

**SUBDIVISION
REGULATIONS
OF
SCIOTO COUNTY
OHIO**

ADOPTED: OCTOBER 2, 1969

REVISED: OCTORBER 15,1999

**ADOPTED: NEW FLOOD PLAIN REGULATIONS
MAY 17, 2011**

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PREAMBLE

The Scioto County Subdivision Regulations provide guidelines for subdivision of property and development in unincorporated areas of Scioto County.

- Encourage rural development that keeps the demand for new public services at a minimum, paying for needed new facilities when it is appropriate, and:
 - Encourage development that avoids future public health problems and/or future need for expensive sewer improvement projects.
 - Encourage development that minimizes the intensity of demand on rural roads, stormwater facilities, and other public facilities that are already stretched to their limits.
 - Require well-planned road access to insure adequate sight distance, access to residents, emergency vehicles and school buses and to avoid problems and conflicts that might occur over ownership and maintenance of hastily planned access points.
 - Provide for proper ownership and maintenance of community facilities that are proposed as part of rural development.
- Encourage higher density, more intense development in growth areas and do so while encouraging and providing for adequate public facilities.
 - Encourage and provide standards for new public roads and other infrastructure improvements that are needed to serve higher intensity development.
 - Provide for proper ownership and maintenance of public facilities that are proposed for growth areas.
 - Apply standards to residential development.

ARTICLE 100

GENERAL PROVISIONS, ADMINISTRATION AND ENFORCEMENT

Section 100 - TITLE

The official title of these regulations shall be "Subdivision Regulations of Scioto County", hereinafter known as these "regulations".

Section 101 - POLICY AND PURPOSE

These regulations are adopted as minimum requirements for the regulation and control of land subdivision within Scioto County for the following purposes:

- A. To assist in the development of Scioto County in an efficient and orderly manner.
- B. To provide for an orderly expansion and extension of community services and facilities at minimum cost and maximum convenience.
- C. To enable the Scioto County Planning Commission to perform its assigned function of assisting and coordinating local planning activities.
- D. To ensure appropriate 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 county and the dividers.
- E. To promote the health, safety and general welfare of the citizens of Scioto County.
- F. To provide for the proper arrangement of streets and highways in relation to those existing or planned, and to provide for the most beneficial relationship between use of land, buildings, traffic, and pedestrian movements;
- G. Land to be divided shall be of such character that it can be used safely for building purposes, and shall not be subdivided until adequate facilities and improvements such as drainage, water, sewerage, and streets are provided or, a performance bond is filed to assure that the required improvements will be made by the subdivider.

Note: The following is authorized under Article XVIII, Section 3 of the Ohio Constitution (Ohio Revised Code Section 307.79) to adopt rules to abate soil erosion and water pollution by soil sediment.

- H. Disclaimer of Liability: Neither submission of a plan under provisions of these regulations nor compliance with provisions of these regulations shall relieve any person from responsibility for damage to any person or property otherwise imposed

by law, nor impose any liability upon Scioto County for damage to any person or property.

- I. Severability: If any clause, section, or provision of these regulations is declared invalid or unconstitutional by a court of competent jurisdiction, validity of the remainder shall not be affected thereby.

Section 102. ADMINISTRATION: These regulations shall be administered by the Scioto County Planning Commission.

Section 103. EFFECTIVE DATE: These regulations shall become effective from and after the date of its approval and adoption by the Scioto County Planning Commission and Scioto County Board of Commissioners after public hearing and certification to the Scioto County Recorder. Henceforth, any other regulations previously adopted by the Scioto County Board of Commissioners or Scioto County Planning Commission shall be deemed to be repealed. These regulations shall in no way affect any subdivision having received preliminary approval prior to the effective date, provided, however, that no changes to the preliminary plat, as approved, are introduced by the Subdivider.

Section 104 JURISDICTION: These regulations shall be applicable to all subdivisions of land within the unincorporated area of Scioto County, except as provided in R.C. 711.09.

104.01 In accordance with R.C. 711.09, property located within 3-miles of city and 1-1/2 miles of village may be subject to the applicable city or village planning regulations and require approval from the applicable city or village planning authority. The City Planning or Village Authority shall have the final approval of the proposed plat within such 1 1-2/3-mile limit, except that the provisions in Article 700 of these regulations shall be met. The Scioto County Planning Commission shall review all preliminary and final plats of major subdivisions before they are submitted to the City Planning Commission. Minor subdivisions, or lot splits, will be reviewed and may be approved by the Scioto County Planning Commission. This process is based on a joint agreement, dated July 10, 1992, between Scioto County and the City of Portsmouth. A copy of this document is on file at the Scioto County Planning Commission offices.

104.02 Interpretation – The provisions of these regulations shall be held to be minimum requirements. Where these regulations impose a greater restriction than is required by existing laws, covenants, rules, regulations or restrictions, the provisions of these regulations shall govern.

Section 105 DEFINITION OF A SUBDIVISION:

- 105.01 For the purposes of these regulations, a subdivision shall be as defined by Chapter 711 of the Ohio Revised Code, as from time to time amended.

Section 106 MINOR AND MAJOR SUBDIVISIONS

- 106.01 MINOR SUBDIVISIONS OR LOT SPLITS: In accordance with R.C. 711.131, an abbreviated review process is available for minor subdivisions or lot splits along an existing public street, not involving the opening, widening, or extension of any street or road, and involving no more than five (5) lots, including the original tract.
- 106.02 MAJOR SUBDIVISIONS: Subdivisions involving more than five lots of under five acres each in any five year period and/or involving any new, or extensions of, public roads or public utilities are major subdivisions. Subdividers are required to plat these subdivisions. Article 200 of these regulations addresses review of this category of land divisions.

Section 107 RELATION TO OTHER LAWS

- 107.01 General: The provisions of these regulations shall supplement any and all laws of the State of Ohio, resolutions of the County and Townships, or any and all rules and regulations promulgated by authority to 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 these resolutions, the most restrictive or that imposing the higher standards shall govern except as provided in Section 104 of these regulations.
- 107.02 Zoning Regulations: If a proposed subdivision is located in an area that is zoned under municipal, county or township plan, it shall meet the requirements of the zoning plan as well as the provisions of these regulations.
- 107.03 Health Regulations: Whenever the regulations of the General Health District or the State Environmental Protection Agency affect the design or development of a subdivision, such regulations or ordinances shall be observed.

Section 108 MODIFICATIONS, VARIANCES

- 108.01 Hardship: Where the Scioto County Planning Commission finds that extraordinary and unnecessary hardship may result from strict compliance with these regulations due to unusual topographic and other exceptional conditions, it may vary the regulations so as to relieve such hardship, provided such relief may

be granted without detriment to the public interest. Such variations shall not have the effect of nullifying the intent and purpose of these regulations, the comprehensive plan, or the zoning resolution, if such exists. In granting variances or modifications, the Scioto County Planning Commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified, provided that such variance may be granted only upon the concurrence of a majority of the Commission present at a public meeting, and that such variance will not have the effect of nullifying the intent and purpose of these regulations.

An application shall be denied if an owner requests it merely for his or her own convenience, including, but not limited to, cases where land is not usable due to error or poor assumptions on the owner's part, or when the only supporting evidence is that compliance would add to development costs.

Any subdivider aggrieved by a finding, decision or recommendation of the Commission may request and receive opportunity to appear before the Commission, present additional relevant information and request reconsideration of the original finding, decision or recommendation. Such request for reconsideration must be filed within 90 days of the original finding of the Commission.

108.02 Neighborhood & Planned Unit Development: In the event that plans are submitted for a complete community, planned unit development, or for a subdivision based upon concepts of land development, the Scioto County Planning Commission may liberalize these regulations as it deems necessary provided that the proposed subdivision is in accord with the intent and spirit of these regulations.

Section 109 SEVERABILITY: 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 110 AMENDMENTS: These regulations may be amended, after public hearings and other requirements as specified in the appropriate sections of the Ohio Revised Code.

Section 111 FEES

111.01 Filing Fees – There are no fees at the time of these revisions.

111.02 Inspection Fees – There are no fees at the time of these revisions.

Section 112 COMPLIANCE WITH REGULATIONS

- 112.01 General: No subdivision of any lot, tract or parcel of land shall be effected, no street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of these regulations.
- 112.02 Guarantee of Improvements: No final plat for a subdivision may be approved or recorded until the improvements required by these regulations have either been constructed or adequate guarantee has been provided in accordance with Sections 711 and 713.
- 112.03 Sale of Lot Forbidden: No lot or any interest in a lot in a subdivision may be sold or transferred until a final plat has been approved and recorded.

ARTICLE 200

PROCEDURE FOR APPROVAL OF MAJOR (PLATTED) SUBDIVISIONS

Section 200 OUTLINE OF APPROVAL PROCEDURE:

The Subdivider of a subdivision which does not meet the criteria established in Article 400, shall follow the steps listed below:

- Step 1. Preliminary Consultation
- Step 2. Submit Preliminary Plat and Construction Drawings to Commission for Approval
- Step 3. Achieve Approval of Preliminary Plat and Construction Drawings by Commission
- Step 4. Improvements Made or Guaranteed
- Step 5. Submit Final Plat and As-built Construction Drawings to Commission for Approval
- Step 6. Achieve Approval of Final Plat and As-built Construction Drawings by Commission
- Step 7. Record Signed Final Plat

Section 201 PRELIMINARY CONSULTATION

The subdivider shall meet with the Planning Commission or its authorized agent(s) prior to submitting the preliminary plat to discuss the proposed subdivision. At this meeting, the Planning Commission or its agent(s) shall familiarize the subdivider with the criteria, standards and procedures of these Regulations and with the official agencies able to provide information regarding the existing natural and manmade features, such as soil type, drainage, sewerage and water systems, that may be pertinent to the proposed subdivision. Developer should run a soil test to determine type of sanitary sewer system to install in consideration of proposed lot sizes. The subdivider may submit a sketch plan of the proposed subdivision at this meeting. Such plan may be in pencil. This sketch plan shall not constitute a formal submission for Planning Commission approval or denial but is for the purpose of advice and assistance.

Section 202 PRELIMINARY PLAN – FILING PROCEDURE AND PLAN CONTENT

- A. The preliminary plan shall include all land intended for ultimate development even though only a portion of the tract is to be initially recorded.
- B. After preliminary consultation and before submitting a plat for final approval, the subdivider shall prepare a preliminary plat, together with improvement plans and other supplemental material as specified under Article 300, Section 301.
- C. The subdivider shall file ten (10) copies of the proposed plat and seven (7) copies of the construction drawings with the Commission to obtain approval of the preliminary plat 21 to 30 days prior to the meeting in which it is to be considered. These plans shall be prepared by either a registered surveyor or engineer, as appropriate. The preliminary plan shall be considered officially filed on the day all required items are received by the Scioto County Planning Commission and shall be so dated.
- D. The Commission shall, within thirty (30) days, or within such further time as the applicant may agree to, review the preliminary plan and other material submitted for conformity to these regulations and advise the subdivider on changes necessary.
- E. Upon completion of the review, the action of the Commission shall be noted on two copies of the preliminary plat and construction drawings, referred and attached to any conditions required. One copy shall be retained by the Commission and the others returned to the subdivider.

- F. Approval of a preliminary plat shall not constitute approval of the final plat, but shall be interpreted as an expression of approval of the layout submitted for approval of the Commission and for recording upon fulfillment of the requirements and conditions of these regulations.

Section 203 FINAL PLAN – FILING PROCEDURE AND PLAN CONTENT

- A. The final plan shall conform to the preliminary plan as approved except where changes are agreed upon between the Commission and subdivider, and it may constitute only that portion of the approved preliminary plan which the subdivider proposes to record and develop at the time, provided that such portion conforms to all requirements of these regulations.
- B. Application for approval of the final plan shall be submitted in writing to the Commission at least ten (10) days prior to the meeting at which it is to be considered.
- C. Copies of the final plat and other exhibits for approval shall be prepared as specified in Article 300, Section 302/303, and shall be submitted to the Commission within twelve (12) months after approval of the preliminary plan, otherwise such approval shall become null and void unless an extension of time is applied for and granted by the Commission.

ARTICLE 300

INFORMATION TO ACCOMPANY SUBMISSIONS

Section 300 PRELIMINARY CONSULTATION WITH THE PLANNING COMMISSION

The following information shall be provided at the time of the preliminary consultation:

- A. Existing Site Conditions - Description of the existing conditions of the Site including data on existing covenants, land characteristics (soil type, floodplain, etc.) and available community facilities and utilities.
- B. Subdivision Proposal - Description of the subdivision proposal including the number of residential lots, typical lot width and depth, commercial and industrial areas, playgrounds, parks, and other public areas, proposed protective covenants and proposed street and utility improvements.

- C. Location Map - Map showing scale, north point, relationship of the proposed subdivision to existing neighborhood development, elementary and high schools, parks and playgrounds and major thoroughfares.
- D. A Sketch Plan - Plan showing in simple freehand form the proposed layout of streets, lots, and other features. **Sufficient topographic data must be presented for the Commission to consider and evaluate the proposed sketch plan** (see Article 200, Section 201 - Preliminary Consultation).
- E. The developer should be prepared to discuss at the preliminary consultation any issues with grades, drainage, or any other problem that they may be aware of that might not meet the guidelines as set forth under these Subdivision Regulations.

Section 301 PRELIMINARY PLAN

A person or corporation desiring approval of a plan of a subdivision of any land lying within the jurisdiction of the Commission shall submit a written application thereof to the Commission. Such application shall be accompanied by the following information:

- A. A Site Map at a scale of 100 ft. to 1 inch or larger showing:
 - 1. Contours at vertical intervals of two (2) feet if the general slope of the site is less than seven percent (7%) and at vertical intervals of four (4) feet if the general slope is greater than seven percent (7%). (The Commission may relieve the subdivider of this requirement if, on application by him setting forth his reasons, the Commission is of the opinion that contours are not necessary in order to administer these regulations properly in connection with the subdivision).
 - 2. A land inspection sketch showing terrain features, wooded areas, buildings and other natural or artificial features which would affect the plan of the subdivision, (i.e.: railroad lines, high voltage lines, gas lines, water impoundments, ponds, dams, landfills, wetlands, etc).
 - 3. The location of all known streams, water courses and drainage ditches within the area to be subdivided and similar facts regarding conditions on land adjacent thereto.
 - 4. Approximate boundaries of areas subject to periodic flooding or overflow of storm waters and marshy areas.
 - 5. Tract boundary lines, showing dimensions, bearings, corners and acreage.

6. The location of present property, township, municipal or county lines within or adjacent to the proposed site.
 7. Existing streets, alleys and rights-of-way on or adjoining the site including dedicated widths, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks and other pertinent data.
 8. Locations, widths and purposes of all easements.
 9. Utilities, including sanitary and storm sewers, and other drainage facilities, water lines, gas mains, electric and other utilities. Size and capacity of each utility must be shown, and the locations of or distance to each existing utility indicated.
 10. The name of owners of lots abutting the proposed subdivision.
 11. Existing zoning of tract and adjacent area.
 12. Title, date, north point and graphic scale.
- B. A preliminary plat of the subdivision, drawn to a scale of 100' to 1 inch or larger. The preliminary plat shall be twenty-four (24) by thirty-six (36) inches in size, or made in multiples of this size and cut along match lines, and shall show:
1. The proposed name of the subdivision and its location by section, range, township, or Virginia Military District survey, French Grant Lots, and/or OSU lots, boundaries and acreage; layout, number, dimensions, and acreage of each lot.
 2. Location, width, and names of existing streets, alleys, railroad rights-of-way, easements, parks, buildings, corporation and township lines, wooded areas, water courses, drainage patterns, water bodies, and topographic features within and adjacent to the subdivision for a minimum distance of 200 feet.
 3. Name, address, and telephone number of the owner, subdivider, professional engineer, and professional surveyor with appropriate numbers and seals.
 4. Date of survey, scale of the plan, a legend and a vicinity map of a scale not less than 2000 feet to an inch.
 5. Name of adjacent subdivisions, owners of adjoining parcels, and location of common boundary lines, extended to 200 feet beyond the boundary of the subdivision.
 6. Building set-back lines.

