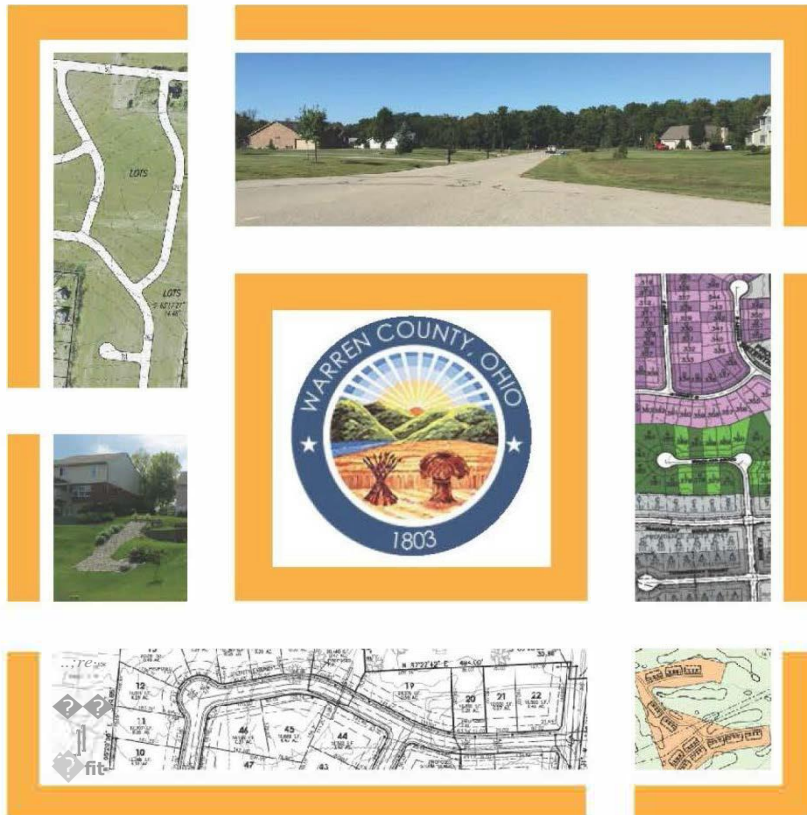
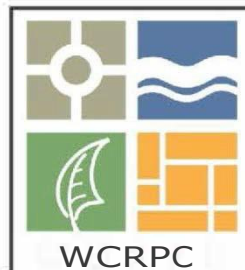


# SUBDIVISION



# REGULATIONS

October 24<sup>th</sup>, 2024



# WARREN COUNTY SUBDIVISION REGULATIONS

October 1978

Amendments adopted by Warren County Board of Commissioners

May 20, 1986  
July 7, 1987  
August 24, 1989  
January 19, 1993  
September 12, 1995  
May 18, 2010  
June 14, 2016  
April 25, 2017  
September 24, 2019  
May 16th, 2023  
September 24<sup>th</sup>, 2024

Amendments adopted by Warren County Regional Planning Commission

May 22, 1986	January 25, 2007
March 26, 1987	June 28, 2007
August 24, 1989	April 22, 2010
December 17, 1992	September 25, 2014
September 22, 1994	November 20, 2014
September 25, 1995	April 14, 2015
November 15, 2001	October 13, 2015
July 25, 2002	April 25, 2017
June 26, 2003	August 22, 2019
September 15, 2004	June 20th, 2023
May 26, 2005	October 24 <sup>th</sup> , 2024
October 27, 2005	

Warren County Regional Planning Commission  
406 Justice Drive, Lebanon, Ohio 45036

## WARREN COUNTY REGIONAL PLANNING COMMISSION

### Officers

Kurt Weber – Chairman  
Chris Brausch – Vice Chairman  
Stan Williams – Secretary  
Duane Stansbury- Treasurer

### Members

Jacqueline Adkins  
Stephanie Austin  
Jordie Bacon  
Bob Beebe  
Pat Bennett  
Susan Bitzer  
Michele Blair  
Tammy Boggs  
Melissa Bour  
Chris Brausch  
Linda Burke  
Denny Centers  
Shane Centers  
Jameson Cole  
Molly Conley  
Barry Conway  
Gary Copeland  
Darryl Cordrey  
Scott Csendes

Gabriel Drake  
Elmer Dudas  
John Edelmann  
Donald "Gus" Edwards  
Scott Fitzsimmons  
Jim Frederick  
Alaina Geres Tom  
Grossman Eric  
Hansen  
Scott Hagemeyer  
Lelle Hedding  
Jennifer Heft  
Sam Hill  
Richard Howry  
Tom Isaacs  
Matt Jennings  
Shannon Jones  
David Kennedy  
Chris Koch  
Chris Lohr  
Stacey Lowing

Kristin Malhotra  
Darrell McKinney  
James Metz  
Grey Meyer  
David Mick  
Steve Muterspaw  
Greg Orosz  
Jeff Palmer  
Chris Pozzuto  
Eric Reiners  
John Richardson  
Jonathan Sams  
Kurt Seiler  
Julie Seitz  
Duane Stansbury  
Cathy Walton  
Kurt Weber  
Jonathan Westendorf  
Judy Whitacre

### Staff

Stan Williams – Executive Director  
Ryan Cook – Senior Planner  
Hadil Lababidi – Planner II  
Duncan McDonel - Planner I  
Cameron Goschinski – Planner II  
Kimberly Mehl – Office Manager

# TABLE OF CONTENTS

<b>PREAMBLE</b>		<b>8</b>
<b>ARTICLE I</b>	<b>TITLE, SCOPE, AND JURISDICTION</b>	<b>9</b>
SECTION		
100	TITLE	9
101	PURPOSE	9
102	AUTHORITY	9
103	ADMINISTRATION	9
104	JURISDICTION	9
105	RELATIONS TO OTHER LAWS	10
106	AMENDMENTS	10
107	SEPARABILITY	10
108	DISCLAIMER OF LIABILITY	10
<b>ARTICLE II</b>	<b>DEFINITIONS</b>	<b>11</b>
SECTION		
200	INTERPRETATIONS OF TERMS OR WORDS	11
201	DEFINITIONS	11
<b>ARTICLE III</b>	<b>PROCEDURES FOR SUBDIVISION APPROVAL</b>	<b>24</b>
SECTION		
300	GENERAL STATEMENT	24
301	CONCEPT PLAN PROCESS/TECHNICAL ADVISORY COMMITTEE REVIEW	24
302	CONCEPT PLAN APPLICATION REQUIREMENTS	24
303	PRELIMINARY PLAN REQUIREMENTS	29
304	SUBMISSION TO DIRECTOR OF TRANSPORTATION	29
305	PRELIMINARY PLAN FORM	30
306	PRELIMINARY PLAN CONTENTS	30
307	PRELIMINARY PLAN APPLICATION PROCEDURES	32
308	PRELIMINARY PLAN REVIEW AND APPROVAL	32
309	PRELIMINARY PLAN APPROVAL PERIOD	34
310	PRELIMINARY PLAN APPROVED COPY	35

311	FINAL PLAT REQUIREMENTS	35
312	REGULATIONS GOVERNING IMPROVEMENTS	36
313	FINAL PLAT FORM	36
314	FINAL PLAT CONTENTS	37
315	FINAL PLAT APPLICATION PROCEDURES	39
316	APPROVAL OF FINAL PLAT	40
317	FINAL PLAT APPROVAL PERIOD	40
318	TRANSMITTAL OF COPIES	40
319	ALTERNATIVE RECORD PLAT PROCEDURES	40
320	REPLATS	41
321	RIGHT-OF-WAY DEDICATION PLATS	42
322	MINOR SUBDIVISIONS	42
323	ITEMS TO BE CONTAINED ON PLAT OF SURVEY FOR MINOR SUBDIVISIONS	44
324	TRANSFER OF PROPERTY BETWEEN ADJOINING OWNERS	44
325	DEDICATION PROCEDURES	45
326	COUNTY COMMISSIONER'S APPROVAL	46
327	RECORDING PROCEDURES	46
328	DIGITAL SUBMITTAL; EXCEPTION	47
<b>ARTICLE IV</b>	<b>SUBDIVISION DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS</b>	<b>48</b>
SECTION		
400	GENERAL STATEMENTS	48
401	SUITABILITY OF LAND	48
402	CONFORMITY WITH ZONING RESOLUTIONS	48
403	TRAFFIC MANAGEMENT	48
404	STREET CLASSIFICATIONS	53
405	SPECIAL STREET TYPES	53
406	RIGHT-OF-WAY	54
407	PUBLIC UTILITY EASEMENT	55
408	STREET DESIGN AND CONSTRUCTION REQUIREMENTS	55
409	INTERSECTION DESIGN STANDARDS	55
410	COMMERCIAL SUBDIVISION STREETS	56
411	INDUSTRIAL SUBDIVISION STREETS	56

412	DEVELOPER MAINTENANCE OF UNACCEPTED STREETS	56
413	DRIVEWAYS AND OFF-STREET PARKING	57
414	STREET NAMES	58
415	POSTAL FACILITIES	58
416	SIDEWALKS	59
417	STREETS AND WALKWAY LIGHTING	60
418	ELECTRIC AND COMMUNICATIONS SERVICES	60
419	WATER SUPPLIES	60
420	WASTEWATER DISPOSAL	61
421	STORMWATER MANAGEMENT AND MAINTENANCE	61
422	OFF-SITE IMPROVEMENTS	62
423	OVER-SIZING AND EXTENSION OF IMPROVEMENTS	62
424	SURVEY MONUMENTS	62
425	LOTS	62
426	EASEMENTS	64
427	PHYSICAL CHARACTERISTICS	64
428	FLOOD PLAINS	65
<b>ARTICLE V</b>	<b>STANDARDS FOR PLANNED DEVELOPMENTS</b>	<b>67</b>
SECTION		
500	GENERAL PROVISIONS	67
501	OBJECTIVES	67
502	ZONING REQUIREMENTS	67
503	ALTERNATIVE DESIGN STANDARDS	67
504	STREETS	68
505	SIDEWALKS	68
506	TRAILS	68
507	LOTS	68
508	MONUMENTS	69
509	MANAGEMENT OF COMMON PROPERTY	69
510	STAGING OF PLANNED DEVELOPMENTS	69

<b>ARTICLE VI</b>	<b>REQUIREMENTS FOR THE CONSTRUCTION OF IMPROVEMENTS</b>	<b>70</b>
SECTION		
600	CONSTRUCTION PROCEDURES AND MATERIALS	70
601	INSTALLATION/BONDING OF IMPROVEMENTS	70
602	MAINTENANCE BONDS	70
603	NON-COMPLIANCE	70
604	FINAL INSPECTION	70
605	ACCEPTANCE OF IMPROVEMENTS	70
<b>ARTICLE VII</b>	<b>REQUIRED STATEMENTS AND SIGNATURES TO BE AFFIXED ON THE PLAT</b>	<b>72</b>
SECTION		
700	REQUIRED STATEMENTS	72
<b>ARTICLE VIII</b>	<b>EXTENSIONS, REVISIONS, FEES, PENALTIES, VARIANCES, APPEALS, AND TIME COMPUTATION</b>	<b>79</b>
SECTION		
800	EXTENSION OF PRELIMINARY PLAN APPROVAL PERIOD	79
801	EXTENSION OF FINAL PLAT APPROVAL PERIOD	79
802	REVISIONS OF PLATS AFTER APPROVAL	79
803	EXCHANGE OF LOTS BETWEEN RECORDED SUBDIVISIONS	79
804	SCHEDULE OF FEES, CHARGES AND EXPENSES	80
803	PENALTIES	80
804	VARIANCES	80
807	APPEALS	81
808	MONTH – TIME COMPUTATION	81
809	DAY – TIME COMPUTATION	82
<b>ARTICLE IX</b>	<b>ENACTMENT</b>	<b>83</b>
SECTION		
900	EFFECTIVE DATE	83
901	AMENDMENTS	84

## **PREAMBLE**

A resolution of the Warren County Regional Planning Commission enacted in accordance with Chapter 711, Ohio Revised Code (ORC), and for the purposes of protecting the public health, safety, comfort, convenience, and general welfare; for the avoidance of congestion of population; and regulating the development of subdivided areas; promoting the proper arrangement of streets and layout of lots; providing for adequate and convenient provision of open spaces, utilities, recreation, and access to service and emergency vehicles; providing for adequate provision of water, drainage, sewer, and other sanitary facilities; providing for the administration of these regulations and defining the powers and duties of the administrative officers; prescribing penalties for the violation of the provisions in this resolution or any amendment thereto; and for the repeal thereof.

Now therefore be it resolved by the Warren County Regional Planning Commission:



# **ARTICLE I**

## **TITLE, SCOPE, AND JURISDICTION**

### **SECTION 100: TITLE**

These regulations shall be known and may be cited and referred to as the "Warren County Subdivision Regulations" and shall hereinafter be referred to as "these regulations."

### **SECTION 101: PURPOSE**

These regulations are adopted to secure and provide for:

- A. The proper management of streets or highways in relation to existing or planned streets or highways, or to the Official Warren County Thoroughfare Plan and Comprehensive Plan.
- B. Adequate and convenient open spaces for vehicular and pedestrian traffic, utilities, access of fire fighting apparatus, recreation, light, air and the avoidance of congestion of population.
- C. To facilitate the orderly and efficient layout and the appropriate use of the land.
- D. To provide for the 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.

### **SECTION 102: AUTHORITY**

The Ohio Revised Code, Section 711.10 enables the Warren County Regional Planning Commission to adopt regulations governing plats and subdivisions of land within their jurisdiction. The Warren County Regional Planning Commission has adopted a plan for major streets or highways of Warren County, a statutory requirement for reviewing plats or subdivisions.

### **SECTION 103: ADMINISTRATION**

The Warren County Regional Planning Commission, hereinafter referred to as the Regional Planning Commission, shall administer these regulations.

### **SECTION 104: JURISDICTION**

These rules and regulations shall be applicable to all subdivisions of land within the unincorporated area of Warren County.

### **SECTION 105: RELATIONS TO OTHER LAWS**

The provisions of these regulations shall supplement any and all laws of the State of Ohio, resolutions of Warren County, or any and all rules and regulations promulgated by authority of such law or resolution, relating to the purpose and scope of these regulations. Whenever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive or that imposing the higher standards shall govern except as provided in Article V of these regulations. Whenever a township or part thereof has adopted a county or township zoning plan, under the provisions of Section 303 or 519, Ohio Revised Code, all proposed subdivisions shall meet the requirements of said zoning plan, as well as the provisions of these regulations.

### **SECTION 106: AMENDMENTS**

These regulations may be amended, after public hearing and other requirements as specified in the Ohio Revised Code, except staff may make grammatical, numerical and section reference corrections to the Warren County Subdivision Regulations without such changes being subject to the review process and provided that such changes do not alter the meaning of the regulations.

### **SECTION 107: SEPARABILITY**

If for any reason, any clause, sentence, paragraph, section or other part of these regulations should be decided by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of these regulations as a whole, or any part thereof, other than the part so held to be invalid.

### **SECTION 108: DISCLAIMER OF LIABILITY**

The County shall not be responsible for maintaining any subdivision improvements until such time as such improvements have been accepted by the County. Prior to such date, the County shall not be responsible for any suits, actions or claims of any character brought on account of any injuries or damage sustained by any person or property in connection with such subdivision improvements.

# **ARTICLE II**

## **DEFINITIONS**

### **SECTION 200: INTERPRETATIONS OF TERMS OR WORDS**

For purpose of these regulations, certain terms or words used herein shall be interpreted as follows:

1. The word, "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
4. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
5. The word "lot" includes the words "plot" or "parcel."

### **SECTION 201: DEFINITIONS**

**ACCESS MANAGEMENT** – The process and action of providing for and managing access to and from land by vehicles typically associated with the use location, while preserving and promoting the movement of traffic to be as safe and effective as possible, per the Access Management Regulations of Warren County, Ohio.

**ACCESS POINT** – A roadway connection between a subdivision and an adjoining property or roadway. Access points include, but are not limited to, street stubs to adjacent undeveloped properties, connections to existing street stubs, and points of ingress/egress on existing public roadways (i.e. arterial, collector/distributor, collector, and local roads)

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

**AS-BUILT PLANS** – A complete set of reproducible drawings, including an electronic AutoCAD file of the drawing, drawn to scale, with field-verified locations of improvements shown on the construction drawings, including but not limited to water mains; sanitary and storm sewer alignments, grades, and sizes; sanitary manholes, storm manhole, and catch basin locations with elevations for rim and all flow lines; sanitary sewer building tap locations; waterline locations; detention/retention basin volume checks; water house service tap locations; fire hydrant locations; valve locations; and all changes from approved construction drawings.

**ASSURANCE OF COMPLETION** – A contract secured by a performance bond or other guarantee or security satisfactory to the Warren County Board of Commissioners guaranteeing completion of public improvements which are required by these regulations.

**BASE FLOOD** – The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one hundred-(100) year flood.

**BERM** – A man-made, linear earthen mound of at least 18 inches in height from grade designed to provide buffering or screening of undesirable views, abate noise trespass, etc.

**BIKEWAY OR BICYCLE PATH** – An area specifically for bicycling which is physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way, within an independent right-of-way or through private property that is owned by a Homeowners Association.

**BUILDING LIMITS** – An area designated on the plat which defines the limits within which a building may be placed.

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

**BUILDING SETBACK LINE** – See setback line in these regulations.

**BUFFER** – An area of healthy and viable vegetation or mounded earth, adjoining or surrounding a land use that is intended to screen and soften the effects from another use.

**CHANNEL** – A natural stream or drainage way that conveys water; a ditch excavated for the flow of water.

**COMPREHENSIVE PLAN OF WARREN COUNTY, OHIO** – A series of component documents prepared by the Warren County Regional Planning Commission (RPC), and adopted by the Board of County Commissioners which establish the goals, objectives and policies for capital improvements programming, economic development, housing, natural hazards mitigation, land use, parks and open space, sanitary sewer, water, transportation, and any other specified subject matters involving or related to use and development of land with Warren County, Ohio.

**CONCENTRATED STORMWATER RUNOFF** – Surface runoff which converges and flows primarily through water conveyance features such as swales, gullies, waterways, channels, culverts or storm sewers.

**CONDOMINIUM** – "Condominium property" means and includes the land together with all buildings, improvements, and structures thereon, all easements, rights and appurtenances belonging thereto, and all articles of personal property which have been submitted to the provisions of Chapter 5311 of the Ohio Revised Code and which are subject to said Chapter 5311.

