the original parcel, site, or lot along an existing public street, not involving the opening, widening, or extension of any street or road as defined in these Regulations.

### **SURVEYOR**

Any person registered to practice surveying by the State Board of Registration as specified in the Ohio Revised Code.

### **THOROUGHFARE, STREET, OR ROAD**

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

- A. Alley – A right-of-way used primarily for vehicular service access to the back or side of properties abutting on another street and cannot be considered frontage.
- B. Arterial Street – A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
- C. Collector Street – A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets or to other collector streets, including the principal entrance and circulation routes within residential subdivisions.
- D. Cul-de-sac – A local street with one end open to traffic and the other end terminating in a vehicular turnaround.
- E. Dead-end Street – A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
- F. Local Street – A street primarily for providing access to residential, commercial, or other abutting property.
- G. Loop Street – A type of local street, each end of which terminates at an intersection with same arterial or collector street, and whose principal radius points of the 180°

system of turns are not more than 1000 feet from said arterial or collector street, nor normally more than 600 feet from each other.

**VARIANCE**

A variance is a modification of the strict terms of the relevant Regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property, and not the result of the action of the applicant, a literal enforcement of the Regulations would result in unnecessary and undue hardship.

**VICINITY MAP**

A drawing located on the plat which sets forth the relationship of the proposed subdivision or use to other nearby development or landmarks and community facilities and services within Mercer County in order to better locate and orient the area in question.

**ZONING REGULATIONS**

The Zoning Regulations for the applicable township in Mercer County which regulates the use of land by districts or zones and as the same may be amended or supplemented.



## **SECTION 1113.00 MINOR SUBDIVISION**

### **1113.01 Intent**

The purpose of a minor subdivision is that these Regulations shall be handled by staff and require a survey plat with a legal description, fees, and may include a sketch plat as recommended by the Regional Planning Commission.

### **1113.02 Minor Subdivision Conditions**

Approval of a minor subdivision may be granted by the Director of the Regional Planning Commission, as a properly designated representative of the Regional Planning Commission, if the proposed subdivision of the parcel of land meets all of the following conditions:

- A. The proposed subdivision is located along an existing public road and involves no opening, widening, or extension of any street or road.
- B. The proposed division of a parcel of land involves no more than 5 lots (inclusive of the remaining or original parcel) any one of which is less than 5 acres from the original parcel as defined in these Regulations.
- C. For minor subdivisions, approved off-lot drainage must be provided for each lot to receive surface water and subsurface water drainage from the site along with curtain drainage from the sewage system areas to an adequate outlet. Said adequate outlet shall be shown on the minor subdivision plat.
- D. The proposed subdivision is not contrary to applicable Subdivision Regulations, Design Criteria, Construction Standards and Drawings, rules established by OAC 3701-29 regarding private septic systems, or applicable Zoning Code.
- E. Plat and description of the property is based on a survey completed by a professional surveyor and in compliance with the Mercer County Platting Regulations and meets Mercer County right-of-way dedication requirements.
- F. Subdivision not to be named. Conveyed by metes and bounds.
- G. The proposed subdivision lots meet the requirements of Section 1123.12 Lots.
- H. The proposed subdivision is approved by the County Health Department, Township Zoning Officer (if such exists), OEPA (for special sanitary districts), Floodplain (if in a FEMA – designated special flood hazard area (SFHA)), Inspector, County Engineer, Ohio Department of Transportation (if accessing a State or Federal highway), and others as may be applicable.
- I. Flag lots are generally not permitted. See Section 1118.05 for further information. A flag lot is defined as a parcel of land that is generally situated behind a lot or lots fronting on a street or roadway, where said parcel of land does not have the required road frontage but does maintain road frontage along the width of the access strip and is only accessible

from the road over an access strip that is owned in fee simple. See section 1118.05 for further details.

### **1113.03 Submission for Approval of a Minor Subdivision**

The subdivider shall prepare and submit one original and three copies of the minor subdivision plat to the Regional Planning Commission Director. The minor subdivision plat shall be considered officially filed on the day it is received and properly noted and shall be so dated. However, the minor subdivision plat shall not be considered properly submitted until all applicable fees are paid (see Section 1125.04 Schedule of Fees), a certification of approval by the County Health Department or County Sanitary Engineer, Floodplain Inspector, County Engineer, Zoning Officer (if such exists), Ohio Department of Transportation (if accessing a State or Federal highway), and a survey plat and a legal description are provided to the Director of the Regional Planning Commission.

### **1113.04 Submission Requirements**

The survey plat shall contain the following information:

- A. Registration number, seal, and signature of the land surveyor responsible for the plat.
- B. Name of the subdivider.
- C. Location by section, range, township, or by subdivision name and lot number.
- D. Date, north arrow, scale, and acreage to thousandths of acre.
- E. Name of abutting streets including right-of-way width.
- F. Name and address of owners of parcel and adjoining parcels.
- G. (1) Any existing dwellings and/or structures and any proposed dwellings and/or structures if known. (2) Any site disturbances, existing septic facilities, existing driveways and other hardscapes, and proposed hardscapes and/or structures if known. (3) Location of all private water systems and surface water features on the lot and within fifty feet of the lot boundary or the locations of the two soil boring and/or excavation areas.
- H. The minor subdivision plat shall be clearly and legibly drawn on an 8½"x14" sheet and at a scale between 1" = 10' and 1" = 100'. All dimensions shall be shown in feet and hundredths of feet. A plat shall indicate the size of the parcel, existing and proposed rights-of-way within 100 feet, existing and proposed ownership, any existing parcel within 100 feet and its owner and size, and the professional surveyor's signature and seal.
- I. The scaled drawing shall show proposed lot lines with detail on site conditions including vegetation, approximate slopes, and drainage features.
- J. Location of monuments and their descriptions.

- K. Adequate drainage outlet and any necessary easements.
- L. The survey shall conform to the Minimum Standards for Boundary Surveys in the State of Ohio (ORC 4733-37).
- M. Areas within the 100-year floodplain and within floodways, as determined by mapping provided by the Federal Emergency Management Agency (FEMA), shall be delineated.
- N. Approval signature and date line for the Floodplain Inspector, County Engineer, County Health Department, and Zoning Officer (if such exists).
- O. The locations and dimensions of at least two soil boring and/or excavation locations that have been evaluated on the proposed lot through an order one soil survey by a site and soil evaluator capable of properly conducting site and soil investigations and accurately recording required information. Demonstration of competency may include, but is not limited to, certification as a professional soil scientist by the association of Ohio pedologist or ARCPACS. A copy of the order one soil survey must also accompany the survey.
- P. Written approval of the Ohio Department of Transportation if accessing a State or Federal highway.

#### **1113.05 Supplementary Information**

Lot grading and drainage plan, illustrating a plan for the handling of surface and subsurface drainage, showing proposed finished grade elevations, the type, size, location and outlet of all existing and proposed drainage systems, swales, easements, water and sanitary sewer services, and the proposed ground cover may be required by the Director of the Regional Planning Commission or the required signatures referenced under N above on the basis of the characteristics of the subject property.

An inspection of each proposed minor subdivision may take place to verify that there is adequate drainage and outlet before lots will be approved.

Order of submission of minor subdivision plat and approval signature list.

1. Township zoning officer.
2. FEMA (local floodplain administrator), if required.
3. OEPA (for special sanitary districts), if required.
4. County Engineer
5. County Health Department
6. Mercer County Commissioners fee payment
7. Mercer County Tax Map Department submission

### **1113.06 Administrative Approval Procedure**

After the complete submittal is considered officially filed, a copy of the survey plat is then checked by the Director of the Regional Planning Commission for its conformity with these Regulations. The authorized representative of the Regional Planning Commission shall stamp and sign the plat “approved no plat required for a major subdivision” if the lot in question meets all codes as stipulated above, within 7 working days after submission. The plat shall then be taken by the subdivider to the Tax Map Office for approval and forwarded to the County Auditor for the transfer of property and then to the County Recorder where it will become a legal lot of record.

Incomplete or deficient proposals shall be disapproved and the subdivider notified of issues and reasons for the disapproval. The subdivider shall furnish Mercer County with a reproducible copy of the recorded plat.

## SECTION 1113.07 MINOR SUBDIVISION CHECKLIST

SUBDIVISION \_\_\_\_\_

DATE \_\_\_\_\_

This list is not all inclusive, but is to be used as a guideline for submittals and reviews.

√		DESCRIPTION	REMARKS
	1	Fees paid.	
	2	Submit 1 original and 3 copies of minor subdivision plat to Regional Planning Commission Director.	
	3	Survey plat and legal description to Regional Planning Commission Director.	
	4	Certification by:	
	4a	Health Department or County Sanitary Engineer, and/or OEPA.	
	4b	County Engineer.	
	4c	Zoning Officer (if such exists).	
	4d	Ohio Department of Transportation if accessing a State or Federal Highway	
	5	Survey plat contents:	
	5a	Registration number, seal, and signature of the land surveyor responsible for the plat.	
	5b	Name of subdivider.	
	5c	Location by section, range, township, or by subdivision name and lot number.	
	5d	Date, north arrow, scale, and acreage to thousandths of acre.	
	5e	Name of abutting streets including right-of-way width.	
	5f	Name and address of owners of parcel and adjoining parcels.	
	5g	Existing or proposed dwellings and/or structures. Site disturbances, existing septic facilities, existing driveways and other hardscapes, proposed hardscapes and or structures. Location of all private water sytems and surface water features on the lot and within 50 ft. of the lot boundary or the locations of the two soil boring and/or excavation areas.	
	5h	Scale between 1" = 10' and 1" = 100'.	
	5i	Dimensions in feet and hundredths of feet.	
	5j	Size of parcel.	

	5k	Existing and proposed rights-of-way within 100'.	
	5l	Existing and proposed ownership.	
	5m	Proposed lot lines with detail on site conditions including vegetation, approximate slopes, and drainage features.	
	5n	Existing parcels within 100' and its owner and size.	
	5o	Professional surveyor's signature and seal.	
	5p	Location of monuments and their descriptions.	
	5q	Adequate drainage outlet and any necessary easements.	
	5r	Conform to Minimum Standards for Boundary Surveys in the State of Ohio (ORC 4733-37).	
	5s	Areas within the 100-year floodplain and within floodways shall be delineated.	
	5t	Approval and signature date line for the Floodplain Inspector, Regional Planning Commission Director, County Engineer, County Health Department, and Zoning Officer (if such exists).	
	6	Lot grading and drainage plan may be required.	
	7	Meets the lot requirements of Section 1123.12 Lots.	
	8	A copy of the order one soil survey.	