7. Type of water supply and wastewater disposal proposed, location and dimension of all proposed utilities and sewer lines, storm sewer lines, easements, drainage tiles, water mains, water distribution systems, culverts, within or adjacent to the tract.
8. Location of floodways and floodplains with contour lines showing floodplain elevations.
9. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes.
10. The proposed use of all lots and areas other than single-family residential.
11. Graphic scale, north point and date.
12. Boundaries of proposed development phases.
13. Topographic contours, with elevations referenced to the National Geodetic Survey, with intervals no greater than 2 feet at 7% slope, no greater than 4 feet for slopes over 7% and less than or equal to 15%, and no greater than 10 feet for slopes greater than 15%.

Note: The information called for in items A and B above, may be submitted as one or two maps or plans as required by the Commission.

C. Construction Drawings Showing:

1. Profiles, typical cross-sections and specifications for proposed street improvement, as shown in Article 300, Section 303.02.
2. Profiles and other explanatory data concerning the installation of sanitary storm sewerage and water distribution systems.

D. A description of the protective covenants or private restrictions to be incorporated in the subdivision plat.

301.01 DRAINAGE PLAN: In cases where natural drainage patterns will be altered the subdivider shall submit a drawing, which is satisfactory to the Scioto County Engineer and the Scioto County Planning Commission, of all present and proposed grades and facilities for storm water drainage.

301.02 The Scioto County 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. Including, but not necessarily limited to, the County

Engineer, the County Sanitary Engineer, the Scioto County General Health District, and the Scioto County Floodplain Manager. After receipt of reports from such officials and agencies, the Scioto County Planning Commission shall determine whether the preliminary plat shall be approved, approved with modifications, or disapproved. If a plan is disapproved, the reasons for such disapproval shall be stated in writing. The Scioto County Planning Commission shall approve or disapprove the preliminary plan within thirty (30) days after the filing unless such time is extended by agreement with the subdivider. Failure of the Commission to act upon the preliminary plan within such time shall be deemed as approval of the plan. When a preliminary plan has been approved by the Scioto County Planning Commission, the County Commissioners, the County Engineer, the County Health Department, the County Sanitary Engineer, and the Floodplain Manager, the Secretary shall sign all copies and return one (1) to the subdivider for compliance with final approval requirements.

301.03 Any plan within 300 feet of the centerline of a state highway for which changes are proposed, or any land within a radius of 500 feet of the point of intersection of said centerline with any public road or highway, requires that the Planning Commission give notice by registered or certified mail to the state highway director. The Planning Commission shall not approve the plan for one hundred and twenty (120) days from the date that said notice is received by the state highway director, pending review of all state highway requirements. If the state highway director notifies the Planning Commission that he intends to acquire the subject property as part of the proposed highway project, the Planning Commission shall refuse to approve the subdivision plan.

301.04 The approval of the preliminary plan shall be effective for a maximum period of twelve (12) months and shall guarantee that the terms under which the approval was granted will not be affected by changes to these regulations. Successive twelve (12) month extensions may be granted upon written application. Such application shall be filed before the expiration of the previous approval period.

Section 302 FINAL PLAN

302.01 General: The final plan shall conform to the preliminary plan, except internal lot lines can be moved, and shall incorporate all changes required by the Scioto County Planning Commission. Also, it may constitute only that section of the approved preliminary plan that the subdivider proposed to record and develop at the time, provided that such section conforms to all requirements of these regulations.

302.02 For purposes of final Planning Commission review the subdivider shall file one (1) mylar and seven (7) copies of the proposed final plat and one (1) mylar and three (3) copies of the as-built construction drawings, or proposed construction drawings if bond is provided, with the Scioto County Planning Commission.

For recording purposes the subdivider shall file a reproducible tracing and a printed copy of the final plat with the Scioto County Planning Commission. The copies shall be filed not later than twelve (12) months after the date of approval of the preliminary plan; otherwise it shall be considered void unless an extension is requested by the subdivider and granted in writing by the Scioto County Planning Commission as provided in Section 301.04. The final plan shall be considered filed on the day all required items are received by the Scioto County Planning Commission or its designated agent and shall so be dated.

302.03 Final Plan Content: The final plan shall include the information set forth hereafter.

Section 303 FINAL PLAN CONTENT

303.01 Final Plat: The original tracing of the Final or Record Plat shall be clearly and legibly drawn with waterproof ink on a dimensionally stable material of the quality of mylar or linen or better. The size of the map shall be not less than 24 inches by 36 inches. The scale shall be measured so that one (1) inch represents no greater than 100 feet. More than one sheet with careful matching should be used where necessary, rather than the use of small scale maps. The final plan must show the following:

- A. The name by which the subdivision will be recorded.
- B. The location of the subdivision by section, range, municipality, township, or other legal description; county and state; show all corporation and section lines.
- C. Name, address, and telephone number of the owner, subdivider, professional engineer, and professional surveyor with appropriate numbers and seals.
- D. Graphic scale, north point and date of the survey. The plat boundaries with lengths of courses to hundredths of a foot and bearing to half minutes.
- E. Bearings and distances to the nearest established street lines, municipal, township, county or section lines or corners, and permanent monuments, which shall be accurately described or located on the plat.
- F. The names and locations of abutting subdivisions and the owners of record (as of the last preceding tax roll) of adjacent parcels of unsubdivided land.
- G. The accurate location of all existing and proposed streets and alleys within the subdivision including names, bearings or angles of intersection, right-of-way and pavements widths, lengths of all arcs, radii, points of curvature and tangent bearings. Also, show the location, name and width of right-of-way and pavement for any known abutting street or alley.

- H. Where appropriate, county, township, municipal or section lines accurately tied to the lines of the subdivision by distances and angles.
- I. The accurate location of all easements, including the width, use and notations to indicate whether easements are dedicated or reserved and to show the limitations of each easement. Also show the same information for any known abutting easements.
- J. The location of all lots, showing the lot lines with accurate dimensions to hundredths of a foot; accurate bearings or angles to street, alley or crosswalk lines; building setback lines and lot numbers. When lots are located on a curve, the lot width at the setback line should be shown.
- K. The total area of the subdivision in acres and fractions of an acre, including the acreage of land in lots, streets and other rights-of-way and land to be dedicated or reserved for public use. Also, show the total lineal feet of all streets and other rights-of-way.
- L. Protective covenants and deed restrictions, if any, for all sections of the plat.
- M. Certification that the applicant(s) is(are) the owner(s) or agent(s) of the owner(s), of the land under consideration, and acknowledgment by the owner(s), or agent(s) of his(her)(their) adoption of the plat and dedication of streets and other public areas.
- N. Certification by the surveyor that the survey was made by him/her, or under his/her direct supervision, and that the details of the plat are accurate. He/she shall also certify that all monuments and property markers are correctly drawn and actually in place or will be placed.
- O. Certification of approval of the following where applicable:
- street, drainage, or other construction drawings and installments by the County Engineer.
 - provisions for sanitation by the health officer having jurisdiction.
 - EPA permits to install sewerage facilities and proof that the appropriate sewage treatment provider will accept wastewater from the subject subdivision.
 - other governmental permits as required.
 - acknowledgment by appropriate county officials and, if necessary, EPA officials, that bond, certified check or other documents, to assure improvement have been received, in accordance with Article 711, if applicable, as to form by the Scioto County Prosecutor, and as to amount by the Scioto County Engineer.
 - EPA approval of wetland displacements, and river and stream disturbances.
 - EPA and Soil Conservation approval of a Soil Sediment and Pollution Control Plan, including addressing stream channel and floodplain erosion as a result of

any earth moving activity.

- P. Acknowledgment by appropriate county official that the inspection fee has been received, in accordance with Section 111.02.
- Q. Statement of acceptance of streets and other public areas and facilities by Scioto County Board of Commissioners.
- R. Restrictions of all types which will run with the land and become covenants in the deeds for lots.

303.02 CONSTRUCTION DRAWINGS: The construction drawings shall be a set of construction and utility plans prepared by a registered engineer or surveyor. The original tracing of the plan-profile sheets shall be clearly and legibly drawn with waterproof ink on a dimensionally stable material of the quality of mylar or linen or better. The size of the sheet shall be 24" X 36". The plan-profile shall be prepared at a scale of 50 feet to the inch (horizontal) and five feet to the inch (vertical), or larger – cross-section shall be 1" = 10' or larger. The plans shall include typical sections, road and drainage cross sections, plan and profile views, construction details and estimates of quantities. If a pipe system of storm sewers is not required, the alternative surface drainage system, designed in accordance with the standards and requirements of these Regulations, shall be shown.

303.021 The construction drawings shall include the calculations and certification of a registered engineer as to the plat's compliance with surface water drainage design requirements as expressed in Section 707.012 of these regulations.

303.03 Approval of Final Plan: The Scioto County Planning Commission shall approve or disapprove the final plan within thirty (30) days after it has been filed. Failure of the Commission to act upon the final plan within such time shall be deemed as approval of the plan. If the plan is disapproved, the grounds for disapproval shall be stated in the records of the Commission, and a copy of said record shall be forwarded to the subdivider. The Scioto County Planning Commission shall not disapprove the final plan 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. If disapproved, the subdivider may make, within thirty (30) days of the date of disapproval, the necessary correction and re-submit the final plan to the Commission for its final approval. If the Commission refuses a plan, the person submitting the plan may file a Petition after such refusal in the Court of Common Pleas of Scioto County in accordance with Chapter 2506 of the Ohio Revised Code. If approved by the Commission, the Secretary/Clerk of the Commission shall so state upon the plat, together with the date.

Section 304 RECORDING THE FINAL PLAT: After the final plan has been approved by the Scioto County Planning Commission and the necessary approvals endorsed in writing thereon, together with all required certifications, the subdivider shall cause the final plat as approved by the Scioto County Planning Commission and signed by the Secretary/Clerk of the Commission to be presented for filing in the offices of the Scioto County Auditor and Recorder no later than thirty (30) days after the date of approval unless an extension is agreed to by the Scioto County Planning Commission. Failure to record on time may cause the final plat to be declared null and void by the Scioto County Planning Commission.

No subdivision plat shall be received or recorded in any public office unless it bears thereon endorsement to the effect that it has been approved or reviewed by the appropriate commission and governmental departments as described by law.

The size of the sheet(s) of the plat to be recorded shall be as required by the Scioto County Recorder and shall meet the Recorder's requirements for legibility.

Section 305 AMENDING A RECORDED PLAT: Procedures and requirements for changing a recorded plat shall be specified by the planning commission in keeping with the spirit, intent, and purpose of the Scioto County Subdivision Regulations. Amendment of the preliminary plat may be required before or concurrent with amendment of the final plat. Changes to recorded plats involving resubdivision or other changes which may adversely impact owners of lots within the subdivision may require signatures of such lot owners according to section 711.24 of the Ohio Revised Code.

305.01 A recorded plat shall be amended according to the following procedure:

- A preliminary application shall be made with the Scioto County Planning Commission. This application shall consist of a legible drawing of proposed amendments to the plat; information concerning existing utilities; and a copy of the plat as previously approved by the Planning Commission.
- The Scioto County Planning Commission will notify the Scioto County Engineer, the Board of Health, and owners of adjacent properties of the proposed amendment(s).
- Certified letters will be mailed to all other persons owning property in the subject plat. These letters will notify the property owners of the proposed amendment and inform them of the opportunity to notify the Scioto County Planning Commission if they feel that the proposed amendment would be injurious to their property. The letters will state that this notification may be in person at a Planning Commission meeting to be held on a given date or may be forwarded in writing to the Planning Commission offices by a given date.

- The Scioto County Planning Commission will hear the application at its next regular meeting, at which it will determine if the proposal meets County requirements as laid out in these Regulations and ensure that it is not unduly injurious to neighboring property owners. If it meets these tests, the Commission will approve the proposal.

305.02 Transfer of property between adjoining owners within a recorded subdivision may be processed as a minor subdivision (lot split) if it does not involve the creation of any subdivision lot as a separate building tract, as provided for in Article 400, Section 401.02 of these regulations.

ARTICLE 400

MINOR SUBDIVISIONS (LOT SPLITS)

Section 401 APPROVAL CONDITIONS

401.01 Approval without a Plat of a subdivision of land may be granted by the Scioto County Planning Commission if the proposed division of a parcel of land meets all of the following conditions:

(a) The proposed subdivision of land is located along an existing public road or has a means of access of record that does not require the opening, widening, or extension of any street or road, and involves the creation of no more than four (4) lots during any one (1) year period, plus the remainder of the original tract.

(b) The written approval of the Scioto County Board of Health must be obtained if new on-site sanitary installation will be required prior to construction.

(c) The property has been surveyed and a drawing of the survey and legal description prepared. Such description and drawing of the survey shall conform to Scioto County Real Estate Conveyance Standards and shall be submitted to the Scioto County Auditor's Office, the Scioto County Engineering Department, and Scioto County Planning Commission for normal review. Any easement of access shall conform to the requirements of Article 400 of these Subdivision Regulations and shall be included in the legal description, shown on the minor subdivision plat, and identified by metes and bounds.

401.02 Road access and/or Board of Health approval requirements may be waived if:

(a) The deed for the proposed property includes the following adjoining parcel/lot

add-on restriction:

RESTRICTION: This parcel has been approved as an "**ADJOINING PARCEL TRANSFER / LOT ADD-ON**" and in the future shall be transferred only with the adjoining _____ acre tract, Parcel Number _____, as recorded in Deed Volume _____, Page _____. The combined adjoining parcels shall be considered a single development site for Scioto County Planning Commission and Scioto County Board of Health review purposes. This restriction shall run with the land and may be modified only upon the written approval of the Scioto County Planning Commission.

A marginal notation shall be made on the volume and page number referred to in the adjoining parcel/lot add-on paragraph informing the reader of this restriction.

(b) The requirement for Scioto County Board of Health approval will be waived if the following restriction is included on the deed of the proposed lot:

This parcel shall not be used for a dwelling site or other use that necessitates a sewage treatment facility on the premises. This restriction shall run with the land and may be modified only upon the joint written approval of the Scioto County Planning Commission and the Scioto County Board of Health.

401.03 Subdivisions, which do not meet the above conditions, are subject to the procedures of Article 200.

Section 402 **APPROVAL PROCEDURE:** If the proposed division meets the requirements of this Article, the Scioto County Planning Commission or its representative shall, within seven (7) days that are not a Saturday, Sunday, or legal holiday as defined in the Ohio Revised Code after submission, may approve or reject such proposed division. Failure of the Commission to act upon the proposed division with the prescribed period of time shall be deemed as approval. Once a division is approved and upon presentation of a conveyance for said parcel, an authorized representative of the Planning Commission shall stamp "Approved by the Scioto County Planning Commission" upon the conveyance and shall sign the conveyance.

If the proposed division fails to meet the requirements of this Article, the owner or their agent shall be notified in writing within seven (7) days, that are not a Saturday, Sunday, or legal holiday as defined in the Ohio Revised Code, after submission the reason(s) for rejection.

Section 403 **SPECIAL MINOR SUBDIVISION ACCESS STANDARDS**

Section 403 SPECIAL MINOR SUBDIVISION ACCESS STANDARDS

Minor subdivisions, or lot splits, shall generally meet all requirements of the Scioto County Subdivision Regulations as required in section 711.131 of the Ohio Revised Code. Also, the following special provisions consider the special small scale and rural nature of most minor subdivisions in Scioto County by providing flexibility in lot access requirements.

403.01 The Scioto County Planning Commission shall permit lot splits, or minor subdivisions to incorporate private ingress/egress easements for lot access. These easements shall:

- (a) provide access to no more than three parcels. A fourth parcel may also be a party to use and maintenance of the access drive/easement so long as said parcel has road frontage and is providing road and other access to the other parcels (i.e.: the private access driveway/easement passes through this fourth parcel).
- (b) meet the following minimum width guidelines:
 - 1 lot: 20 ft.
 - 2 lots: 25 ft.
 - 3 lots: 30 ft.