**CONGESTION OF POPULATION** – A condition to be avoided whenever practicable, due to intensity of proposed development, as determined by the Warren County Regional Planning Commission, evidenced by the risk for the creation of one (1) or more of the following conditions:

- a. Reduction of levels of service on affected roads, as determined by the Warren County Engineer; or reductions in safety on affected roads, as determined by the applicable local emergency response agencies, as applicable by jurisdiction or location.
- b. Insufficient public water service capacity and/or pressure, as determined by the Warren County Sanitary Engineer, other public provider or rural cooperative (e.g. Western Water Company), as applicable by jurisdiction or location; or insufficient groundwater supply for private wells, cisterns, or holding tanks, as determined by the Warren County Combined Health District.
- c. Insufficient wastewater treatment plant capacity or on-site wastewater disposal capability, with the potential for the creation of unsanitary conditions, as determined by the Warren County Commissioners, Warren County Sanitary Engineer and/or the Warren County Combined Health District, and/or Ohio Environmental Protection Agency, as applicable by jurisdiction or location;
- d. Undesirable or unsafe stormwater management, due to intensity of proposed development, not otherwise mitigated, as determined by the Warren County Engineer; or undesirable or unsafe conditions within Federal Emergency Management Agency (FEMA) designated 100 Year Flood Plain, due to intensity of proposed development, as determined by the Chief Building Official of Warren County.
- e. Potential for unsafe erosion or sedimentation, due to intensity of proposed development or less than best management practices, not otherwise mitigated, as determined by the Warren County Soil & Water Conservation District.
- f. Development proposed on hydric soils, not otherwise mitigated, demonstrated through the review of a wetlands determination at developer expense, as determined by the U.S. Army Corps of Engineers; or
- g. Development proposed on unstable or steeply sloped soils, not otherwise mitigated, demonstrated through the review of a geo-technical study at developer expense, as determined by the Chief Building Official of Warren County.

**COMPLETELY SUBDIVIDED** – When the original tract (as defined in Article II) has been subdivided to the point that all the acreage of the original tract has been included in one or more lots or parcels, and further subdividing such lots or parcels into more than five lots or

parcels less than five acres in size, or involving one or more lots or parcels involving new public streets or roads or easements of access, requires a Plat.

**CONSERVATION** – The wise use and management of natural resources.

**CORNER LOT** – See Lot Types in these regulations.

**COUNTY COMMISSIONERS** – Board of County Commissioners of Warren County, Ohio.

**COUNTY ENGINEER** – Warren County Engineer.

**COVENANT** – A written pledge or promise.

**CROSSWALK** – Any portion of roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

**CUL-DE-SAC** – See definition of Street Types in these regulations.

**CULVERT** – A transverse drain that channels water under a bridge, street or driveway.

**CUT AND FILL SLOPES** – A portion of land surface or area from which soil material is excavated and/or filled forming a slope or embankment.

**DEAD END/STUBBED STREET** – See definition of Street Types in these regulations.

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

- a. **Gross Density** – the number of dwelling units per acre of the total land to be developed (including interior streets, natural resources and easements).

**DESIGN EXCEPTION** – An alternative to previously set design criteria which provides a logical and cost effective engineering approach in extreme or unusual situations.

**DETENTION STRUCTURE** – A permanent or temporary structure for the temporary storage of runoff which is designed so as not to create a permanent pool of water.

**DEVELOPER** – Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

**DEVELOPMENT AREA** – Any tract, lot or parcel of land or combination of tracts, which are in one ownership, or are contiguous and in diverse ownership where earth-disturbing activity is to be performed.

**DIMENSIONS** – Geometric measurements in length and/or width which denotes a physical area. (i.e. a lot or street right-of-way).

**DIRECTOR OF TRANSPORTATION** – The Director of the State of Ohio Department of Transportation.

**DITCH** – An open channel either excavated or natural for the purpose of drainage or irrigation.

**DRIVEWAY** – A vehicular travel way used to provide access from a street to dwelling units or commercial or industrial activities. Driveways are designed for low travel speeds and are often used as, or are integral with, parking areas for vehicles.

**DWELLING UNIT** – one room or a suite of two (2) or more rooms, designed for or used by one family or housekeeping unit for living and sleeping purposes and which includes permanently installed cooking and lawfully required sanitary facilities.

**DWELLING UNITS** – All dwelling units shall be classified as one of the following:

- a. **Single family detached** – A dwelling unit that is not physically attached to or contained within the same building as any other dwelling unit.
- b. **Single family attached** – A dwelling unit which shares part of the same physical structure as other dwelling units, but has a separate exterior entrance. Dwelling units that share a common stairway for the entrance shall be considered multi-family dwelling units.
- c. **Multi-family** – A dwelling unit that shares the same physical structure and the same exterior entrances with other dwelling units.

**EARTH DISTURBING ACTIVITY** – Per Warren County Stormwater Regulations, Resolution 20-1623, Earth Disturbing activities include any clearing, grading, excavating, grubbing, and/or filling or other alteration of the Earth's surface where natural or man-made ground cover is destroyed, and which may result in or contribute to erosion and sediment pollution. Earth disturbing for agricultural purposes is exempt from the Earth Disturbing Permit.

**EASEMENT** – A particularly described area of exclusive or non-exclusive legal interest in, on, under, over or through a portion of a parcel of land or appurtenance thereto created by a written instrument whereby the owner of the parcel grants the right to make lawful and beneficial use of the particularly described area.

**ENGINEER** – Any person registered to practice as a professional engineer in the State of Ohio as specified in Section 4733.14, Ohio Revised Code.

**EROSION** – The process by which the land surface is worn away by the action of water, wind, ice or gravity.

**EROSION AND SEDIMENT CONTROL** – A strategy or plan to minimize soil erosion and offsite sedimentation.

**EROSION AND SEDIMENT CONTROL PLAN** – An erosion and sediment control strategy or plan, to minimize erosion and prevent off-site sedimentation by containing sediment on-site or by passing sediment laden runoff through a sediment control measure, prepared and approved in accordance with the specific regulations adopted by the County Commissioners.

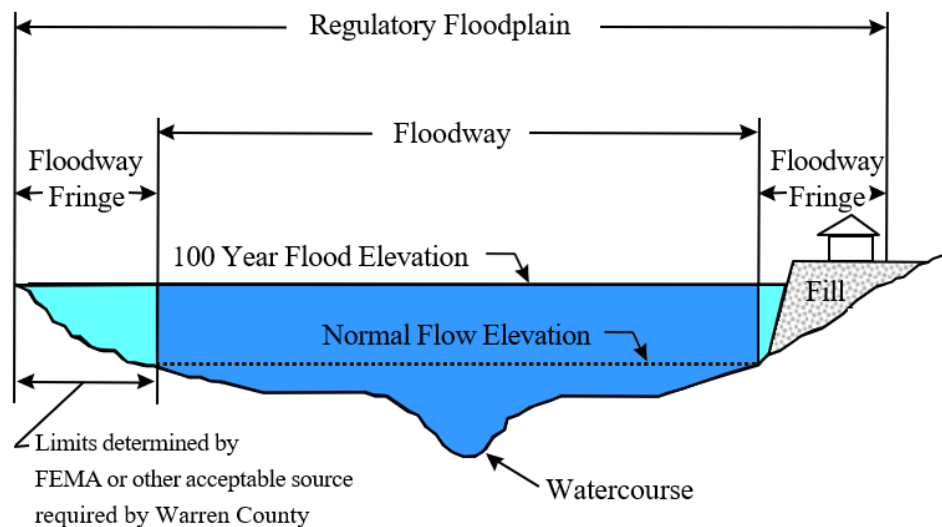
**EXECUTIVE DIRECTOR** – The Executive Director of the Warren County Regional Planning Commission.

**FAMILY** – A group of persons who form a single household.

**FINAL PLAT** – A more detailed version of the approved or modified preliminary plan, which is recorded in the Office of the Warren County Recorder after approval by the Regional Planning Commission.

**FIRE APPARATUS ACCESS ROAD** - A road or other passageway developed to allow the passage of fire apparatus that is not necessarily intended for vehicular traffic. The passageway provides an access point to the subdivision's internal road network, and may be interpreted to mean a local subdivision street or public roadway.

**FLOOD PLAIN (100 YEAR)** – The temporary inundation of normally dry land along a watercourse by a flood that is likely to occur once in a 100-year period or that has a one percent (1%) chance of occurring in any given year within a 100 year period (see illustration )



**FLOODPLAIN, REGULATORY** – Land under and along a watercourse which is subject to inundation by a 100-year flood, as determined by the Federal Emergency Management Agency (FEMA) or other source determined acceptable per the Warren County Flood Damage Prevention Regulations (see illustration).

**FLOODWAY** – Land under and along a watercourse in a regulatory floodplain which is calculated or otherwise observed as required to carry and discharge the flood waters of a 100-year flood without obstruction, as designated by the Federal Emergency Management Agency (FEMA) or other acceptable source (see illustration).

**FLOODWAY FRINGE** – Land along a floodway in a regulatory floodplain which as calculated or observed serves as a storage area for the flood waters of a 100-year flood, as designated by the Federal Emergency Management Agency (FEMA) or other acceptable source (see illustration).



**FREQUENCY YEAR STORM** – A rainfall event of a magnitude with a specified average occurrence interval and is calculated with soil conservation service type II twenty-four hour curves or depth-duration frequency curves.

**GRADING** – Earth Disturbing activity such as excavation, stripping, cutting, filling, stockpiling, or any combination thereof.

**GROWTH MANAGEMENT** – The use of the necessary range of techniques to determine the amount, type, location and rate of growth, for the public purpose of the avoidance of congestion of population.

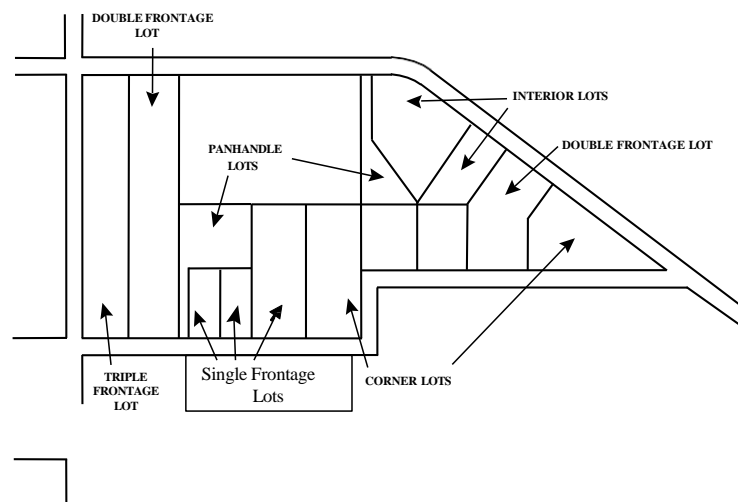
**HOME OWNERS ASSOCIATION** – An organization established for the care and maintenance of storm water and detention facilities and other common areas as determined by the Planning Commission.

**IMPERVIOUS SURFACE** – Any material that prevents impedes or slows the infiltration or absorption of stormwater into the ground, including building roofs and concrete or asphalt pavement.

**IMPROVEMENTS** – Street pavement, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related matters, whether public or private, normally associated with the development of raw land into building sites.

**LEVEL OF SERVICE (LOS)** – A qualitative measure describing a range of traffic operating conditions such as travel speed and time, freedom to maneuver, traffic interruptions, and comfort and convenience as experienced and perceived by motorists and passengers. Six levels are defined, from "A" to "F"; with "A" representing the best range of conditions and "F" the worst.

**LOT** - A piece of land described legal boundary, per the types and terms defined as follows (see illustration).



**LOT AREA** – The total computed area contained within the lot lines exclusive of any portion of a public right-of-way or a private access easement.

**LOT FRONTAGE** – Any boundary of a lot in common with the right-of-way (or roadway easement) line of a public road/street that is along the boundary, as established by the Warren County Thoroughfare Plan.

**LOT OF RECORD** – A lot that met the requirements of the Zoning Code that was in effect at the time of its creation.

**LOT TYPES –**

- a. **Corner Lot** – A lot bordered by public roads/streets along two (2) or more of its intersecting boundaries.
- b. **Double Frontage Lot** – A lot having frontage along two (2) public roads/streets at opposite ends of the lot.
- c. **Interior Lot** – A lot having frontage along one public road/street.
- d. **Reversed Frontage Lot** – A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.
- e. **Panhandle Lot** – A lot which the only legal road/street frontage is at one end of a narrow strip of land which extends back from the road/street to the body portion of the lot.

**MAINTENANCE BOND** – An agreement by a subdivider or developer with Warren County, for a percentage of the established construction cost, used as a guarantee against any deficiencies which might develop over a predetermined period of time in the physical improvements which have been constructed within a subdivision.

**MINOR SUBDIVISION OR LOT SPLIT** – A division of a parcel of land that does not involve the approval of a plat by the Regional Planning Commission as authorized by Section 711.131, Ohio Revised Code.

**MONUMENTS** – Permanent concrete, iron or other markers used to define and establish all lines of the plat of a subdivision, including all lot corners, boundary line corners, and points of change in street alignment.

**OFFICIAL THOROUGHFARE PLAN** – The Official Thoroughfare Plan of Warren County, Ohio, establishing the official proposed right-of-way width of major streets on file in the office of the Recorder of Warren County, Ohio, and in the office of the Regional Planning Commission, together with all amendments thereto subsequently adopted, by the Regional Planning Commission.

**OPEN SPACE** – An open area which may be on the same lot with a building. The area may include, along with the natural environment features, swimming pools, tennis courts, any other recreational facilities that the zoning authority deems permissive.

**ORIGINAL TRACT** – A contiguous quantity of land held in common ownership which has not been subdivided by the existing owner or owners.

**OUTLOT** – Property shown on a subdivision plat outside of the boundaries of the land that is to be subdivided and which is to be excluded from the development of the subdivision.

**OWNER** – Someone who holds a right of possession and title to a parcel or tract of land.

**PAPER STREET** – An area of public right-of-way, often reserved as a stub for future access, which does not contain a constructed street.

**PARK** – An area of land containing pasture, woods, lakes, etc. which are used for public recreational purposes.

**PARKING LOT** – A portion of a parcel of land devoted to unenclosed parking spaces.

**PARKING SPACE** – An area designated for the parking of a single motor vehicle.

**PERFORMANCE BOND OR SURETY BOND** – An agreement by a subdivider or developer with Warren County for the amount of the established construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdividers agreement (Can also take the form of a certified check, escrow account or letter of credit).

**PLANNED UNIT DEVELOPMENT** – A land area zoned if approved as requested by the owner(s) or designated agent for unified development with flexible restrictions on residential, commercial, industrial and/or public uses.

**PLAT** – A map describing a piece of land and its features, such as boundaries with dimensions, lots, roads, and easements.

**PLAT OF SURVEY** – A land survey performed by a professional surveyor which identifies a minor subdivision or lot split.

**PRELIMINARY PLAN** – The initial proposal, including both narrative and site design information, intended to provide the Regional Planning Commission with a firm understanding of the manner in which the site in question is to be developed.

**PRIVATE STREET** – A street which is permitted only within a Planned-unit Development (PUD) and is privately owned and maintained, with access provided by way of an easement or a separate lot within the PUD.

**PUBLIC UTILITY EASEMENT** – The easement which adjoins the right-of-way on both sides of a street and is used for the maintenance of vehicle sight distances, the placement of stormwater drainage, sewer, water, sidewalks, natural gas, electric, telephone, cable television or other facilities or utilities, and for street maintenance.

**PUBLIC WAY** – An alley, avenue, boulevard, bridge, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other way in which the general public or public entity have a right of travel, or which are dedicated for travel purposes, whether improved or not.

**REGIONAL PLANNING COMMISSION** – The Warren County Regional Planning Commission.

**REPLAT** – A new recording or a previously recorded subdivision in which the purpose is to modify some portion of the originally recorded plat.

**RETENTION STRUCTURE** – A permanent structure that provides for the storage of runoff by means of a permanent pool of water.

**RIGHT-OF-WAY** – Land owned or purchased by or dedicated to the public for use as a public way, most often for the purpose of containing a road or street.

**RUNOFF** – The portion of precipitation in excess of the infiltration capacity of underlying soils to absorb and contain which drains away from and runs off the surface of land.

**SANITARY SEWERS** – 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.

**SANITARY WASTE TREATMENT, ON SITE** – A mound system or similar installation on an individual lot which utilizes a bacteriological process or 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.

**SEDIMENT** – Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity, or ice, and has come to rest on the earth's surface.

**SETBACK** – The distance which a building or structure is setback inward from a street right-of-way line or parcel boundary line.

**SIDEWALK** – A walkway that is typically located adjacent to a street. (See WALKWAY).

**SOIL AND WATER CONSERVATION DISTRICT** – As organized under Chapter 1515 of the Ohio Revised Code; referring to either the Soil and Water Conservation District Board, or its designated employee(s), hereinafter referred to as the Warren County Soil and Water Conservation District.

**STORM WATER MANAGEMENT** – Runoff water safely conveyed or temporarily stored and released at an allowable rate to minimize erosion and flooding.

**STORM WATER POLLUTION PREVENTION PLAN (SWPPP)** – The SWPPP is a stand-alone document required by the Warren County Storm Water Regulations and the Construction General Permit for all projects performing earth disturbing activity on one acre or more of land. The SWPPP describes all the construction site operator’s activities to prevent storm water contamination, control sedimentation and erosion, and to manage post-construction storm water runoff to comply with the requirements of the Clean Water Act.

**STREAM** – A body of water running or flowing on the earth’s surface or channel in which such flow occurs. Flow may be seasonally intermittent.

**STREET** – A public way same in function as a road, but most often within developer dedicated public right-of-way flanked by public utility easements, sidewalks and bikeways and having curb and gutters rather than side ditches for pavement drainage.

**STREET TYPES** – All streets are classified as provided in Section 3 of the Official Warren County Thoroughfare Plan and as below:

“Special Street Types” are defined as one of the following:

- a. **Cul-de-sac** – A local street with one (1) end open to traffic and the other end terminating in a circular, vehicular turnaround.
- b. **Dead-end Street** – Any classification of street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- c. **Loop Street** – A local street, each end of which terminates at an intersection with the same street.
- d. **Marginal Access Street** – A local street, parallel and adjacent to an Arterial or Collector Street, which provides access to abutting properties while separating them from arterial or Collector Street traffic (also referred to as a Frontage Street).
- e. **One-Way Street** – A local street that carries traffic in one direction only.

**STRUCTURE** – Anything constructed or erected for use with location on, within, or attachment to the ground as regulated in a zoning code.

**SUBDIVIDER** – See the definition for Developer in these regulations.

**SUBDIVISION** – The Ohio Revised Code in Section 711.001 specifically defines a subdivision as:

- 1. The division of any parcel of land shown as a unit or as contiguous units on the last preceding general tax list and duplicate of real and public utility property, into two or more parcels, sites, or lots, any one of which is less than five acres for

the purpose, whether immediate or future, of transfer of ownership, provided, however, that the following are exempt:

- a. A division or partition of land into parcels of more than five acres not involving any new streets or easements of access;
  - b. The sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites;
  - c. If the planning authority adopts a rule in accordance with section 711.133 of the Revised Code that exempts from division (B)(1) of this section any parcel of land that is four acres or more, parcels in the size range delineated in that rule.
2. The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any public or private street or streets, except private streets serving industrial structures, or involving the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders or as easements for the extension and maintenance of public or private sewer, water, storm drainage, or other similar facilities.

**SUBDIVISION, ACTIVE** – The construction improvements made to a subdivision in the field. These improvements must commence within twelve (12) months of the filing of the record plat submittal and approval of the corresponding construction plans.

**SURVEYOR** – Any person registered to practice as a professional surveyor in the State of Ohio as specified in Chapter 4733, Ohio Revised Code.

**TRAFFIC IMPACT** – A condition, as represented by an increase in congestion, worsening levels of service or volume to capacity ratios, or reductions in safety of service or volume to capacity ratios, or reductions in safety and efficiency, on the public street and highway system.

**VARIANCE** – A variance is a modification of the standards or requirements of these 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 by dimensions or other means, the relationship of the proposed subdivision to the existing roadway system within Warren County in order to better locate and orient the area in question.