## **SECTION 1115.00 PRELIMINARY PLAT (Major Subdivision)**

### **1115.01 Intent**

The developer shall submit a preliminary plat for review and approval prior to the formulation and submittal of detailed construction drawings and a final plat.

The purpose of the preliminary plat is to show on a map for a major subdivision all the facts which may enable the Regional Planning Commission to determine whether the proposed layout of land including street layout, utilities, and storm water controls is satisfactory from the standpoint of the public interest. The plat shall be prepared by a registered surveyor of the state. Approval of the preliminary plat, in effect, provides a “concept approval” of the subdivision proposal. It may be advised for the subdivider/owner to meet with the Director of the Regional Planning Commission to become familiar with the County requirements.

### **1115.02 Submission for Preliminary Plat Approval**

The subdivider shall prepare and submit eight copies of the preliminary plat of the proposed subdivision and the preliminary construction plans along with a completed preliminary plat checklist with remarks to the Regional Planning Commission.

- A. The preliminary plat shall be considered officially filed on the day it is received and properly noted and shall be so dated.
- B. The preliminary plat shall not be considered properly submitted until all applicable fees are paid by the developer (see Section 1125.04 Schedule of Fees).
- C. All plats and plans are provided to the Regional Planning Commission Director.
- D. The subdivider shall provide a copy of the preliminary plat to the local utility companies.

### **1115.03 Preliminary Plat Form**

The preliminary plat shall be clearly and legibly drawn. The size of the plat shall be 11” x 17” or smaller. If the preliminary plat is to be drawn in sections, each section shall be accompanied by a key map showing the location of the sections. The plat of a subdivision shall be drawn to a scale not to exceed 1” = 200’.

### **1115.04 Preliminary Plat Contents**

The preliminary plat shall clearly show the following features and information:

A. Items of title

1. Proposed name of subdivision. The name of the subdivision and proposed streets shall not duplicate, or too closely approximate, the name of any other subdivision or street, subject to Regional Planning Commission approval.
2. Location by numerically labeled inlot or outlot.
3. Name and address of property owner/developer.
4. Scale of the plat.
5. North arrow.
6. Name and address of the professional surveyor who prepared the plat, as well as the stamp and signature of the surveyor certifying the accuracy of the plat.
7. Date of preparation.
8. Location by section, town, range, or by other legal description.
9. Approval signature and date line for the Regional Planning Commission Chairman; Ohio Department of Natural Resources (ODNR), if applicable; County Engineer; County Health Department; and Township Zoning Officer (if such exists); Mercer County Local Flood Plain Administrator, if applicable; Ohio Department of Transportation (Access Management), if applicable; Ohio Environment Protection Agency (OEPA).
10. Stamp and signature of the Professional Surveyor.

B. Existing site conditions/characteristics

1. Perimeter boundaries of the proposed subdivision indicated by a heavy solid line and the approximate acreage comprised therein.
2. Location, widths, and names of all existing or platted streets, indicated as to: dedicated, undedicated, constructed or unimproved, official thoroughfares or other public ways, railroad and utility rights-of-way, easements, parks and other open spaces, permanent buildings, section and corporation lines within or adjacent to the subject tract.
3. Location and size of all existing utilities: sewers, water mains, telephone, electric, gas, drainage structures, known subsurface drainage systems, culverts, or other underground items located within or adjacent to the subject tract.
4. Names of adjacent subdivisions and owners of adjoining parcels.
5. Topographic map of such proposed subdivision shall be submitted with the preliminary plat, showing 1-foot contour intervals for all land within and 50 feet adjacent to the subject site.
6. Current zoning classification of the tract and adjoining properties.
7. The vicinity map shown on the preliminary plat.
8. An adequate drainage outlet is of primary importance to the County; therefore, identification of the existing drainage outlet(s) for the site including size, material type, and condition of any storm sewer or culverts shall be shown. This information shall be based on an onsite investigation and observation of the outlet(s).



C. Proposed site conditions/characteristics

1. Street layout, including street names and widths, alleys, cross-walkways and easements and their dimensions.
2. Layout, numbers and approximate dimensions of lots, including lot area (as measured in acres or square feet).
3. Parcels of land intended to be dedicated or temporarily reserved for public use, and the conditions of such dedication or reservation.
4. Setback lines, along all streets, with dimensions.
5. Indication of the proposed zoning designation to identify the potential development so as to reveal the nature of the impact the proposal will have on traffic flow, fire hazard, congestion, public utility capacities and required services.
6. A typewritten copy of the protective covenants or deed restrictions, if any.
7. Indication of any developmental phasing or staged development timing.
8. Type of water supply and wastewater disposal proposed, approximate locations and dimensions of all proposed utilities and sewer lines, easements, drainage tiles, water mains, culverts, or other underground utilities within the tract or adjacent thereto.

D. Preliminary Construction Plans

The proposed preliminary subdivision plat shall be accompanied by preliminary construction plans consisting of:

1. A centerline profile for each street shown thereon, drawn to a scale of at least 1" = 100'.
2. A preliminary layout, drawn to a scale of at least 1" = 100', including proposed placement of water lines, sanitary sewers and storm sewers. These may be incorporated in the above preliminary plat.
3. A preliminary drainage plan including proposed storm detention location. This may be incorporated in the above preliminary plat.
4. An analysis of the capacity of the drainage outlet(s) for the site and a determination of the adequacy of the outlet(s) under the predevelopment conditions.
5. All plans must be certified by a registered professional engineer.

**1115.05 Approval of Preliminary Plat**

The Regional Planning Commission Secretary shall determine when the submittal of the preliminary plat is complete as required by these Regulations. When completed, the Regional Planning Commission Secretary shall schedule a Regional Planning Commission meeting.

The Regional Planning Commission shall review all details of the proposed subdivision within the framework of the applicable Zoning Code, the various elements of these Regulations, the Design Criteria, the Construction Standards and Drawings, and the various elements of the Comprehensive Land Use Plan.

The Regional Planning Commission Chairman shall give careful study to the preliminary plat, taking into consideration the requirements of the community and the best possible use of the land to be subdivided, together with its prospective character, whether residential, commercial or industrial. Attention shall be given to street widths, arrangement and circulation; surface drainage; lot sizes and arrangements; and to such neighborhood and community requirements as park, school, playground sites, and main thoroughfare widths and locations.

The Regional Planning Commission shall forward copies of the preliminary plat to such officials and agencies as may be necessary for the purpose of study and recommendation. This shall include at least the County Engineer, Township Trustees, Zoning Inspector, Health Department, and the Mercer County Local Flood Plain Administrator, Ohio Department of Transportation, Ohio Environmental Protection Agency (OEPA), and ODNR, when applicable.

After receipt of such reports from such officials and agencies, the Regional Planning Commission shall determine whether the preliminary plat shall be approved, approved with modifications, or disapproved. If a plat is disapproved, the reasons for disapproval shall be stated in writing and recorded in the minutes of the Regional Planning Commission meeting.

The Regional Planning Commission shall act on the preliminary plat within 45 days after filing unless such time is extended by agreement with the subdivider. When a preliminary plat has been approved by the Regional Planning Commission, the Chairman shall sign and date all copies and return one to the subdivider.

#### **1115.06 Preliminary Plat Approval Period**

The approval of the preliminary plat shall be effective for a maximum period of 12 months unless the first section has been filed for final approval. If no subsequent sections are filed within 3 years from the recording of the previous sections, the approval of the remainder of the preliminary plat is no longer effective. The terms under which the approval is granted will not be affected by changes to these Regulations during the maximum period of 12 months.

## SECTION 1115.07 PRELIMINARY PLAT CHECKLIST

SUBDIVISION \_\_\_\_\_

DATE \_\_\_\_\_

This list is not all inclusive, but is to be used as a guideline for submittals and reviews.

√		DESCRIPTION	REMARKS
	1	Fees paid.	
	2	Eight copies of plat (at a scale of not more than 1" = 100').	
	3	Name of Subdivision.	
	4	Location of property with respect to surrounding property and streets.	
	5	Location by township, section, town, and range.	
	6	Names of all adjoining property owners, or names of adjoining developers.	
	7	Name of adjoining subdivisions.	
	8	Location and names of adjoining streets.	
	9	Location of corporation line, if applicable.	
	10	Location and dimensions of all boundary lines of the property in feet and decimals of a foot.	
	11	Vicinity map.	
	12	Indication of zoning.	
	13	Location of existing easements.	
	14	Location of existing water bodies, streams, and other pertinent features such as railroads, buildings, parks, cemeteries, drainage ditches, bridges, etc.	
	15	Locations, dimensions, and areas of all proposed or existing lots.	
	16	Location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.	
	17	Date of plat.	
	18	Scale of plat.	
	19	North arrow.	
	20	Data from which the location, bearing, and length of all lines can be determined and reproduced on the ground.	

√		DESCRIPTION	REMARKS
	21	Names of new streets as approved by the Regional Planning Commission.	
	22	Indication of the use of any lot and all uses other than residential.	
	23	Lots consecutively numbered.	
	24	Approximate dimensions of lots, including lot area.	
	25	Front setback lines.	
	26	Profiles showing existing and proposed elevations along centerline of all streets.	
	27	Approximate stationing on all streets.	
	28	Location, size, and invert elevations of all existing and proposed sanitary sewers and storm water sewers and structures.	
	29	Preliminary drainage plan including proposed storm water detention location.	
	30	Location and size of all water lines.	
	31	Topography at the same scale with contour interval of 1'.	
	32	Other specifications and references required by the local government. Construction standards and specifications, including a site grading plan for the entire subdivision.	
	33	Title of property, name and address of owner, and signature of surveyor.	
	34	Date, including revision dates.	
	35	Notation of approval, signature and date line for Regional Planning Commission Chairman, Ohio Department of Natural Resources (ODNR), Ohio Environmental Protection Agency (OEPA), if applicable; County Engineer; County Health Department and Townships Zoning Officer (if such exists); Mercer County Local Flood Plain Administrator, if applicable; Ohio Department of Transportation (ODOT) Access Management, if applicable.	
	36	Name and address of subdivider and/or developer.	
	37	Copy of protective covenants, if applicable.	

√		DESCRIPTION	REMARKS
	38	Indication of any developmental phasing or staged development timing.	
	39	Meets zoning requirements (i.e. minimum frontage, setbacks, area, etc.)	
	40	Conformance with major street plan.	
	41	No flood hazards.	
	42	Right-of-way widths, meets minimum criteria.	
	43	Avoidance of multiple intersections.	
	44	Length of blocks, meets minimum criteria.	
	45	Submit plans to the utility companies.	
	46	Location and size of all existing utilities: water main, telephone, electric, gas, etc. within or adjacent to the subject tract.	