Where substantial acreage is involved, the easement width should meet the following minimum width guidelines:

- <1 Acre - 20' wide
- 1-5 Acres - 25' wide
- 5-10 Acres - 30' wide
- >10 Acres - 50' wide

Additional width, up to 50 feet, may be required in order to facilitate emergency vehicles where easements make sharp turns. Additional width may also be required in areas where slopes exceed 15%, waterway crossings are necessary, or some other physical feature, or combination of physical features, make it desirable. This determination will be left to the discretion of the Scioto County Planning Commission.

Easement width should also consider the possibility of a future lot split(s).

- (c) be legally described and recorded at the Scioto County Recorder's Office in the form of a private access easement declaration. This declaration will be signed by all parties, and are subject to, nothing changed or clarified, the

subject access will be approved and stamped by the Scioto County Planning Commission. Said agreement shall include a legal description and plat of the access easement and description of the tracts served by and providing the easement. This declaration and agreement must follow the format prescribed by the Scioto County Planning Commission and included in these regulations as Appendix D.

- (d) The above standards must be met in the case of additional development on an existing easement.
- 403.012 A maintenance agreement should be prepared. In preparing this agreement, the issues outlined in the sample agreement provisions included as Appendix E should be considered.
- 403.02 Regular flag lots or pipestem lots are prohibited, but may be permitted as a variance.
- 403.03 Where minimum lot requirements shown in Table 6 may not be adequate to permit the installation of individual on-lot water supply and for sewage disposal facilities, the Commission may require that the subdivider request the County Department of Health to make such tests as are necessary to determine the adequacy of the proposed facilities in relation to the proposed lot size, existing grade and soil conditions. In all such cases, a certificate by the County Health Officer indicating that the proposed facilities are adequate shall be prerequisite to final approval of the plan.
- 403.04 All lots shall front upon a street.
- 403.05 Side lot lines should be substantially at right angles to street lines.
- 403.05 Double frontage lots shall be avoided except where employed to prevent vehicular access to major traffic streets.

ARTICLE 500

SUBDIVISION DESIGN STANDARDS

Section 501 GENERAL STATEMENT

501.01 The regulations in Article 700, Sections 701 to 714 inclusive, 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.

501.011 All subdivisions shall conform to these subdivision design standards in accordance with plans adopted under Article 700, Sections 711.09 and 711.10 of the Ohio Revised Code and any subsequent revisions thereof.

501.02 The Scioto County Planning Commission has the responsibility for reviewing the design of each future subdivision early in its design development. The Scioto County Planning Commission shall insure that all of the requirements of Article 700, Sections 701 to 714 inclusive, are met.

501.03 The subdivision name shall not duplicate, be similar to, or be in conflict with, the names of existing subdivisions within the County, or any planned subdivision under consideration by the Commission.

Section 502 CONFORMITY TO DEVELOPMENT PLANS AND ZONING: Thoroughfares shall conform to the recommendation of the Scioto County Planning Commission based upon the design standards set forth in Article 700, Sections 701 to 714, inclusive. In addition, no final plat of land within the area in which an existing zoning ordinance (resolution) is in effect shall be approved unless it conforms with such ordinance (resolution).

Section 503 SUITABILITY OF LAND:

503.01 If the Scioto County Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to poor drainage; inadequate water supply; inadequate traffic capacity on access roads; inconsistency with the County's Flood Damage Prevention Regulations adopted pursuant to Ohio Revised Code Sections 307.37 and 307.87 and as amended from time to time; and other such conditions which may endanger health, life, safety, or property, the Scioto County 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.

503.02 Due regard shall be paid to the preservation of natural features that will enhance the value of the subdivision such as trees, watercourses, or scenic views.

Section 504 STREET DESIGN:

504.01 The arrangement, character, extent, width, grade, construction and location of all

streets shall be considered in their relation to existing and planned streets, topographical conditions, and public convenience and safety; and in their appropriate relation to the proposed uses of the land to be served by such streets. The street pattern shall discourage through traffic in the interior of a subdivision. The subdivider shall provide within the boundaries of the subdivision plat, the necessary right-of-way for the widening, continuance, or alignment of any streets or roads in conformity with existing roadways as well as any future roadways which are being planned.

504.02 LAYOUT

504.021 Provisions shall be made for appropriate connections to existing streets into areas not subdivided. Reserve strip preventing access to adjoining properties shall be prohibited except where specifically placed in the control of the Commission.

504.022 Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission shall require a plan of a tentative future street system for the undivided portion.

504.03 Names of streets shall not duplicate, or be similar to, existing dedicated streets, new street subdivision within the County, or any planned subdivision under consideration by the Commission.

Section 505 STREET DESIGN STANDARDS FOR CUL-DE-SACS and LOOP TYPE LOCAL STREETS: The design and improvement standards contained in the following tables are suggested minimums for cul-de-sacs and loop type local streets in residential subdivision. All such streets shall be designed and constructed in accordance with standards as specified in Table 1 on page 32.

Section 506 STREET DESIGN STANDARDS FOR ALL LOCAL STREETS EXCEPT CUL-DE-SAC and LOOP TYPE STREETS: The design and improvement standards contained in the following Table are suggested minimums for all local type streets, except cul-de-sacs and loop type streets, in residential subdivisions. All such streets shall be designed and constructed in accordance with the standards as specified in Table 2 on Page 33.

Section 507 COLLECTOR STREET DESIGN STANDARDS: The design and improvement standards contained in the following Table is suggested minimums for all collector streets. All such streets shall be designed and constructed in accordance with the standards as specified in Table 3 on Page 34.

Section 508 HORIZONTAL ALIGNMENT:

508.01 When there is an angle of deflection of more than ten (10) degrees between two

(2) centerline tangent sections of a street, a curve of adequate radius shall connect them (See Tables 1 through 3 for Design Speeds on pages 32-34). Between reverse curves, a minimum tangent of one hundred (100) feet shall be introduced.

508.02 JOGS – Street jogs with centerline offsets of less than one hundred and fifty (150) feet shall be avoided.

508.03 INTERSECTION APPROACHES – Approaches to street intersections shall be perpendicular for a distance of at least one hundred (100) feet from the centerline of the street intersected. The Commission may modify this requirement when topography conditions prevent its strict enforcement.

Section 509 VERTICAL ALIGNMENT

509.01 All changes of grade shall be connected by vertical curves of a minimum length in feet equal to twenty (20) times the algebraic difference in the rate of grade for arterial and industrial streets; for collector and local streets, fifteen (15) times.

509.02 Minimum vertical visibility shall conform to the Ohio Department of Transportation regulations in effect on the date of approval of the preliminary plat.

509.03 No street grade shall be less than 0.6 percent and in no case shall a street grade be more than three (3) percent within one hundred (100) feet to an intersection.

Section 510 INTERSECTION DESIGN STANDARDS

510.01 The design and improvement standards for intersection sections are suggested minimum for all street intersection in subdivisions. All such intersections shall be designed and constructed in accordance with the standards as specified in Table 4 on Page 35.

510.02 Multiple intersections involving junctions of more than two (2) streets shall be avoided.

510.03 Four-way intersections of local streets should be avoided and three-way or T-intersections should be encouraged wherever possible.

Section 511 SPECIAL STREET TYPES

511.01 The following requirements shall apply to special street types:

511.011 Permanent dead-end streets shall not be permitted. Temporary dead-end streets shall be permitted only as a part of a continuing street plan, and only if a temporary turnaround satisfactory to the Commission in design, is provided and provisions for maintenance and removal are advanced.

511.012 Dedication of new half-streets shall not be permitted. Where a dedicated or platted half-street exists adjacent to the tract being subdivided, the other half shall be platted.

511.013 Where a double-tiered subdivision adjoins an arterial street or highway, direct vehicular access onto the arterial highway shall not be permitted.

511.014 Where a subdivision abuts or contains an existing or proposed arterial street as designated in a plan adopted under Section 711.09 or 711.10 of the Ohio Revised Code the Commission may require any of the following:

1. Service roads.
2. Lots backing onto that thoroughfare with planning contained in a non-access reservation along the rear property line or a planting strip of a minimum width on the rear of the lots with no vehicular access across such strip.
3. Such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

511.015 Physical Barriers – When a subdivision borders on, or contains, a railroad right-of-way or limited access highway right-of-way, the Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for necessary traffic circulation.

511.016 Alleys shall not be approved in residential subdivisions, except where justified by extreme conditions or where it is desirable to continue an existing alley to the nearest intersection. Alleys may be required in commercial and industrial districts if other provisions cannot be made for adequate service access. The minimum widths for alleys shall be twenty (20) feet for the right-of-way and eighteen (18) feet for the pavement width.

Section 512 **STREETS FOR COMMERCIAL SUBDIVISIONS:** Streets serving business developments and accessory parking areas shall be planned to connect with arterial streets so as not to generate traffic on residential streets. The intersections of driveways from parking areas with arterial or collector streets shall be located so as to cause the least possible interference with traffic movement on the streets, and shall be located not less than one hundred (100) feet from the intersection of an arterial or collector street with any other street, and shall be spaced not less than two hundred (200) feet from each other. The Scioto County Planning Commission may require marginal access streets to provide maximum safety and convenience.

Section 513 STREETS FOR INDUSTRIAL SUBDIVISIONS: Collector streets for industrial subdivisions shall be planned to serve industrial areas exclusively and shall connect with arterial streets so that no industrial traffic will be directed into any residential streets. The intersections of service streets from parking areas with arterial or collector streets shall not be less than one hundred (100) feet from the intersection of the arterial or collector street with any other street. Streets shall be planned to be extended to the boundaries of any adjoining land planned for industry, except for severe physical conditions or if the Scioto County Planning Commission finds such extension is not in accord with the approved plan of the area.

Section 514 BLOCKS: The following regulations shall govern the design and layout of blocks:

514.01 The arrangement of blocks shall be such as to conform to the street planning criteria set forth in Sections 504 to 513 inclusive.

514.02 As applicable to grid-type layout with intersecting streets, block lengths shall not exceed 1800 feet in length except where topographic conditions require longer blocks, nor shall they be less than 400 feet in length. In the case of a block of single lot depth, with lots backing onto a limited access thoroughfare or on to developed non-residential land such as railroads, such block may exceed the above maximum length.

514.03 Where blocks are over nine hundred (900) feet in length, a cross walk easement not less than ten (10) feet in width at or near the halfway point may be required, if necessary, to provide proper access to schools, recreational areas, shopping centers and other facilities.

514.04 Blocks shall contain two (2) rows of lots except where allowed by the Commission.

Section 515 LOTS

515.01 All lots shall conform to or exceed the requirements of these subdivision regulations.

515.02 Each lot shall front on a public thoroughfare or approved private street except those approved under section 403.01 of these regulations. The minimum lot sizes, widths, and setbacks shall be as specified in Table 6 on Page 37.

515.03 Lot depth to width ratio shall not exceed 4 to 1, with width being measured along the public right of way line (or along the setback line in the case of lots fronting cul-de-sacs) and depth being measured where the rear lot line is furthest from the front lot line. The setback line may not be altered along lots fronting cul-de-sacs

to meet this requirement.

- 515.04 No corner lot shall have a width at the building line of less than seventy-five (75) feet.
 - 515.05 All lots shall be marked by progressive numbers throughout the proposed subdivision.
 - 515.06 Property lines at street right-of-way intersections shall be rounded with a radius of twenty (20) feet or of a lesser radius where the Commission may deem it satisfactory.
 - 515.07 Side lot lines shall be substantially at right angles to street lines.
 - 515.08 Double frontage lots shall be avoided except where employed to prevent vehicular access to major traffic streets.
- Section 516 EASEMENTS: Easements at least twenty (20) feet in width centered along rear or side lot lines shall be provided where necessary for sanitary sewers, gas mains, water lines, and electric lines. Easement shall also be provided along every water-course, storm sewer, drainage channel or stream within a subdivision as provided for in Section 517 of these regulations.
- Section 517 FLOOD CONTROL OR STORM DRAINAGE FACILITIES
- 517.01 Flood control or storm drainage ditches and channels shall be by means of easements. Such easements shall have a minimum width of thirty (30) feet, exclusive of the width of the ditch, or channel, and an easement of this type shall be provided on one (1) side of a flood control or storm drainage ditch, channel, or similar type facility.
 - 517.011 Flood control or storm drainage easements containing underground facilities shall have a minimum width of twenty (20) feet.
 - 517.012 Whenever a flood control or storm drainage ditch or channel has a depth of five (5) feet or more, or a bank slope of two (2) feet horizontal to one (1) foot vertical or steeper, a five (5) foot high masonry wall or a five (5) foot high chain link fence may be required by the Scioto County Planning Commission.

TABLE 1
STREET DESIGN STANDARDS FOR CUL-DE-SACS AND
LOOP TYPE LOCAL STREETS

TERRAIN CLASSIFICATION DEVELOPMENT DENSITY	LEVEL (0-4%)			ROLLING (4-8%)			HILLY (8-15%)		
	LOW	MED	HI	LOW	MED	HI	LOW	MED	HI
Right-of-way (ft)	*50	*50	60	*50	*50	60	*50	*50	60
Min. Pavement Width/ft									
curbed	20	28	28	20	28	28	20	28	28
uncurbed	20	20	20	20	20	20	20	20	20
Sidewalk Width (ft) (If required)	4	4	4	4	4	4	4	4	4
Minimum Stopping Sight Distance (ft)	See Table 5			See Table 5			See Table 5		
Maximum Grade	4%	4%	4%	8%	8%	8%	12%	12%	12%
Maximum Cul-de-sac Length**	500			500			500		
Minimum Cul-de-sac Radius Pavement	50	50	50	50	50	50	50	50	50
Minimum Cul-de-sac Radius (ROW)	60	60	60	60	60	60	60	60	60
Minimum Center Line Radius of Streets with an Angle of Turn of:				Design Speed 28 mph			Design Speed 15 mph		
(1) Between 80 and 100	50	50	50	50	50	50	50	50	50
(2) Less than 80 or More than 100	200	200	200	200	200	200	200	200	200

*A utility easement ten (10) feet in width may be required along each side of the street right-of-way for these streets.

** May be increased with approval of Planning Commission in accordance with Section 108

NOTE: Exceptions to the standards contained in this Table are permitted under certain conditions for large lots (Sections 804 and 805) for variance procedures, see Sec. 108.

TABLE 2
STREET DESIGN STANDARDS FOR ALL LOCAL STREETS
EXCEPT CUL-DE-SACS AND LOOP TYPE STREETS

TERRAIN CLASSIFICATION DEVELOPMENT DENSITY	LEVEL (0-4%) LOW MED HI			ROLLING (4-8%) LOW MED HI			HILLY (8-12%) LOW MED HI		
Right-of-way (ft)	*50	*50	60	*50	60	60	*50	60	60
Min. Pavement Width/ft curbed uncurbed	20 20	28 24	28 24	20 20	28 24	28 24	20 20	28 24	28 24
Sidewalk Width (ft) (If required)	4	4	4	4	4	4	4	4	4
Minimum Stopping Sight Distance (ft)	See Table 5			See Table 5			See Table 5		
Maximum Grade	4%	4%	4%	8%	8%	8%	12%	12%	12%
Minimum Center Line Radius of Streets with an Angle of Turn of: (1) Between 80 and 100 (2) Less than 80 or More than 100	50 200	50 200	50 200	Design Speed 15 mph 50 50 50 200 200 200 Design Speed 28 mph			50 50 50 150 150 150 Design Speed 25 mph		

* A utility easement ten (10) feet in width may be required along each side of the street right-of-way for these streets.

NOTE: Exceptions to the standards contained in this Table are permitted under certain conditions for large lots (Sections 804 and 805) for variance procedures, see Sec. 108.