**WALKWAY** – An improved public way, four (4) feet or more in width, for pedestrian use only.

**WATERCOURSE** – A definite channel with bed and banks within which concentrated water flows, either continuously or intermittently.

**WATERSHED** – The drainage area in which a subdivision is located.

**WETLANDS** – Surface areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas (1987 Corp of Engineer Wetland Delineation Manual).

**YARD** – An open space other than a courtyard, on the lot of a principal building, unoccupied by buildings or structures from the ground to the sky except by trees or shrubbery or as otherwise permitted per this Code. The depth of each required yard is measured between the setback line inward parallel from the lot line (see illustration).

- a. **Yard, Front** – A yard extending the full width of the lot between the road/street right-of-way line at the front of the lot and the closest point of contact to the principal structure, with the minimum depth thereof measured from the existing platted road/street right-of-way or, where none, that established by the Warren County Thoroughfare Plan (see illustration).
- b. **Yard, Rear** – A yard extending the full width of the lot between the closest distance from the rear lot line of rear-most point on a pie-shaped lot and the first point of contact by a principal structure (see illustration).
- c. **Yard, Side** – A yard extending from the front yard to the rear yard (except in the case of a corner lot) between the closest point of contact by a principal structure and the nearest side lot line (see illustration).

**ZONING** – Regulation by districts of the height, area, and use of buildings; use of land; and density of population.

# **ARTICLE III**

## **PROCEDURES FOR SUBDIVISION APPROVAL**

### **SECTION 300: GENERAL STATEMENT**

No person, firm or corporation, proposing to create a subdivision within the territorial limits of these Regulations shall enter into any contract for the sale of, or shall offer to sell said subdivision or any part thereof, or shall proceed with any construction work on the proposed subdivision until said person, firm or corporation has obtained from the Planning Commission approval of the preliminary plan of the proposed subdivision. Any work performed prior to final plat approval will be at the risk of the developer.

### **SECTION 301: CONCEPT PLAN PROCESS/TECHNICAL ADVISORY COMMITTEE REVIEW**

The concept plan process is meant to provide the applicant with expert opinions regarding issues and problems associated with a potential project, thereby aiding in the determination of project feasibility at an appropriately early stage. The Concept Plan is required as a first step in all subdivisions not eligible to be processed as a minor subdivision (lot split), alternative record plat, re-plats or right-of-way dedicated plat. The Concept Plan does not constitute a subdivision plan; plan application, preliminary plan, final plat, record plan, or formal plat review and action by the Warren County Regional Planning Commission (RPC) pursuant to Section 711.10 of the Ohio Revised Code (ORC). The Concept Plan may be waived only if a directly comparable process (including all requirements specified in Section 301.A below) has already been completed and approved by the applicable zoning authority as part of a planned unit development (PUD), or "cluster" or "conservation" option design, as defined by the applicable zoning authority. Though there is no formal action by the RPC Executive Committee on a Concept Plan application, in some cases during the Concept Plan review stage, the Committee may take formal action on an application for one or more Access Point Waiver Requests pursuant to Section 403(H) herein.

### **SECTION 302: CONCEPT PLAN APPLICATION REQUIREMENTS**

- A. The application for Concept Plan shall be submitted digitally to the Warren County Regional Planning Commission in Adobe Portable Document Format (PDF) or other format found acceptable by the Executive Director or designee and shall consist of the following:
  - 1. A completed application form.
  - 2. The proper fee as required by Section 902.
  - 3. Names, mailing addresses and parcel identification numbers of contiguous property owners of record at the time of application.



4. **General Information**

- i. Project name, address, Tax Map Number(s) and location
- ii. Contact Information:
- iii. Property owner(s) of record
- iv. Applicant(s) – name and contact information
- v. Engineering, Surveyor, Professional Consultant – name(s) and contact information
- vi. Location map showing relation of property to other subdivision phases, other developments and surrounding area

5. **Survey of Existing Conditions**

i. Map Elements:

- 1. Title
- 2. Vicinity Map
- 3. Scale
- 4. North Arrow

ii. Natural Features:

- 1. Location of Floodplain boundaries.
- 2. Location of Watershed and sub-watershed boundaries.
- 3. The topography of the site at an appropriate contour interval depending on the nature of the use and the character of the site.
- 4. The major natural features of the site and within 500 feet of the site, including:
  - a. Wetlands
  - b. Streams
  - c. Ponds
  - d. Rivers
  - e. Aquifers (Groundwater Protection Areas)
  - f. Areas of significant wildlife habitat

- g. Forested areas
- h. Ridgelines
- i. Slopes in excess of 25 percent

iii. Physical and Administrative Features:

1. Existing zoning, including the total acreage of the entire property and total acreage of property in each zone, where a zoning district transects the property.
2. A current aerial photograph of the site with project boundaries identified.
3. A narrative documenting the location of area parks; public spaces; schools and other community facilities.
4. Location of visible or known man-made features of the site and within 500 feet of the site, including:
  - a. Bridges
  - b. Railroad Tracks
  - c. Buildings
  - d. Historic or cultural features
  - e. Trails
  - f. Historic structures or remnants
  - g. Archaeological resources
  - h. Cemeteries
  - i. Historic or current waste disposal sites
  - j. Any other important features
5. Roadway features, including:
  - a. Location and names of roads, showing right-of-way.
  - b. Driveway location(s) existing on the property and across the street for residential and commercial.

6. **Proposed Changes**

- i. Proposed location of any new roadway.

- ii. Proposed street layout including connections to existing streets and adjacent properties, noting right-of-way width.
- iii. Proposed general driveway location(s) for non-residential subdivisions.
- iv. Proposed amenities, including common areas, trails, or community buildings.
- v. A narrative that explains how the proposed paths and trails tie into existing trails and demonstrate consistency with comprehensive plans.
- vi. If applicable, proposed boundaries or location of the following features:
  1. Open space
  2. Conservation areas
  3. Recreational areas
- vii. A narrative of the proposed approach for providing drinking water supply, wastewater treatment, storm water management, and landscaping.
- viii. A land use/site data table, which provides the following information:
  1. Gross acreage
  2. Natural features acreage, calculated by summing the following:
    - a. Wetland acreage
    - b. High slope area (slopes in excess of 25 percent)
    - c. Water body acreage
    - d. Floodplain acreage
  3. Net acreage, calculated by subtracting the natural features acreage from the gross acreage.
  4. Open space acreage.
  5. Land use area acreage (e.g. commercial, mixed-use, single-family, multi-family, etc.).
  6. Anticipated number or number range of lots for single-family residential developments.
  7. Anticipated number or number range of units for mixed-use or multi-family residential developments.

- ix. Individual lots shall not be shown; however, diagrams for typical lots and/or use areas should be provided (e.g. single-family, townhouse, multi-family, commercial, and civic).
- x. Proposed pedestrian trails and bike paths.

7. **Additional Information**

- i. RPC may require additional information, because of site circumstances or the scope of the proposed development, to ensure a complete and comprehensive review of the proposal.
- ii. RPC may waive any of the requirements specified in Sections 301.A.1, 301.A.2, or 301.A.3 if such a requirement or requirements are deemed to be unnecessary.

B. **PRE-APPLICATION MEETING:** The developer shall meet with the RPC planning staff to interpret comprehensive plans and their relationship to the proposed subdivision. The developer shall identify easements or other appropriate options that will provide necessary lands for planned roads, trails, conservation areas, parks, and similar amenities if applicable.

C. **TECHNICAL ADVISORY COMMITTEE:** The Technical Advisory Committee (TAC) shall include the following members:

- 1. Regional Planning Commission staff;
- 2. Warren County Engineer;
- 3. Warren County Sanitary Engineer;
- 4. Warren County Soil & Water Conservation District staff;
- 5. Warren County Combined Health District staff;
- 6. Applicable zoning staff;
- 7. Township and fire/emergency medical services (EMS) officials;
- 8. Ohio Department of Transportation, Western Water, etc. as applicable

D. **SITE VISIT:** The applicant (or agent) shall accompany the TAC on a site visit, which shall be scheduled by the RPC staff and take place within two (2) weeks of submission of the Concept Plan, unless a longer time frame is agreed to be the applicant. At a minimum, project limits and the centerline of proposed points of intersection along frontage roads shall be marked or demonstrated accurately by the applicant or agent.

**E. CONCEPT PLAN REVIEW:**

1. Within two (2) weeks of the Site Visit, TAC members are to provide written comments to the RPC staff, which shall be compiled and forwarded to the applicant. The failure of a member of the TAC to participate in the Site Visit and/or submission of written comments is not being considered a fatal flaw with regard to the submitted Concept Plan.
2. The Concept Plan shall be displayed at the following RPC Executive Committee meetings, at which time the applicant will receive additional input valuable toward the preparation of a preliminary plan.

**F. NEW CONCEPT PLAN/SITE PLAN REQUIRED:** If a preliminary plan is not submitted within a year of the Concept Plan site visit, or if in the opinion of the RPC staff substantial changes are made to the proposal, a new Concept Plan/Site Visit shall be required, including an application and filing fee.

**SECTION 303: PRELIMINARY PLAN REQUIREMENTS**

After the concept plan review stage, the subdivider shall submit a preliminary plan of the proposed subdivision that shall conform with the requirements set forth in Sections 303 to 306, inclusive. The purpose of the preliminary plan is to show, on a map, all the facts which may enable the Regional Planning Commission to determine whether the proposed layout of the land meets the requirements of these regulations and is satisfactory from the standpoint of the public interest.

**SECTION 304: SUBMISSION TO DIRECTOR OF TRANSPORTATION**

The Regional Planning Commission shall give notice, by registered or certified mail to the Director of Transportation for any subdivisions proposed along a new or revised highway, as described in the certification by the director. Notification to the Director of Transportation is required within the following areas:

1. Land within three hundred feet of the center line; or
2. Land within a radius of five hundred feet from the point of intersection of that center line.

If the Director of Transportation notifies the Regional Planning Commission that he/she shall proceed to acquire the land needed, then the Regional Planning Commission shall refuse to approve the plan. If the Director of Transportation notifies the Regional Planning Commission that acquisition at this time is not in the public interest, the Regional Planning Commission shall, if the plan is in conformance with all provisions of these regulations, approve the plan (Adapted from Section 5511.01, Ohio Revised Code).

### **SECTION 305: PRELIMINARY PLAN FORM**

The preliminary plan shall be drawn at a scale between one hundred (100) feet to the inch and fifty- (50) feet to the inch. Preliminary plans shall be on one or more sheets twenty-four (24) by thirty-six (36) inches in size and shall be clearly and legibly drawn. A registered surveyor shall prepare the preliminary plan.

### **SECTION 306: PRELIMINARY PLAN CONTENTS**

- A. Proposed name of the subdivision, which shall not duplicate or closely approximate the name of any other subdivision in the County.
- B. Location by Section, Town, Range (or Military Survey Number), Township, County and State.
- C. Names, addresses, and telephone numbers of the owner, plan, and the registration number and seal of the surveyor.
- D. Date of survey, which shall be the date of topographic, aerial or any other type of survey that is the basis for preliminary plan.
- E. Scale of the plan, north point and date.
- F. Boundaries of the subdivision, indicated by a heavy line, and its acreage.
- G. Names of adjacent subdivisions, property owners and parcel identification numbers of contiguous parcels of previously platted and unsplit land, and the location of their boundary lines.
- H. Locations, widths, and names of existing streets, railroad rights-of-way, easements, parks, permanent buildings, corporation and township lines; the location of wooded areas and other significant topographic and natural features within the subdivision whose presence and accurate location need to be known in order for decisions regarding the subdivision to be made. The general limits of any wet or flood prone areas shall be shown.
- I. Zoning classification of the tract and adjoining properties and a description of proposed zoning changes, if any.
- J. Existing topography with contours shown at an interval of not greater than two (2) feet if the slope of the ground is fifteen (15) percent or less, and not greater than five (5) feet where the slope is more than fifteen (15) percent. Elevations are to be based on sea level datum and the nearest benchmark shall be specified and described. The existing topography shall be shown for an area extending a minimum of two hundred (200) feet beyond the boundaries of the subdivision.
- K. Existing sewers, water lines, culverts, and aboveground structures, such as power transmission poles and lines, within and adjacent to the tract.

- L. Location and dimensions of all proposed utility lines and stormwater drainage facilities, showing their connections with existing systems.
- M. Location, names, and widths of proposed rights-of-way, streets and easements.
- N. Front building setback lines.
- O. All thoroughfares as shown on the Official Thoroughfare Plan wherever they traverse or adjoin the plan.
- P. Layout, numbers, approximate sizes and approximate dimensions of each lot. When a lot is located on a curved street or when side lot lines are not radial or perpendicular to street lines, the width at the front building setback line shall be shown.
- Q. Parcels of land to be reserved for public use or to be reserved by covenant for residents of the subdivision. The approximate size of these parcels shall be noted.
- R. A vicinity map at a scale of not less than two thousand (2,000) feet to the inch. This map shall show all existing roads and an outline of the subdivision.
- S. Statement of proposed use of lots, giving type and number of dwelling units and type of business or industry, if known.
- T. Location of all existing buildings and an indication as to whether or not they will be retained.
- U. For commercial and industrial developments, the points of vehicular ingress and egress to the development.
- V. Description of proposed covenants and restrictions.
- W. The type of water supply and wastewater disposal that are proposed for the subdivision. Water supply and wastewater disposal requirements are outlined in Sections 418 and 419 respectively. The subdivider is advised to discuss the method of water supply and wastewater disposal with the Executive Director of the Regional Planning Commission before submitting the preliminary plan.

- X. A copy of a United States Geological Survey (USGS) map at a scale of two thousand (2000) feet to the inch on which the watershed within which the subdivision is located is delineated. Accompanying the map shall be data indicating the amount of land, by zoning classification, which drains onto the property within the subdivision.
- Y. A schedule outlining the order of development of each section of the subdivision.
- Z. Layout, acreage, linear feet, approximate sizes and approximate dimensions of open space parcels and recreational amenities including the walking trails, club houses, pools, recreation fields, etc. if available.

### **SECTION 307: PRELIMINARY PLAN APPLICATION PROCEDURES**

- A. The application for preliminary plan shall be submitted digitally to the Warren County Regional Planning Commission in Adobe Portable Document Format (PDF) or other format found acceptable by the Executive Director or designee and shall consist of the following:
  - 1. A completed application form.
  - 2. A preliminary plan containing all of the information required in Section 306.
  - 3. The proper fee as required by Section 902.
  - 4. Names, mailing addresses and parcel identification numbers of contiguous property owners of record at the time of application.
  - 5. Acknowledgement by the applicable zoning authority that the preliminary plan complies with the zoning resolution currently in effect.
- B. The deadline for filing of the preliminary plan for review by the Regional Planning Commission at their regular monthly meeting shall be three (3) weeks prior to the date of the meeting. A preliminary plan application shall not be considered to have been 'officially filed' until it has been examined by the Executive Director or his/her designee and is found to be in compliance with the application requirements of these regulations.

### **SECTION 308: PRELIMINARY PLAN REVIEW AND APPROVAL**

- A. The Regional Planning Commission may request additional information deemed necessary to make a reasonable decision when a proposed development presents difficult or unusual problems.
- B. The Regional Planning Commission shall forward copies of the preliminary plan to such officials and agencies as may be necessary for the purpose of study and recommendation, as well as contiguous property owners of record at the time of application as a courtesy. As such, an inadvertent omission in notification of a contiguous property owner(s) is not considered a fatal flaw or grounds for denial of a preliminary plan.



After receipt of reports from such officials and agencies, the Regional Planning Commission shall determine whether the preliminary plan shall be approved, approved with modifications or disapproved. If a plan is disapproved, the reasons for such disapproval shall be stated in writing. The Regional Planning Commission shall act on the preliminary plan within thirty-five (35) business days after filing, unless such time is extended by agreement with the subdivider. Approval of the preliminary plan shall be conditional upon compliance with all other applicable statutes, ordinances, resolutions, and regulations of Warren County.

- C. Should the potential for congestion of population, as defined, be determined, it shall be incumbent upon the applicant or their agent, at their respective expense, to document to the satisfaction of the Regional Planning Commission that such determination is invalid. In such cases, the applicant is urged to provide an appropriate extension of time for review of it by the Regional Planning Commission. In the absence of such extension, the Regional Planning Commission within the limits prescribed by the Ohio Revised Code (ORC) shall act upon the preliminary plan.

Preliminary plans that are denied based upon a finding that congestion of population would result from proposed intensity of development may be resubmitted for reconsideration, along with the necessary supporting documentation and an appropriate extension of review time. In such cases, filing fees may be appropriately modified, as determined by the Regional Planning Commission, with the underlying basis for the fee to be based upon the cost for staff review of the re-submitted preliminary plan.

- D. Planning Commission shall make a determination at the time of preliminary approval what the minimum final plat submittal shall be for filing of the first final plat section for the subdivision (number of lots for that first section).
- E. **Review Criteria:** The Warren County Regional Planning Commission, pursuant to Ohio Revised Code Section 711.10 (B), may approve, approve with conditions, or deny a Preliminary Subdivision Plan. The RPC Executive Committee may approve a Preliminary Plan upon a finding that each criterion has been met or has been determined to be inapplicable:
  1. The application and Preliminary Plan proposed meet the standards and requirements of the Warren County Subdivision Regulations
  2. The zoning authority has determined that the application meets the requirements of all township or county regulations and the applicant has demonstrated that they can and will comply with all applicable requirements of the zoning code.
  3. The subdivision and site design creates a functional and attractive development and provides for lots of adequate size. The design, shape, and orientation of the proposed lots accommodate the physical features of the site.

4. The subdivision complies with the requirements of the Warren County Combined Health District or the Ohio Environmental Protection Agency. Adequate sewage disposal and other utilities, services, and improvements are provided subject to approval of detailed plans.
5. The subdivision is designed to minimize the alteration or disturbance of the natural features of the site, including usual topography and other exceptional conditions.
6. The development of the subdivision has been coordinated with the provision of public facilities such as parks, recreation areas, and fire protection.
7. Active open space is designed, sized, and located to be functional and provide convenient access. All proposed common open space and improvements, if any, are identified on the Preliminary Plan and maintenance of such areas is ensured through an appropriate legal instrument.
8. The subdivision provides for safe and convenient pedestrian traffic circulation and adequate vehicular and pedestrian access to abutting properties.
9. The Warren County Engineer's office has determined the Preliminary Plan for streets, storm water management, and natural drainage ways protection is acceptable.
10. The subdivision provides for convenient and safe streets of adequate capacity, includes appropriate improvements to handle anticipated traffic flow, and assure that street right-of-way are provided for in accordance with the Thoroughfare Plan and roads are designed to the Requirements and Standards for the Design and Construction of Streets and Roadway Facilities.
11. The Warren County Engineer's Office has determined that access to individual lots necessary to serve the development conforms to the standards contained in Access Management Regulations and that the proposed streets, utilities, and surface water drainage facilities conform to the Warren County Engineer's Office standards and allows for transitions to existing and potential future development on adjacent lands.
12. Appropriate provisions have been made for dedications and easements.
13. The subdivision does not result in a congestion of population.
14. Required local, state, and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development and the applicant agrees to comply with recommendations of referral agencies.

### **SECTION 309: PRELIMINARY PLAN APPROVAL PERIOD**

The approval of the preliminary plan by the Regional Planning Commission shall be effective for a maximum period of eighteen (18) months unless application has been made for approval of a

final plat and the final plat is recorded for any part of the subdivision, or the Regional Planning Commission has granted an extension of the approval period.