## **SECTION 1116.00 FINAL PLAT (Major Subdivision)**

### **1116.01 Final Plat Required**

Having received the approval of the preliminary plat, if applicable, the subdivider shall submit a final plat containing all changes required by the Regional Planning Commission in the preliminary plat. The final plat and the supplementary information shall be certified by a professional surveyor. Construction plans, drawings, and specifications shall be certified by a professional engineer licensed to practice in the State of Ohio.

### **1116.02 Submission for Approval of Final Plat**

The Subdivider shall prepare and submit the following:

- A. Ten copies of the final plat.
- B. Two copies of 24"x36" construction drawings and two copies of 11"x17" construction drawings related to the improvements to be constructed in the proposed subdivision.
- C. Two copies of an itemized engineer's estimate with quantities for all proposed improvements including the estimate of cost for each item signed by a professional engineer. The item unit and item prices used shall be consistent with current ODOT item units and unit prices.
- D. A copy of the storm sewer and storm detention calculations and other applicable calculations for design.
- E. Completed final plat checklist with remarks.
- F. Completed final construction plan checklist with remarks (see Design Criteria for list.)

All final plats, construction drawings and supporting documents shall meet all Design Criteria and Construction Standards and Drawings established by Mercer County, the applicable Zoning Code, or requirements established by other governmental organizations having jurisdiction over the improvements. The most restrictive requirements shall apply.

The final plat shall be considered officially filed on the day it is received and properly noted and shall be so dated. However, the final plat shall not be considered properly submitted until all applicable fees are paid by the developer (see Schedule of Fees - Section 1125.04) and until all plans, supporting documents, and materials are provided to the Regional Planning Commission Secretary.

### **1116.03 Final Plat Form**

The final plat shall be clearly legibly drawn on bond paper. The size of the plat shall be 11" x 17" or smaller. The plat of a subdivision shall be drawn to a scale not to exceed 1" = 200'. The lettering and all lot dimensions shall be legible.

If the final plat is drawn in two or more sections, each section shall be accompanied by a key map showing the location of the sections. All final plat sections shall either totally include or totally exclude intersections and all lots fronting such intersections.

Construction Drawings shall be submitted in the form stated in the Mercer County Design Criteria. The plans shall consist of the required improvements stated in these Regulations.

### **1116.04 Final Plat Contents**

The final plat shall contain the following information:

- A. Name of the subdivision (which shall not duplicate or closely resemble the name of any other subdivision in the County), location by section, town, range and township, or by other survey number, date, north arrow and basis of bearing, acreage to thousandths of an acre (total lot acreage and total street acreage) and deed book and page reference.
- B. Name and address of the subdividers, the professional engineer, and registered surveyor who prepared the plat and appropriate registration numbers and seals.
- C. The total area being platted shall include all perimeter courses and be outlined by a heavy-line border. Courses are to be listed in a clockwise direction. All dimensions, both lineal and angular, shall be determined by an accurate control survey in the field. The error of closure shall conform to the Ohio Administrative Code.
- D. Bearings and distances to the nearest centerline of intersecting roads or the intersection of right-of-way lines; lot corners of recorded plat with plat reference; or section corner or quarter section corner.
- E. Names, exact location, dimensions and right-of-way width of all streets and railroads within and adjoining the plat and building setback lines. Street names shall be approved by the Regional Planning Commission.
- F. Radii, internal angles, points of curvature, tangent bearings, lengths of arcs, chord length bearing of all applicable streets within the plat area shall be illustrated on the plat.
- G. The exact locations, dimensions and uses of all private and public utility easements shall be illustrated on the plat.
- H. All lots accurately dimensioned in feet and hundredths with lot numbers and acreage. The lot numbers shall be consecutive for each platted section and shall be placed in the center

of the lot with acreage under the lot number. Replatted lots shall illustrate existing lot numbers, lot lines dashed, and utility easements on the plat.

- I. Accurate location and a description of all monuments as to type, size, and whether the monument was found or set. If a monument has been omitted or offset, a notation shall appear on the plat indicating the reason for the omission; or if it has been offset, its true location in relation to the property corner or lot corner shall be noted.
- J. Accurate outlines of areas to be dedicated or reserved for public use, or any area to be reserved for the common use of all property owners. The use and accurate boundary locations shall be shown for each parcel of land to be dedicated.
- K. Any restrictions and covenants shall be shown or referenced on the final plat.
- L. Certification shall contain the following:
  - 1. The total acres being subdivided;
  - 2. The acres in dedicated right-of-way;
  - 3. Current ownership;
  - 4. Deed reference; and
  - 5. Zoning.
- M. Acknowledgment dedication statement of the owner or owners to the plat and restrictions, including dedications to public use of all public streets, alleys, parks or other open spaces shown thereon and the granting of the required easements, as shall be indicated by the following statement on the plat tracing: "Easements shown on this plat are for the construction, operation, maintenance, repair, replacement or removal of water, gas, sewer, electric, telephone, or other utilities or services, and for the express privilege of removing any and all trees or other obstructions to the free use of said utilities and for providing of ingress and egress to the property for said purposes, and are to be maintained as such indefinitely."

A statement of intention and request for the vacation of lot lines and easements on previously platted properties, and the signature of authorized representatives of local utility companies (electric, telephone, cable television, etc.) acknowledging the abandonment of easements.

Acknowledgement dedication statement of the owner or owners to the plat and restrictions for drainage improvement special assessments will be implemented, as shall be indicated by the following statement on the plat tracing: "A drainage improvement maintenance fund (see Ohio Revised Code Chapter 6137) has been established by all drainage benefiting lots in the subdivision and will be funded by special assessments determined by County Commissioners. Special assessments to be collected at a certain percentage by calculating actual storm water management system costs incurred by said Developer and dividing that among all lots in subdivision."



- N. The names of record of all abutting parcels with deed reference, acreage and survey record reference, if applicable. Platted land shall show the name of the subdivision, lot numbers, plat book and page reference.
- O. Any section lines, corporation limits, township and county lines shall be accurately documented and located on the plat and their names lettered thereon.
- P. Location of permanent facilities and easements for same used for drainage control such as detention ponds, retention ponds, infiltration beds, etc., and statement of the provisions for the maintenance of these facilities.
- Q. Approval signature and date lines shall be provided for the Board of County Commissioners, Regional Planning Commission Director, Regional Planning Commission Chairperson, County Health Department, County Engineer, and Township Zoning Officer (if such exists).

#### **1116.05 Supplementary Information**

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

- A. If a zoning change is involved, certification from Township Zoning Officer shall be required indicating that the change has been approved and is in effect.
- B. The developer must petition the County to provide maintenance of an adequate storm outlet improved by developer as part of the development.
- C. Prior to approval of the final plat, a surety shall be furnished assuring installation and initial maintenance of the required improvements.
- D. In flood prone areas the subdivider shall provide information detailing how the structures will be protected from flood hazard.
- E. The Regional Planning Commission may require the applicant to submit additional topographic information, detailed plans for proposed uses, and other information to determine possible flood or erosion hazards, the effect of the subdivision uses upon flood flows, and the adequacy of proposed flood protection measures. The Regional Planning Commission may consult with expert persons or agencies for technical assistance and advice.
- F. These construction plans shall be submitted to the OEPA for approvals as required, prior to the County's approval of the construction plans. Certification of OEPA approval shall be provided on the plans where applicable. Construction shall not commence until such approvals are granted.

- G. These construction plans shall be submitted to ODOT if any roadway, drainage, or any other type of work will be performed within ODOT's right-of-way. The subdivider shall obtain a Right-of-Way Permit from ODOT prior to approval by the Regional Planning Commission.
- H. Construction plans shall be submitted to the Army Corps of Engineers if wetlands (especially around Grand Lake St. Marys) are affected and appropriate permits are obtained.
- I. The County Engineer's signature shall be provided on approved construction plans to verify compliance with the applicable specifications and the requirements of these Regulations.

#### **1116.06 Approval of Final Plat**

The Regional Planning Commission shall approve or disapprove the final plat within 30 days after it has been officially and properly filed with the Regional Planning Commission and so noted in the minutes. Failure of the Regional Planning Commission to act upon the final plat within such time shall be deemed as approval of the plat. If the plat is disapproved, the grounds for disapproval shall be stated in the records of the Regional Planning Commission, and a copy of said record shall be forwarded to the subdivider. If disapproved, the subdivider shall make the necessary corrections and resubmit the final plat within 30 days to the Regional Planning Commission for final approval. When the final plat has been approved by the Regional Planning Commission, the original shall be forwarded to the Board of County Commissioners for its approval and endorsement. The original shall be returned to the subdivider.

#### **1116.07 Recording of the Final Plat**

After the final plat has been approved by the Regional Planning Commission, dedications accepted by the Board and the necessary approval endorsed in writing thereon, the subdivider shall record the plat in the office of the County Recorder. The final plat shall be taken to the Tax Map Office for approval and forwarded to the County Auditor for the transfer of property and then to the County Recorder where they will become legal lots of record. This must be accomplished within 60 days after the date of final approval. The subdivider shall furnish the Regional Planning Commission Director with a reproducible copy of the recorded plat.

## 1116.08 FINAL PLAT CHECKLIST

SUBDIVISION \_\_\_\_\_

DATE \_\_\_\_\_

This list is not all inclusive, but is to be used as a guideline for submittals and reviews.