TABLE 3
COLLECTOR STREET DESIGN STANDARDS

TERRAIN CLASSIFICATION DEVELOPMENT DENSITY	LEVEL (0-4%) LOW MED HI	ROLLING (4-8%) LOW MED HI	HILLY (8-12%) LOW MED HI
Right-of-way Width (ft)	60 80 80	60 80 80	60 80 80
Min. Pavement Width (ft) curbed uncurbed	32 38 38 24 24* 24*	32 38 38 24 24* 24*	32 38 38 24 24 24*
Sidewalk Width (ft) (If required)	4 4 4	4 4 4	4 4 4
Minimum Stopping Sight Distance (ft)	See Table 5	See Table 5	See Table 5
Maximum Grade	4% 4% 4%	8% 8% 8%	12% 12% 12%
Minimum Spacing when intersecting with an arterial (ft)	1320 1320 1320 Design Speed 36 mph	1320 1320 1320 Design Speed 30 mph	1320 1320 1320 Design Speed 25 mph
Minimum Center Line Radius	350 350 350	230 230 230	150 150 150

**Developer may use 60' Right-of-way, if desired.*

TABLE 4
INTERSECTION DESIGN STANDARDS

TERRAIN CLASSIFICATION DEV. DENSITY	LEVEL (0-4%) ALL DENSITIES	ROLLING (4-8%) ALL DENSITIES	HILLY (8-15%) ALL DENSITIES
Maximum Approach Speed (MPH)	25	25	25
Clear Sight Distance (ft) (Length along each approach leg)	See Table 5	See Table 5	See Table 5
Vertical Alignment with Intersection	Flat	2% (max)	4% (max)
Minimum Angle of Intersection -Streets shall remain in the angle of intersection for at least 100 ft. beyond the point of intersection.	75 degrees	(90 degrees	preferred)
Minimum Curb Radius (ft) (a)Local-local (b)Local-collector (c)Collector- collector (d)Collector, marginal access-arterial	35 - all cases 35 - all cases 35 - all cases 35 - all cases		
Minimum centerline, offset of adjacent intersections(ft) (a)Local-local (b)Local-collector (c)Collector-collector (d)Collector, marginal access-arterial	150 - all cases 200 - all cases 300 - all cases 1320 - all cases		

TABLE 5
OHIO DEPARTMENT OF TRANSPORTATION
MINIMUM STOPPING SIGHT DISTANCES

LEGAL SPEED LIMIT	MINIMUM SIGHT DISTANCE
20	125
25	150
30	200
35	225
40	275
45	325
50	400
55	450
60	525
65	550

Minimum stopping sight distance is based upon average running speed and a driver reaction time of 2.5 seconds.

MINIMUM DIMENSIONAL REQUIREMENTS

DEVELOPMENT TYPE		MINIMUM LOT WIDTH AREA PER FAMILY										MIN FRONT SETBACK REQMT			
		WITH CENTRAL SEWER				WITHOUT CENTRAL SEWER									
		PUBLIC WATER		NO PUBLIC WATER		PUBLIC WATER		NO PUBLIC WATER		ARTERIAL STREETS		COLLECTOR STREETS		LOCAL STREETS & CUL-DE-SACS	
SINGLE, DOUBLE, TRIPLE FAMILY	SIZE	8,000 sq ft	10,800 sq ft	scv 36,100 sq ft	mod 27,700 sq ft	slt 23,600 sq ft	scv 44,000 sq ft	mod 35,100 sq ft	slt 31,500 sq ft	40	35	25			
	FRONTAGE	60'	80'	100'											
MULTI-FAMILY	SIZE	2,700 sq ft	2,500 sq ft	*						50	40	35			
	FRONTAGE	90'	90'	*											
COMMERCIAL OR INDUSTRIAL	FRONTAGE	90'	90'	*						50	45	40			

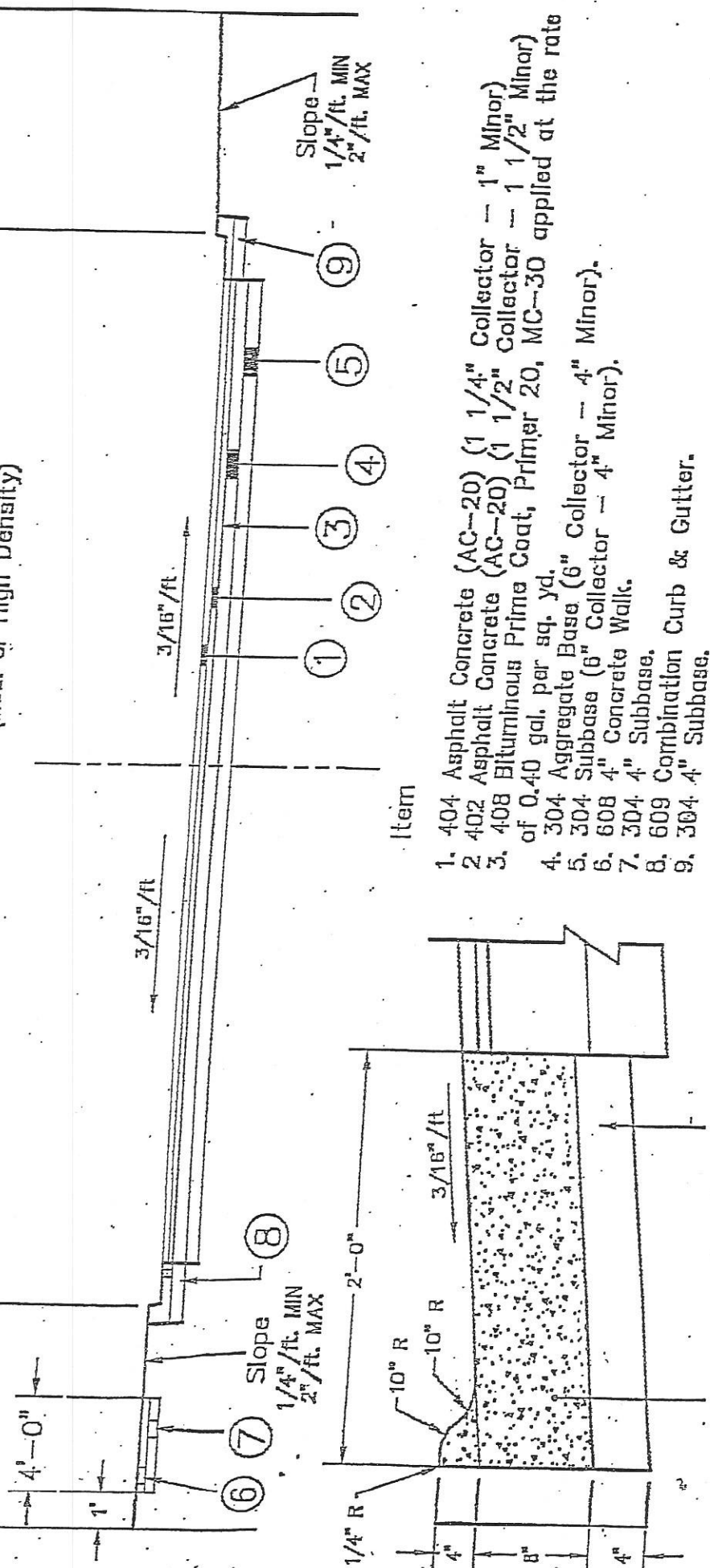
BASED ON RESIDENTIAL LOT SIZE REQUIREMENTS AND OEPA REVIEW
MORE SPACE MAY BE REQUIRED TO ACCOMMODATE OTHER REQUIREMENTS

* BASED ON RESIDENTIAL LOT SIZE REQUIREMENTS AND OEPA REVIEW.
 ** MORE SPACE MAY BE REQUIRED TO ACCOMMODATE SUCH VARIABLES AS SLOPE, TOPOGRAPHY, HOME LOCATION, NUMBER OF BEDROOMS, UTILITY BASEMENTS, ETC. THE SCIOTO COUNTY BOARD OF HEALTH MUST BE CONSULTED TO DETERMINE THE SOIL TYPE, TYPE OF SEWAGE DISPOSAL SYSTEM, AND ACTUAL AREA REQUIRED. IN ALL CASES, A CERTIFICATION BY THE COUNTY HEALTH OFFICE INDICATING THAT THE PROPOSED FACILITIES ARE ADEQUATE SHALL BE PRE-REQUISITION TO FINAL APPROVAL OF THE PLAN.

R/W

Collector Street 32'-0" (Low Density)
38'-0" (Med. or High Density)

Minor Street 20'-0" (Low Density)
28'-0" (Med. or High Density)



Item

1. 404 Asphalt Concrete (AC-20) (1 1/4" Collector - 1" Minor)
2. 402 Asphalt Concrete (AC-20) (1 1/2" Collector - 1 1/2" Minor)
3. 408 Bituminous Prime Coat, Primer 20, MC-30 applied at the rate of 0.40 gal. per sq. yd.
4. 304 Aggregate Base (6" Collector - 4" Minor)
5. 304 Subbase (6" Collector - 4" Minor)
6. 608 4" Concrete Walk
7. 304 4" Subbase
8. 609 Combination Curb & Gutter
9. 304 4" Subbase

NOTE:

FOR ITEM DESCRIPTION SEE: STATE OF OHIO
DEPARTMENT OF TRANSPORTATION, CONSTRUCTION
AND MATERIAL SPECIFICATIONS.

Minimum Typical Curbed Section Pavement Type 404

Date: 3/4/99

DWG NO.

Plate 1

REV

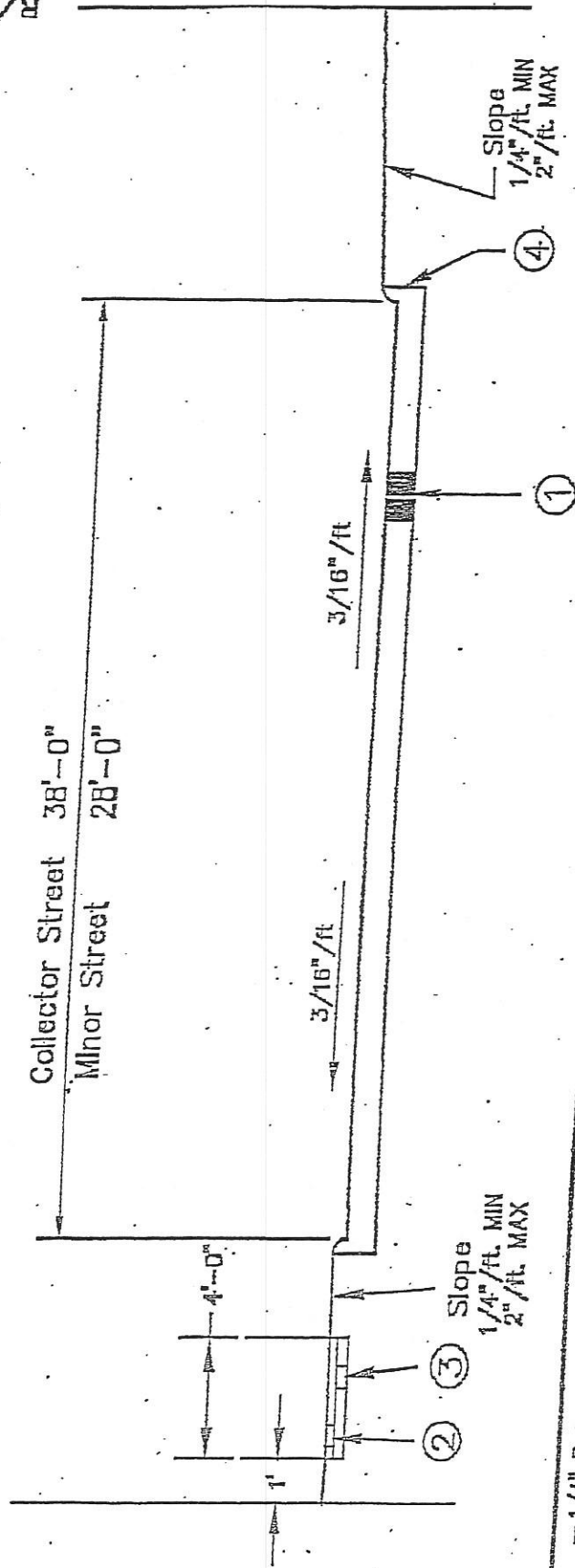
SCALE: NTS

SHEET

1 of 1

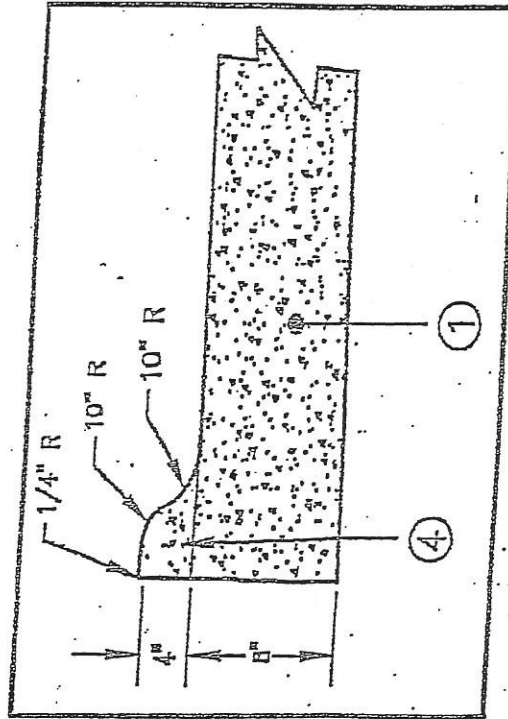
Engineer: M. J. ...

Collector Street 38'-0"
Minor Street 28'-0"



Item

1. 452 Plain Portland Cement Concrete Pavement (7" Collector - 6" Minor).
2. 608 4" Concrete Walk.
3. 304 4" Subbase.
4. 609 Concrete Curb.

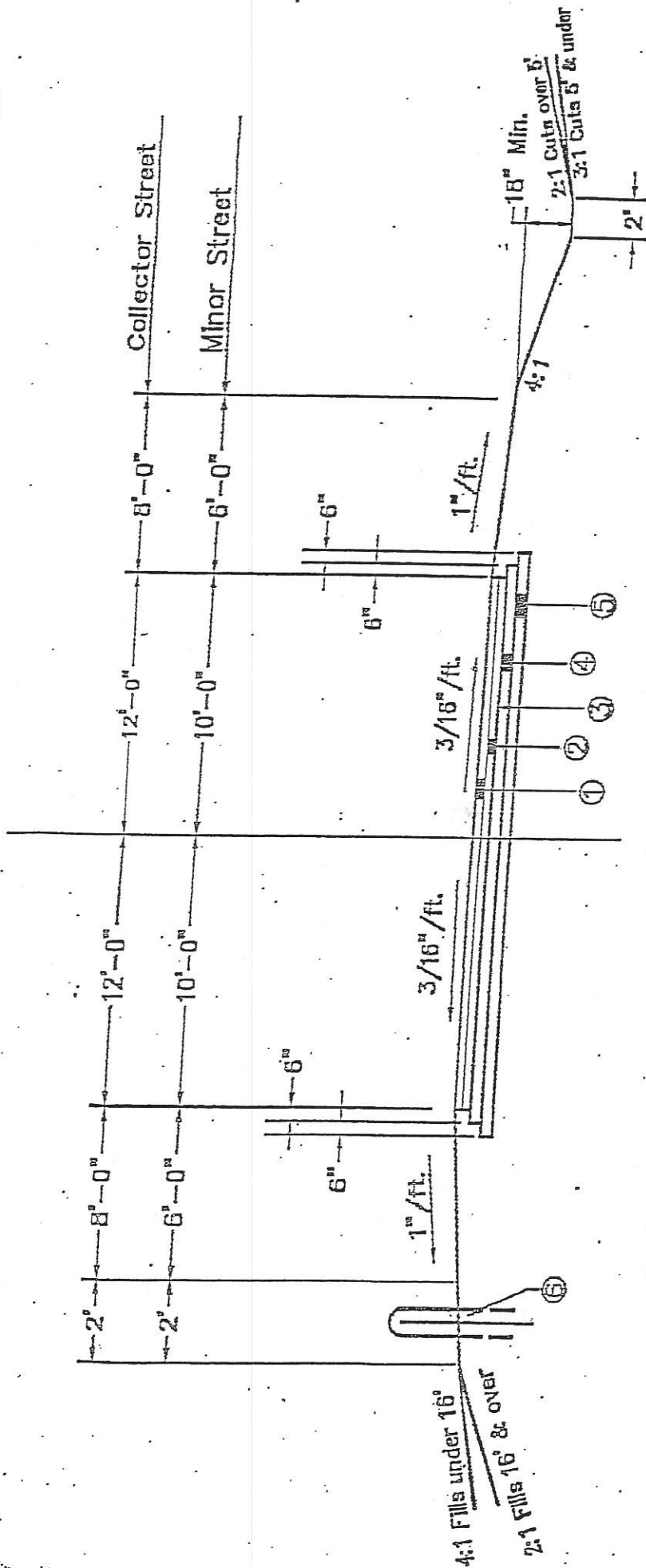


NOTE:

FOR ITEM DESCRIPTION SEE: STATE OF OHIO
DEPARTMENT OF TRANSPORTATION, CONSTRUCTION
AND MATERIAL SPECIFICATIONS.