### **SECTION 310: PRELIMINARY PLAN APPROVED COPY**

The subdivider shall submit a copy of the preliminary plan that conforms to any changes required by the Regional Planning Commission to ensure the Executive Director may review future record plats against the approved preliminary plan. The updated preliminary plan shall be submitted prior to the application for final plat.

### **SECTION 311: FINAL PLAT REQUIREMENTS**

- A. The subdivider, having first received approval of the preliminary plan of the proposed subdivision, shall submit a final plat of the subdivision. An application for final plat approval may be submitted for a section of a subdivision.
- B. Final plat sections shall conform to the approved preliminary plan as determined by the RPC Executive Director or designee, inclusive of any conditions that may have been part of the approval. The applicant may proceed with submission of a final plat provided all of the following criteria are met in comparison to the approved preliminary plan:
  - 1. There are no changes to the road network that alter the intersections with existing or planned streets, or overall connectivity of the network;
  - 2. Any changes to proposed pedestrian trails or sidewalks do not alter the intent of the original pedestrian network shown on the Preliminary Plan;
  - 3. There is no change in the location of planned open space or conservation areas/easements and the total amount of such spaces planned within the overall subdivision does not decrease. Minor adjustments to road right-of-way or utility easements that impact the quantity and design of open space may qualify as a minor amendment. A decrease in open space by one percent (1%), no greater than 1-acre, may qualify as a minor amendment from the originally approved Preliminary Plan.
  - 4. There is no increase in the number of lots fronting along any given street/road segment planned within the subdivision, and the residential density of the overall subdivision does not increase; and
  - 5. There is no change to the Preliminary Plan boundary.
  - 6. Changes to the approved Preliminary Plan to accommodate cluster mailbox delivery facilities may not require a Revised Preliminary Plan and may be reviewed at staff level.
- C. If the applicant plans to submit a final plat section that will in any way vary from the approved preliminary plan, the applicant shall consult with RPC staff to determine if a revised preliminary plan is necessary to achieve the variation. In cases where one or more of the criteria stated above in paragraph (B) cannot be met, a revision to the preliminary plan shall be required. Other variations or modifications shall be classified as minor and

shall require submission of an updated Preliminary Plan; such submission shall not require approval by the RPC Executive Committee. However, the RPC Executive Director or designee may elect to submit the minor modification to the RPC Executive Committee for review as a revised Preliminary Plan.

### **SECTION 312: REGULATIONS GOVERNING IMPROVEMENTS**

- A. The subdivider shall submit improvement plans consisting of all construction drawings and specifications for the improvements required for the subdivision. The improvement plans shall be submitted to the Warren County Engineer, the Warren County Soil and Water Conservation District, and the Warren County Sanitary Engineer for review. The improvement plans shall be approved prior to the approval of a final plat for the subdivision.
1. Prior to approval of the final plat, the subdivider shall have complied with the requirements of Section 601 related to the construction or bonding of required improvements.
  2. These plans shall conform to the requirements set forth in Article IV (Subdivision Design Standards and Improvement Requirements), V (Standards for Planned Developments) and VII (Requirements for the Construction of Improvements) of these regulations, and any stipulations set forth in the preliminary approval and must be prepared by a registered engineer.
  3. Any project performing one or more acres of earth disturbing activities will require an Earth Disturbing Permit (EDP). The EDP application shall be submitted to the Warren County Soil and Water Conservation District (WCSWCD). The EDP application shall include improvement plans, a Stormwater Pollution Prevention Plan (SWPPP) and an EDP application fee. The improvement plans and SWPPP shall also be submitted to the Ohio Environmental Protection Agency (OHIO EPA) for the purpose of obtaining a National Pollution Discharge Elimination System (NPDES) Notice of Intent (NOI) permit. A copy of the NOI or NOI number shall be submitted to WCSWCD once received. Cutting of trees at the ground surface while leaving the roots intact does not classify as an earth disturbing activity.
  4. No work shall commence on the site until the improvement plans submitted have been approved by each respective office that reviews the improvement plans. Any work that has been started prior to approval of the final plat or approval from the OEPA shall be done so at the risk of the developer.

### **SECTION 313: FINAL PLAT FORM**

The final plat shall be legibly drawn on Mylar or other material of equal permanence and shall be clearly reproducible. The final plat shall be drawn at a scale between one hundred (100) feet to the inch and ten (10) feet to the inch in increments of 10' (1"=10', 20', 30', 40', 50', 60', or 100'). Standards engineering scales will not, for example, measure 1" = 75' or 1" = 90'. The final plat shall be on one (1) or more sheets exactly twenty-four (24) by thirty-six (36) inches in size.

Even slightly larger sheets will not be accepted. If more than one (1) sheet is needed, each sheet shall be numbered and the relation of one sheet to another clearly shown. A registered surveyor shall prepare the final plat.

#### **SECTION 314: FINAL PLAT CONTENTS**

The final plat shall contain the following information:

- A. Name of the subdivision and its location by Section, Town and Range (or Military Survey Number), township, county and state. The name must not duplicate or approximate any other subdivision in the County and cannot begin with words such as "Replat", "Alternative Plat", "Final Plat", or "Record Plat".
- B. Date (month and year) when the subdivision is submitted for final approval.
- C. Scale of the drawing, both graphic and numerical. The scale must be measurable with a standard engineering scale, and shall be drawn at a scale between one hundred (100) feet to the inch and ten (10) feet to the inch in increments of 10' (1"=10', 20', 30', 40', 50', 60', or 100').
- D. North arrow with a clear statement as to the basis of the reference direction. The basis of bearings may not be assumed or random.
- E. Name and address of the subdivider and the registered surveyor who prepared the plat, and the registration number and seal of the surveyor.
- F. The size of the subdivision in acres and ten-thousandths of an acre (0.0000) with a breakdown of the area contained in lots and the area contained in street rights-of-way. The lot and ROW acreage must equal the total acreage.
- G. Plat boundaries shall be shown with a continuous heavy/dark line that are bolder than any other lines on the drawing, and based on accurate traverse with both angular and lineal dimensions. All dimensions, both angular and lineal, shall be determined by an accurate control survey in the field. Closure may not exceed 0.02 feet in latitudes and departure (O.A.C. 4733-37-04).
- H. The plat shall show bearings and distances from at least two vertices on the subdivision perimeter to a county survey control monument or, it shall show at least two GPS coordinate pairs (x, y) at vertices along the subdivision perimeter in NAD 83—Ohio State Plane South projection. The plat shall also show bearings and distance(s) to the nearest established centerline intersection of streets or highways, section or quarter section corner(s), Virginia Military Survey corner(s), or platted subdivision corner(s).
- I. Names, exact locations, dimensions and right-of-way widths of all streets and railroads within and adjoining the plat.
- J. Radii, internal angles, points of curvature, tangent bearings, length of arcs, and lengths and bearings of chords of all streets within the plat. This information shall be shown for either the street centerline or the right-of-way lines.

- K. The exact locations and dimensions of all easements or rights-of-way dedicated for public uses or utilities within the plat. The uses permitted in each easement shall be indicated.
- L. The location of all streams, rivers, canals or lakes.
- M. All existing property lines, section lines, Military Survey lines, county lines, township lines municipal corporation lines, and school district lines. If a lot is divided by one of the above, the lot area on either side of the line shall be shown.
- N. Front yard building setback lines.
- O. Lot sizes, lot numbers and lines with accurate dimensions in feet and hundredths of a foot. When lots are located on a curve or when side lot lines are not perpendicular or radial to street lines, the lot width at the front yard building setback line shall be shown. Information shall be provided for all lot lines that are not radial or perpendicular to right-of-way lines indicating their angle of deflection.
- P. Outlines of areas to be dedicated or reserved for the common use of property owners within the plat. The size, use and accurate boundary locations shall be shown for each parcel of land to be dedicated.
- Q. Restrictions and covenants that the subdivider intends to place upon the lots in the plat.
- R. 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 offset from its true location in relation to the property corner or lot corner it shall be noted.
- S. The owners of record, acreages, surveys, and deed references for all abutting tracts; and, the names of all abutting subdivisions, with lot lines, lot numbers and plat book and page references.
- T. A general notation describing the evidence of occupation that may be found along every boundary line and/or occupation lines.
- U. A citation of pertinent documents and sources of data used as a basis for the plat.
- V. A superimposition of the plat in an illustration of the tract or tracts from which the plat is drawn, which shall contain an accurate metes-and-bounds description, deed book and page references, names of owners and acreages of the tract or tracts.
- W. Statements and signature blocks as required in Article VIII. All signatures, certifications and notarizations shall be in waterproof ink, legible and reproducible.
- X. The minimum elevation for basement, first floor or foundation openings shall be included when requested by the Warren County Engineer, the Warren County Sanitary Engineer (or the Sanitary Engineer for the agency providing sanitary sewer service to the development), or as determined necessary by the subdivision design engineer. Prior to submitting the subdivision plat for review and approval, the professional engineer

responsible for preparing the subdivision construction drawings shall certify written documentation to both the County Engineer and Chief Building Official for Warren County detailing any extraordinary conditions when constructing a future residence on a building lot along with a recommendation for a minimum basement/first floor/foundation opening elevation as necessary.

- Y. A table listing the centerline length for each public roadway included in the platted area. The length of the roadway will be measured from the centerline of the intersecting street to centerline of intersecting street or center of cul-de-sac.
- Z. Layout, acreage, linear feet, sizes and dimensions (approximates) of each open space parcel and recreational amenities including the walking trails, club houses, pools, recreation fields, etc.
- AA. County Commissioners' signature block shall be located in the uppermost right corner of the plat.

### **SECTION 315: FINAL PLAT APPLICATION PROCEDURES**

- A. The application for final plat approval shall be submitted digitally in Adobe Portable Document Format (PDF) or other format found acceptable by the Executive Director or designee and shall consist of the following:
  - 1. A completed application form.
  - 2. A final plat containing all of the information required in Section 314.
  - 3. The proper fees as required in Sections 600 and 902.
- B. The application of any one section of the final plat of the overall subdivision for approval shall be filed with the Regional Planning Commission not later than eighteen (18) months after the date of the approval of the preliminary plan; as long as the subdivision is considered active the preliminary plan will not expire. A subdivision is considered active if construction has commenced within twelve (12) months of the filing of the application of the section record plat. If the above criteria are not met, the preliminary plan shall be considered void unless an extension is requested in writing by the developer and granted by the Regional Planning Commission.
- C. A final plat shall not be considered to have been 'officially filed' until it has been examined by the Executive Director or his/or her designee and is found to be in full compliance with the application requirements of these regulations.

### **SECTION 316: APPROVAL OF FINAL PLAT**

The Regional Planning Commission staff shall approve, conditionally approve, or disapprove the final plat within thirty (30) calendar days after it has been officially filed or within such further time to which the applying party may voluntarily agree. Failure of the Regional Planning Commission staff to act upon the final plat within such time shall be deemed as approval of the plat, and the certificate of the Regional Planning Commission as to the date of the submission of the final plat for approval and the failure to take action on it within the thirty (30) calendar days shall be sufficient in lieu of the written endorsement or evidence of approval. If conditionally approved, the subdivider shall make the necessary corrections and resubmit the updated final plat within sixty (60) calendar days to the Regional Planning Commission staff for its final approval, or the Final Plat application will expire. The Regional Planning Commission staff shall not disapprove the final plat if the developer has done everything that he/she was required to do and has proceeded in accordance with the conditions and standards specified in the approved preliminary plan. No plat shall be recorded until it is endorsed with the Regional Planning Commission's Executive Director's final or unconditional approval. If the plat is disapproved, the grounds for disapproval including citation of or reference to the rule violated by the plat shall be stated in the records of the Regional Planning Commission staff and a copy of said record shall be forwarded to the subdivider. If the Regional Planning Commission refuses to approve a plat, the person submitting the plat may file a petition within sixty- (60) days after such refusal in the Court of Common Pleas of the county in which the land described in said plat is situated to reconsider the action of the County's Regional Planning Commission. A board of township trustees is not entitled to appeal a decision of the Regional Planning Commission under this section.

### **SECTION 317: FINAL PLAT APPROVAL PERIOD**

The approval of a final plat by the Regional Planning Commission staff shall be effective for a maximum period of six (6) months unless the Regional Planning Commission staff has granted an extension of the approval period. If the final plat is submitted to be recorded after the six (6) month period, the subdivider or their engineer must re-submit the plat to the Regional Planning Commission staff for re-approval and pay all applicable fees due at the time of re-submittal. Procedures for an extension of a final plat approval period shall be in accordance with Section 801 of these Regulations.

### **SECTION 318: TRANSMITTAL OF COPIES**

When the Board of County Commissioners has approved the final plat, the original Mylar shall be left in the County Tax Map Department for processing, to be completed in 1-3 business days. Thereafter the applicant shall take the Mylar to the County Auditor and record it with the County Recorder after all necessary certifications are received.

### **SECTION 319: ALTERNATIVE RECORD PLAT PROCEDURES**

- A. A subdivider may submit a final plat of a subdivision for approval by the RPC without first having received approval of a preliminary plan, if the following conditions are met:



1. The subdivision contains no more than three (3) lots.
  2. The subdivision is located along an existing, dedicated public street and involves no opening, widening or extension of any street.
  3. The Executive Director determines that no unusual conditions exist which would require separate reviews of a preliminary plan and final plat.
- B. An application for final plat approval under this procedure shall be submitted digitally to the Warren County Regional Planning Commission in Adobe Portable Document Format (PDF) or other format found acceptable by the Executive Director or designee and shall include the following:
1. A completed final plat application form.
  2. A final plat which meets, the requirements of Section 311 containing all of the information required in Section 312.
  3. The proper fees as required per Sections 600 and 902.
- C. Alternative plats that are submitted to satisfy the requirements of the Conservation Design Option shall include the language found in Section 800 (B) "Open Space Easements" to clarify uses permitted and prohibited in the open space easement. Any variation from said language may only be made with the approval of the County or Township Zoning Commission or an appointed zoning staff person acting on their behalf.
- D. The filing deadlines and approval procedures for the alternative plat review process shall be the same as those specified for the review of a final plat.

**SECTION 320: REPLATS**

The requirements and procedures to be followed for modifying an existing, recorded subdivision plat shall be the same as those specified for final plats. Replats do not require GPS coordinates as specified in Section 314 H. In addition to meeting the requirements of a record plat, approval of a replat shall be based on the following criteria:

- A. A replat of lots that is within an existing, approved preliminary plan shall continue to conform to the requirements and design of said preliminary plan. If the replat constitutes a major deviation from the existing, approved preliminary plan, the Regional Planning Commission Executive Director may require the subdivision first submit a concept plan and preliminary plan prior to receiving approval for the replat.

- B. A replat resulting in a net increase in buildable lots may first be required to submit a revised concept plan and preliminary plan subject to the determination of the Regional Planning Commission Executive Director according to the following provisions:
1. The replat would result in a net increase in buildable lots as approved at the time of preliminary plan.
  2. The replat results in a net increase in buildable lots where there is no associated preliminary plan. This would be the case for alternative plats and record plats that predated preliminary plan requirements.
  3. Replats that result in a net increase in buildable lots, but do not exceed the number of lots approved at preliminary plan, are exempt from the requirement to submit a revised concept plan and preliminary plan, provided the replat does not deviate significantly from the approved preliminary plan as stated in Sec. 319 (A).
- C. A replat may not result in the deletion of any notes or restrictions placed on the original record plat without the consent and approval of the planning authority having jurisdiction.

#### **SECTION 321: RIGHT-OF-WAY DEDICATION PLATS**

The requirements and procedures to be followed for right-of-way dedication plats shall be the same as specified for final plats.

#### **SECTION 322: MINOR SUBDIVISIONS**

- A. The Regional Planning Commission may grant approval without a plat of a minor subdivision if the proposed division of a parcel of land meets all of the following conditions:
1. The proposed subdivision is located along an existing public street and involves no opening, widening, or extension of any street.
  2. No more than five (5) lots or parcels less than five (5) acres in size are involved after the original tract has been completely subdivided.
  3. The proposed subdivision is not contrary to applicable subdivision or zoning regulations. Administrative approval shall not be granted if any variance from either zoning or subdivision regulations is requested. Variances to subdivision regulations may only be granted by the Regional Planning Commission and not the administrative officer, and variances to zoning codes only by the proper board of zoning appeals.

The Regional Planning Commission has the authorization and the responsibility to apply any pertinent subdivision regulations to a proposed minor subdivision in the interest of public benefit as stated in the Preamble to these regulations. This means that a request for a minor subdivision may be properly denied and a

record subdivision plat required in order for the proposed subdivision not to be contrary to applicable subdivision regulations.

- B. The Administrative Officer of the Regional Planning Commission shall within seven (7) working days after submission take action upon such proposed division. If the proposed division is acceptable, a conveyance for said parcel shall be presented to the Administrative Officer who shall sign the conveyance and stamp it "Approved by the Warren County Regional Planning Commission: No Plat Required."
- C. The application for a minor subdivision shall include the following:
  - 1. A completed application form.
  - 2. A metes and bounds legal description for each parcel being created.
  - 3. A survey that conforms to the standards and requirements of the Warren County Tax Map Department.
  - 4. A letter from the Warren County Combined Health District which indicates approval of the use of on-site wastewater disposal facilities if the subdivision is not served by a central sanitary sewer system.
  - 5. A letter from the Warren County Engineer's Office or the Ohio Department of Transportation (ODOT) which indicates access approval.
  - 6. A letter from the Zoning jurisdiction which certifies that the proposed parcel and remainder each meets the zoning minimum required area and road frontage and, if applicable, required setbacks for existing structures.
  - 7. The proper fees as required in Section 902.
- D. Whenever a minor subdivision abuts a public street designated in the Official Thoroughfare Plan, the subdivider shall be required to grant an easement or dedicate to the appropriate governmental jurisdiction the required amount of right-of-way specified in the Official Thoroughfare Plan. Said easement or dedication shall be measured from the centerline of the public street and shall be clearly stated on the deed or an attached exhibit presented to the RPC staff. RPC staff shall stamp the deed "No Plat Required" only if the deed (or the attached exhibit) includes the required language, and if the deed has been signed by all owners and lienholders and has been notarized.
  - 1. Said note, to be included on the deed or attached exhibit, shall state exactly:

Grantor hereby reserves as a permanent easement for the benefit of Warren County\* to be used for public use forever the following described property for public road and utility purposes: \_<insert distance in feet per Thoroughfare Plan\*\*> feet measured from the present centerline of <insert name of road> by a parallel line across the front of the lot in accordance with the official Warren County Thoroughfare Plan, as amended. Said easement shall bind and inure to the benefit of each party

hereto and their respective successors and assigns, and shall run with the land in perpetuity.

\*State of Ohio is used instead of Warren County if the lot frontage is along a U.S. or State Route.

\*\*The # of feet for the easement is determined by right-of-way specified by the Warren County Thoroughfare Plan for the class of road along which the lot frontage will be created.