√		DESCRIPTION	REMARKS
	1	Fees paid.	
	2	Ten copies of the final plat.	
	3	Two 24"x36" and two 11"x17" copies of construction drawings.	
	4	Two copies of engineer's estimate.	
	5	One copy of storm sewer calculations, storm detention calculations, and other necessary design calculations.	
	6	Performance surety.	
	7	Name of subdivision.	
	8	Location by section, town, range and township.	
	9	Date of plat.	
	10	North arrow and basis of bearing.	
	11	Acreage to thousandths of an acre.	
	12	Deed book and reference page. (Plat book, if available.)	
	13	Name and address of the subdividers.	
	14	Name and address of professional engineer who prepared plans, including registration number and seal.	
	15	Name and address of professional surveyor who prepared plat, including registration number and seal.	
	16	Perimeter of subdivision to be outlined by a heavy border.	
	17	All dimensions.	
	18	Bearings and distances to the nearest centerline of intersecting roads.	
	19	Names, exact location, dimensions and right-of-way width of all streets.	
	20	Radii, internal angles, points of curvature, tangent bearings, chord length and bearings, lengths of arcs of all applicable streets within the plat area.	
√		DESCRIPTION	REMARKS

	21	The exact locations, dimensions and uses of easements shall be illustrated on the plat.	
	22	All lots accurately dimensioned in feet and hundredths with lot numbers and acreage.	
	23	Replatted lots shall illustrate old lot numbers and lot lines dotted on the plat.	
	24	Accurate location and a description of all monuments as to type, size, and whether the monument was found or set.	
	25	Any restrictions and covenants shall be shown on the final plat.	
	26	Acknowledgment dedication statement of the owner or owners to the plat.	
	27	A statement of intention and request for the vacation of lot lines and easements.	
	28	The signature of authorized representatives of local utility companies acknowledging the abandonment of easements.	
	29	Names of record of all abutting parcels with deed reference, acreage and survey record reference.	
	30	Any section lines, corporation limits, township and county lines.	
	31	Location of permanent facilities and easements for same used for drainage control such as detention basin, retention ponds, infiltration beds, etc. and statement of the provisions for the maintenance of these facilities.	
	32	Construction plans submitted to the OEPA for approvals as required.	
	33	Submitted within 12 months of preliminary approval.	
	34	Conforms to preliminary plat and incorporates suggested changes.	
	35	Street names.	
	36	Size of lots meet minimum requirement.	
	37	Setback lines meet minimum requirement.	
	38	Corner lot size appropriate.	

√		DESCRIPTION	REMARKS
	39	Sufficient easements for utilities or open drainage.	
	40	Approval signature and date lines.	
	41	Submit construction plans to Army Corps of Engineers if wetlands are affected & obtain appropriate permits.	
	42	Completed Final Plat Checklist with remarks	

## **SECTION 1117.00 ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS**

### **1117.01 Improvements and Performance Surety**

In order that the County has the assurance that the construction and installation of such improvements such as street surfacing, curbs, gutters, storm sewers and appurtenances, sanitary sewer, waterlines, sidewalks, street lighting, street signs and other required improvements will be constructed, the subdivider shall provide performance surety.

- A. Performance Surety - The subdivider shall furnish either a bond, executed by a surety company, cash deposit (certified or cashier's check), escrow account, or Irrevocable Letter of Credit (form must be approved by the County Prosecutor) equal to the cost of construction of such improvements as shown on the plans, and based on a detailed, itemized estimate approved by the County Engineer. The estimate shall reflect consideration of prevailing wage requirements.

The performance bond, cash deposit (certified or cashier's check) or Irrevocable Letter of Credit to Mercer County shall run for a period of 2 years and be automatically extendable for 2 years from the date of execution, and shall provide that the subdivider, their heirs, successors and assigns, their agent or servants, will comply with all applicable terms, conditions, provisions and requirements of these Regulations, and will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with such laws and Regulations. The performance surety can be reduced to the amount of 20% of the original performance surety plus the cost of the final layer of asphalt after the first layer of asphalt and the first punch list is complete. Before said bond is accepted it shall be approved by the County Prosecutor. Whenever a cash deposit (certified or cashier's check) is made, the same shall be made payable to Mercer County.

- B. Extension of Time - If the construction or installation of any improvement or facility, for which guarantee has been made by the developer in the form of bond or cash deposit, is not completed within 2 years from the date of final approval of the record plat, the developer may request Mercer County to grant an extension, provided he can show reasonable cause for inability to complete said improvements within the required 2 years.
- C. Acceptance of Dedication Offers - Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by ordinance of the Board of County Commissioners. The approval by the Regional Planning Commission of a subdivision plat shall not be deemed to constitute or imply the acceptance by the local government of any street, easement, or park shown on said plat.

### **1117.02 Inspection of Improvements**

Periodic inspections during the installation of improvements shall be made by Mercer County to ensure conformity with the approved plans and specifications as required by these Regulations.

The subdivider shall notify proper County officials at least 24 hours before each phase of the improvements is ready for inspection. The presence and/or absence of an inspector during construction shall not relieve the subdivider from full responsibility of required improvements to the Mercer County Construction Standards and Drawings and to the satisfaction of Mercer County. See the Mercer County Design Criteria for inspection requirements. The County will require improvement inspection fees (see Section 1125.04 Schedule of Fees).

### **1117.03 Maintenance of Improvements**

The applicant shall be required to maintain all improvements, if required, until approval of said improvements. Once the required public improvements have been constructed and approved in the subdivision by the County Engineer, and prior to the release of the performance surety, the subdivider shall post with the County a maintenance surety in the amount of 10% of the original performance surety plus the final layer of asphalt cost, if applicable, and in a form as approved by the County Prosecutor.

The subdivider shall be responsible for the maintenance of the improvements installed. This maintenance shall include, but not be limited to, winter maintenance items such as snow and ice control, erosion and sediment control measures, debris, and mud tracking onto the County road system.

No public improvements shall be approved until the subdivider has posted an approved maintenance surety, and this maintenance surety will extend for 1 year from the actual date that the final punch list has been completed and approved by the County.

The subdivider shall be responsible for all routine maintenance during the maintenance period. This shall include, but is not limited to, mud tracking, erosion and sediment control, any items relating to public safety and convenience, any items identified by the County Engineer in correspondence as part of the acceptance process, repair, and corrections of failures due to faulty construction or design. The subdivider shall also make repairs needed due to erosion or abuse by utility companies in the installation of utilities and shall repair all failures, which occur for any other reason during the guarantee period. The subdivider shall restore all improvements, including the driveway pipes, prior to the end of the maintenance period to a condition which is satisfactory to the County Engineer.

Failure to comply with the above items may result in forfeiture of the maintenance guarantee and other legal action if warranted.

Acceptance by the County of the public improvements will not take place until the County releases the maintenance surety and receives record drawings as outlined in the Mercer County Design Criteria of construction plans, including all utilities (i.e. sanitary sewers, storm sewers, gas, water). Record drawings shall be stamped by a registered professional engineer or surveyor verifying the accuracy of the drawings.

Prior to release of the maintenance surety by the County, the developer shall have paid all public improvement fees required by these Regulations including the final 1" of asphalt plus assessments for any deficient asphalt and aggregate depths and have completed all maintenance punch list items and all the improvements are adequate and in satisfactory condition.

#### **1117.04 Deferral or Waiver of Required Improvements**

The Regional Planning Commission may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite to the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

Whenever it is deemed necessary by the Regional Planning Commission to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his share of the costs of the future improvements as approved by the County Engineer and Board to Mercer County prior to signing of the final subdivision plat.

#### **1117.05 Procedure in Case of Failure to Complete Improvements**

The subdivider shall be in default of this performance surety when one of the following conditions exist:

- A. The installation of all required public improvements as called for in these Regulations has not been completed within the 2-year time period agreed upon in the subdivider's contract with the County, and the subdivider has failed to establish reasonable cause for such delay to the satisfaction of the Regional Planning Commission and thereby to receive a time extension.
- B. The subdivider has not constructed the required public improvements in accordance with the minimum standards specified in these Regulations, and the subdivider is unwilling to modify and to upgrade said public improvements within a 6-month time period so as to be in compliance with the provisions of these Regulations.

#### **1117.06 Procedure in Case of Default**

The subdivider shall be in default of his maintenance surety when the required public improvements have not been properly maintained over the 1-year period as established in Section 1117.03 Maintenance of Improvements or when the required public improvements



are not in accordance with the “as-built” plans submitted by the subdivider to the County. The same shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications. In such cases of default, the County shall proceed to utilize the performance surety and/or maintenance surety to construct the required public improvements to the minimum design standards as required in these Regulations.

**1117.07 Issuance of Zoning Certificates**

As determined by the Regional Planning Commission Director, no building will be allowed until the street improvements are complete with curb and first layer of asphalt installed. However, the subdivider is responsible for any damage to improvements.

## **1118.00 REGULATIONS ON LARGE LOT DIVISIONS**

### **1118.01 Purpose and Application of these Regulations**

These regulations are adopted to establish the rules and procedures for Large Lot Divisions as authorized under §711.133 of the Ohio Revised Code.

These regulations apply to Large Lot Divisions where such proposed division is along an existing public street, not involved in the opening, widening, or extension of any street or road, and involving the establishment of parcels of real estate that are not less than 5 acres and not more than 20 acres inclusive of the right-of-way.

If the Mercer County Regional Planning Commission or its properly designated representative finds that the proposed Large Lot Division is not contrary to these regulations and any applicable zoning, health, sanitary, access management, and surface or subsurface drainage regulations or any such other applicable regulations, then the proposed Large Lot Division shall be approved and shall bear a stamp “Approved by the Mercer County Regional Planning Commission; no plat required”.

Large Lot Divisions of land to be used only for agricultural or personal recreational purposes shall be exempt from the approval requirements of these regulations.

Upon certification of the exclusive agricultural or personal recreational use of the Large Lot Division by the Grantors and Grantees of the subject parcel to the Mercer County Regional Planning Commission or its designated agent or representative, the document of conveyance shall be stamped “No approval or plat required under R.C. 711.133; for agricultural or recreational use only”. Any subsequent transfers or divisions of a previously certified Large Lot Division shall also bear the same stamp. However, if such Large Lot Divisions are subsequently to be used for other than agricultural or personal recreational purposes, such Large Lot Division shall be subject to these regulations.

The regulation of lot frontage and width to depth ratios under these regulations shall apply only if there is no applicable zoning regulations for lot frontage or width to depth ratios that apply to the parcel.

### **1118.02 Application Submittal Requirements.**

A Large Lot Division application shall include the following information and materials:

- a. Location or vicinity map.
- b. Ownership of property.
- c. Existing and proposed public roads and easements.
- d. Existing structures.
- e. North arrow.
- f. Outline of areas to be divided.
- g. Approximation of proposed lot lines and dimensions.
- h. Important natural features and drainage ways.