Minimum Typical Curbed Section Pavement Type 452

Date: 3/5/99	DWG NO.	REV
Scale: NTS	Sheet: 1 of 1	County: Clark Co Ohio
Plate II		



ITEM

- 1 404 Asphalt Concrete (AC-20) (1 1/4" Collector - 1" Minor)
- 2 402 Asphalt Concrete (AC-20) (1 1/2" Collector - 1 1/2" Minor)
- 3 40B Bituminous Prime Coat, Primer 20, MC-30 applied at a rate of 0.40 gal. per sq. yd.
- 4 304 Aggregate Base (6" Collector - 4" Minor)
- 5 304 Subbase (6" Collector - 4" Minor)
- 6 606 Guard Rail type 4.

NOTE:

FOR ITEM DESCRIPTION SEE: STATE OF OHIO
DEPARTMENT OF TRANSPORTATION, CONSTRUCTION
AND MATERIAL SPECIFICATIONS.

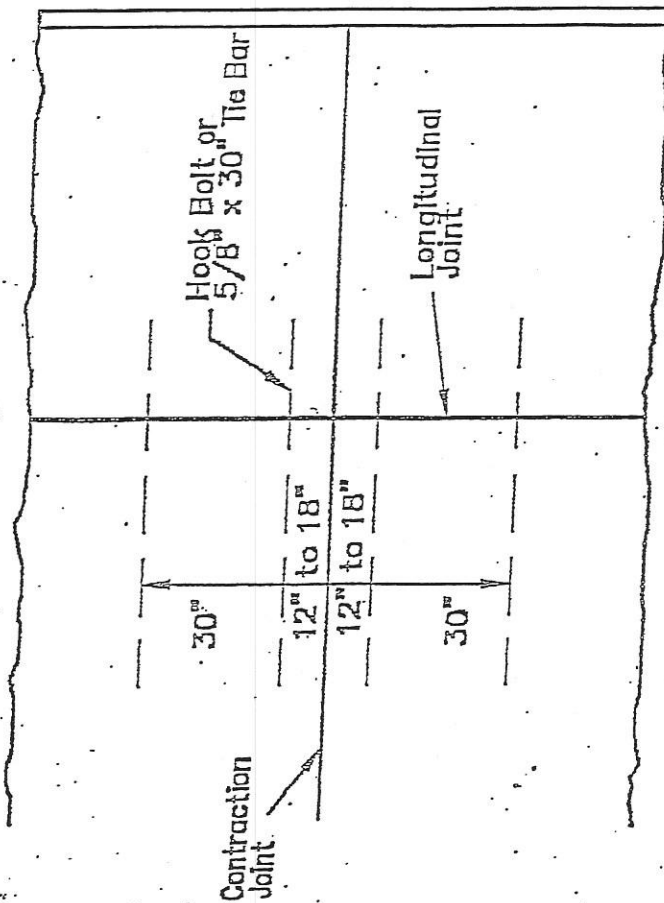
Minimum Typical Uncurbed Section Pavement Type 404

DATE	DWG NO.	REV
3/8/99		
SCALE: NTS	SHEET: 1 of 1	Count:

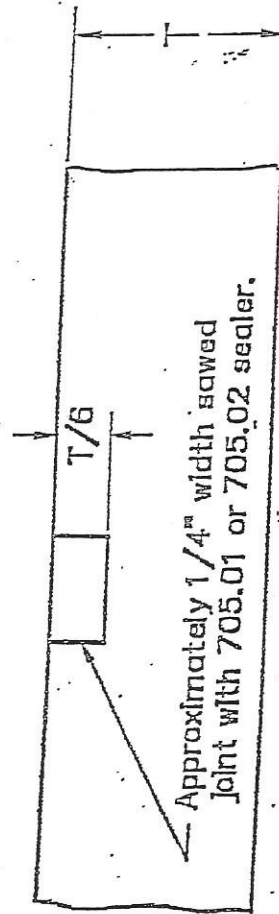
Plate III

Logitudinal Joints

Tie Bar or Hook Bolt Spacing

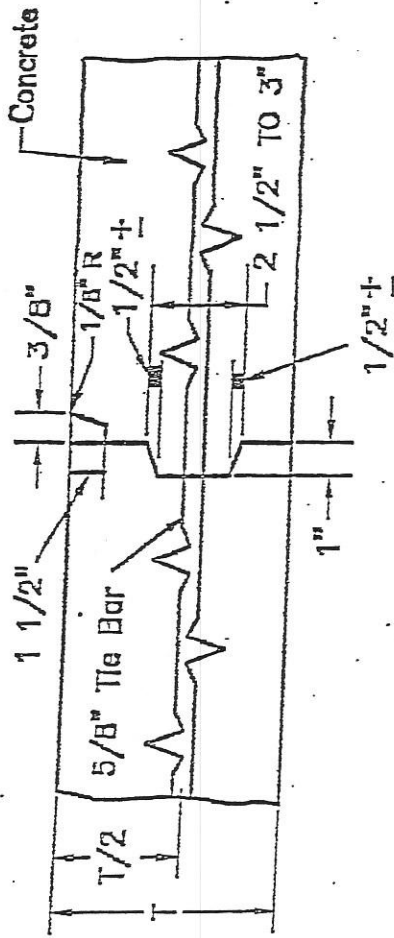


Contraction Joint

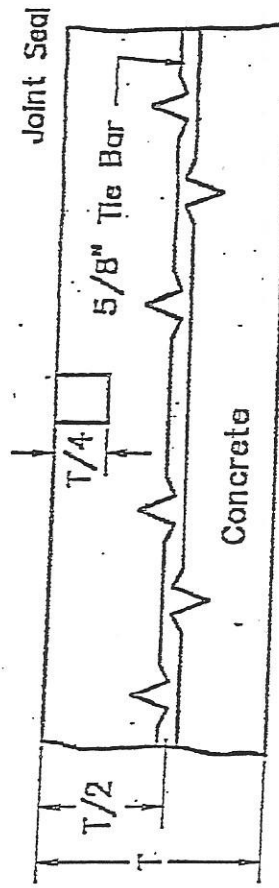


MAXIMUM SPACING BETWEEN CONTRACTION SHALL BE 17 LIN. FT.

Key Joint



Sawed Joint

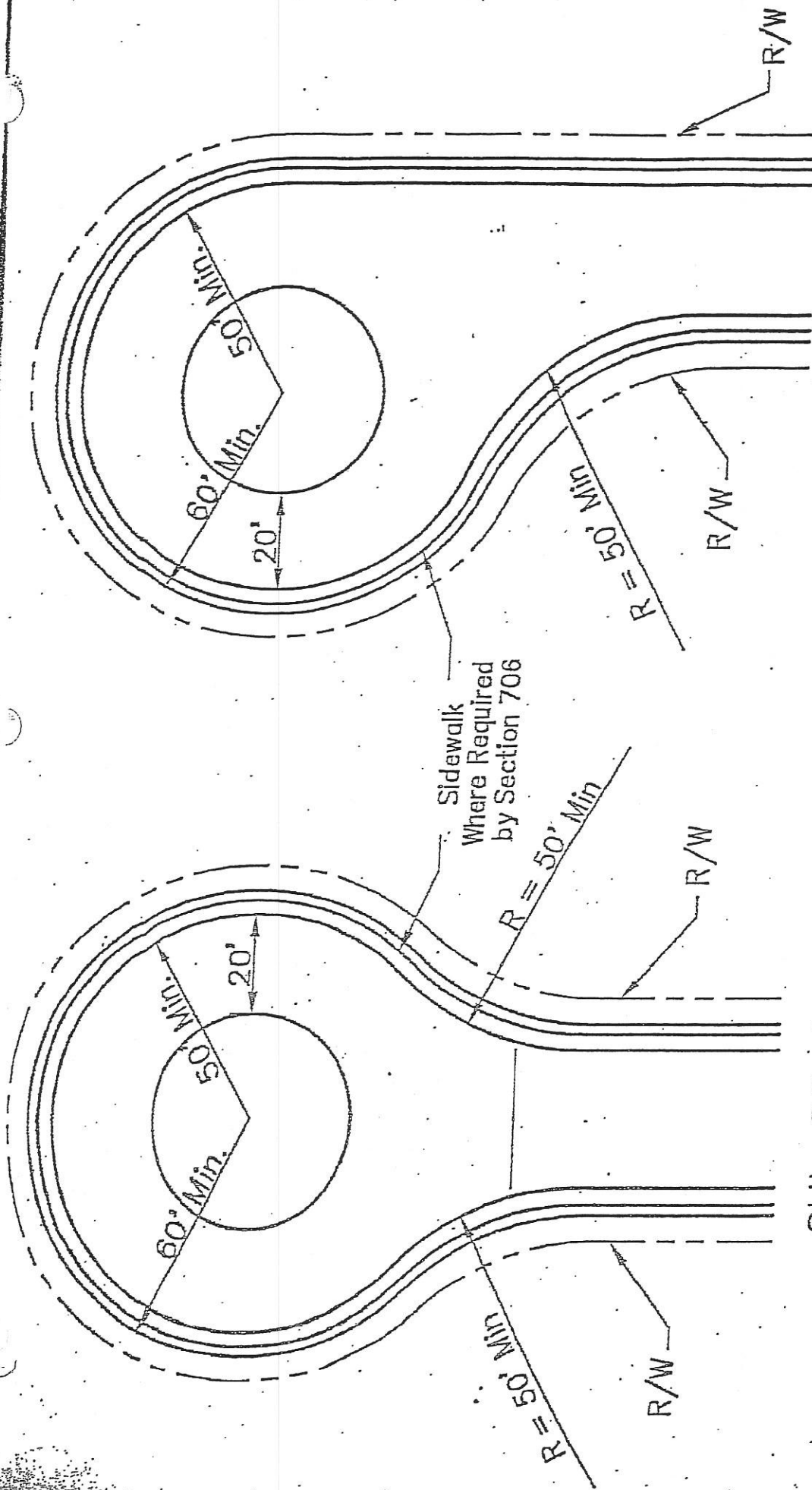


NOTE:

FOR ITEM DESCRIPTION SEE: STATE OF OHIO
DEPARTMENT OF TRANSPORTATION, CONSTRUCTION
AND MATERIAL SPECIFICATIONS.

Detail of Joints Pavement Type 452

Date: 3/8/99	DWG NO. Plate V	REV
SCALE: NTS	SHEET: 1 of 1	County: Clark Co. State: Ohio



* See Table I

DEAD END STREET TERMINI

Date: 3/8/99	DWG NO.	Plate VI	REV
SCALE: NTS	SHEET: 1 of 1	Copy: Gloria S. Miller	

ARTICLE 600

PUBLIC SITES AND OPEN SPACES

Section 601 - Public Sites

Where a proposed park, playground, school or other public use DESIGNATED IN ANY PLAN ADOPTED UNDER Sections 711.09 or 711.10 Ohio Revised Code, is located in whole or in part of a subdivision, the Commission may require the dedication or reservation of such area to the appropriate public agency. Due regard shall be shown preservation of outstanding natural or cultural features such as scenic spots or watercourses, exceptionally fine groves of trees and historic sites or structures.

Section 602 - Extent of Dedication

- A. The Commission may require that from five (5) to ten (10) percent of the area of a subdivision, exclusive of streets, be allocated for public use.
- B. Where an area proposed for dedication is too small to provide a public space of suitable size and character, the Commission may require that area to be located so that it may be combined with space provided or to be provided in an adjoining area.

ARTICLE 700

IMPROVEMENT STANDARDS & SPECIFICATIONS

Section 701 GENERAL

- 701.01 Minimum improvements and construction standards required for all subdivisions shall be as set forth in this Article. All work on improvements shall be done under the supervision and inspection of the Scioto County Engineer. All inspection costs shall be paid by the subdivider, as specified in Section 111.016
- 701.02 Prior to the final approval by the Scioto County Planning Commission, the construction drawings and specifications for the required improvements shall be approved by the Scioto County Engineer, as specified in Section 301.02.
- 701.03 Prior to the final plat being signed by the Scioto County Planning Commission, the required improvements shall be completed according to specifications as determined by the Scioto County Engineer or assurance of said improvements provided as specified in Section 711.

Section 702 OVERSIZE AND OFF-SITE IMPROVEMENTS

- 702.01 If adequate utilities, streets and drainage outlets are not available within or at the boundary of the subdivision, the subdivider shall, prior to final plat approval, make all necessary provisions including the securing of necessary easements and tap-in privileges to connect the subdivision system to the existing system.
- 702.02 The subdivider may be required to provide adequate easements for the required improvements to the boundary of the proposed subdivision to serve adjoining land.
- 702.03 The Scioto County Planning Commission may require the utilities and facilities and other land improvements to have greater capacity than is required for the subdivision or to extend off-site to serve nearby land when the existing or proposed character of the area warrants such improvements, as determined by the Scioto County Planning Commission. No excess capacity or off-site service extensions shall be required of the subdivider, unless the Scioto County Board of Commissioners takes action for an equitable sharing of costs.
- 702.04 If streets or utilities are not adequate at the boundary of a proposed subdivision, and if the Scioto County Planning Commission finds that the improvement or extension of these facilities would not be warranted as a special assessment to the intervening properties or as a county or township expense until some future time, the subdivider may be required to obtain necessary easements or rights-of-way and construct and pay for such improvements or extensions. Such improvements shall be available for use by subdividers of adjoining land.

Section 703 MONUMENTATION: Monumentation (as defined in Section 4733-37-03 of the Ohio Administrative Code) shall be as specified in the Ohio Revised Code.

Section 704 STREETS

- 704.01 Streets and alleys within a new subdivision shall be constructed or improved to comply with the standards shown or referred to in these regulations.
- 704.02 Pavement widths and thickness shall be as shown on Article 500, Plates I through VI, Pages 38-43, or the applicable type of thoroughfare and for the elected type of pavement.
- 704.03 Pavement type shall be optional except that only one type may be used from edge to edge at any point. Continuity of type is encouraged to avoid patchwork appearance.

704.04 All materials and construction methods shall comply with the 1995 State of Ohio Department of Transportation Construction and Material Specifications to the extent necessary to secure improvements consistent with the intent of these regulations.

704.05 Construction shall be accomplished in such a manner that cutting of finished pavement will not be required for utility easements.

Section 705 STREET NAME SIGNS: Street signs shall be erected by the Scioto County Engineer and the costs of materials and installation shall be reimbursed to the Scioto County Engineer by the developer.

Section 706 SIDEWALKS

706.01 Sidewalks may be required along at least one side of the street within one-half mile of a school, park, or other use which generates pedestrian traffic, except that pedestrian ways may be located on dedicated land not adjacent or parallel to the street if, in the opinion of the Scioto County Planning Commission, the pedestrian way provides equal or better pedestrian circulation and access. The width of the dedicated land shall be not less than ten (10) feet.

706.02 The design of sidewalks shall be as shown in Article 500, Plates I through VI, pages 38-43.

Section 707 STORM WATER DRAINAGE

707.01 General

707.011 A storm water management system adequate to serve the needs of the proposed new streets and the entire subdivision will be required. The subdivider shall install all necessary facilities to provide for the adequate disposal of all surface water. The Planning Commission may require special arrangements be made for maintenance of said facilities.

707.012 The storm water management system design shall conform to the following general requirements:

- 1) The storm water management system shall be designed for the ultimate use of the land. Development areas developed for subdivision shall provide a drainage system for the ultimate development of all the subdivided lots.
- 2) Storm water management facilities shall be designed so that they will continue to function with minimal maintenance.
- 3) Storm water management facilities shall be designed with specific regard to safety.