- E. A minor subdivision application shall expire if the proposed lots have not been recorded in the County Recorder's Office within two (2) years of the date that the Regional Planning Commission accepted the minor subdivision application.
- F. Whenever all of the owners of a previously approved division of a parcel of land by minor subdivision process under this section ("minor subdivision lots") seeks to modify the width, lot lines or the area of one (1) or more minor subdivisions lots to increase the size of a minor subdivision lot, the minor subdivision lot modification requires the owner to submit a Minor Subdivision Lot Modification Application to the RPC for review and approval prior to recording a deed resulting in such a modification. Modification shall be reviewed if the existing parcels are adjacent to each other; are not separated by a public roadway; and the acreage of the modified parcel is five acres or less. Upon submission of a Minor Subdivision Lot Modification Application, RPC staff shall verify that the proposed lot modification is subject to RPC review. This section shall not apply to a parcel being redefined by new survey. The following information shall be submitted:
  - 1. A Minor Subdivision Lot Modification Application with all information required on the form along with the review fee as established; and
  - 2. A deed for the modified parcels.

**SECTION 323: ITEMS TO BE CONTAINED ON PLAT OF SURVEY FOR MINOR SUBDIVISIONS**

All items on the Plat of Survey shall conform to the Survey Plat Requirements as established by the Warren County Engineer's Office Tax Map Department.

**SECTION 324: TRANSFER OF PROPERTY BETWEEN ADJOINING OWNERS**

- A. Where a transfer of property between adjoining owners, which is less than five (5) acres in size, results in a residual parcel, which is also less than five (5) acres in size, said residual parcel shall be subject to the requirements of these regulations; and the transfer of property shall be approved only if the residual parcel meets these requirements.
- B. The procedures for approval of a transfer of property between adjoining owners shall be as provided for in Section 320, with the following exceptions:

1. If the transfer of property is not within a recorded subdivision, it may be submitted as a minor subdivision, regardless of the number of lots, less than five (5) acres, which have previously been subdivided from the original tract.
  2. If the transfer of property is within a recorded subdivision, it may be submitted as a minor subdivision, if it does not involve the elimination or creation of any subdivision lot as a separate building site.
- B. The deed shall be notarized and signed by all owners and lienholders prior to being stamped "No Plat Required" by the RPC. Approval for the transfer of property shall not be granted unless the deed or the attached exhibit includes a note stating the lot to be conveyed is unbuildable.
1. Said note, to be included on the deed or attached exhibit, shall state exactly:

This conveyance is a transfer between adjoining lot owners. This parcel is not to be conveyed separately from the adjoining \_\_\_\_\_acre parcel, (\*), without approval of the Planning Authority having jurisdiction.

\*Options for the language in parentheses, as applicable, include:

O.R. \_\_\_\_\_, Page \_\_\_\_\_

D.B. \_\_\_\_\_, Page \_\_\_\_\_

Vol. \_\_\_\_\_, Page \_\_\_\_\_

Doc. # \_\_\_\_\_

### **SECTION 325: DEDICATION PROCEDURES**

When submitting a final or record plat for recording, the developer and/or their engineer must complete the following steps, before the plat can be forwarded to the County Commissioners' for the dedication of the right-of-way:

- A. Have ready to record the proper documents to create a Home Owner's Association (HOA) or Property Owners Association (POA) for the maintenance of storm drainage systems and/or open space.
- B. To ensure Warren County that the construction and installation of such improvements as street surfacing, curbs, gutters, sidewalks, drainage, sanitary sewers, open space, and water supply items will be built, the subdivider shall comply with Section 601 Installation/Bonding of Improvements and 602 Maintenance Bonds.
- C. All associated erosion control fees must be paid as well as related items must be completed prior to recording of the final plat.

- D. Acceptance and recording of all easements not included in the subdivision plat must be submitted along with applicable platting fees.
- E. Submit a certificate of title to the Regional Planning Commission which shows the ownership of all lands to be dedicated to the public and that the title thereof is free and unencumbered. If the title is not free and unencumbered, then two requirements shall be met:
  - 1. If a mortgage exists on the property which is to be dedicated to the public, a release of mortgage must be filed with the County Recorder or the mortgagee (the bank or whoever holds title to the mortgage on the property) must sign the record plat.
  - 2. If an easement of record exists through any proposed right-of-way which is to be dedicated to the public, that easement must be subordinated to Warren County, vacated or maintenance agreement must be approved by the Commissioners.
- F. Submit to the Regional Planning Commission the Mylar drawing of the subdivision which shall be signed and stamped by a registered surveyor. All signatures from all entities involved in the platting process must be obtained prior to final submittal. All owners and mortgage holders signatures must be notarized and dated.
- G. Provide an executed copy of an agreement with the Township for maintaining clear roadway surfaces per Section 412 of these regulations.
- H. Provide an executed copy of a lighting district agreement with the Township.

**SECTION 326: COUNTY COMMISSIONER'S APPROVAL**

When the developer and their engineer have completed all the steps in the record plat submittal stage, the plat may be submitted for consideration by the Board of County Commissioner's. A date and time will be scheduled for their signatures at the next available regular meeting.

**SECTION 327: RECORDING PROCEDURES**

Upon approval of the final plat by the Regional Planning Commission Executive Director and the County Commissioner's, the plat shall go through the following procedures:

- A. The Regional Planning Commission forwards the mylar of the approved plat, signed by the Board of County Commissioners, to the Map Room where it is assigned permanent parcel numbers for the lots created. This takes 1-3 business days. The agent shall contact the Tax Map Department to determine when it is processed and ready to be retrieved by the agent for recording.
- B. The Developer or their engineer is responsible for picking up the plat and taking it to the Auditor's Office for review and processing. All applicable transfer fees will be due at the time of submittal.

- C. The Developer or their engineer is responsible for picking up the plat from the Auditor's Office and taking it to the Recorder's Office for review and processing. All applicable recording fees will be due at the time of submittal.

**SECTION 328: DIGITAL SUBMITTAL; EXCEPTION**

Submittals in accordance with Sections 302, 306, 314, 318, and 319 shall be filed digitally in conformance with specific requirements of these Subdivision Regulations, or other digital format found acceptable by the Executive Director; except, an applicant may request a waiver of the digital submittal requirement from the Executive Director, who may grant a waiver and allow paper filings upon being satisfied the applicant does not have the technology to create and submit digital filings.

# **ARTICLE IV**

## **SUBDIVISION DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS**

### **SECTION 400: GENERAL STATEMENTS**

The regulations in Article IV shall control the manner in which streets, lots and other elements of a subdivision are arranged on the land. These design controls shall help insure convenient and safe streets, creation of usable lots, and provision of space for public utilities. The planning of attractive and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned, random growth and avoiding congestion of population.

The Regional Planning Commission has the responsibility for reviewing the design of each future subdivision early in its design development. The Regional Planning Commission shall insure that all of the requirements of Article IV are met.

### **SECTION 401: SUITABILITY OF LAND**

If the Regional Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, poor drainage, topography, inadequate water supply, transportation facilities, 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 purpose proposed, 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.

### **SECTION 402: CONFORMITY WITH ZONING RESOLUTIONS**

No preliminary or final plat of land within the area in which an existing zoning resolution is in effect shall be approved unless it conforms to such resolution.

### **SECTION 403: TRAFFIC MANAGEMENT**

- A. **TRAFFIC MANAGEMENT PURPOSE.** Traffic Management Regulations are adopted for the purpose of promoting traffic safety and efficiently, maintaining proper traffic capacity and flow, improving public safety, achieving adequate sight distances, minimizing the future expenditure of public revenues and improving the design and location of access connections to County and Township roads while providing necessary and reasonable ingress and egress to properties along those roads.
- B. **LEVEL OF SERVICE (LOS) STANDARD.** No subdivision plat shall be approved if the development of such plat, at full occupancy, will result in or increase traffic on County or Township roads so that the street system affected by such development does not



function at an average daily level of service "C" or better (8 hour standard) and peak hour level of service "C" or better as determined by the Warren County Engineer. The applicant may propose and construct approved traffic mitigation measures to provide adequate roadway capacity for the proposed subdivision. Where a subdivision plat proposes to access a road that is currently functioning below the minimum level of service standard equal to "C" for the average daily level of service and "C" for the peak hour level of service and there are no alternatives for access, the proposed development shall demonstrate that it will not diminish the existing volume to capacity ratio, unless otherwise mitigated, prior to consideration of the proposed development. For roads that are currently functioning at a level of service equal to "A" or "B", no subdivision shall be permitted to degrade the level of an existing proposed access road(s) more than a single grade level.

Where Townships have adopted Traffic Impact Study requirements or access management plans that are equal to or exceed the requirements of the Warren County Access Management Regulations, the Warren County Engineer and the Warren County Regional Planning Commission will recognize these regulations.

- C. **TRAFFIC IMPACT STUDIES.** A Traffic Impact Study (TIS) shall be required for any proposed access to a proposed subdivision or land use which will generate or has the potential to generate traffic volumes equal or exceeding 10 vehicle trip ends for the proposed development at full build out and occupancy during the highest peak hour. A TIS may be required for sites generating less traffic than this threshold at the discretion of the County Engineer if a site is located within a known safety and/or congestion problem area, or to determine the impact on neighborhoods adjacent to development. Traffic Impact Studies shall utilize the Institute of Transportation Engineers (ITE) Trip Generation Manual, most recent publication, for calculating projected traffic volumes and prepared according to the Traffic Impact Study Requirements for County and Township Roads of Warren County, Ohio and shall include a definition of the study area, horizon year, specific time periods to be analyzed, a description of site and non-site analysis, turn lane analysis and on-site parking treatment. The Warren County Engineer may also require the developer to provide estimated customer or vehicle counts from similar development in the absence of, or in addition to, available data from the ITE Trip Generation Manual.

Variations in seasonal effects (recreational routes, tourist attractions, harvest season, etc.) should be taken into account when compiling the Traffic Impact Analysis. Use of seasonal adjustment factors should be approved by the RPC and Warren County Engineer's Office or the Ohio Department of Transportation. The intent is not to assess maximum peak hourly volumes, such as the day after Christmas for a retail development, but to address peak seasonal volumes. If traffic counts were collected in the winter months, and the peak tourist traffic period occurs during the spring and summer months, the counts should be adjusted.

The Engineer's Office or the Ohio Department of Transportation may require that the Average Daily Traffic Volume, seasonal adjusted, on all roadway segments within the study area be based on actual field collected traffic counts for areas that experience heavy recreational movements. Manual traffic counts used for TIS analysis should represent typical activity for the site and the study area. Steps should be taken to avoid collecting manual traffic counts during special events, holidays, construction periods, bad weather, or any other times when conditions at the site or in its vicinity may affect average traffic conditions. If the County Engineer or the Ohio Department of Transportation determines there is no reliable TIS model that is adequately suited to the general conditions of a proposal, then consideration of seasonal effects shall not be required.

- D. **SIGHT DISTANCE STUDY.** Upon the submission of a Concept Plan for Subdivisions, or a Minor Subdivision (lot split), or re-plat that changes the road frontage or access points for the re-platted lot(s), the Warren County Engineer shall evaluate sight distance along the road frontage, and based upon this review may require a sight distance study for review and approval. A letter stating the results of the review shall be prepared and forwarded to the Regional Planning Commission.
- E. **CHANGE IN ROAD FUNCTIONAL CLASSIFICATION.** Any proposed subdivision that would, based on technical data, result in the change in Road Functional Classification, as shown in the Warren County Official Thoroughfare Plan, shall receive particular review to determine the impact of the Functional Road Classification change on existing properties and developments.
- F. **FRONTAGE IMPROVEMENTS.** Where the proposed minor or major subdivision has frontage along an existing public roadway, the developer shall, at a minimum, improve the development side of the road right-of-way area so that there is a minimum of twelve (12) feet of asphalt pavement on the development side of the road centerline along with a graded shoulder and roadside ditch consistent with the Official Thoroughfare Plan typical section for the Functional Classification of the frontage road. If a sidewalk, trail, or bikeway is required to conform to an adopted County or Township Master Plan or as required by the Regional Planning Commission, then that improvement shall be installed as part of the project. Additional frontage improvements may be required to satisfy this Section.
- G. **ACCESS POINTS.** The minimum access point requirements for major subdivisions which involve the construction/extension of public streets are as follows:
  - 1. An access point is required to all existing public roadways that front the subdivision site. Access points to existing roadways adjacent to the subdivision site, including arterial, collector/distributor, collector and local roads, as well as local subdivision streets, are required as follows:
    - a. For subdivisions with less than fifty (50) units, a minimum of one (1) access point to an existing roadway is required.

- b. For subdivisions with fifty (50) units or more, a minimum of two (2) access points to an existing roadway or roadways are required, except in cases where the access management regulations of Warren County or ODOT (as applicable) would prevent the provision of a second location.
    - c. For commercial and industrial developments, more than one (1) access point may be required if the development is estimated to generate fifty (50) or more peak hour trips.
  - 2. Access points are required to connect to all existing street stubs (including “paper streets”) adjacent to the proposed subdivision site.
  - 3. Access points are required to connect to all street stubs which are planned as part of an approved preliminary plan or site plan on an adjacent site.
  - 4. Access points are required in all other locations for future roadways as required by the Warren County Thoroughfare Plan.
  - 5. A minimum of one (1) access point is required to each adjacent property that is considered undeveloped. An adjacent property shall be considered undeveloped if it meets all three of the following criteria:
    - a. The adjacent property is unplatted.
    - b. The adjacent property is classified as agricultural or vacant by the Warren County Auditor.
    - c. There is no preliminary plan or site plan currently approved for the adjacent property.
  - 6. A minimum of one (1) access point is required to each adjacent property that is considered undeveloped as determined by RPC staff, based on the following factors:
    - a. Whether the same property or properties are of sufficient size to accommodate a possible future expansion of development; and
    - b. Whether the adjacent property or properties contain sufficient area free and clear of buildings, structures, or other obstacles to make future expansion of development possible.
  - 7. Nothing in above subsections (1) through (6) prevents a single access point from satisfying multiple provisions stated above.
- H. **ACCESS POINT WAIVER REQUESTS.** Waiver requests for one (1) or more of the minimum access point requirements stated above in subsection (G) may be made by the applicant/developer to the Regional Planning Commission. Such request must be made in writing, specifying justification for the waiver, and submitted at the same time as a Concept Plan application. Each required access point requested to be waived shall

constitute a separate waiver request and a separate decision for the RPC Executive Committee to consider, although such decisions may be made by the Executive Committee in one motion. Factors the RPC Executive Committee may consider when making a determination of whether to grant or deny each access point waiver include, but are not limited to, those listed below:

1. The existence of natural features, such as steep slopes, blue line streams, wetlands, significant wooded or vegetated areas, or other challenging topographic conditions;
  2. Existing or projected traffic patterns;
  3. Relationship to existing or planned roadway networks;
  4. Ensuring better access management;
  5. Existing or future land use classifications on adjacent properties and sites;
  6. Existing zoning classifications on adjacent properties and sites;
  7. The total number of access points which are planned for the subdivision (e.g. whether the total number of access points is considered sufficient for facilitating connection to possible future adjoining developments);
  8. Length of boundaries between the subdivision site and adjoining properties (properties that share a long boundary with the subdivision site may be required to have multiple access points);
  9. Length of boundaries between the subdivision site and adjoining right-of- way;
  10. Access to certain amenities or points of interest;
  11. Comments from reviewing agencies/departments;
  12. Whether the adjacent property or properties are of sufficient size to accommodate a possible future expansion of development; and
  13. Whether the adjacent property or properties contain sufficient area free and clear of buildings, structures, or other obstacles to make future expansion of development possible.
- I. **FIRE APPARATUS ACCESS ROADS.** Two fire apparatus access points are required for major subdivisions which involve the construction/extension of public/private streets, where the number of dwelling units exceeds 30. A fire apparatus access road provides external access to the subdivision for fire services. Fire apparatus access roads shall be developed in accordance with the construction standards in Appendix D of the Ohio Fire Code. A public/private roadway constitutes a fire apparatus access road.
- J. **FIRE APPARATUS ACCESS ROAD WAIVER REQUEST.** A waiver request may be granted by RPC Executive Committee at Concept Plan. Factors the RPC Executive Committee may consider when making a determination of whether to grant or deny a fire apparatus

access road waiver include, but are not limited to, the following:

1. Comments from the fire code official and review departments/agencies.
  2. The existence of natural features, such as steep slopes, blue line streams, wetlands, significant wooded or vegetated areas, or other challenging topographic conditions.
- K. **STREET STUB SIGNAGE.** A developer shall erect and maintain a sign displaying the words "This street will connect in the future" at the end of all new stubs to adjacent properties, until such time as the street is accepted for maintenance by the County or Township. The sign shall be removed at the time of street extension. This statement must also be provided on the final plat as a general note or a label at the stub.
- L. **ROADWAY MITIGATION PLAN.** In addition to, or in lieu of the owner/developer constructing offsite roadway improvements required of a development to meet the level of service standards specified in paragraph (B) of this section, the Warren County Regional Planning Commission may consider a proposal from the owner/developer to provide funding to the Warren County Board of Commissioners to be utilized for the future consideration of the necessary offsite roadway improvements. When evaluating a fee-in-lieu-of proposal, the Warren County Regional Planning Commission shall consider the current and projected levels of service of the roadway network, the merits of deferring the necessary roadway improvements, the total cost of the offsite improvements, and the impacts attributable to the development as determined by a traffic impact study prepared in accordance with the County TIS guidelines and approved by the Warren County Engineer. If, during the review of a submitted concept plan, it is determined to be desirable in writing by a reviewing authority that necessary offsite roadway improvements be deferred, then the submission of a preliminary plan to the Warren County Regional Planning Commission shall be contingent upon attachment of a copy of an executed funding agreement with the Warren County Board of Commissioners.

#### **SECTION 404: STREET CLASSIFICATIONS**

All streets in all subdivisions and all streets as shown on the Official Thoroughfare Plan shall be classified as one of the following: Local, Minor Collector, or as provided in Section 3 of the Official Warren County Thoroughfare Plan. Private streets are permitted only in new subdivisions that are part of a Planned Unit Development (See Article V - Planned Developments).

#### **SECTION 405: SPECIAL STREET TYPES**

The following requirements shall apply to special street types:

- A. **One Way Streets:** One-way streets are permitted in new subdivisions if the Regional Planning Commission determines that they are properly integrated with the existing and proposed street systems in the area. One-way streets shall be permitted only as local streets.

- B. **Marginal Access Streets:** Where a major subdivision abuts or contains an existing or proposed collector or arterial street, a marginal access street shall be provided, if the subdivision design is such that lots would require direct vehicular access onto the collector or arterial street. Where a major subdivision abuts or contains an existing or proposed local street, a marginal access street may be required by the Warren County Engineer’s Office, based on a Traffic Impact Analysis.
  
- C. **Dead End Streets:** The Regional Planning Commission shall determine whether a street should be extended to an adjacent property, for future access to that property, and whether said street shall ultimately be a cul-de-sac street or connect to another street in the roadway network.

**SECTION 406: RIGHT-OF-WAY**

- A. Right-of-way dedications are required for all streets within or abutting a subdivision.
  - 1. Right-of-way dedications for existing streets shall be in conformance with the requirements of the Official Thoroughfare Plan.
  - 2. Right-of-way dedications for new streets, or streets not shown on the aforementioned plan, are specified in Table 1.
  - 3. Right-of-way dedications for new roads that are an extension of an existing road may match the right-of-way width of the existing street provided the road extension meets the following criteria:
    - a. The road extension belongs to the same road classification as the existing street segment.
    - b. There is no reason related to the subdivision of land that would require the standard right-of-way width for the proposed road extension.
    - c. The extension of a nonconforming right-of-way will terminate at the next road intersection or at a new road name.
    - d. A right-of-way proposed as part of a record plat may deviate from the Official Thoroughfare Plan if it conforms to an approved preliminary plan.