- i. Information concerning storm drainage, sewage disposal, water supply, and other facilities that impact on the development.
- j. Existing or proposed building, well and sewage system locations and design. Large lot divisions of undeveloped parcels must designate the location of at least one soil boring and/or excavation location that has been evaluated on the proposed lot through an order one soil survey prepared by a professional soil scientist certified by the Association of Ohio Pedologists or ARCPACS. A copy of the order one soil survey must also accompany the survey. Large lot divisions that have existing septic systems which serve existing homes can waive the soil evaluation requirement.
- k. Access points in accord with adopted access management standards or Ohio Department of Transportation driveway approval if access is to a state highway.
- l. Drainage improvements in compliance with applicable Township and/or County standards
- m. Written endorsement of the Large Lot Division from health and zoning authorities.
- n. Written endorsement of the County Engineer concerning access, survey and description. The Ohio Department of Transportation may be required to review and approve a Large Lot Division along a State Highway System for purposes of determining compliance with State access management regulations.
- o. Written endorsement of the applicable County agency regarding compliance with regulations adopted under division (B)(3) of Section 307.37 of the Revised Code regarding existing surface or subsurface drainage, including, but not limited to, rules governing household sewage disposal systems.
- p. A proposed land division vicinity map or copy of the tax map for that area.
- q. An approved survey and legal description prepared by a Professional Surveyor.
- r. A Location Map certified by a Professional Surveyor. The Location Map may be combined with the survey or may be a separate drawing. The Location Map must including the following:
  - 1. All newly created lot lines for all proposed lot(s).
  - 2. All adjoining public roads.
  - 3. Any existing above ground structures (including rakes and overhangs) located within one hundred (100) feet of a newly created lot line.
  - 4. All proposed points of access.
  - 5. The dimensions of the newly created lot(s) and acreage; and
  - 6. Signature, Seal and Date.
- s. An approved form of conveyance meeting the requirements for property transfers by the Mercer County Auditor's and Engineer's Offices.
- t. All applicable fees.
- u. Any other material or information the Regional Planning Commission finds necessary for the review of the Large Lot Division.
- v. The proposed subdivision lots meet the requirements of Section 1123.12 Lots and the regulations in Section 1118.00.

In addition, all corners of the proposed lots shall be marked with stakes and colored flagging prior to or at the time of filing the Large Lot Division application.

### **1118.03 Review and Approval.**

If the Commission, acting through the Executive Director or the RPC Rep., finds that the proposed division is not contrary to any applicable zoning, health, sanitary, or access management regulations, regulations adopted under division (B)(3) of section 307.37 of the Revised Code regarding existing surface or subsurface drainage, including, but not limited to, rules governing household sewage disposal systems or the regulations set forth in this Section, it shall be approved in accordance with the following schedule:

- a. For proposed divisions into not more than six (6) separate parcels, approval shall be within seven (7) calendar days after its submission;
- b. For proposed divisions into more than six (6) separate parcels but less than fifteen (15) parcels, approval shall be within fourteen (14) calendar days after its submission;
- c. For proposed divisions into more than fifteen (15) parcels, approval shall be within twenty-one (21) calendar days after its submission.

The burden is upon the applicant to demonstrate compliance with these Regulations. Incomplete or deficient proposals shall be disapproved and the applicant notified of issues and reasons for disapproval. Upon presentation of an approved conveyance of said parcel, the conveyance shall be stamped "Approved by Mercer County Regional Planning Commission; No Plat Required under R.C. 711.133", and signed and dated by the Executive Director or the RPC Rep. Large Lot Division deeds shall be recorded within one hundred eighty (180) days from the date of approval, or the approval expires. Upon the expiration of the approval, any proposed division of the subject tract shall be filed and processed as a new application under this Section.

### **1118.04 Large Lot Dimensions.**

No division of land involving a metes and bounds description shall be approved or exempted unless it is accompanied by a survey and legal description certified by a Professional Surveyor licensed in the State of Ohio. The survey must meet the Minimum Standard For Boundary Surveys, Administrative Code 4733-37, and the survey and description must be approved by the County Engineer or designee. The proposed division must meet the following requirements:

- a. **Lot Frontage Requirement.** Unless the applicable zoning regulations specifically provide otherwise, all lots created under this Chapter shall have a minimum of three hundred thirty (330) feet of continuous frontage on an existing and improved public road measured at the right-of-way line.
- b. **Lot Width to Depth Ratio.** Unless the applicable zoning regulations specifically provide otherwise, the maximum depth of a lot shall not exceed three (3) times the width of the lot.

### **1118.05 Flag Lots.**

A flag lot is defined as a parcel of land that is generally situated behind a lot or lots fronting on a street or roadway, where said parcel of land does not have the required road frontage as

per these regulations, but does maintain road frontage along the width of the access strip and is only accessible from the road over an access strip that is owned in fee simple.

Flag lots generally are not permitted. However, upon application for a variance under these regulations, a flag lot may be permitted as a Special Exception.

It shall be the responsibility of the applicant to prove to the satisfaction of the Regional Planning Commission or its representative that the land characteristics and physical conditions make the creation and development of a flag lot practical, reasonable and desirable.

Where such a showing is made, the Regional Planning Commission, or its representative, may, in its absolute discretion, grant a variance and permit a flag lot as a Special Exception. However, the following minimum requirements must be met as a condition of granting the variance:

- a. The stem or pole of the flag lot must be at least sixty (60) feet in width along the entire stem.
- b. The portion of the parcel associated with the stem shall not exceed 50% of the total area of the entire parcel.
- c. The stem length shall not exceed two thousand six hundred forty (2640) feet.
- d. The stem of the flag lot must be owned in fee simple. An easement over the stem shall not be permitted.

#### **1118.06 Agricultural and Personal Recreational Purposes Exemption.**

A proposed division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road, and which meets the acreage requirements set forth in this Section but which is to be used only for agricultural or personal recreational purposes (as hereinafter defined) shall be exempt from the Large Lot Division approval requirements. Upon presentation of a conveyance of such a parcel, the conveyance shall be stamped "Approved by Mercer County Regional Planning Commission; No Approval or Plat Required under R.C. 711.133; **FOR AGRICULTURAL AND PERSONAL RECREATIONAL USE ONLY**", and signed and dated by the Executive Director or the designated representative.

Nothing in this Chapter shall be construed as excluding parcels that are exempt under this procedure that are currently being used for only agricultural or personal recreational purposes from the provisions of these Regulations for any future division or partitions of those parcels.

When parcels that are exempt from the approval requirements under this Chapter are subsequently to be used for other than agricultural or personal recreational purposes, the

Executive Director or the designated representative shall first determine that such a parcel complies with the regulations set forth in this Chapter.

An exemption under this Chapter shall require a statement, signed by the grantor and grantee, that certifies that the proposed parcel will only be used for agricultural or personal recreational purposes, and that any subsequent change in use shall require that the Executive Director or the designated representative first determine that the parcel complies with the then current provisions of this Chapter.

For purposes of this Chapter, the terms “agricultural purposes” and “personal recreational purposes” shall be defined as follows:

1. Agricultural Purposes – a parcel or parcels that are devoted exclusively to commercial animal or poultry husbandry, aquaculture, apiculture, the production for commercial use of field crops, tobacco, fruits, vegetables, nursery stock, ornamental trees, sod, or flowers or other similar agricultural uses.
2. Personal Recreational Purposes – a parcel or parcels that are devoted exclusively to personal recreational use of a private type and nature that is conducted by the owner(s) or such parcel(s) or the individual(s) entitled to exclusive use and possession of such parcel(s), without fee or consideration of any kind, excluding any commercial or membership recreational type of use whether or not for fee or profit.

## **SECTION 1123.00 REQUIREMENTS FOR CONSTRUCTION OF IMPROVEMENTS AND DESIGN**

### **1123.01 General Statement**

The Regulations contained in this Section and the Mercer County Design Criteria and Construction Standards and Drawings shall control the manner in which streets, lots, and other elements of a subdivision are arranged on the land. These design controls shall help ensure convenient and safe streets, creation of usable lots, provision of space for public utilities, and reservation of land for recreational uses. The planning of attractive and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned, haphazard growth.

The Regional Planning Commission has the responsibility of reviewing the design of each future subdivision early in its design development. The Regional Planning Commission shall ensure that all the requirements of this Section and the Mercer County Design Criteria and Construction Standards and Drawings are met.

### **1123.02 Conformity to Land Use Plans and Zoning**

The arrangements, character, width, and location of all arterial and collector thoroughfares or extensions thereof shall conform with the adopted Mercer County Comprehensive Land Use Plan. Lack of a Comprehensive Land Use Plan or thoroughfares not contained in the aforementioned plan shall conform to the recommendation of the Regional Planning Commission, based upon the design standards set forth in this Section and the Mercer County Design Criteria and Construction Standards and Drawings. In addition, no final plat shall be approved if in conflict with an existing zoning ordinance.

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

- A. The special requirements of these Regulations and any rule of the County Health Department and/or appropriate state or regional agencies.
- B. The rules of the State Highway Department if the subdivision or any lot contained therein abuts a state highway or connected street.

### **1123.03 Suitability of Land**

If the Regional Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, topography, inadequate water supply and other such conditions which may endanger health, life, or property; and if from investigations conducted by the public agencies concerned it is determined that in the best interest of the public the land should not be developed for the desired purpose, the Regional Planning Commission shall not approve the land for subdivision unless adequate methods are advanced by the subdivider for solving the problems that will be created by the development of the land.

### **1123.04 Street Improvements**

The arrangements, character, extent, width, grade, construction, and location of all streets shall conform to the Comprehensive Land Use Plan of the County, and shall conform to the Mercer County Design Criteria and Construction Standards and Drawings. Street design, whether public or private, shall take into consideration their relationship to existing and planned streets, topographical conditions, and public convenience and safety; and in their appropriate relation to the proposed uses of land to be served by such streets. The street pattern shall discourage through traffic in the interior of a subdivision. The subdivider shall provide within the boundaries of the plat, the necessary right-of-way for the widening, continuance, or alignment of such streets in conformity with the Comprehensive Land Use Plan.

The subdivider shall improve all streets which are part of the subdivision, including that portion of the subdivision located on existing streets. The required improvements shall be such that all items of work are in accordance with the Mercer County Design Criteria and Construction Standards and Drawings. Existing streets shall be improved so that they meet the above standards including storm drainage. The subdivider shall pay the full construction cost for required improvements.

Curbs and gutters shall be required for all streets, including existing streets, unless waived by the maintaining governing body.

Appropriate access to and from any subdivision in the form of a standard County street with required improvements must be provided by a developer in instances where development is not located contiguously along an improved public street right-of-way. No subdivision shall be approved where a parcel, tract or lot has frontage only on the “stub end” of a discontinued or dead-end street. Such street must first be extended or reconstructed as a cul-de-sac in accordance with these Regulations. No subdivision showing reserved strips controlling the access to public ways will be approved.



All street widths shall conform to the Mercer County Design Criteria and Construction Standards and Drawings. In cases where the designation of the street is in question, the Regional Planning Commission shall determine the type of street designation.