- 4) Easements shall be provided for all storm water management facilities as specified or when determined by the Planning Commission as needed.
- 5) All materials needed for construction of the storm water management system shall conform to all of the applicable Ohio Department of Transportation specifications, 1995 edition.
- 6) The storm water management system shall be designed by a Professional Engineer registered in the State of Ohio.

707.02 Design Criteria (TO BE USED TO CHECK MINIMUM DESIGN)

707.021 The Rational Method will be used to determine the peak runoff rates for each watershed less than 200 acres in the subdivision. For watersheds larger than 200 acres, the method explained in "Urban Hydrology for Small Watersheds", Technical Release 55, shall be used to provide peak rates of runoff. The basic formula for the Rational Method is $Q=CIA$ in which:

- Q: Peak rate of runoff in cubic feet per second.
- C: Runoff Coefficient of the watershed.
- I: Rainfall intensity in inches per hour.
- A: The drainage area in acres.

- A. Runoff Coefficient. Refer to the Ohio Department of Transportation (ODOT) Drainage Design Manual (Section 1101.23) for an acceptable listing of runoff coefficients.
- B. Intensity. The intensity shall be determined using the ODOT Rainfall Intensity-Frequency-Duration (IDF) Curves found in the ODOT Location and Design Manual, Volume Two (ODOT Figure 1101-2). As shown in the manual, Scioto County is located in "Area D" (ODOT Figure 1101-3).

The ODOT I-D-F Curves relate storm intensity to time of concentration. The time of concentration is defined as the maximum time required for a drop of water to travel from any point in the watershed to the point of calculation. The time of concentration may be determined as follows:

- 1) Overland sheet flow (maximum of 300 feet of travel). Refer to ODOT Overland Flow Chart (ODOT Figure 1101-1) in the Drainage Design Manual.
- 2) Shallow concentrated flow. Once sheet flow becomes shallow concentrated flow, the following equations may be used to estimate flow velocities per S.C.S.TR-55:

$$\text{Unpaved} \quad V = 16.1345 [(S)^{0.5}]$$

$$\text{Paved} \quad V = 20.3282 [(S)^{0.5}]$$

where V is the average flow velocity in feet per second and S is the average slope in feet per foot. The velocity is used to determine flow times for flow distances.

- 3) Once concentrated shallow flow enters channelized areas, Manning's equation for open channel flow shall be used to determine flow velocities in the channels. Manning's equation is as follows:

$$V = (1.49 [(r)^{0.67}] [(S)^{0.5}]) / n$$

where

V = Average flow velocity in feet per second.

r = Hydraulic radius. Defined as ratio between the cross-sectional flow area and the wetted perimeter. Wetted perimeter is the exposed length of a channel cross section where contact is made with the flow.

S = The channel slope in feet per foot.

n = Manning's roughness coefficient. Refer to the ODOT Drainage Design Manual for a listing of acceptable values.

Once all of the applicable flow travel times have been calculated, they are summed to determine the time of concentration for the watershed. The minimum time of concentration for the watershed shall be 10 minutes.

- C) Watershed Area. The area shall be delineated by use of topographic maps of the subdivision.

707.022 All drainage calculations for the subdivision shall be submitted for review with the subdivision plans. The calculations shall be neat in appearance and shall be performed and stamped by a Professional Engineer registered in the State of Ohio.

707.023 The post-development runoff rate shall be equal to or less than the pre-development runoff rate. An acceptable method of runoff detention shall be used to satisfy this requirement.

707.024 It should be noted that the design of all drainage structures shall be checked against the following criteria as a minimum and will be approved by the Scioto County Engineer only if the criteria is met. The following is a listing of hydraulic structures and a partial listing of their minimal design criteria:

- A) Detention Ponds For All Watersheds (should comply with OEPA and Soil Conservation Standards)

- 1) Design Storm: 100 Year for watersheds greater than 10 Acres. 10 Year for watersheds less than 10 Acres.
- 2) Side slopes shall be 3:1 (horizontal:vertical).
- 3) The pond basin shall be sloped to drain.
- 4) Discharge structures may require debris-control structures.
- 5) When required, proof surveys shall be performed by a Professional

Surveyor registered in the State of Ohio to confirm the volume of the pond.

- 6) An easement shall be required to provide for the necessary maintenance of the detention pond. In general, the easement shall be 20' in width in addition to the size of the pond when flooded. The easement shall provide access to the nearest public right-of-way.

B) Storm Sewer System

- 1) Design Storm: 10 Year with pipe flowing full. Hydraulic gradient shall not exceed window or grate elevation for 25 Year storm.
- 2) The storm sewer system shall be designed using Manning's Equation.
- 3) The sewer must be deep enough to receive the flow from all its sources within the subdivision.
- 4) The size of the sewer must be adequate for flowing full, based on the design storm.
- 5) The gradient of the sewer must be sufficient to avoid deposition of solids.
- 6) The pipe material for County maintained sewer shall be smooth-walled, corrugated plastic or reinforced concrete pipe. Other approved material may be used for special design.
- 7) The main pipe in a sewer system, if over 24 inches, will be required to be separated from all inlets unless a special design is submitted for approval.
- 8) Minimum cover from top of pipe to ground or road subgrade shall be 30 inches. Maximum cover shall conform to the manufacturer's recommendation.
- 9) Minimum velocity shall be 3 feet per second. Maximum velocity shall be 15 feet per second.
- 10) Maximum length between access structures shall be 400 feet.
- 11) An easement shall be provided along the storm sewer in areas outside of public right-of-ways. The easement shall be centered along the storm sewer and shall be 20 feet wide.
- 12) The minimum pipe diameter shall be 12 inches.

C) Curb Inlets

- 1) All inlets shall be curb and gutter inlets conforming to ODOT design types.
- 2) The maximum spread of flow in the gutter shall be 8 feet for the 2 Year Storm.
- 3) Maximum inlet spacing shall be 400 feet.
- 4) In general, the design shall conform to ODOT design requirements.

D) Roadway Culverts

- 1) Design Storm: 25 Year with a check using the 100 Year Storm.
- 2) The culvert shall be designed using the method outlined in the ODOT Drainage Design Manual.
- 3) The plan for each culvert shall have the drainage area, the design discharge and the flowline of the culvert.
- 4) Cover requirements shall be per ODOT requirements.
- 5) Inlet and outlet head walls shall be required.
- 6) 100 Year Storm headwater shall not exceed any existing or proposed first floor building elevations.
- 7) Minimum culvert diameter shall be 12 inches.

E) Open Channels

- 1) Design Storm: 25 Year with a check using the 100 Year Storm.
- 2) Design shall conform to all applicable ODOT requirements as outlined in the ODOT Drainage Design Manual.
- 3) The 100 Year flow shall not exceed any existing or proposed first floor building elevations.
- 4) The Planning Commission may require a fence be built around open channels with side slopes steeper than 3:1 (horizontal:vertical) and deeper than 5 feet.

F) Roadway Ditches

- 1) Roadway ditches shall be designed in accordance with the method outlined in the ODOT Drainage Design Manual.
- 2) The dimensions and slopes of roadway ditches shall be as shown for the typical road section.

G) Driveway Pipes

- 1) Driveway pipes shall be installed in accordance with ODOT specifications and approved by the Scioto County Engineer. Pipe sizes shall be as approved by the Scioto County Engineer.

Section 708 INTERNAL DRAINAGE:

- 708.01 No tile may outlet into a roadside ditch except as approved by the Scioto County Engineer or Ohio Department of Transportation.
- 708.02 An easement of access shall be required when off-site outlets are necessary.

Section 709 WATER SUPPLY:

709.01 Central Water Supply and Distribution System:

709.011 A central water supply and distribution system or connection to an existing system, which provides a water supply to each lot shall be required in the event the Scioto County Planning Commission determines that individual water supplies from private wells are not adequate or sufficient for the intended uses of the subdivision.

709.012 The design of water systems, together with the preparation of drawings and specification and the construction thereof, shall comply with the following requirements:

- (a) Those of the Ohio Environmental Protection Agency.
- (b) Any public or private water company involved.
- (c) The approval of the Scioto County Engineer.
- (d) Water lines shall be located in the public right-of-way or in easements provided for that purpose.
- (e) Where dead-ends occur, hydrants shall be installed to allow occasional cleaning.
- (f) The type of fire hydrant to be installed, with a minimum 6" diameter pipe, shall be left to the Township Trustees, the local Fire Department, and the developer. The developer shall work with the Township Trustees and the local Fire Department as to the type, number and location of the fire hydrants within the subdivision. Fire hydrants shall be shown on the preliminary and final plats.

709.02 Individual Wells: In the event that a centrally supplied distribution system is not required, the provision for water supply by individual wells may be approved, provided that the requirements of the Scioto County Board of Health and these regulations are met.

Section 710 SANITARY SEWAGE DISPOSAL:

710.01 General Sanitary Sewerage Systems:

710.011 Where the public sanitary sewer system is reasonably accessible, sanitary sewers shall be installed to adequately serve all lots with connections to the public system.

Approval of sewer layout and design must be obtained from the County Sanitary Engineer.

710.012 A central sanitary sewerage system, including a lateral connection to each lot, shall be required in the event the Scioto County Board of Health determines that individual lot disposal systems are inadequate for the intended use of the subdivision. (See Appendix C, page 70, for current Board of Health criteria governing installation of individual units which establish lot sizes.)

710.013 The design of sanitary sewerage systems, together with the preparations of drawings and specifications and the construction thereof, shall comply with the requirements of the State Environmental Protection Agency and municipality, county, sewer district or regional sewer districts involved, the Scioto County Sanitary Engineer, and these regulations.

Section 711 COMPLETION/ASSURANCE OF IMPROVEMENTS

711.01 Improvements shall be completed after the Planning Commission has approved the preliminary plat and construction drawings. All street, sanitary sewer, and other public improvements, including lot improvements on the individual lots of the subdivision, shall be made as required in these regulations, specified in the preliminary subdivision plat and as approved by the Planning Commission. Such improvements will be constructed and completed in accordance with the plans and specifications on file at the Planning Commission's Office, as approved by the Scioto County Engineer, and within a period specified by the Scioto County Engineer, but such period shall not exceed one (1) year unless mutually extended (NOTE: See Section 302.02).

711.02 The subdivider may choose to record the subdivision plat before improvements are made by providing a surety bond. Under this option, the subdivider shall file with the Scioto County Board of Commissioners a surety bond, cashier's check, or certified check for one hundred and ten percent (110%) of the estimated costs of the required improvements guaranteeing to Scioto County that such improvements will be constructed and completed in a satisfactory manner and within a period specified by the Scioto County Engineer, but such period shall not exceed two (2) years unless mutually extended. The bonds or checks shall not include the installation costs of the individual home wells, driveway pipe and individual home sewage treatment facilities. The estimated costs of required improvements shall be determined by the Scioto County Engineer.

711.03 Said bond or checks shall be approved as to form by the Scioto County Prosecutor and as to amount by the Scioto County Engineer and shall be made payable to, and enforceable by Scioto County and shall provide that the subdivider, their heirs, successors and assigns, their agent(s) or servant(s) will comply with all applicable terms, conditions, and requirements of these regulations. Any surety

bond shall name the Scioto County Board of Commissioners as obligee. Upon completion of the improvements and approval of same in writing by the Scioto County Engineer, and with the presentation of letters of certification of payment in full of all contractors, sub-contractors, suppliers of materials, engineers, surveyors, and all inspection fees or other fees incurred by the installation of the improvements by the subdivider, the bonds shall be released in writing by the Scioto County Commissioners, or the cashier's or certified check may be returned to the developer.

- 711.04 When a portion of the improvements has, upon inspection by the Scioto County Engineer, been completed, a reduction in the bonds or partial withdrawal of funds may be authorized by the Scioto County Commissioners upon the recommendation of the Engineer; provided, however, that such reduction shall not reduce the balance of the bond below the re-estimated completion costs as of the date of reduction, provided further, that all other requirements of this section have been properly executed.
- 711.05 In the event the developer fails to complete the installation of all improvements according to the terms and conditions of the subdivision approval, the County, upon proper notice, may complete same and appropriate such portion of money or bonds posted for the faithful performance of said work.
- Section 712 INSPECTION PROCEDURES: Each phase of construction work shall be inspected and approved by the appropriate officer having jurisdiction before the work is continued. No street, sidewalk, subgrade pavement course, trench pipe or other installation shall be covered before it has been inspected and approved. The subdivider shall inform the official's office that the work is ready for inspection no less than eight (8) working hours in advance of the time they expect it to be obscured by further work.
- Section 713 CORRECTION OF CONSTRUCTION DEFECTS: The developer shall guarantee the correction of any construction defects occurring within one (1) year after the construction thereof has been approved by the Scioto County Engineer.
- Section 714 TEMPORARY IMPROVEMENTS: The applicant shall build and pay for all temporary improvements required by the Scioto County Planning Commission and/or the Scioto County Engineer and shall maintain those temporary improvements for the period specified by the planning commission. These temporary improvements may be required by the EPA or other federal, state and/or local regulatory agency, i.e. sedimentation ponds, straw bales for erosion control, temporary roads. Prior to construction of any temporary facility or improvement, the subdivider shall file a separate performance guarantee with the county in the appropriate amount as determined by the Scioto County Engineer for the facilities, which shall ensure that the temporary facilities will be properly constructed, maintained, removed or, if necessary, replaced with acceptable permanent improvements.

ARTICLE 800

ADMINISTRATION

Section 801 - Recording

No subdivision plan shall be received or recorded in any public office unless it bear thereon endorsement to the effect that it has been approved or reviewed by the appropriate Commission and governmental departments as prescribed by law.

Section 802 - Penalty

(to be provided by legal counsel)

Section 803 - Revision and Amendment

(to be provided by legal counsel)

Section 804 - Large-Scale Development

- A. The standards and requirements of these regulations may be modified by the Commission in the case of plans for complete communities or neighborhood units or other large-scale developments which, in the judgement of the Commission, achieve substantially the objectives of the regulations contained herein and which are further protected by such covenant or other legal provisions as will assure conformity to and achievement of the comprehensive plan.

Section 805 - Hardship

- A. If an applicant shows that any mandatory provisions of these regulations are unreasonable and cause undue hardships as they apply to this proposed subdivision, the Commission may grant a variance to such applicant from such mandatory provisions so that substantial justice may be done and the public interest secured; provided that such variance may be granted only upon the concurrence of a majority of the Commission present at a public meeting, and that such variance will not have the effect of nullifying the intent and purpose of these regulations.
- B. In granting variances and modifications, the Commission may impose such conditions as will, in its judgement, secure substantially the objectives, standards or requirements set forth in these regulations.

- C. Any subdivider aggrieved by a finding, decision or recommendation of the Commission may request and receive opportunity to appear before the Commission, present additional relevant information and request reconsideration of the original finding, decision or recommendation. Such request for reconsideration must be filed within 90 days of the original finding of the Commission.

Section 806 - Commission Records

- A. The Commission shall keep a record of its findings, decisions and recommendations relative to all subdivision plans filed with it for review.
- B. All records of the Commission shall be public records made available to qualified and responsible parties with approval of the appropriate official.

Section 807 - Validity

(to be provided by legal counsel)

ARTICLE 900

DEFINITIONS

Section 901 GENERAL: For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:

901.01 The word "Subdivider" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual who has made application for approval of a major or minor subdivision.

901.02 The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

901.03 The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.

901.04 The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."

901.05 The word "lot" includes the words "plot" or "parcel".

Section 902 DEFINITIONS: The following words and terms, when used in these regulations, shall have the meaning herein indicated:

BOARD OF COUNTY COMMISSIONERS - The Scioto County Board of Commissioners.

BUILDING SETBACK LINE - A line indicating the minimum horizontal distance permitted between a building or any projection thereof and a street right-of-way line, easement or other public use.

CHANNEL - a natural stream that conveys water; a ditch or channel excavated for the flow of water.

COMMISSION - The term refers to the Portsmouth City Planning Commission in the case of plats located within the corporate limits of Portsmouth or within three (3) miles thereof; to the Scioto County Commissioners in the case of plats located in the remaining portions of the county.

CONVEY - To make a conveyance.