**Table 1:**

<i>Type of Street</i>	<i>Streets with curb &amp; gutters</i>	<i>Streets without curb &amp; gutters</i>
Local (public or private)	50 feet	60 feet
Minor Collector	60 feet	80 feet
All Others	See Thoroughfare Plan	See Thoroughfare Plan

- B. The Developer shall construct a cul-de-sac to the design standards provided in the Warren County Design Manual where a roadway stub is constructed to the Subdivision Boundary that will be longer than 750 feet in length except where there are no driveways proposed on the stubbed street.
- C. The Regional Planning Commission shall determine the right-of-way requirements for arterial streets at the time of Preliminary Plan review.
- D. Easements or separate lots shall be provided for private streets. The easement/lot widths shall conform to the Thoroughfare Plan.
- E. The right-of-way requirements for a marginal access street without curbs and gutters may be reduced if a common drainage ditch is shared with the adjacent collector or Arterial Street.
- F. When required by the Regional Planning Commission, area for right-of-way for future thoroughfares shall be reserved within the boundaries of the subdivision plat.

#### **SECTION 407: PUBLIC UTILITY EASEMENT**

- A. An easement, designated as the "Public Utility Easement", shall be located on both sides of the right-of-way of all existing and proposed streets within and adjoining a subdivision. The purpose of the easement is to provide for the placement of gas, electric, cable or telephone lines as needed, and to provide for street sight distances and the maintenance and repair of streets or facilities located within the easement.
- B. The Public Utility Easement shall be a minimum of ten (10) feet in width, and shall adjoin the road right-of-way.
- C. The Public Utility Easement is not required on the arterial street side of the right-of-way of a marginal access street.

#### **SECTION 408: STREET DESIGN AND CONSTRUCTION REQUIREMENTS**

- A. The subdivider shall be responsible for the construction of all new streets within a subdivision.
- B. A land use change or development on existing road frontage or a previously approved street, which increases traffic volumes, involves safety or new entrances or exits, shall be reviewed for any improvements to adjoining, existing streets that may be required for the changed conditions.
- C. All streets in all subdivisions shall meet the geometric and construction design standards of the Warren County Board of Commissioners.

#### **SECTION 409: INTERSECTION DESIGN STANDARDS**

- A. Multiple intersections involving junctions of more than two (2) streets (four-way) are not

permitted.

- B. Three-way or T-intersections are to be utilized on local streets wherever possible.
- C. The minimum corner clearance between intersections on a road or street shall be as specified in the Warren County Access Management Regulations, as amended.
- D. Intersections between streets within or adjacent to all subdivisions shall meet the geometric design standards of the Warren County Board of Commissioners.

**SECTION 410: COMMERCIAL SUBDIVISION STREETS**

Streets serving business developments and accessory parking areas shall connect with collector or arterial streets. Driveways serving business developments and accessory parking areas shall connect with collector streets only. The intersections of driveways shall be offset from other driveways or street intersections by a minimum of 660 feet on collector streets. If constraints exist on the property due to size, sight distance or other factors, the Regional Planning Commission shall determine driveway intersection locations at the time of preliminary plan review. The Regional Planning Commission shall approve the location of curb cuts for commercial driveways. The Regional Planning Commission may require marginal access streets to provide maximum safety and convenience.

**SECTION 411: INDUSTRIAL SUBDIVISION STREETS**

Streets serving industrial developments and accessory parking areas shall be planned to serve industrial areas exclusively and shall connect with collector or arterial streets so that no traffic from an industrial area will be directed into any residential streets. Driveways serving industrial developments and accessory parking areas shall connect with collector streets only. The intersections of driveways shall be offset from other driveways or street intersections by a minimum of 660 feet on collector streets. If constraints exist on the property due to size, sight distance or other factors; the Regional Planning Commission shall determine driveway intersections at the time of preliminary plan review. The Regional Planning shall approve the location of curb cuts for industrial driveways. The Regional Planning Commission may require marginal access streets to provide maximum safety and convenience.

**SECTION 412: DEVELOPER MAINTENANCE OF UNACCEPTED STREETS**

The Developer is responsible for maintaining all public roadway surfaces within the platted subdivision area free from all potential hazards and/or nuisances until such time as the subdivision has been formally accepted by the County for public maintenance. To provide for the occasion when the developer, for whatever reason, does not remove sufficiently clear the roadway area of any potential hazard and/or nuisance such as snow, ice, mud, debris, or other objects in a timely manner the developer shall enter into an agreement preceding the approval of a final plat which:

- A. Grants permission to the County and township to enter into the subdivision development in order to perform on the maintenance activities necessary to remove potential roadway hazards and/or nuisances from all streets where future public



maintenance is anticipated.

- B. Holds the County or township harmless of all liability related to the performance of these maintenance activities.
- C. Provides for the reimbursement to the County or township for the cost of snow and ice removal within thirty-(30) days of receipt of an invoice.

The County Engineer or Township Roadway Superintendent will determine whether or not the developer has sufficiently cleared the roadway in a timely manner and the scope of maintenance activities required.

#### **SECTION 413: DRIVEWAYS AND OFF-STREET PARKING**

- A. A private driveway may be used to provide vehicular access to more than one (1) single family, detached dwelling unit; however, no driveway shall serve more than five (5) single family, detached dwelling units. Any driveway that serves more than five (5) dwelling units shall be considered a street and shall be designed and constructed in accordance with the standards of the Warren County Board of Commissioners for public or private streets.
- B. Access roads or vehicular travel ways within subdivisions containing single family attached dwelling units or multi-family dwelling units shall be considered streets, and shall be designed and constructed in accordance with the standards of the Warren County Board of Commissioners for public or private streets.
- C. Driveways are permitted as a means of vehicular access in all commercial and industrial subdivisions.
- D. All lots that contain one-family and two-family residences within a subdivision shall be designed to provide two (2) unobstructed, off-street parking spaces per dwelling unit, exclusive of garage spaces. These parking spaces shall not encroach on the area contained within the public utility easement that adjoins the road right-of-way when they are located within one hundred (100) feet of an intersection. The parking spaces shall not encroach on any sidewalk or other public walkway, nor shall they be located between the sidewalk and street pavement.
- E. Driveways are not required to meet the street design and construction standards of the Warren County Board of Commissioners.
- F. The number of driveways accessing existing public streets shall be kept to a minimum.
- G. The appropriate use of common driveways is encouraged where lots will access an existing public street, common driveways shall be used where appropriate to minimize the number of curb cuts required.
- H. The developer shall provide, as a part of the preliminary plan or minor subdivision review, a driveway maintenance agreement for all lots using common driveways. An updated recorded driveway maintenance agreement shall be submitted as part of replat,

alternative plat, final plat, or updated preliminary plan review.

**SECTION 414: STREET NAMES**

- A. Whenever a new street is constructed as an extension of an existing street, its name shall be the same as that of the existing street.
- B. To avoid duplication and confusion, the proposed names of all streets shall be approved by the Warren County Engineer Main Office, prior to such names being assigned or used on the final plat.
- C. The words north, south, east, or west should be avoided as part of a street name whenever possible.
- D. The Warren County Engineer shall assign all house numbers in accordance with the current house numbering system in effect in Warren County.

**SECTION 415: POSTAL FACILITIES**

- A. These regulations do not regulate individual mailboxes.
- B. In situations where the USPS determines that new development will require combined postal delivery rather than individual mailbox delivery, the following requirements shall apply:
  - 1. Maintenance of cluster mailbox units, as well as any associated shelters, structures, lighting, parking and other related amenities shall be the responsibility of the homeowners. Establishment of a homeowners' association is strongly encouraged in developments where individual mail delivery is unavailable.
  - 2. Cluster mailbox units are encouraged, but not required, to be sheltered or housed within a building/structure. Whenever feasible, cluster mailbox units should be located within an amenity center (e.g. clubhouse), if one is proposed for the development.
  - 3. A separate parking lot may be provided to serve cluster mailbox units, in which case the number of parking spaces to be provided shall be 1 per every thirty-two (32) individual address mail drops, rounded up to the nearest whole number. Multiple parking lots may serve multiple cluster mailbox unit locations.
  - 4. In cases where a separate parking lot is not provided, a pull-off lane or driveway shall be required for all cluster mailbox units, the design of which shall be to the satisfaction of the Warren County Engineer's Office. The length of any such pull-off lanes/driveways shall accommodate a minimum of 1 parking/stacking space per every thirty-two (32) individual address mail drops, rounded up to the nearest whole number. Developers may install multiple pull-off lane/driveway locations throughout the subdivision, or concentrate all cluster mailbox units on one pull-off lane/driveway to serve the entire subdivision. All pull-off lanes and driveways

shall be located a minimum of one hundred (100) feet from the edge of pavement of all street intersections.

5. At a minimum, sidewalks shall be constructed from the pavement edge to the cluster mailbox area to facilitate pedestrian access and retrieval of mail by residents. Such sidewalks shall link into any other sidewalks that may be required by other provisions of these regulations.

#### **SECTION 416: SIDEWALKS**

Sidewalks shall be provided in new subdivisions as a system of pedestrian circulation that is separate from streets.

- A. All sidewalks shall be located in the Public Utility Easement outside the right of way unless otherwise permitted by the County Engineer.
- B. The provision of sidewalks in residential subdivisions shall be in accordance with the following standards for all streets:
  1. Sidewalks shall be required along both sides of all local streets in a subdivision where the gross density of the subdivision is two (2) dwelling units per acre or greater.
  2. Sidewalks shall be required along one side of all local streets where the gross density of the subdivision is between one (1) dwelling unit per acre and 1.99 dwelling units per acre.
  3. For subdivisions where the gross density of the subdivision is less than one (1) dwelling unit per acre, no sidewalks are required.
- C. Sidewalks may be required along both sides of all street types in all commercial and industrial subdivisions.
- D. Sidewalk requirements may be waived at the discretion of the RPC Executive Committee only where proposed streets connect to adjoining street stubs to allow the proposed sidewalks to match existing sidewalks (or absence of sidewalks).
- E. Sidewalks are required in any location where the Regional Planning Commission determines they are necessary for pedestrian movement and/or safety (i.e. the length of all major collectors, arterials, etc. that abuts the proposed development), along a property line to connect to schools, parks, or other existing or future public walkways.
- F. All sidewalks shall be designed and constructed in accordance with the standards of the Warren County Board of Commissioners.

#### **SECTION 417: STREETS AND WALKWAY LIGHTING**

Street and walkway lighting shall be provided in a subdivision in accordance with the following standards:

- A. Lighting shall be provided in the following locations:
  - 1. Street intersections.
  - 2. Street and walkway intersections.
  - 3. Street cul-de-sacs and mid-block turnarounds.
  - 4. Any conflict areas as determined by the RPC.
- B. The design and construction of street lighting facilities and levels of illumination shall be in accordance with the standards of the Warren County Board of Commissioners.
- C. All street lighting facilities shall become part of a street lighting district, subject to approval of said district by the trustees of the township in which the subdivision is located.

**SECTION 418: ELECTRIC AND COMMUNICATIONS SERVICES**

Electric service and telephone service shall be provided within each subdivision. Telephone, electric, cable television, street lighting and all other wires, conduits and cables when provided shall be constructed underground and along the road frontage of all lots.

**SECTION 419: WATER SUPPLIES**

The following requirements shall govern the provision of a water supply within a subdivision:

- A. Where an adequate public water system is available and within a reasonable distance, as determined by the Warren County Sanitary Engineer, the subdivider or developer shall construct a system of water mains and connect with such public water system and provide a connection for each lot. The water system shall be designed and constructed in accordance with the requirements and standards of the Warren County Board of Commissioners and the Ohio Environmental Protection Agency.
- B. A Water supply may be provided by a system that is privately owned and operated. If the proposed water system serves fifteen (15) residences or twenty-five (25) persons or more, it shall be designed and constructed in accordance with the requirements of the Ohio Environmental Protection Agency. If the proposed system serves less than this number of residences or persons, it shall be designed and constructed in accordance with the requirements of the Warren County Combined Health District.
- C. Where a public water system is not available and a privately owned water system is not provided, the subdivider or developer shall provide for an individual water supply, which meets the requirements of the Warren County Combined Health District, for each lot in the subdivision.
- D. Fire hydrants shall be provided in all subdivisions where the installation of a public water system is required. Fire hydrants may be required in subdivisions where private water systems are to be installed. Hydrant locations and design shall be in accordance with the

standards of the Warren County Board of Commissioners.

**SECTION 420: WASTEWATER DISPOSAL**

The following requirements shall govern wastewater disposal within a subdivision.

- A. Where an adequate public sanitary sewer system is reasonably accessible in the determination of the Warren County Sanitary Engineer, public sanitary sewers shall be installed to adequately serve all lots, providing lateral connections to the public system. Public sewer system extensions shall be designed and constructed in accordance with the requirements and standards of the Ohio Environmental Protection Agency and the Warren County Board of Commissioners. Combinations of sanitary sewers and storm sewers are prohibited.
- B. Where a public sanitary sewer system is not reasonably accessible, the subdivider shall provide a sanitary sewer system and treatment plant for the subdivision, provided that such sanitary sewer system and treatment plant is designed and constructed in accordance with the requirements and standards of the Ohio Environmental Protection Agency and the Warren County Board of Commissioners. Upon the completion of construction, ownership of the facilities shall be transferred to the Warren County Board of Commissioners, who shall be responsible for operation and maintenance.
- C. If the Ohio Environmental Protection Agency determines that sanitary sewer system and treatment plants are infeasible, lots may be served by individual disposal systems. The type of individual disposal system shall be approved by the Warren County Combined Health District prior to the approval of a preliminary plan for the subdivision. The design and construction of individual disposal systems shall be in accordance with the requirements and standards of the Warren County Combined Health District.

**SECTION 421: STORMWATER MANAGEMENT AND MAINTENANCE**

- A. Stormwater management facilities shall be provided in all new subdivisions and shall be permitted only on open space lots. The design and construction of these facilities shall be in accordance with the standards as outlined in the Warren County Stormwater Management Regulations adopted by the Warren County Board of Commissioners.
- B. The developer of any subdivision with a storm water system must provide the Regional Planning Commission with written evidence of a perpetual maintenance agreement and the manner in which it is to be funded. The maintenance agreement shall be structured so that all property owners within the subdivision shall participate in the maintenance funding of the storm water system. An acceptable method of maintenance is through an incorporated Home Owners Association with the abilities to maintain all storm sewer facilities outside of the right-of-way. A copy of the Association documents is to be submitted to the Warren County Engineer's Office for review.

**SECTION 422: OFF-SITE IMPROVEMENTS**

- A. The developer or subdivider may be required to contribute to the improvement of

streets or utilities, not within the boundary of the proposed subdivision, if such improvements are necessary to serve the proposed subdivision.

- B. If streets or utilities are not available at the boundaries of a proposed subdivision, the developer or subdivider may be required to obtain the necessary easements or right-of-way and to construct extensions of such improvements.

**SECTION 423: OVER-SIZING AND EXTENSION OF IMPROVEMENTS**

- A. The utilities, pavements, and other land improvements required for the proposed subdivision shall be designed to serve adjacent lands if it is determined that such improvements would provide for the most desirable development pattern for the area.
- B. The subdivider shall be required to extend the necessary improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land.

**SECTION 424: SURVEY MONUMENTS**

- A. Permanent reference monuments shall be placed within the subdivision, and their location noted on the record plat. There shall be a minimum of four (4) such monuments placed within the subdivision. The Warren County Regional Planning Commission shall approve the location of these monuments at the time of final plat review. Additional monuments may be required for subdivisions that involve more than ten (10) lots.
- B. A monument shall be placed by the surveyor at all points on boundary lines where there is a change of direction, at all lot corners and along all new street centerlines where there is a change of direction.
- C. All monuments shall meet the design standards of the Warren County Board of County Commissioners.
- D. Monuments and lot corner pins shall be placed after all required subdivision improvements on a lot have been constructed.

**SECTION 425: 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 relate to topography and the character of surrounding physical features of the land.
- B. All lots shall conform to or exceed the requirements of these subdivision regulations and the zoning district requirements for the district in which they are located and the use for which they are intended except as provided for in item C in this section.
- C. Each lot shall front on a public right-of-way. The minimum lot size, width and frontage shall conform to the requirements of the zoning code for that township. Where a county

or township zoning code is not in effect, the minimum lot size, width and frontage shall be as specified in Table 2. Where soil conditions are of such nature that proper operation of wells and septic tanks may be impaired, the Regional Planning Commission, upon recommendation from the Warren County Combined Health District, may increase the size of any or all lots in the subdivision, or not approve the lot or lots.

**Table 2: Minimum Lot Size and Frontage Requirements (for Un-zoned Property)**

Land Use	Sewage Disposal	Lot Area	Lot Frontage	Lot Width
Single-Family	On-Site	1.25 acres*	100 feet	100 feet
Detached	Central	14,000 SF*	80 feet	80 feet
Single-Family	On-Site	Prohibited*		
Attached or Multi-Family	Central	7,500 + 2,500 SF per family*	80 feet	80 feet
Commercial	On-Site	1.25 acres*	100 feet	100 feet
	Central	14,000 SF*	80 feet	80 feet
Industrial	On-Site	1.25 acres*		
	Central	1 acre*	100 feet	100 feet

*\* All lots sizes are subject to the applicable Zoning Code where located and the Health Department Rules and Regulations.*

- A. The maximum depth of a lot shall not be greater than four (4) times the width of the lot. This restriction shall not apply to the panhandle portion of a panhandle lot; however, it shall apply to the remainder of the lot.
- B. Side lot lines shall not deflect more than thirty- (30) degrees from the perpendicular in relation to street centerlines. Where a lot is located on a street curve, deflection shall be measured against radial lines originating at the centerline of the curve. A side lot line shall maintain the same angle of deflection between the front lot line and the minimum building setback line as established by the zoning code.
- C. Double Frontage lots shall be avoided except where the Regional Planning Commission determines that it is essential to provide separation of residential development from arterial or collector streets.
- D. Except as approved by the Regional Planning Commission, panhandle lots are not permitted along the bulb of a cul-de-sac and are subject to meeting all applicable zoning requirements and the following criteria:
  - 1. Review and consent of the township or the jurisdictional fire department and emergency services.
  - 2. The applicant submits written justification or explanation that the proposed

development within the bulb of the cul-de-sac is designed and will function in a manner that is not detrimental to stormwater management; waste management; access management; parking; public utilities; driveway placement; mail delivery; and the environment and topography. If applicable, each of these factors shall be considered by the Regional Planning Commission but no single factor controls in making a decision, nor must all the factors support the decision.

- E. Panhandle lots shall not be used to avoid the construction of a public or Private Street where it is determined that construction of such street or streets are necessary.
- F. Fifty (50) feet of additional lot depth may be required where a residential lot in a subdivision backs up to a railroad right-of-way, a high-pressure gasoline or gas line, open drainage ditch, an arterial street or interstate highway, an industrial area or other existing land use which may have a detrimental effect on the residential use of the property, and where no local street is provided at the rear of such lot. Where a residential lot has its side lot line adjacent to any of the aforementioned, fifty- (50) feet of additional width may also be required.