The County will do corings after the base course asphalt is placed and prior to the final layer installation. The County will calculate any assessment for deficient asphalt or aggregate base should any occur. The calculation will be based on the shortage, if any, of asphalt or aggregate base and multiplied by 110% of the item cost of the engineer's estimate. This will be payable prior to the release of the Maintenance Bond, if necessary.

At the option of the governing body, the final layer of asphalt, tack coat, and cleaning shall be performed by the governing body and charged to the developer at 110% of the current governing body's contract price of asphalt, prior to release of the Maintenance Bond.

#### **1123.05 Street Signs and Street Names**

- A. Standard street name signs and other traffic control signs shall be erected by the Developer, and must comply with Mercer County sign standards.
- B. For purposes of street naming, the following is recommended:
  - 1. Circle, Place, or Court should be used only for cul-de-sac type streets.
  - 2. The words north, south, east, or west should be avoided as part of a street name whenever possible.
- C. Whenever a new street is constructed along the approximate alignment or extension of an existing street, its name shall be the same as that of the existing one.
- D. To avoid duplication and confusion, the proposed names of all streets shall be approved by the County Engineer prior to such names being assigned or used.
- E. House numbers shall be assigned in accordance with the current house numbering system in effect in Mercer County by the County Engineer.

#### **1123.06 Special Street Types**

The following requirements shall apply to special street types:

- A. Permanent dead-end streets shall not be permitted. Temporary dead-end streets shall be permitted only as part of a continuing street plan and only if a temporary turnaround satisfactory to the Regional Planning Commission in design is provided.
- B. Dedication of new half-streets shall not be permitted. Where a dedicated or platted half-street exists adjacent to the tract being subdivided, the other half shall be platted and improved.

### **1123.07 Streets for Commercial Subdivisions**

Streets serving business developments and accessory parking areas shall be planned to connect with arterial streets or marginal access drives so as not to generate traffic problems. The intersections of driveways from parking areas with arterial or collector streets shall be located so as to cause the least possible interference with traffic movement on the streets. The location of streets and driveways for business developments shall conform to the Mercer County Design Criteria and Construction Standards and Drawings.

### **1123.08 Streets for Industrial Subdivisions**

Collector streets for industrial subdivisions shall be planned to serve industrial areas exclusively and shall connect with arterial streets so that no industrial traffic will be directed into any residential street. Streets shall be planned to be extended to the boundaries or any adjoining land planned for industry, except when severe physical conditions exist or if the Regional Planning Commission finds such extension is not in accordance with the approved plan of the area. The location of streets and driveways for industrial developments shall conform to the Mercer County Design Criteria and Construction Standards and Drawings.

### **1123.09 Easements**

- A. Utility Easements: Public utility easements at least 15 feet in total width may be required along the rear, front, and sides of lots where needed for the accommodation of a public utility, drainage, sanitary structures, or any combination of the foregoing, and at least 20 feet total width where sanitary sewer or waterlines will be placed. Where deemed necessary by the Regional Planning Commission, an additional easement width shall be provided.
- B. Watercourses: The subdivider shall dedicate rights-of-way or provide easements for storm drainage purposes which conform substantially with the lines of any natural watercourses, channels, streams, or creeks which traverse the subdivision or for any new channel which is established to substitute for a natural watercourse, channel, stream, or creek. Such rights-of-way or easements shall be of a width which will provide for the maintenance needs of the channel and incidental structures as determined by the Regional Planning Commission. Easements shall be provided for the entire area of detention basins/retention ponds with a 20-foot access easement. For additional detailed information on drainage easements see Mercer County Design Criteria.

### **1123.10 Sidewalks**

Sidewalks shall be required on both sides of all streets, unless waived by the applicable governing body.

All sidewalks shall be constructed in accordance with the Mercer County Design Criteria and Construction Standards and Drawings. The developer who constructs a sidewalk is responsible for curb-ramps at intersections and any sidewalk located on a public access that

may be dedicated to the County at a later time. Homeowners will be required to install sidewalks on individual properties within 6 months of finalized building construction (occupation of the building).

### **1123.11 Blocks**

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

- A. The arrangement of blocks shall be such as to conform to the street planning criteria set forth in this section and to the street design criteria established in the Mercer County Design Criteria and Construction Standards and Drawings. They shall be arranged to accommodate lots and building sites of the size and character required for the zoning district as set forth in the Zoning Code and to provide for the required community facilities.
- B. The Regional Planning Commission may require that the characteristics of blocks bear close relation to the use of the land.
- C. Irregularly shaped blocks, those intended for cul-de-sacs or loop streets, and those containing interior parks or playgrounds, may be approved by the Regional Planning Commission if properly designed and located and if the maintenance of interior public spaces is covered by an agreement.
- D. No block shall be longer than 1400 feet or less than 300 feet and the block width shall accommodate 2 tiers of lots, except where unusual topography or other exceptional physical circumstances exists.
- E. Where blocks are over 900 feet in length, a pedestrian walkway easement not less than 10 feet in width at or near the halfway point may be required, if necessary, to provide proper access to schools, recreational areas, and other facilities. The Regional Planning Commission has the authority to require an easement of 10 feet, 5 feet from each lot through the tier of 2 lots for pedestrian access to schools, playgrounds, or other facilities. A sidewalk shall be constructed. The width for a sidewalk shall conform to the Mercer County Design Criteria and Construction Standards and Drawings.
- F. All block corners shall be rounded with a radius of not less than 25 feet measured at the back of the curb.

### **1123.12 Lots**

The following Regulations shall govern the design and layout of lots:

- A. The lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related topography and the character of surrounding development. Driveway access to buildings on the lot shall be from an approved street and shall be properly related to the topography and the character of the surrounding development.

- B. All lots shall conform to or exceed the requirements for the zoning district in which they are located and the use for which they are intended.
- C. All lots shall be in compliance with health regulations for the district in which they are located and for the use for which they are intended.
- D. All lots shall abut by their full frontage on a publicly dedicated street or a street that has received the legal status of such. The minimum lot size, widths, and setbacks, shall be as specified in the Zoning Code.
- E. All side lot lines shall be as close to right angles as possible to the street line and radial to curved street lines, except where the Regional Planning Commission determines that a variation to this rule would provide a better layout.
- F. Lots with double frontage shall be avoided except where the Regional Planning Commission determines it is essential to provide separation of residential development from arterial streets.
- G. All corner lots shall have front yard setbacks on both streets and lots shall be of an area sufficient to permit adequate building sites.
- H. No lot shall have an average depth which is more than 3 times its average width, or shall it have a depth of less than 110 feet except that, whenever a lot fronts upon an exterior curved portion of a street, lot depth may be reduced to not less than 100 feet.
- I. In residential subdivisions, lots may include a lake channel, pond, and other land under water; however, no more than 5% of the required lot area may be submerged.
- J. In the case of vacation of lots, or parts of lots, in the County previously recorded in the office of the Recorder of Mercer County, Ohio, the same procedures, rules and regulations shall apply as for a new plat, except that a preliminary plat may not be required. The title of the vacation plat shall indicate what is being vacated, and the final plat shall include enough of the surrounding plat or plats to show its relation to adjoining areas.
- K. Whenever a subdivider or developer proposes a re-subdivision of a plat previously recorded in the Office of the Recorder of Mercer County, Ohio he shall follow the same procedures as for a new plat, except that a preliminary plat may not be required if changes in street alignment or similar changes are not included in the proposal. The lots in the re-subdivision shall conform as to size and arrangement with the requirements of these Regulations and the appropriate requirements of the Zoning Code of Mercer County.
- L. When a preliminary plat is submitted, all lots shall have the front setback lines clearly marked on them.

- M. Where a township zoning code is not in effect or is less restrictive than the county zoning code, the minimum lot size, width, and frontage shall be as specified in Figure 1123-1 Minimum Lot Areas and Width Requirements. Where soil conditions are of such a nature that proper operation of wells and septic tanks may be impaired, the Regional Planning Commission, upon recommendation from the County Health Department, may increase the size of any or all lots in the subdivision, or may deny approval of the subdivision.

**Figure 1123-1 Minimum Lot Areas and Width Requirements**

<b>Development Type</b>	<b>Public Water Available</b>	<b>Central Sewage Treatment Available</b>	<b>Soil Test Required</b>	<b>Minimum Lot Width (ft)</b>	<b>Minimum Lot Area (Per Family / Business)</b>	<b>Minimum Front Setback Required (ft)</b>
Single-Family	No	No	Yes	200	2 acres	35
	No	Yes	No	100	20,000 sf	35
	No	No	No	330	5 acres	35
Two-Family	Yes	Yes	No	70	9,450 sf	35
	No	No	Yes	200	2 acres	35
	No	No	No	330	5 acres	35
Multi-Family	Yes	No	N/A	Prohibited		
	No	Yes	No	100	10,000 sf/unit	40
	Yes	Yes	No	90	7,500 sf/unit	40
	No	No	N/A	Prohibited		
Commercial	Yes	No	Yes	200	2 acres	50
	No	Yes	No	100	20,000 sf	50
	Yes	Yes	No	90	20,000 sf	50
	No	No	Yes	200	2 acres	50
	No	No	No	330	5 acres	50
Industrial	Yes	No	N/A	Prohibited		
	No	Yes	No	100	2 acres	50
	Yes	Yes	No	100	2 acres	50
	No	No	N/A	Prohibited		

Note: Lot area does not include road right-of-way

Lot areas may be increased by recommendation of the County Health Department.

### **1123.13 Survey Monuments**

A survey shall be made by a registered surveyor and shall conform to the Minimum Standards for Boundary Surveys in the State of Ohio (ORC 4733-37).

Permanent markers shall be set at all exterior subdivision boundary corners and intersections of change, at the point of curvature and point of tangent of all curves and where the radius of direction changes. The intent is to identify and establish all lines of the plat. All monuments or permanent markers shall be placed prior to release of the Maintenance Surety.

Monument boxes with permanent markers shall be set at all street intersections and center point of cul-de-sac. Railroad spikes shall be set at all other points of intersection. If the points of intersection are not in the paved area of the street, the railroad spikes shall be placed at the point of curvature and point of tangent of all curves. In the instances of concrete pavement, monument boxes shall be used where all railroad spikes are specified above.

All monuments and permanent markers which would include all lot corners, points of curvature, points of tangent, and deflection shall be set as shown on the final plat. The size, location and type of material used shall also be shown. A professional surveyor's affidavit shall be filed in the plat volume and page and cross-referenced with the original plat when, for any reason, a monument or permanent marker must be offset from the original location or the type of permanent marker is changed.