CONVEYANCE - The act of making a transfer by conveyance of right, title, interest and/or ownership.

DEAD END - A short street having one end open to traffic and being permanently terminated at the other end.

DEDICATION OF LAND - A grant by the land owners of a right to use land for stated purposes.

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

DEVELOPMENT - The subdivision of land; also, any work that must be performed such as "improvements prerequisite to approval of final plat"; and construction upon the land.

DEVELOPMENT AREA - any contiguous (abutting) area owned by one person or operated as one development unit and used or being developed for non-farm commercial, industrial, residential, or other non-farm purposes upon which earth-disturbing activities are planned or underway.

DIVIDE - Make a subdivision of.

DIVISION - Subdivision.

DRAINAGE COURSES:

DITCH - A drainage course with an earth or artificial bottom throughout most of its length.

SWALE - A natural or constructed shallow watercourse for collecting water within a lot or several lots.

DRIVEWAY - A way for vehicular traffic over a lot in private ownership.

DOUBLE-TIERED SUBDIVISIONS - A subdivision containing more than one row (or tier) of lots.

DUMPING - grading, pushing, piling, throwing, unloading, or placing.

EARTH-DISTURBING ACTIVITY - any grading, excavating, 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 MATERIAL - soil, sediment, rock, sand, gravel, and organic material or residue associated with or attached to the soil.

EASEMENT - An easement is a grant by the property owner of the uses of land by the public, a corporation or persons for specific purpose.

ENGINEER - A registered engineer; a person authorized to practice civil engineering as defined by Chapter 4733 of the Ohio Revised Code.

EROSION -

- (1) The wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep.
- (2) Detachment and movement of soil or rock fragments by wind, water, ice or gravity.
- (3) Erosion includes:
 - (a) Accelerated erosion: erosion much more rapid than normal, natural or geologic erosion, primarily as a result of the influence of the activities of man.
 - (b) Floodplain erosion: abrading and wearing away of the nearly level land situated on either side of a channel because of overflow flooding.
 - (c) Gully erosion: the erosion process whereby water accumulates in narrow channels during and immediately after rainfall or snow or ice melt and actively removes the soil from this narrow area to considerable depths such that the channel would not be obliterated by normal smoothing or tillage operations.
 - (d) Natural erosion (geologic erosion): wearing away of the earth's surface by

water, ice or other natural environmental conditions of climate, vegetation, etc., undisturbed by man.

- (e) Normal erosion: the gradual erosion of land used by man which does not greatly exceed natural erosion.
- (f) Rill erosion: an erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed soils.
- (g) Sheet erosion: the removal of a fairly uniform layer of soil from the land surface by wind or runoff water.

FLOODPLAIN - A watercourse and the areas adjoining a watercourse which have been or hereafter may be covered by a regional flood.

FLOODPROOFING - Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

FLOOD, REGIONAL - A flood having an average frequency of occurrence on the order of once in 100 years although the flood may occur in any year. It is based on statistical analysis of stream flow records available for the watershed or analysis of rainfall and runoff characteristics in the general area of the watershed.

FLOODWAY - The channel of watercourse and those portions of the adjoining flood plains which are required to convey the regional flood.

FLOODWAY FRINGE - That portion of the floodplain outside of the floodway.

GRASSED WATERWAY - a broad or shallow natural course or constructed channel covered with erosion-resistant grasses or similar vegetative cover and used to conduct surface water.

HILLY TERRAIN - That land that has a cross slope that equals or exceeds eight (8) percent.

IMPROVEMENTS - Those physical changes in the natural condition of the land designed to produce lots from raw acreage.

LAND - A tract or group of tracts.

LANDSLIDE - the rapid downward and outward movement of large rock material and/or soil mass under the influence of gravity in which the movement of the soil mass occurs along an interior surface of sliding.

LEASE – To rent or to permit the possession or use of right of possession or use for consideration, of a lot, parcel, tract, land or group of lots, parcels, tracts, or lands.

LOT – For purposes of these regulations, a lot is a parcel of land of sufficient size to transfer.

LOT AREA - The area of the lot exclusive of the street Right-of-Way.

LOT, CORNER – A lot abutting upon two streets at the intersection.

LOT DENSITY - An expression of development intensity based on lot frontage. In subdivisions with varying lot widths, the median lot width will be used to determine lot density. For the purposes of the Scioto County Subdivision Regulations lot densities are categorized as follows:

Low Lot Density: 150 or more feet of frontage

Medium Lot Density: Between 90 and 150 ft. of frontage

High Lot Density: 90 or fewer feet of frontage

LOT DEPTH - The average horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE – A lot fronting upon two streets.

LOT, FLAG OR PIPESTEM - A lot which does not meet minimum frontage or width depth ratio requirements, and which is configured in such a way as the bulk of the lot is connected to said lot's means of access by a narrow strip of land (a "piestem" or "panhandle") which is part of said lot.

LOT, INTERIOR – A lot other than a corner lot with only one front on a street.

LOT WIDTH - The horizontal distance between the side lots lines measured along the chord length at the minimum building setback line in the case of lots facing cul-de-sacs, and along the right-of-way line in all other cases.

MAJOR THOROUGHFARE PLAN - The system of arterial and collector thoroughfares and ways as adopted by the Planning Commission and/or the appropriate authorities of the county or representative cities and villages, including both existing and proposed thoroughfares.

NET ACRE - That land in the subdivision devoted to residential, commercial and industrial uses. It excludes road Right-of-Way and undisturbed or unimproved land reserved for the subdivider, common use of residents or general public.

PARCEL - An ownership, lot plat, or part of an ownership, lot or plot.

PARTITION - A division, separation or subdivision; the act of making a subdivision, separation or subdivision.

PERFORMANCE BOND - An agreement by and between a contractor and a bonding company in favor of the subdivider or by and between a subdivider and a bonding company in favor of the County, guaranteeing the completion of physical improvements.

PERSON - The word "person" shall include any individual, group of persons, association, firm, corporation, developer of any proprietor of lots or grounds.

PLAN - A plan, made and adopted under Sections 711.09 and 711.10, Ohio Revised Code, to appropriate Commission or legislative authority including the general locations recommended for the major streets, parks, or public space.

PLANNED UNIT DEVELOPMENT - Any development of a tract of land for a complex of buildings which are planned as an entirety.

PLAT - A drawing of the subdivision prepared for recording in accordance with these regulations.

PLAT, FINAL - The final plat of a subdivision. An accurate drawing (to a scale indicated on the drawing) of a subdivision, showing the location and boundaries of the tract, or group of parcels of land, together with the location and description of lots, streets, alleys, easements, public grounds, north point and other required information, and submitted to the appropriate Commission upon the completion of the acts required by these regulations.

PLAT, PRELIMINARY - A tentative subdivision plat, in lesser detail than a Final Plat, showing approximate street and lot layout on a topographic map as a basis for consideration prior to preparation of a Final Plat. When used in the general sense, the term "Preliminary Plan" includes all plans and comments and supplementary data set forth in Section 301 for submission to the Planning Commission.

PUBLIC WATERS - water within rivers, streams, ditches, and lakes except private ponds and lakes wholly within single properties, or waters leaving property on which surface water originates.

RESUBDIVISION - Rearrangement and subdivision of a tract comprising a group of lots, parcels, streets, alleys, or any combination of lots, parcels, streets, and/or alleys.

RIGHT-OF-WAY - The width between property lines of a street, parkway, alley, crossway, or easement.

SALE - The act of selling.

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 above or below sea level.

SEDIMENT BASIN - a barrier, dam, or other suitable detention facility built across an area of waterflow to settle and retain sediment carried by the runoff waters.

SEDIMENT CONTROL PLAN - a written description, acceptable to the approving agency, of methods for controlling sediment pollution from accelerated erosion on a development area of five or more contiguous acres or from erosion caused by accelerated runoff from a development area of five or more contiguous acres.

SEDIMENT POLLUTION - failure to use management or conservation practices to abate wind or water erosion of the soil or to abate the degradation of the waters of the state by soil sediment in conjunction with land grading, excavating, filling, or other soil-disturbing activities on land used or being developed for non-farm commercial, industrial, residential, or other non-farm purposes.

SELL - To make a conveyance for considerations or for a price; to execute a deed for sale; to execute a "sales contract".

SEPARATE - Make a separation of.

SEPARATION - The partitioning or division of a lot, parcel, tract, land or subdivision thereof, into two or more parcels of land.

SLIP - landslide as defined above.

SLOUGHING - a slip or downward movement of an extended layer of soil resulting from the undermining action of water or the earth-disturbing activity of man.

SOIL LOSS - soil relocated on or removed from a given site by the forces of erosion and the redeposit of the soil at another site on land or in a body of water.

STORM FREQUENCY - the average period of time within which a storm of a given duration and intensity can be expected to be equaled or exceeded.

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.

SUBSURFACE DRAINAGE SYSTEM - A system of pipes or tiles designed to remove excess water from below the soil surface and thus lower the water table.

SUBDIVISION - See definition in Section 104 and Appendix "A".

SURVEYOR – A registered surveyor; a person authorized to practice civil surveying as defined by Chapter 4733 of the Ohio Revised Code.

THOROUGHFARES, HIGHWAYS, STREETS AND ALLEYS:

ALLEY - A minor way which is used primarily for vehicular service access to the back or side of the properties otherwise abutting on a street.

ARTERIAL HIGHWAY, ARTERIAL STREET OR MAJOR THOROUGHFARE OF MAJOR STREET - A principal or heavy traffic street of considerable continuity and used primarily as a traffic artery for intercommunication among large areas as designated on the thoroughfare plan.

COLLECTOR STREET - A street which carries traffic from minor streets to arterial or major streets, including the principal entrance streets of a residential development and streets for circulation within such a development as designated on the thoroughfare plan.

CUL-DE-SAC - A minor street with only one outlet open to vehicular traffic and the other end terminated by a permanent vehicular turnaround.

DEAD-END-STREET - A street with one end open to vehicular traffic but not provided with a vehicular turnaround at the other end.

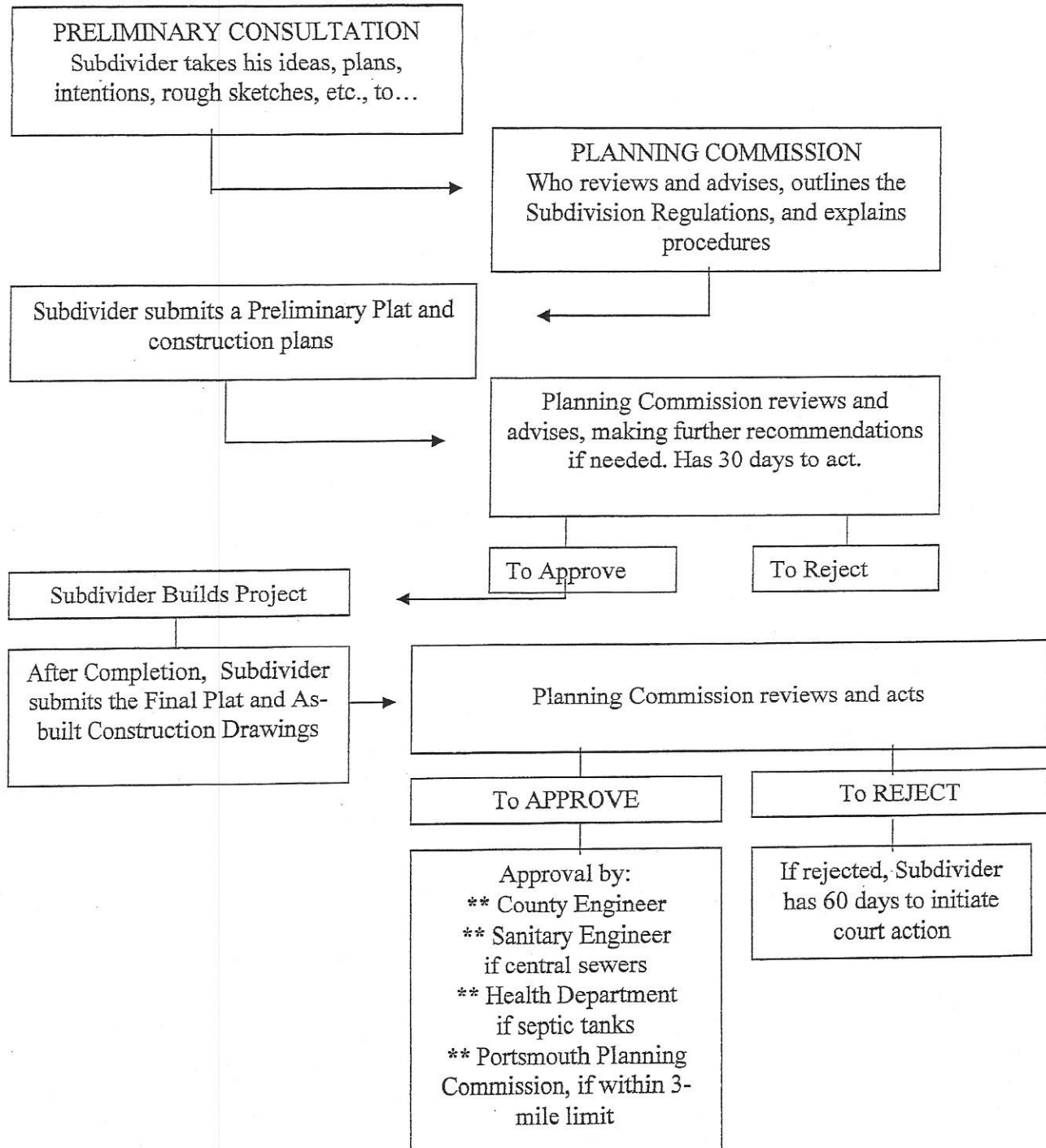
MARGINAL ACCESS STREET – A minor street for the purpose of providing controlled access to an arterial highway.

MINOR STREET OR LOCAL STREET - A street used primarily for access to the abutting properties or to collector streets.

STREET – A right-of-way, dedicated to public use, which provides vehicular and pedestrian access to adjacent properties other than arterial or collector and local street.

TOPSOIL – surface and upper surface soils which presumably are darker colored, fertile soil materials, ordinarily rich in organic matter or humus debris.

PROGRAM PROCEDURE
FOR SUBDIVISION APPROVAL



ARTICLE 1000

REQUIRED STATEMENTS AND SIGNATURES TO BE AFFIXED ON THE PLAT

Section 1001 REQUIRED STATEMENTS:

Situated in Virginia Military Survey Number _____ (or Section _____, Township _____, Range _____,) Township of _____, County of Scioto, Ohio, containing _____ acres and being the same tract as conveyed to _____ described in the Deed recorded in Deed Book _____, at Page _____ Scioto County, Ohio.

The undersigned _____ hereby certifies that the attached plat correctly represents their _____, a subdivision of lots _____ to _____ inclusive, do hereby accept this plat of same and dedicate to public use as such all or parts of the roads, boulevards, cul-de-sacs, parks, planting strips, etc., shown herein and not heretofore dedicated.

IN WITNESS THEREOF, _____ day of _____, 19____.

Witness _____ Signed _____
_____ Signed _____

I do hereby certify that I have surveyed the premises and prepared the attached plat and that said plat is correct. I further certify that all monuments and boundary markers are correctly drawn and actually in place or will be placed.

Surveyor No. _____

STATE OF OHIO, COUNTY OF SCIOTO ss:

Before me, a Notary Public, in and for said County and State personally came _____, who acknowledged the signing of the foregoing instrument to be his/her/their voluntary act and deed for the purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this _____ day of _____, 19____.

Notary Public, State of Ohio
My Comm Exp: _____

Section 1002 REQUIRED APPROVALS:

1002.01 Outside the subdivision platting jurisdiction of the County of Scioto:

Approved this _____ day of _____, 19____.

Scioto County Engineer

Dated: _____

Approved this _____ day of _____, 19____.

Scioto County Board of Health

(If sewer or water systems are not available)

Approved this _____ day of _____, 19____.

Township Zoning Board

(Where applicable)

Approved this _____ day of _____, 19____.

Chairman, Scioto Co. Planning Comm.

Secretary, Scioto Co. Planning Comm.