#### **SECTION 426: EASEMENTS**

- A. Additional easements shall be provided for all utilities or public improvements not located within the right-of-way for a street or the public utility easement that adjoins the street right-of-way. The size and location of these easements shall be as determined by the Regional Planning Commission.
- B. Easements shall be provided for storm drainage purposes. Such easements shall conform substantially with the lines of any natural watercourse, channels, streams or creeks which traverse the subdivision, or for any new channel which is established to substitute for an existing natural watercourse, channel, stream or creek. Such easements shall be of such a width as to provide adequate area for the maintenance of the channel or watercourse and any incidental structures as determined by the Regional Planning Commission.

#### **SECTION 427: PHYSICAL CHARACTERISTICS**

Subdivisions should be planned to take advantage of the topography of the land, to minimize destruction of trees and topsoil and to preserve such natural features as watercourses, unusual rock formations, large trees, site for historical significance and other assets which, if preserved, will add to the quality and value of the subdivision and the community.

#### **SECTION 428: FLOOD PLAINS**

- A. The flood plain shall be defined as follows:
  - 1. The one hundred (100) year flood plain, as identified by the Federal Emergency Management Agency in the report entitled Flood Insurance Study for the County of Warren, Ohio dated October 15, 1980, and accompanying "Flood Boundary



and Floodway Maps" and "Flood Insurance Rate Maps" dated April 15, 1981 and any revisions thereto. The afore-named document and maps shall be considered to be a part of these regulations.

2. For lands not within the scope of the study identified in Section 433-A-1, all lands designated on map sheets 1 through 30 inclusive of the Soil Survey of Warren County, Ohio (USDA-Soil Conservation Service, issued March, 1973), which is composed of the following soils:

**Table 3: SOIL TYPES**

Symbol	Soil Type	Symbol	Soil Type
AbA	Abscota Sand	Mu	Muck
Ag	Algiers Silt Loam	Rh	Riverwash
Ee	Eel Loam	Rn	Ross Loam
Gd	Genesee Fine Sandy Loam	Sh	Shoals Silt Loam
Gn	Genesee Loam	Sn	Sloan Silty Clay Loam
Lg	Lanier Sandy Loam		

- A. All streets, both public and private, which are located in the flood plain, shall be located at elevation which places the level of the street sub-grade, at the edge of pavement or at the back of the curb, above the elevation of the flood plain.
- B. The development of areas within a flood plain shall be in accordance with the FLOOD DAMAGE PREVENTION REGULATIONS. A development permit issued through the above named regulations shall be obtained prior to the approval of final plat for the subdivision.
- C. Alternate criteria for determining flood plains:
  - a. Variances. Variances from the flood regulations may be granted by the Flood Variance Board as specified in Section 4.5 of the Flood Damage Prevention Regulations.
  - b. Where a subdivider determines there is sufficient doubt as to the flooding of a particular portion of land that is specified as flood plain, he/she may have a flood hazard or other appropriate study prepared by technically qualified personnel. This data will be submitted to the Federal Emergency Management Agency (FEMA) who will make a final determination as to whether the land in question should be determined as flood plain in the implementation of these regulations. If FEMA decides the area in question is not within the flood prone areas of the state, FEMA will issue a Letter of Map Revision (LOMR) which will revise the base elevation for the area of development.

D. Warning and disclaimer of liability.

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur or manmade or natural causes, such as ice jams and bridge openings restricted by debris, may increase flood heights. These regulations do not imply that areas outside flood plain areas will be free from flooding or flood damages. These regulations shall not create liability on the part of Warren County or any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made hereunder.

# **ARTICLE V**

## **STANDARDS FOR PLANNED UNIT DEVELOPMENTS**

### **SECTION 500: GENERAL PROVISIONS**

Planned unit developments are separate entities with distinct characteristics that are intended to be in harmony with natural site features and surrounding developments to a greater degree than standard subdivisions. The following sections indicate the extent to which conventional design standards may be modified to accommodate planned unit developments. The project must clearly demonstrate that the natural features of the site are being preserved and that the attributes of the project could not be achieved under strict adherence to conventional regulations.

### **SECTION 501: OBJECTIVES**

It is the intent of Article V to accommodate creative and imaginative planned unit developments and to permit the utilization of innovations in land development practices. Recommendations to the approving authority should consider the following objectives:

- A. The conservation of natural features of the site.
- B. The creation of functional and diverse residential, commercial and/or mixed-use areas.
- C. The provision of usable and accessible community open space.
- D. The provision of safe pedestrian and vehicular circulation facilities.
- E. The separation of conflicting land uses, and/or the integration of complementary land uses.

### **SECTION 502: ZONING REQUIREMENTS**

The planned unit development shall comply with all applicable zoning regulations and review requirements. The modification of subdivision design standards shall not constitute a variance to zoning requirements. Such variances, if necessary, shall be sought through the procedures outlined in the appropriate zoning resolution. Zoning approval of a planned unit development does not constitute either preliminary or final subdivision plat approval.

### **SECTION 503: ALTERNATIVE DESIGN STANDARDS**

Planned unit developments that meet the intent and objectives contained in Sections 500 and 501 shall be eligible for a modification of conventional subdivision design requirements as outlined in Sections 504 to 506.

#### **SECTION 504: STREETS**

- A. Private streets shall be permitted in planned unit developments. All private streets shall be designed and constructed in accordance with the standards of the Warren County Board of Commissioners. Private streets, which do not meet the minimum standards for public streets, shall have a statement indicating the design speed placed on the record plat.
- B. If owners of private streets request that the streets be accepted for public maintenance in the future, their owners shall bear the full expense of any reconstruction or any other action necessary to make the streets fully conform to the requirements applicable at that time for public streets, prior to dedication and acceptance.

#### **SECTION 505: SIDEWALKS**

- A. Alternative pedestrian circulation systems are permitted in planned unit developments if, at a minimum, access is provided to all lots which would be served by sidewalks, as required by these regulations.
- B. All walkways shall be designed and constructed in accordance with the standards of the Warren County Board of Commissioners.

#### **SECTION 506: TRAILS**

- A. Proposed trails shall meet the requirements of Section 417.

#### **SECTION 507: LOTS**

- A. Lots shall have frontage on either a public or private street, except as provided for in Section 507-B.
- B. The Regional Planning Commission may permit the transfer of the simple title for parcels of land large enough to accommodate a single dwelling unit and its accompanying patio, gardens, or small yard area if the following conditions are met:
  - 1. The project is within a planned unit development.
  - 2. The common parcel, which contains the parcel to be transferred, has road frontage on a public or private street. This method of title transfer shall be known as a "deed out".
- C. The required minimum lot sizes, as specified in Table 2, may be reduced by twenty (20) percent for planned developments that occur in an area where no zoning code is in effect.

### **SECTION 508: MONUMENTS**

Monuments shall be required for all lots in a planned unit development as required per Sec. 424 "Survey Monuments". No part of Section 424 or this section shall be construed to require monuments for individual condo units.

### **SECTION 509: MANAGEMENT OF COMMON PROPERTY**

- A. A Homeowners Association, or in the case of non-residential developments, an Owners Association shall be established to provide for the maintenance of all facilities and/or properties held in common within planned unit developments. These shall include, but not be limited to: private streets and walkways, private recreational facilities, common lots and open space areas.
- B. The developer shall submit evidence as to the financial ability of a homeowners association to maintain any property or facilities held in common ownership in a residential planned unit development. This evidence shall include at a minimum:
  - 1. The estimated annual cost of maintaining all common properties and facilities.
  - 2. The estimated monthly fee which will be assessed to each residential property and;
  - 3. An estimate of the value of the dwelling units that will be constructed within the planned unit developments.

### **SECTION 510: STAGING OF PLANNED UNIT DEVELOPMENTS**

- A. Each stage of a planned unit development 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 that are shown on the final development plan must proceed at the same rate as the construction of dwelling units.
- B. If a planned unit development 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, that the non-residential uses are consistent with the comprehensive plan for the community even if the residential area of the planned unit development is not built or not completed.

# **ARTICLE VI**

## **REQUIREMENTS FOR THE CONSTRUCTION OF IMPROVEMENTS**

### **SECTION 600: CONSTRUCTION PROCEDURES AND MATERIALS**

The subdivider shall design and construct all improvements in accordance with the standards of the Warren County Board of Commissioners. The work shall be done under Warren County supervision and inspection and shall be completed within the time fixed or agreed upon by the Warren County Board of Commissioners. The minimum requirements for procedures and materials shall be in accordance with the standards of the Warren County Board of Commissioners, the Ohio Environmental Protection Agency, the Ohio Department of Health and Warren County Combined Health District.

### **SECTION 601: INSTALLATION/BONDING OF IMPROVEMENTS**

- A. The developer or subdivider shall provide for the installation of required improvements utilizing one of the following methods:
  - 1. The construction of all improvements as required by the Warren County Board of Commissioners.
  - 2. The execution of a subdividers contract and a construction bond or other means of security with the Warren County Board of Commissioners.
- B. The construction of improvements or the execution of a bond shall be completed prior to the approval of the record plat by the Regional Planning Commission.
- C. The following improvements shall be installed or bonded, as required, prior to the approval of a final plat: earthwork, landscape restoration, new streets, improvements to existing streets, street signs, traffic control signs, sidewalks and other walkways/bicycle paths, stormwater drainage facilities, monuments and lot corner pins, street lights, mail pickup/drop-off facilities, sanitary sewer facilities, and water facilities.
- D. The bonds or other means of security shall be in accordance with the specifications and procedures of the Warren County Board of Commissioners.

### **SECTION 602: MAINTENANCE BONDS**

Upon completion of the installation of required improvements, the subdivider shall execute a maintenance bond or other means of security with the Warren County Board of Commissioners, in accordance with the specifications and procedures established by the Warren County Board of Commissioners.

**SECTION 603: NON-COMPLIANCE**

Whenever public improvements have not been constructed in accordance with the agreement and specifications as established, the Warren County Board of Commissioners may utilize the bond or other means of security to construct the required improvements.

**SECTION 604: FINAL INSPECTION**

Upon completion of the maintenance period, the subdivider shall request, in writing, final inspections by the Warren County Engineer, the Warren County Sanitary Engineer, the Warren County Soil and Water Conservation District, and/or the Warren County Combined Health District.

**SECTION 605: ACCEPTANCE OF IMPROVEMENTS**

If the required improvements have been properly constructed, as determined by the final inspections, the maintenance bond shall be released. Improvements shall then be accepted or approved by formal resolution of the Warren County Board of Commissioners. The acceptance of public streets shall be withheld until all other improvements have been constructed as required.

**ARTICLE VII**  
**REQUIRED STATEMENTS AND SIGNATURES**  
**TO BE AFFIXED ON THE PLAT**

**SECTION 700: REQUIRED STATEMENTS**

The following statements shall be affixed on the subdivision plat. The Regional Planning Commission may require modifications to the statements. The Regional Planning Commission shall obtain all signatures, except the signatures of the Board of County Commissioners, County Auditor, County Recorder, and the Regional Planning Commission prior to approval of the subdivision plat.

**A. Deed Reference:**

Situated in Section \_\_ Town \_\_ Range \_\_ (or Military Survey \_\_) \_\_Township, Warren County, Ohio, containing \_\_acres and being (part of/all of) the \_\_acre tract/Lot \_\_, Plat Name\_\_, Plat Book\_\_as conveyed to \_\_\_\_\_and described in the deed recorded in Deed Book\_\_, Page\_\_/O.R. Vol.\_\_, Page \_\_/D.N\_\_\_\_.

[If there are multiple parent parcels, state "containing X acres of original Y acres and A acres of original B acres" to indicate the acreage from each parent parcel that is being included in the plat and the acreage of the parent parcel.]

**B. Owner's Consent and Dedication:**

1. Final Plats, or Alternative Plats, and Replats

"We, the undersigned, being all the owners and lien holders of the lands herein platted, do hereby voluntarily consent to the execution of the said plat and do dedicate the streets, parks or public grounds as shown hereon to the public use forever."

"Any "Public Utility Easements" as shown on this plat are for the placement of public utilities, sidewalks, and trails and for the maintenance and repair of said utilities, sidewalks, and trails. This easement and all other easements shown on this plat, unless designated for a specific purpose, are for the construction, operation, maintenance, repair, replacement or removal of water, sewer, gas, electric, telephone, cable television, or other utility lines or services, sidewalks, trails, stormwater disposal and for the express privilege of cutting, trimming or removing any and all trees or other obstructions within said easement, or immediately adjacent thereto, to the free use of said easements or adjacent streets and for providing ingress and egress to the property for said purposes and are to be maintained as such forever. No building or other structures may be built within said easements, nor may the easement area be physically altered so



as to (1) reduce clearances of either overhead or underground facilities; (2) impair the land support of said facilities; (3) impair ability to maintain the facilities or (4) create a hazard."

The above public utility easements are for the benefit of all public utility service providers including, but not limited to (List all applicable public utility service providers in sentence form)

(Signature of owner, all lien holders)."

2. Right-of-way Dedication Plats:

"We, the undersigned, being all the owners and lien holders of the property herein platted, do hereby voluntarily consent to the execution of said plat, thereby conveying title, in full, to the public, and do dedicate the streets and easements as shown hereon, including extraterritorial easements, as applicable, to the public use forever."

"Any "Public Utility Easements" as shown on this plat are for the placement of public utilities and for the maintenance and repair of said utilities. This easement and all other easements shown on this plat, unless designated for a specific purpose, are for the construction, operation, maintenance, repair, replacement or removal of water, sewer, gas, electric, telephone, cable television, or other utility lines or services, stormwater disposal and for the express privilege of cutting, trimming or removing any and all trees or other obstructions within said easement, or immediately adjacent thereto, to the free use of said easements or adjacent streets and for providing ingress and egress to the property for said purposes and are to be maintained as such forever. No buildings or other structures may be built within said easements, nor may the easement area be physically altered so as to (1) reduce clearances of either overhead or underground facilities; (2) impair the land support of said facilities; (3) impair ability to maintain the facilities or (4) create a hazard."

3. Public Sanitary Sewer Easement

Any "Public Sanitary Sewer Easement" as shown on this plat is granted in favor of the Warren County Board of County Commissioners. The easement grants Warren County, its employees or agents, the right to access, survey, construct, use, operate, inspect, maintain, repair, replace, and remove sanitary sewers, force mains, pump stations, and all necessary related above and below ground appurtenances and for the express privilege of cutting, trimming or removing any and all trees or other obstructions within said easement, or immediately adjacent thereto, to the free use of said easements and for providing ingress and egress to the property for said purposes and are to be maintained for public use forever. No building or other structures may be built within said easements, nor may the easement area be physically altered so as to (1) reduce clearances of

either overhead or underground facilities; (2) modify the amount of cover over the utility lines; (3) impair ability to maintain the facilities or (4) create a hazard.

4. Public Waterline Easement

Any "Public Waterline Easement" as shown on this plat is granted in favor of the Warren County Board of County Commissioners. The easement grants Warren County, its employees or agents, the right to access, survey, construct, use, operate, inspect, maintain, repair, replace, and remove waterlines, and all necessary related above and below ground appurtenances and for the express privilege of cutting, trimming or removing any and all trees or other obstructions within said easement, or immediately adjacent thereto, to the free use of said easements and for providing ingress and egress to the property for said purposes and are to be maintained for public use forever. No building or other structures may be built within said easements, nor may the easement area be physically altered so as to (1) reduce clearances of either overhead or underground facilities; (2) modify the amount of cover over the utility lines; (3) impair ability to maintain the facilities or (4) create a hazard.

C. **Open Space Easements:**

The portion of each lot designated as an open space easement on this plat shall be subject to the following provisions and restrictions:

1. There shall be no grading, clearing, excavation, or development including but not limited to septic systems wells, dwellings, storage buildings, fencing, driveways, patios and other paved areas, pools, tile fields, and other structures or improvements.
2. No right-of-way or public or private utility easements shall be permitted in the open space easement.
3. Uses permitted in the open space easement shall include recreation, natural resource preservation, and agricultural uses and structures (e.g. barns and fencing).

The open space easement shall remain in place and run with the land. The open space easement may only be modified upon application to and approval by the planning authority having jurisdiction.

D. **Certificate of Notary Public:**

State of Ohio, S.S.

County of \_\_\_\_\_

This certificate relates to an acknowledgement in which no oath of affirmation was required to be administered to the signer(s) under O.R.C. 147.542 (D)(1).

The foregoing instrument was acknowledged before me, a Notary Public in the County and State written above, this \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

In testimony whereof, I have set my hand and Notary Seal on the day and date above written.

\_\_\_\_\_

Notary Public

\_\_\_\_\_

Commission Expires:

E. **Certificate of Surveyor:**

I hereby certify that this map is a true and complete survey made by me (under my supervision), on (date) and that all monuments and lot corner pins are (or will be) set as shown.

(Signature)\_\_\_\_\_

(Print name and registration number here)

Registered Surveyor

F. **Regional Planning Commission Approval:**

WARREN COUNTY REGIONAL PLANNING COMMISSION

This plat was approved by the Warren County Regional Planning Commission on this \_\_\_\_ day \_\_\_\_\_ of 2\_\_\_\_.

\_\_\_\_\_

Executive Director

G. **Zoning Inspector Approval:**

WARREN COUNTY (\_\_\_\_ TOWNSHIP) ZONING INSPECTOR

I hereby approve this plat on this \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_

Warren County (\_\_\_\_ Township) Zoning Inspector.

H. **County Engineer Approval:**

COUNTY ENGINEER

I hereby approve this plat on this \_\_\_day of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_  
Warren County Engineer

I. **County Commissioners' Approval:**

COUNTY COMMISSIONERS

We the Board of County Commissioners of Warren County, Ohio do hereby dedicate the right-of-way for this plat on this \_\_\_\_\_day of \_\_\_\_\_, 2\_\_\_\_.

Commissioners:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

J. **Sewage Disposal Approval:**

COUNTY SANITARY ENGINEER

I hereby approve this plat on this \_\_\_\_\_day of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_  
Warren County Sanitary Engineer

COUNTY HEALTH DISTRICT

I hereby approve this plat on this \_\_\_\_\_day of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_  
Warren County Health Commissioner

K. **County Auditors Transfer:**

COUNTY AUDITOR

Transferred on this \_\_\_\_\_day of \_\_\_\_\_, 2\_\_\_\_.

By \_\_\_\_\_  
Deputy County Auditor

L. **County Recorder:**

COUNTY RECORDER

File No.

Received on this \_day of \_ 2\_ at \_\_\_\_\_ .M.

Recorded on this \_day of \_ 2\_ at \_\_\_\_\_ .M.

Recorded in plat book No. \_\_\_\_\_ Page \_\_\_\_\_. Fee \_\_\_\_\_.

By \_\_\_\_\_  
Deputy Warren County Recorder

M. **Drainage Statement:**

Unless otherwise designated on this plat, a fifteen (15) foot wide drainage easement shall exist along all common rear lot lines and a ten (10) foot wide drainage easement shall exist along all common side lot lines, with the common line being the centerline of said easement.

The easement areas shall be maintained continuously by the lot owner(s). Within the easements, no structure, planting, fencing, culvert, or other material shall be placed or permitted to remain which may obstruct, retard, or divert the flow through the watercourse. Easements shown on this plat and designated as "drainage easements" are dedicated to the Owners Association of (name of development), or all lot owners.