Boundary lines shall be monumented at all points where there is a change of direction and at all lot corners by suitable monuments as specified in the Minimum Standards for Boundary Surveys in the State of Ohio (ORC 4733-37).

### **1123.14 Street and Walkway Lighting**

The subdivider is responsible for all equipment, labor and materials for trenching, backfilling and conduit, where necessary for all streetlights to be installed. The subdivider will install standard streetlights. The Township Trustees shall review the layout of street lighting.

### **1123.15 Water Supply Improvements**

- A. The subdivider shall install a public water system, if accessible, to adequately serve all lots, including lateral connections to the public system. Public water system extensions shall meet the requirements and be approved by the OEPA and conform to the standards and specifications established in the Mercer County Design Criteria and Construction Standards and Drawings.
- B. Where public water supply is not available, as determined by the Regional Planning Commission and the County Health Department, or not required, the subdivider shall supply acceptable evidence of the availability of water. The subdivider may be required to drill one or more test wells in the area to be platted. Individual private wells shall meet the distance requirements of the Ohio Department of Health private water system rules.

If no zoning is in effect, the minimum requirement of these Regulations shall apply. In all cases where it has been determined that individual water supplies from private wells are not feasible, a public water distribution system shall be required.

- C. When a public water main is accessible, the developer shall install adequate water facilities subject to the specifications of the OEPA and County Health Department. Depending on the number of housing units, residential subdivisions shall be connected to an existing public or community water supply system if such service is available within the following distances:

<b>Size of Development</b>	<b>Distance</b>
1 Unit	200 feet
2 Units	400 feet
3 Units	600 feet
4 Units	800 feet
5-15 Units	1,000 feet

For developments with more than 15 units and located within 1 mile of an existing public or community water system, adequate justification shall be provided as to why they shall not provide a connection to such water supply system. For developments with more than 15 units and located more than 1 mile from an existing system, the water supply system strategy shall be determined on a case-by-case basis taking into consideration density of the development, costs, groundwater availability and quality.

#### **1123.16 Sanitary Sewer Improvements**

- A. The subdivider shall install public sanitary sewers for any subdivision greater than 5 lots to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the OEPA and conform with the standards and specifications of the Mercer County Design Criteria and Construction Standards and Drawings.
- B. The subdivider shall install public sanitary sewers, if accessible, to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the OEPA and conform with the standards and specifications of the Mercer County Design Criteria and Construction Standards and Drawings.
- C. When individual on-lot sewage systems are approved, each lot so served shall be of a size and shape to accommodate the necessary length of a leach field at a safe distance from and at a lower elevation than the proposed building(s). Such lot size and shape shall conform to the requirements of the zoning district in which they are located. If no zoning is in effect, the standards set forth in these Regulations shall be met.



- D. Depending on the number of housing units, residential subdivisions shall be connected to an existing public sanitary sewer system if public service is available within the following distances:

<b>Size of Development</b>	<b>Distance</b>
1 Unit	200 feet
2 Units	400 feet
3 Units	600 feet
4 Units	800 feet
5-15 Units	1,000 feet

For developments with more than 15 units and located within 1 mile of an existing public water system, adequate justification shall be provided as to why they shall not provide a connection to the existing public sewer system.

### **1123.17 Drainage Improvements**

The subdivider shall construct all necessary facilities including underground pipe, inlets, catch basins, open drainage ditches, and detention basins or retention ponds as approved by the County Engineer, to provide for adequate disposal of subsurface and surface water and maintenance of natural drainage course. The developer shall also provide all necessary soil sediment pollution control. Design and construction shall be in accordance with the Mercer County Design Criteria and the Construction Standards and Drawings. Adequate provisions shall be included in design and construction to accommodate all upstream and downstream drainage and, where necessary, extend all drainage improvements to plat limits.

A ditch petition shall be required to ensure that there will not be any building within the drainage easement and to provide for major maintenance and inspection for storm water management system and facilities through the subdivision and to the outlet for the subdivision. See the Mercer County Design Criteria for inspection and ownership of detention or retention basins. The quantity, location, construction, ownership and maintenance of the detention or retention facility, whether public or private, shall be resolved prior to recording the final subdivision plat. Ohio Revised Code Chapter 6137 outlines the method to providing maintenance, and is explained in more detail below. An example for this drainage improvement can be found in Section 1123.25.

The subdivider shall petition to the County Commissioners for maintenance of the storm water management system and facilities of the proposed development prior to the final approval of the subdivision, by obtaining and filing an agreement with the clerk for Board of County Commissioners. The County Commissioners will not sign the plat until this agreement has been filed and approved. Maintenance will include all sewers, but no laterals to individual homes, as shown on subdivider engineering plans. All retention and detention basins are to be cleared (including the removal of tress), seeded, top soiled and mulched. The limits of seeding, mulching, clearing, etc. are subject to the approval of the County Engineer.

Ohio Revised Code Chapter 6131.63 identifies public watercourses established by agreement. To summarize, the subdivider shall petition and sign an agreement provided in Section 1123.25 with County Commissioners after engineering plans have been approved by the County Engineer and meet applicable Mercer County Subdivision Regulations. Then, the subdivider agrees to waive the maintenance hearing per public petition process and release to the County Commissioners all easements. Said agreement will require an initial 5% deposit start-up, which is determined by calculating actual storm water management system costs incurred by said Developer and dividing said costs by all lots in subdivision. Future special assessments will then be collected by County Commissioners from all drainage benefiting lots in the subdivision, when funds for maintenance are nearly depleted.

All lots shall be laid out and graded to provide positive drainage away from buildings and shall be designed to assure adequate protection from the concentration of storm water run-off on adjacent property. No storm drainage, including drain tile around basements, shall be permitted to discharge into any sanitary facility.

#### **1123.18 Culverts and Bridges**

Where natural drainage channels intersect any street right-of-way, it shall be the responsibility of the subdivider to have satisfactory bridges and/or culverts constructed. Where culverts are required, minimum requirements shall be observed as follows:

- A. All culverts and bridges shall extend, at a minimum, across the entire right-of-way width of the proposed street. The cover over the culvert and its capacity shall be approved by the County Engineer.
- B. Driveway culverts shall be as approved in accordance with the Mercer County Design Criteria and Construction Standards and Drawings. The driveway culverts shall be laid so as to maintain the flow lines of the ditch or gutter. Headwalls are required.
- C. All culverts and bridges shall conform to the Mercer County Design Criteria and Construction Standards and Drawings.

#### **1123.19 Electric, Gas, Cable Television, and Telephone Improvements**

- A. Electric, cable television, gas, if accessible, and telephone service shall be provided within each subdivision. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat. Telephone, electric, street lighting wires, conduits, and cables shall be constructed underground except in cases where the County determines that topographic, bedrock, or underground water conditions would result in excessive cost to the subdivider.

- B. Overhead utility lines, where permitted, shall be located at the rear of all lots. The width of the easement per lot shall be not less than 10 feet and the total easement shall be not less than 20 feet.
- C. Whenever a sanitary sewer, water main or storm sewer, and electric and/or telephone line are each placed underground in the same utility easement, the following provision shall be applicable:
  - 1. The total easement width shall not be less than 20 feet.
  - 2. The sanitary sewer, water main, or storm sewer shall be installed on one side of the easement.
  - 3. Electric, gas, cable television, and telephone shall not be installed within 5 feet of either sanitary sewer, water main or storm sewer.

#### **1123.20 Over-Sized, Over-Depth, and Off-Site Improvements**

The utilities, pavements, and other land improvements required for the proposed subdivision shall be designed to incorporate any required over-sizing and any extensions needed to provide service to nearby adjoining lands as determined by the County.

#### **1123.21 Cost of Over-Sized and Over-Depth Improvements**

The subdivider shall be required to pay for all of the construction costs for the installation of utilities which are serving the proposed subdivision as determined by the County and the subdivider's estimates. The County may elect to have the utilities over-sized to service the surrounding areas, providing the improvement is beneficial to the County. The County or applicable governing body shall pay the difference between the cost of the requirements of the subdivision and required over-sizing improvements as follows:

- A. Water Mains: A subdivider shall install water mains according to the County's specifications. The material's cost difference between the minimum required size of pipe and appurtenances, and over-sized pipe required by the County, will be paid by the County.
- B. Sanitary Sewers: A subdivider shall install sanitary sewers according to the County's specifications. The material's cost difference between the minimum required size of pipe and appurtenances, and over-sized pipe required by the County, will be paid by the County. The construction cost difference as determined by the County Engineer for the minimum depth needed for installation, and the greater depth of installation required by the County, will be paid by the County.
- C. Storm Sewers: A subdivider shall install storm sewers according to the County's specifications. The material's cost difference between the minimum required size of pipe and appurtenances, and over-sized pipe required by the County, will be paid by the County. The construction cost difference as determined by the County Engineer for the

minimum depth needed for installation, and the greater depth of installation required by the County, will be paid by the County.

- D. Streets: The type and composition of street paving and surfacing shall be installed as per current County specifications, or County Engineering specifications where applicable, and shall be commensurate with the volume, street classification, character and general circulation requirements, as determined by the County. The cost of materials for the paved surface and its sub-base of an existing street, and any over-sizing cost in excess of the owner's required responsibility needed to meet the dimensional standards for roadways, as shown on the Mercer County Comprehensive Land Use Plan, shall be at the County's expense. The costs for the minimum street width, as required by these Regulations, including curb, gutter, and sidewalks, shall be the developer's responsibility and at his or her expense.

#### **1123.22 Extension to Boundaries**

The subdivider shall be required to extend the necessary improvements to the boundary of the proposed subdivision to serve adjoining un-subdivided land.

#### **1123.23 Off-Site Extensions**

If streets or utilities are not available at the boundary of a proposed subdivision, the subdivider will be responsible for extending those streets or utilities, obtaining necessary easements or rights-of-way, and to construct and pay for such extensions to serve the proposed subdivision. Such improvements shall be available for connection by subdividers of adjoining land, and become the property of Mercer County.

#### **1123.24 Record Drawings**

Record drawings shall be furnished to the County before a final maintenance inspection. The submittal of record drawings is outlined in the Mercer County Design Criteria.

#### **1123.25 Drainage Improvement Agreement with County Commissioners**

The following is an example of agreement contract with County Commissioners for placing drainage improvement on perpetual maintenance. Subdivider or developer is responsible for obtaining and filing an agreement contract with the clerk for Board of County Commissioners.

*"This contract is hereby entered into with the Board of County Commissioners and \_\_\_\_\_ (hereinafter called the DEVELOPER), this \_\_\_\_ day of \_\_\_\_\_, 20\_\_...*

*Whereas, the DEVELOPERS own and wish to develop a tract of ground located in the \_\_\_\_\_ of Section \_\_, \_\_\_\_\_ Township, known as the \_\_\_\_\_ Subdivision.*

*The DEVELOPERS have submitted plans designed by a Professional Engineer that have been approved by the County Engineer and meet all Mercer County Subdivision*

*Regulation specifications. The DEVELOPERS this day are agreeing to install all proposed storm sewer/retention ponds according to the plans and specifications and to inspection by the County Engineer. Upon completion of the storm sewer system, all storm sewers and storm water management facilities with the exception of laterals (to individual homes), as shown on the construction drawings, for the \_\_\_\_\_ Subdivision, shall be placed under a permanent maintenance program as specified under Section 6131.63 of the Ohio Revised Code with all the lot owners within the \_\_\_\_\_ Subdivision being the benefitting parcels of said storm sewer system.*

*The DEVELOPERS, and sole owners of the benefitting ground, agree to waive the maintenance hearing for the storm sewer system and request the Mercer County Commissioners maintain said storm sewers/detention pond, as required under section 6137 of the Ohio Revised Code.*

*The DEVELOPERS, also agree to release to the County Commissioners all platted and recorded easements pertaining to the storm sewer system for the \_\_\_\_\_ Subdivision. Upon completion of the sewer improvements, the County Engineer will certify to the County Commissioners the work has been completed, file the plans and specifications along with a maintenance assessment schedule for the benefitting parcels of ground.*

*In WITNESS THEREOF, THE DEVELOPERS AND COMMISSIONERS have hereunto set their hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.*

*Signed in the presence of:*

\_\_\_\_\_  
*Developer*

\_\_\_\_\_  
*Mercer Co. Commissioner*

\_\_\_\_\_  
*Developer*

\_\_\_\_\_  
*Mercer Co. Commissioner*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Mercer Co. Commissioner*

## **1124.00 PLANNED UNIT DEVELOPMENT (PUD)**

### **1124.01 General Statement**

The Planned Unit Development (PUD) is a contiguous area to be planned, developed, operated, and maintained as a single entity containing one or more structures to accommodate residential, commercial, and/or industrial uses in accordance with applicable zoning resolutions. Zoning approval of a PUD does not constitute subdivision approval. The procedure for approval of PUDs is subject to the approval procedure specified by Section 1116.00 Final Plat (Major Subdivision) of these Regulations.

### **1124.02 Purpose**

Planned unit development of land may be permitted in order to provide a means for a more desirable physical development pattern than would be possible through the strict application of zoning regulations and subdivision regulations. The Regional Planning Commission will permit certain variety and flexibility in land development to encourage the subdivider to adjust design to irregular topography, economize in the construction of utilities, and create architectural variation as well as attractive and usable buildings and building sites.

### **1124.03 General Requirements**

- A. The gross area of the tract to be developed under the PUD approach shall comprise not less than 10 acres, unless otherwise approved by the Regional Planning Commission.
- B. A minimum of 7.5% of the land developed shall be reserved for open space and similar uses such as an internal park network, recreational facilities, and preservation of natural features.
- C. The minimum lot size shall be not less than 70% of the lot area per family or use which would otherwise be required under these Regulations. Lot widths and required yards may be reduced to 80% of the requirements of these Regulations.
- D. The design of the internal circulation system shall provide convenient access to dwelling units and non-residential facilities, separation of vehicular and pedestrian traffic, and shall be adequate to carry anticipated traffic, including access for emergency vehicles.

### **1124.04 Open Space**

The amount of open space reserved in the PUD shall either be held in corporate ownership by the owners of the project area for the use of those who buy property, be held by an association of property owners within the development, or be dedicated to Mercer County and retained as open space or related uses. All land dedicated to Mercer County shall meet the requirement of the Regional Planning Commission. Public utility easements and easements for water courses and channels are not acceptable for open space dedication unless such land is usable as a trail and approved by the Regional Planning Commission.

#### **1124.05 Management of Common Property**

A homeowner's association, or in the case of non-residential development, an owner's association, shall be established to provide for the maintenance of all facilities and/or properties held in common within PUDs. These shall include, but not be limited to, private streets and walkways, private recreational facilities, common lots, and open space areas.

The developer shall submit evidence as to the financial ability of the homeowner's association to maintain any property or facilities held in common ownership, including the estimated annual cost of maintaining all common properties and facilities, the estimated monthly fee which shall be assessed to each residential property, and an estimate of the value of the dwelling units which will be constructed within the PUD. Any homeowner's association and accompanying regulations shall be reviewed and approved by the county prosecutor.

#### **1124.06 Improvement Guarantee**

At the time of the application for final plat approval, the subdivider shall provide:

- A. A performance guarantee in accordance with Section 1117.00 Assurance for Completion and Maintenance of Improvements of these Regulations, in the amount of the estimated cost of the proposed improvements including all utilities, street improvements, other infrastructure improvements, and open space improvements.
- B. A maintenance guarantee, in accordance with Section 1117.00 Assurance for Completion and Maintenance of Improvements of these Regulations, in such amount as determined and approved by the Regional Planning Commission that shall be arranged for a period of 1 year from the date of acceptance of the improvements including all utilities, street improvements, other infrastructure improvements, and open space improvements.

#### **1124.07 Conformity to Existing Streets and Thoroughfare Plan**

Whenever a PUD abuts or contains an existing or proposed major thoroughfare or minor existing street, the roadway standards as contained in these Regulations shall be applicable.

#### **1124.08 Public Streets**

The Regional Planning Commission may require certain streets within the PUD be public if it determines that the project density necessitates the use of public streets and traffic connections for adequate circulation.

#### **1124.09 Private Streets**

Private streets may be permitted in PUDs and shall meet the construction requirements of these Regulations, the Construction Standards and Drawings, and Design Criteria. Private streets shall be owned and maintained by abutting property owners and other persons to whom the streets provide access.

#### **1124.10 Staging of Residential Planned Unit Development**

- A. Each stage of a PUD must be so designed so as to stand independently of future related stages, in the event future stages are not constructed. The construction and provision of all the common open spaces and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units.
- B. If a PUD contains non-residential uses, these uses may be constructed first, but only if the Regional Planning Commission finds and records its finding on the final development plan.



## **1125.00 MISCELLANEOUS PROVISIONS**

### **1125.01 Recording of Plat**

All survey and plats for any type of transfer shall be recorded regardless of what type of subdivision.

No plat of any subdivision shall be recorded by the County Recorder or have any validity until said plat has received final approval in the matter prescribed in these Regulations.

### **1125.02 Revision of Plat After Approval**

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

### **1125.03 Sale of Land Within Subdivisions**

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

### **1125.04 Schedule of Fees**

Mercer County Board of County Commissioners establishes the following schedule of fees:

Application for Subdivision Variance fee	\$20.00/Application
Minor Subdivision plats	\$20.00/Lot
Large Lot Subdivision Fee	\$20.00/Lot
Vacation/Dedication plats	\$25.00
Replats	\$25.00
Preliminary plats	\$50.00
Preliminary plat reapproval	\$25.00
Final plats	\$100.00
Major Subdivision Inspection Fees	1% of Engineer's Estimate used for Performance Surety

The schedule of fees shall be posted in the office of the County Clerk and may be altered, or amended only by Mercer County Board of County Commissioners. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

### **1125.05 Penalties**

The following penalties shall apply to violations of these Regulations:

- A. Whoever violates any rule or regulation adopted by the Board of County Commissioners for the purpose of setting standards and requiring and securing the construction of improvements within a subdivision or fails to comply with any order pursuant thereto is creating a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the County or any citizen thereof. Whoever violates these Regulations shall forfeit and pay not less than \$100.00 or more than \$1,000.00 for each offense. Each day such violation continues shall be considered a separate offense. Such sum may be recovered with costs in a civil action suit brought in the Court of Common Pleas of Mercer County.
- B. Whoever, being the owner or an agent of the owner of any land within or outside a municipal corporation, transfers any lot, parcel or tract of such land from or in accordance with a plat of a subdivision before such plat has been recorded in the office of the County Recorder, shall forfeit and pay the sum of not less than \$100.00 nor more than \$500.00 for each lot parcel, or tract of land so sold. The description of such lot, parcel, or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this Section.

### **1125.06 Variances**

The following Regulations shall govern the granting of variances:

- A. Where the Regional Planning Commission finds that extraordinary and unnecessary hardship may result from strict compliance with these Regulations, due to exceptional topographic or other physical conditions, it may vary these Regulations so as to relieve such hardships, provided such relief may be granted without detriment to the public and without impairing the intent and purpose of these Regulations or the desirable development of the neighborhood or community. Such variations shall not have the effect of nullifying the intent and purpose of these Regulations, the comprehensive plan, or the zoning resolution, if such exists.
- B. In granting variances or modifications, the Regional Planning Commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.
- C. If a variance is granted, a signature and date line must be added to the plat for the County Commissioners along with an explanation of the variance granted.

**APPLICATION FOR SUBDIVISION VARIANCE  
MERCER COUNTY REGIONAL PLANNING COMMISSION  
CELINA, OHIO**

Date: \_\_\_\_\_ Application No: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

1. Location Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Nature of Variance Requested (Describe generally the nature of the variance): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Justification of Variance: On a separate sheet, please attach a statement relative to why the variance from requirements of the subdivision regulations is requested. Include such items as:

- Exceptional topographical or other conditions peculiar to this parcel of land.
- Why a literal interpretation of the regulations would deprive the applicant of rights enjoyed by other property owners.
- That the peculiar conditions do not result from previous actions of the applicant.
- That the requested variance is the minimum variance that will allow a reasonable division of the land.
- A sketch of the area showing the location and characteristics of the requested variance.

*I certify that all information contained in this application and its supplements is true and correct.*

*Applicant acknowledges that the failure to submit this form at least ten (10) days prior to said meeting may result in the application being tabled until a subsequent meeting. Applicant hereby consents to the same.*

\_\_\_\_\_  
Signature

**Applications are reviewed by the Regional Planning Commission on the 3rd Wednesday of every month @ 7:00 p.m. Your presence is recommended. Please submit this form to the Mercer County Commissioners' Office 10 days prior to the Regional Planning Commission Meeting.**

**1125.07 Appeal**

Any person who believes he has been aggrieved by these Regulations or the action of the Regional Planning Commission has all the rights of appeal as set forth in the Ohio Revised Code.