The Warren County Commissioners and the Board of Township Trustees assume no legal obligation to maintain or repair any open drain, ditches or watercourse within the easement area unless noted otherwise on this plat. However, when the platted right-of-way area has been previously accepted for public maintenance by resolution of the Board of Township Trustees, the Board of Trustees or their representatives may enter upon and inspect the easement areas and, in accordance with Section 5589.06 of the Ohio Revised Code, may remove or cause the removal of an obstruction adversely impacting an area within the public right-of-way.

Until the expiration of the developer's public improvement maintenance bonding period, the developer (or their agents) reserves the right to enter upon all lots to establish or re-establish drainage swales within all drainage easements for the purpose of controlling and directing stormwater to collection facilities or drainage channels.

The publicly-maintained portion of the storm sewer system will include storm drains, culverts, and/or ditches located within either the public right-of-way or the public utility easement area adjacent to the road right-of-way with the exception of sump mains and culverts for private driveways. Where, in lieu of an open ditch, a developer, builder or lot owner installs a storm drain on private property, the storm drain shall be designed by a professional engineer to ensure that neither this property or adjacent properties are negatively impacted, and the lot owner(s) must note that they are responsible for maintaining the storm drain unless noted otherwise on the plat.

**N. Private I Streets (15 MPH design speed only):**

(Name of street or streets) has (have) been designed to safely accommodate a speed of no more than fifteen (15) miles per hour. This street (these streets) should not be accepted for public ownership and maintenance until such time as maximum speed limit of fifteen (15) miles per hour can be legally posted.

**O. Standard Required Conservation Easement Provisions and Restrictions:**

Each lot (as listed applicable) on which placed in the subdivision shall be subject to the below listed conservation easement provisions and restrictions in the area that is written (distance of depth inward from the rear lot boundary of each lot along the outer perimeter of the subdivision) feet inward parallel from the rear lot line, which shall be maintained as perpetual open space as a natural resource protection area intended solely to serve for wildlife habitat preservation and adjacent property buffer screening purposes. Required maintenance by the lot owner within the area so designated on their lot is as follows:

1. the eradication of dense invasive ground vegetation, inclusive of noxious weeds (for purposes herein the definition of noxious weeds shall be the same that is in Ohio Revised Code Section 5579.04), which does not provide desirable residential buffer screening from adjacent farmland or other residential uses;
2. the replacement of ground vegetation with wild flowers, perennial beds, evergreen trees, shrubs and/or ground cover or other comparable vegetation not considered a noxious weed;
3. the removal of dead, fallen or diseased trees or any found infested with insects determined by applicable State or Federal authority to be too threatening and detrimental to remain; and
4. the trimming of trees and shrubs to prevent overgrowth, but the total clearing of trees and shrubs is prohibited unless that which is removed is otherwise replaced or supplemented so to be restored to the same or greater degree of vegetative growth suitable for buffering and wildlife purposes.

No structure of any kind may be located, placed or permitted to remain within the conservation easement area.

The open space conservation easement shall remain in place and run with the land and shall not be terminated voluntarily or by operation of law regardless of future lot ownership and may only be modified upon application and approval by the Planning Authority having jurisdiction.

# **ARTICLE VIII**

## **EXTENSIONS, REVISIONS, FEES, PENALTIES, VARIANCES, APPEALS, AND TIME COMPUTATION**

### **SECTION 800: EXTENSION OF PRELIMINARY PLAN APPROVAL PERIOD**

A subdivider may request in writing an extension of time for the approval period of a preliminary plan. Up to three (3) such requests may be granted for any preliminary plan by the Regional Planning Commission Executive Committee, and it shall be for no more than one (1) year. Upon expiration of the initial approval period or any extension thereof, a plat shall be resubmitted for approval under the procedures outlined for preliminary plans in Article III of these regulations.

### **SECTION 801: EXTENSION OF FINAL PLAT APPROVAL PERIOD**

A subdivider may request in writing an extension of time for the approval period of a final plat. Up to two (2) such requests may be granted for a final plat by the Regional Planning Commission staff, for no more than three (3) months, respectively. A final plat extension is contingent upon comments from the appropriate review departments. Upon expiration of the initial approval period or any extension thereof, a plat shall be resubmitted for approval under the procedures outlined for final plats in Article III of these regulations.

### **SECTION 802: REVISION OF PLAT AFTER APPROVAL**

No changes, 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 for a revised Preliminary Plan process. A revised Preliminary Plan shall follow the process of a Preliminary Plan application. The revision of a subdivision where all lots have been platted requires the signatures of all of lot owners within the subdivision.

### **SECTION 803: EXCHANGE OF LOTS BETWEEN RECORDED SUBDIVISIONS**

A subdivider may modify the boundaries of a subdivision to exchange (incorporate or exclude) contiguous platted lot(s), following the applicable platting process, a revised Preliminary Plan or Alternative Plat. This process is required of both subdivisions and shall occur simultaneously. The revision of a subdivision to modify the boundaries of a recorded plat requires the signatures of all of lot owners within the subdivision and requires a revised Final Plat (applicable for subdivisions subject to a Preliminary Plan). Platted lots shall only be conveyed as provided herein to a platted subdivision and cannot be vacated.

#### **SECTION 804: SCHEDULE OF FEES, CHARGES AND EXPENSES**

The Regional Planning Commission shall establish a schedule of fees, charges and expenses for matters pertaining to services it renders in accordance with the Warren County Subdivision Regulations adopted under Chapter 711 [Plats] of the Ohio Revised Code; and, for other matters pertaining to services it renders in accordance with its powers and duties set forth in Section 713.23 et seq., of the Ohio Revised Code, and the applicable sections of Zoning Codes relating to sections 519.021 and 303.022 [Planned-unit developments], et seq., of the Ohio Revised Code. The Regional Planning Commission shall also establish a collection procedure for the fees, charges and expenses. The schedule of fees and collection procedure shall be posted in the office of the Regional Planning Commission and may be altered, or amended only by the Regional Planning Commission in accordance with Article VI [Financial Provisions], (3.) [Application Fees ...] of its Resolution of Cooperation.

#### **SECTION 805: PENALTIES**

Whoever violates these regulations shall be subject to the penalties specified in Chapter 711 of the Ohio Revised Code.

#### **SECTION 806: VARIANCES**

##### A. Criteria

The Regional Planning Commission may grant a variance of these regulations if the following criteria are met:

1. The modification granted will not be detrimental to the public health and safety.
2. An unusual topographical or other exceptional physical condition exists and the strict compliance with these regulations would create a hardship.
3. The hardship was not self-created by the appellant or his agent.
4. The modification will only permit a departure from these regulations to the extent necessary to remove the hardship.
5. Any modification granted will not be detrimental to the public interest nor in conflict with the intent and purposes of these regulations.

##### B. Procedure

1. An applicant requesting a variance to a provision of the Subdivision Regulations shall complete an application form and shall submit that application form with all necessary fees and accompanying material to the Warren County Regional Planning Commission. Applications for variances may be submitted with a proposed Preliminary Plan. Subdivisions requiring a variance shall be reviewed as a Preliminary Plan.



2. Upon a review of the submittal and determination that the submittal is complete, the RPC staff shall place the variance on the agenda for the next Regional Planning Commission meeting. Staff shall review the request and prepare a written report, following review and comments from appropriate offices. The report shall accompany a copy of the application package that is forwarded to the Regional Planning Commission.
3. Notice of the variance request shall be posted in the Regional Planning Commission offices and a second public location in the County Administration Building and notice of the hearing shall be mailed by the RPC, by first class mail, at least ten days before the date of the hearing to all owners of property within five hundred (500) feet from the parcel lines of each property that is the subject of the hearing, to the addresses of the owners appearing on the County Auditor's current tax list. The failure of delivery of the written notice SHALL NOT delay or postpone any such hearing, and shall not invalidate any action taken at such hearing.
4. The Planning Commission shall hear the request and make a decision within 30 days of its hearing of the request. In its motion, the Commission shall fully describe the variance(s) granted, including citing the appropriate sections of the Subdivision Regulations, citing the basis, conditions, and reasons for its action, including the criteria that are met by the applicant in moving for approval.

#### Additional Variance Standards

1. One or more variance(s) may be requested by the applicant at the time of submission of the preliminary plan or minor subdivision application.
2. The Commission may also require conditions or modifications to the application that, in its judgment, secure substantially the objective of the standards or requirements so varied or modified and which protect the public health, safety and general welfare.
3. Any variance granted by the Planning Commission shall be noted in writing on the final subdivision plat.

#### **SECTION 807: APPEALS**

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

#### **SECTION 808: MONTH – TIME COMPUTATION**

If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month. In computing any period of time

prescribed or allowed by the commission, the date of the event from which the period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it falls on a Saturday, Sunday, or legal holiday, in which case the period of time shall run until the end of the next day that is not a Saturday, Sunday, or legal holiday. (Adapted from Section 1.45 and Rule 4901-1-07, Ohio Revised Code)

**SECTION 809: DAY – TIME COMPUTATION**

Unless otherwise noted, time is measured in calendar, not business, days.


# ARTICLE IX

## ENACTMENT

### SECTION 900: EFFECTIVE DATE

These regulations shall become effective from and after the date of its approval and adoption by the Regional Planning Commission and the Board of County Commissioners after public hearing and certification to the Warren County Recorder. Henceforth, any other regulations previously adopted by the Regional Planning Commission and the Board of County Commissioners shall be deemed to be repealed. These regulations shall in no way effect any subdivision having received a preliminary approval prior to the effective date provided, however, that no changes to the preliminary plan, as approved, are introduced by the subdivider.

ADOPTED October 17, 1978  
(Date)

  
Chairman, Warren County Board of County Commissioners

ATTEST:   
(County Clerk)

ADOPTED October 26, 1978  
(Date)

  
Chairman, Warren County Regional Planning Commission

**SECTION 901: AMENDMENTS**

AMENDED: May 20, 1986  
(Date)  
[Signature]  
Chairman  
Warren County Board of Commissioners

ATTEST: Margaret Dravitch  
Clerk

AMENDED: May 22, 1986  
(Date)  
[Signature]  
Chairman  
Warren County Regional Planning Commission

ATTEST: [Signature]  
Executive Director

AMENDED: July 7, 1987  
(Date)  
[Signature]  
Chairman  
Warren County Board of Commissioners

ATTEST: Margaret Dravitch  
Clerk

AMENDED: March 26, 1987  
(Date)  
[Signature]  
Chairman  
Warren County Regional Planning Commission

ATTEST: [Signature]  
Executive Director

AMENDED: August 24, 1989  
(Date)  
[Signature]  
Chairman  
Warren County Board of Commissioners

ATTEST: Margaret Dravitch  
Clerk

AMENDED: August 24, 1989  
(Date)

*Lee D. Dials*  
Chairman  
Warren County Regional Planning Commission

ATTEST: *Robert D. Price*  
Executive Director

AMENDED: January 19, 1993  
(Date)

*[Signature]*  
Chairman  
Warren County Board of Commissioners

ATTEST: *Anna Davis*  
Clerk

AMENDED: December 17, 1992  
(Date)

*Lee Dials*  
Chairman  
Warren County Regional Planning Commission

ATTEST: *Robert D. Price*  
Executive Director

AMENDED: September 22, 1994  
(Date)

*William J. [Signature]*  
Chairman  
Warren County Regional Planning Commission

ATTEST: *Robert D. Price*  
Executive Director

AMENDED: September 12, 1995

(Date)

Pat Arnold South

Chairman  
Warren County Board of Commissioners

ATTEST: Mia Davis  
Clerk

AMENDED: September 28, 1995

(Date)

William J. Taylor

Chairman  
Warren County Regional Planning Commission

ATTEST: Robert D. Price  
Executive Director

AMENDED: November 15, 2001

(Date)

Robert Pennaka

Chairman  
Warren County Regional Planning Commission

ATTEST: Robert D. Price  
Executive Director

AMENDED: July 25, 2002

(Date)

Robert Pennaka

Chairman  
Warren County Regional Planning Commission

ATTEST: M.S. Ly  
Executive Director

AMENDED: September 15, 2004  
(Date)

[Signature]  
Chairman, Warren County Regional Planning Commission

ATTEST: [Signature]  
Executive Director

AMENDED: May 26, 2005  
(Date)

[Signature]  
Chairman, Warren County Regional Planning Commission

ATTEST: [Signature]  
Executive Director

AMENDED: October 27, 2005  
(Date)

[Signature]  
Chairman, Warren County Regional Planning Commission

ATTEST: [Signature]  
Executive Director

AMENDED: January 25, 2007  
(Date)

[Signature]  
Chairman, Warren County Regional Planning Commission

ATTEST: [Signature]  
Executive Director

AMENDED: June 28, 2007  
(Date)

[Signature]  
Chairman, Warren County Regional Planning Commission

ATTEST: [Signature]  
Executive Director

[Signature]

David McElroy, Chairman  
Warren County Regional Planning Commission

ATTEST:

[Signature]

Kimberly A. Lapensee, Executive Director  
Warren County Regional Planning Commission

Date: April 22, 2010

**RESOLUTION NO. 17-08**

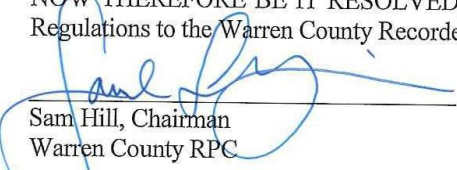
**CERTIFICATION OF WARREN COUNTY SUBDIVISION REGULATIONS**

WHEREAS, the Warren County Regional Planning Commission Executive Committee adopted amendments to the Warren County Subdivision Regulations on February 23, 2017; and


WHEREAS, the Board of County Commissioners approved the amendments adopted by the RPC Executive Committee on April 25, 2017; and

WHEREAS, a copy of the rules approved by the Board of County Commissioners is required to be certified by the Planning Commission to the County Recorder pursuant to ORC 711.10;

NOW THEREFORE BE IT RESOLVED, to certify this copy of the Warren County Subdivision Regulations to the Warren County Recorder.

  
\_\_\_\_\_  
Sam Hill, Chairman  
Warren County RPC

ATTEST:

  
\_\_\_\_\_  
Stan Williams, Executive Director  
Warren County RPC

Date: May 25, 2017

*L:\Resolutions\2017\resolution 17-08 Certification of Subdivision Regulations*



# Resolution

Number 19-1246

Adopted Date September 24, 2019

## APPROVE AMENDMENTS TO THE WARREN COUNTY SUBDIVISION REGULATIONS

WHEREAS, pursuant to Ohio Revised Code Section 711.10, this Board met the 24<sup>th</sup> day of September 2019, to consider amendments to the Warren County Subdivision Regulations; and

WHEREAS, this Board is in receipt of a recommendation from the Warren County Regional Planning Commission to amend the Warren County Subdivision Regulations as well as a letter of support from the Cincinnati Homebuilders Association; and

WHEREAS, this Board has considered all those desiring to speak in favor of or in opposition to said amendments; and

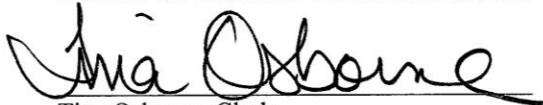
NOW THEREFORE BE IT RESOLVED, approve amendments to the Warren County Subdivision Regulations; said amendments as attached hereto and made a part hereof.

Mr. Grossmann moved for adoption of the foregoing resolution, being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones - absent  
Mr. Young - yea  
Mr. Grossmann - yea

Resolution adopted this 24<sup>th</sup> day of September 2019.

BOARD OF COUNTY COMMISSIONERS



Tina Osborne, Clerk

/to

cc: RPC (file)  
Public Hearing file

# Resolution

Number 23-0624

Adopted Date May 16, 2023

## APPROVE AMENDMENTS TO THE WARREN COUNTY SUBDIVISION REGULATIONS

WHEREAS, pursuant to Ohio Revised Code Section 711.10, this Board met the 16<sup>th</sup> day of May 2023, to consider amendments to the Warren County Subdivision Regulations; and

WHEREAS, this Board is in receipt of a recommendation from the Warren County Regional Planning Commission to amend the Warren County Subdivision Regulations and has considered testimony from all those desiring to speak in favor of or in opposition to said amendments; and

NOW THEREFORE BE IT RESOLVED, approve amendments to the Warren County Subdivision Regulations; said amendments as attached hereto and made a part hereof.

Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mr. Young. Upon call of the roll, the following vote resulted:

Mrs. Jones – yea  
Mr. Young – yea  
Mr. Grossmann – yea

Resolution adopted this 16<sup>th</sup> day of May 2023.

BOARD OF COUNTY COMMISSIONERS

  
\_\_\_\_\_  
Krystal Powell, Deputy Clerk

/to

cc: RPC (file)  
Public Hearing file

# Resolution

Number 24-1280

Adopted Date September 24, 2024

## APPROVING AMENDMENTS TO THE WARREN COUNTY SUBDIVISION REGULATIONS

WHEREAS, this Board received a written recommendation from the Warren County Regional Planning Commission, who after advertising in a newspaper of general circulation, sending timely notice of a public hearing to all townships in the county, and holding a public hearing, its Executive Committee voted to amend the Warren County Subdivision Regulations subject to such proposed text amendments being approved by this Board after this Board conducts a public hearing; and

WHEREAS, pursuant to Resolution #24-1143, adopted September 3, 2024 this Board set matter for a public hearing on September 24, 2024, at 9:30AM; and

WHEREAS, after publication of notice of the public hearing in a newspaper of general circulation, this Board opened the hearing on the 24<sup>th</sup> day of September, 2024, at 9:30AM; and

WHEREAS, RPC Staff members, along with a Staff member from the Warren County Soil & Water Conservation District, presented the proposed text amendments to the Warren County Subdivision Regulations during the public hearing; and

WHEREAS, RPC Staff members further advised the Board that notice of the proposed text amendments had been sent to the Homebuilder Association Dayton and the Homebuilders Association of Greater Cincinnati prior to the public hearing held by the RPC Executive Committee, and RPC Staff met with and reviewed the proposed text amendments with the Homebuilder Association Dayton on two occasions, and met with, reviewed, and answered questions about the proposed text amendments for representatives of the Homebuilders Association of Greater Cincinnati and its legal counsel prior to this Board's public hearing; and

WHEREAS, after this Board allowed any proponents and opponents to be heard during the public hearing, and there were none, the Board voted unanimously to close the public hearing.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of Warren County, Ohio, at least a majority of its members casting a vote concur as follows:


- 1) pursuant to Section 711.10, Ohio Revised Code, to approve the attached amendments to the Warren County Subdivision Regulations, which are incorporated herein and made a part hereof.
- 2) All action taken relating to, and this Resolution, is a legislative act effective 30 days after adoption hereof.

- 3) Upon its effective date, the Clerk of this Board shall certify this Resolution to the Regional Planning Commission for certification to the County Recorder, and thereafter the Regional Planning Commission shall be entitled to require compliance with such Subdivision Regulations, as amended, for the actual construction of streets or other improvements or facilities or assurance of that construction as a condition precedent to the approval of a plat of a subdivision.


Mr. Grossmann moved for adoption of the foregoing resolution being seconded by Mrs. Jones. Upon call of the roll, the following vote resulted:

Mr. Young – yea  
Mrs. Jones – yea  
Mr. Grossmann – yea

Resolution adopted this 24<sup>th</sup> day of September 2024.

CERTIFIED COPY  
WARREN COUNTY COMMISSIONERS  
Resolution No. 24-1280  
Date Adopted September 24, 2024  
  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS

  
Krystal Powell, Clerk

/kp

cc: RPC (file) (certified)  
Public Hearing file