The land for roads, boulevards and other improvements herein described to public use are hereby accepted as such for the County of Scioto, State of Ohio.

Transferred this _____ day of _____, 19____.

Scioto County Auditor

Filed for Record this _____ day of _____, 19____ at _____.

Recorded this _____ day of _____, 19____, in Plat Book _____, Page _____.

Scioto County Recorder

Deputy Recorder

1002.02 Within the subdivision platting jurisdiction of the County of Scioto outside the corporation limits:

Approved this _____ day of _____, 19____.

Scioto County Engineer

Dated _____

Approved this _____ day of _____, 19____.

Scioto County Board of Health

(if sewer or water systems are unavailable)

Approved this _____ day of _____, 19____.

Township Zoning Board

(Where applicable)

Approved this _____ day of _____, 19____.

Secretary

Scioto County Planning Commission

The land for roads, boulevards and other improvements herein described to public use are hereby accepted as such for the County of Scioto, State of Ohio.

This approval and acceptance becomes void unless this plat is filed for recording within 30 days after the date of such action.

Transferred this _____ day of _____, 19____.

Scioto County Auditor

Filed for Record, this ____ day of _____, 19____ at
_____.

Recorded this ____ day of _____, 19____, in Plat Book _____, at Page _____.

Scioto County Recorder

Deputy Recorder

APPENDIX A

DEFINITION OF A SUBDIVISION:

As defined by Chapter 711 of the Ohio Revised Code, a subdivision is defined as follows:

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

DIVISIONS OF LAND NOT SUBJECT TO THESE REGULATIONS:

- (a) The division or partition of land into parcels containing more than five (5) acres not involving any new streets or easements of access.
- (b) The sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites as defined by zoning or these regulations or reduce the original tract below the requirements of zoning or these regulations.
- (c) The establishment and improvement of private streets serving industrial structures.

APPENDIX B
SCIOTO COUNTY MAJOR (PLATTED) SUBDIVISION REVIEW SUMMARY

PRELIMINARY CONSULTATION

Commission Review & Comments

SUBMISSION OF PRELIMINARY PLAN
Including Preliminary Plat and Construction Drawings
Plan Shall Include ALL of the Subdivision

Commission Review & Comments

SCIOTO CO. PLANNING COMMISSION REVIEW & APPROVAL OF PRELIMINARY PLAN

PORTSMOUTH CITY PLANNING COMMISSION REVIEW AND APPROVAL OF PRELIMINARY PLAN
(If Subdivision is Within the Established Three-Mile Limit)

NOTE: NO SITE IMPROVEMENTS SHALL BE MADE
BEFORE APPROVAL OF THE PRELIMINARY PLAN

110% ASSURANCE BOND POSTED OR IMPROVEMENTS MADE

SUBMISSION OF FINAL PLAN
Including Final Plat and As-built Construction Drawings
May be for All of the Subdivision or a Phase of the Subdivision

25% Maintenance Bond

FINAL PLAT SIGNED
The Assurance Bond Must be Posted or the County Engineer
Must Sign Off on Improvements Before the Planning Commission
Signs the Final Plat

APPENDIX C

BOARD OF HEALTH CRITERIA SEWAGE SYSTEMS (INDV.)

The Board of Health of the Scioto County General Health District adopted by reference the home sewage disposal regulations Chapter 3701-26-01 to 3701-29-21 inclusive of the Ohio Sanitary Code. That part of these regulations (3701-29-03) relative to Subdivisions is as follows:

- (A) Any person proposing to create a subdivision shall submit to the Board of Health, for approval, plans clearly showing that the provisions of rules 3701-29-01 to 3701-29-21 of the Ohio Sanitary Code can be adequately met, before any of the lots in the Subdivision are sold or offered for sale, whether or not such sale entails a transfer of title or deed.
- (B) No person shall install household sewage disposal systems in new subdivisions, unless it is considered to be impracticable or inadvisable by the Board of Health and the Ohio Environmental Protection Agency to install a central sewage system.
- (C) If household sewage disposal systems are proposed, the plans shall show:
 - (1) The total land area to be used;
 - (2) Location and size of all lots;
 - (3) The properties and characteristics of the soils in the subdivision
 - (4) Depth to normal ground water table and rock strata;
 - (5) Location of all bodies of water, streams, ditches, sewers, drain tile, existing and proposed potable water supply sources and lines on this adjacent lots within one hundred feet (100 ft) of the proposed subdivision, or any other information which may affect the installation or operation of household sewage disposal systems or the enforcement of rules 3701-29-91 to 3701-29-21 of the Ohio Sanitary Code;
 - (6) Existing and finished grade of all lots.
- (D) If the proposed subdivision is to be served by either a sanitary sewerage system or a water supply system or both, plans shall be submitted to the Ohio Environmental Protection Agency as required by Section 6111.44 of the Ohio Revised Code.

APPENDIX D

DECLARATION OF PRIVATE ACCESS EASEMENT

THIS DECLARATION AND AGREEMENT is made and entered into at _____, this _____ day of _____ by _____ and between all of the owners of the tracts described below:

Tract 1: described in exhibit _____ (may use tax parcel number)
Tract 2: described in exhibit _____ (may use tax parcel number)
Tract 3: described in exhibit _____ (may use tax parcel number)
Tract 4: described in exhibit _____ (may use tax parcel number)

An access easement, described and illustrated in attachment _____, is to be on property included in the tracts numbered _____ above. An access easement is granted to the parcel(s) numbered _____ above. The width of said easement shall be _____ feet, as per the special standards included in Section 403.01(c) of the Scioto County Subdivision Regulations.

The covenants, agreements, restrictions, and reservations included in this declaration agreement shall run with the real estate described above and shall be binding upon and shall inure to the benefit of all subsequent grantees, their respective heirs, successors, and assigns.

By declaring this access easement, the owners of the subject parcels do for themselves, and for their grantees, respective heirs, successors, and assigns, agree to take permanent responsibility for the maintenance, repair, and upkeep of the subject driveway/easement. Therefore, at no time shall the current or future parcel owners seek to force _____ Township, Scioto County, or the State of Ohio to assume ownership or responsibility for the said driveway/easement. Easements that meet the standards included in the Scioto County Subdivision Regulations may be dedicated as public roads as part of subdivision plats or according to other procedures outlined in the Ohio Revised Code only if all parties, including the County and the Township, agree to said dedication.

This declaration agreement may be modified or superseded so long as said modification or superseding agreement is in writing, approved by the unanimous consent of all parcel votes, and that said modifications or superseding agreements meet all conditions set out in Section 403 of the Scioto County Subdivision Regulations. Also, said modifications or superseding agreements shall not remove any other restrictions which may have been required by the Scioto County Planning Commission. Each modification or superseding agreement shall be recorded in the Scioto County Recorder's Office, Portsmouth, Ohio.

Signed:

Parcel #1 Owner

Witness

Witness

Parcel #2 Owner

Witness

Witness

Parcel #3 Owner

Witness

Witness

Parcel #4 Owner

Witness

Witness

Appendix E

Sample Maintenance Provisions

THIS DECLARATION AND AGREEMENT is made and entered into at _____, this _____ day
of _____ by and between all of the owners of the tracks described below:

- Tract 1: described in exhibit _____ (may use tax parcel number)
Tract 2: described in exhibit _____ (may use tax parcel number)
Tract 3: described in exhibit _____ (may use tax parcel number)
Tract 4: described in exhibit _____ (may use tax parcel number)

An access easement, described and illustrated in attachment _____, is to be on property included in the tracts numbered _____ above. An access easement is granted to the parcel(s) numbered _____ above. The width of said easement shall be _____ feet, as per the special standards included in Section 403.01(c) of the Scioto County Subdivision Regulations.

The covenants, agreements, restrictions, and reservations included in this declaration agreement shall run with the real estate described above and shall be binding upon and shall inure to the benefit of all subsequent grantees, their respective heirs, successors, and assigns.

Provisions:

1. The tracts described in exhibits _____ (regardless of the number of owners of said parcel) shall be entitled to one vote (herein referred to as a "tract vote"). All decisions as to the extent of the maintenance, repair, and upkeep, or the need for such maintenance, repair, and upkeep shall be governed by a majority of the tract votes.
2. The terms "maintenance," "repair," and "upkeep" as used in this instrument shall be interpreted in their broadest sense. The terms include, but shall in no way be limited to, snow removal, replacement of stone or gravel, paving or cementing the driveway, the removal of obstructions and overhangs from the driveway as needed, tar and chipping, dust control, grass and weed control, and ditch maintenance, together with all associated labor costs.
3. Relative to the total expense for maintenance, repair, and upkeep of the easement and driveway, each respective tract shall be responsible for and is hereby charged with the following percentage of the total expense:
 - A. Tract # _____ is hereby charged with _____ percent (____%) of the total expenses.
 - B. Tract # _____ is hereby charged with _____ percent (____%) of the total expenses.

- C. Tract # _____ is hereby charged with _____ percent (____%) of the total expenses.
- D. Tract # _____ is hereby charged with _____ percent (____%) of the total expenses.
4. The improved driveway shall be at least fourteen (14) feet in width.
 5. The common access easement shall, at all times, be free from obstruction of any kind so as to allow for the proper passage of motor vehicles. All trees, overhanging branches, or other obstructions to the free passage of public safety vehicles shall be removed and shall be kept removed and maintained at all times.
 6. Unless otherwise agreed to in writing by the unanimous consent of the tract votes, no compensation shall be paid to any owner of said parcel who personally provides for maintenance, repair, or upkeep of any area of the common access driveway. Any work so done by any party without the unanimous consent of all parcel votes shall be considered to be gratuitous in nature. An agreement to provide compensation to an owner or owners of a parcel on the common access driveway for the maintenance, repair, or upkeep of said driveway shall be in writing and shall be with the unanimous consent of all tract votes. Said agreement may be terminated by approval of two-thirds (2/3rds) of the tract votes.
 7. No tract vote shall have the authority, on its own, to institute maintenance, upkeep, or repair procedures without having the approval of the majority of the tract votes sharing the common access. In the event that any owner of a parcel vote shall so institute maintenance, repair, or upkeep procedures without the prior authority of a majority of the tract votes, said owner shall be responsible for payment in full of such maintenance, repair, or upkeep procedures, regardless of whether or not said procedures benefit the common access.
 8. For all purposes, the record title owner of subject tracts shall be the owners of the parcel votes and said votes may not be assigned or transferred without the prior written consent of the owners of the other parcel votes. Parcel votes may be exercised by proxy.
 9. The owners of the tract votes shall be entitled to establish procedures for the provision of maintenance, repair, or upkeep of the common access as a majority of said votes may deem fit.
 10. All remedies, legal and equitable, shall be available to all of the owners of tract votes to provide for the proper enforcement of the regulations and agreements established herein, including the collection of unpaid costs due as charged to each tract.

Signed:

Parcel #1 Owner

Witness

Witness

Parcel #2 Owner

Witness

Witness

Parcel #3 Owner

Witness

Witness

Parcel #4 Owner

Witness

Witness

Scioto County

Floodplain Management Regulations

Scioto County Floodplain Office
Kendra Hobson, Administrator
617 Court Street
Portsmouth, OH 45662
Phone: (740) 355-1274
Fax: (740) 355-1262

**SPECIAL PURPOSE
FLOOD DAMAGE REDUCTION RESOLUTION
SCIOTO COUNTY, OHIO
EFFECTIVE APRIL 18, 2011**

SECTION 1.0: GENERAL PROVISIONS

1.1 Statutory Authorization

This resolution is adopted pursuant to authorization contained in Sections 307.37 and 307.85 of the Ohio Revised Code. This resolution adopts regulations for areas of special flood hazard that are necessary for participation in the National Flood Insurance Program. Therefore, the SCIOTO COUNTY BOARD OF COMMISSIONERS, Scioto County, State of Ohio, does resolve as follows:

1.2 Findings of Fact

SCIOTO COUNTY, OHIO has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, flood proofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

1.3 Statement of Purpose

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;

- G. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- H. Minimize the impact of development on adjacent properties within and near flood prone areas;
- I. Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- J. Minimize the impact of development on the natural, beneficial values of the floodplain;
- K. Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- L. Meet community participation requirements of the National Flood Insurance Program.

1.4 Methods of Reducing Flood Loss

In order to accomplish its purposes, these regulations include methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities, which serves such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters;
- D. Controlling filling, grading, dredging, excavating and other development, which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers, which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

1.5 Lands To Which These Regulations Apply

These regulations shall apply to all areas of special flood hazard within the jurisdiction of SCIOTO COUNTY, OHIO as identified in Section 1.6, including any additional areas of special flood hazard that come into the jurisdiction of SCIOTO COUNTY, OHIO.

1.6 Basis for Establishing the Areas of Special Flood Hazard

For the purposes of these regulations, the following studies and/or maps are adopted:

- A. "Flood Insurance Study Scioto County, Ohio and Incorporated Areas" and "Flood Insurance Rate Map Scioto County, Ohio and Incorporated Areas" both effective April 18, 2011.
- B. Other studies and/or maps which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.

- C. Any hydrologic and hydraulic engineering analysis authored by a registered professional engineer in the State of Ohio, which has been approved by SCIOTO COUNTY, OHIO as required by Section 4.3 Subdivisions and Large Scale Developments.

Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the SCIOTO COUNTY Floodplain Office, 617 Court Street, Portsmouth, Ohio 45662 – SCIOTO COUNTY, OHIO.

1.7 Abrogation and Greater Restrictions

These regulations are not intended to repeal any existing resolutions including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other resolution, the more restrictive shall be followed. These regulations shall not intend to impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations.

1.8 Interpretation

In the interpretation and application of these regulations, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a State or Federal law, such state or Federal law shall take precedence over these regulations.

1.9 Warning and Disclaimer of Liability

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of SCIOTO COUNTY, OHIO any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

1.10 Severability

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 2.0: DEFINITIONS

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

Accessory Structure

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Appeal

A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

Base Flood

The flood having a one-percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.

Base (100-Year) Flood Elevation (BFE)

The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL).—In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).

Basement

Any area of the building having its floor sub grade (below ground level) on all sides.

Development

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Enclosure Below the Lowest Floor

See "Lowest Floor".

Executive Order 11988 (Floodplain Management)

Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

Federal Emergency Management Agency (FEMA)

The agency with the overall responsibility for administering the National Flood Insurance Program.

Fill

A deposit of earth material placed by artificial means.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waves; and/or
2. The unusual and rapid accumulation or run-off of surface waters from any source.

Flood Hazard Boundary Map (FHBM)

Usually the initial map, produced by the Federal Emergency Management Agency or US Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

Flood Insurance Rate Map (FIRM)

An official map on which the Federal Emergency Management Agency or the US Department of Housing and Urban Development has delineated the areas of special flood hazard.

Flood Insurance Risk Zones

Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are zone definitions:

Zone A:

Special flood hazard areas inundated by the 100-year flood. Base flood elevations are not determined.

Zone A1-30 and Zone AE:

Special flood hazard areas inundated by the 100-year flood. Base flood elevations are determined.

Zone AO:

Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.

Zone AH:

Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas on ponding); base flood elevations are determined.

Zone A99:

Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.

Zone B and Zone X (shaded):

Areas of 500-year flood; Areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

Zone C and Zone X (un-shaded):

Areas determined to be outside the of the 500-year floodplain.

Flood Insurance Study (FIS)

The official report in which the Federal Emergency Management Agency or the US Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

Flood Protection Elevation

The Flood Protection Elevation, or FPE, is the base flood elevation plus two (2) feet of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

Floodway

A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

Freeboard

A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

Historic Structure

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
2. Certified or preliminary determined by the Secretary of the Interior as Contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
3. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.

Hydrologic and Hydraulic Engineering Analysis

An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

Letter of Map Change (LOMC)

A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

Letter of Map Amendment (LOMA)

A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

Letter of Map Revision (LOMR)

A revision based on technical data that, usually due to man-made changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

Conditional Letter of Map Revision (CLOMR)

A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

Lowest Floor

The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area

other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

Manufactured Home

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.

Manufactured Home Park

As specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

National Flood Insurance Program (NFIP)

The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

New Construction

Structures for which the "start of construction" commenced on or after the initial effective date of the SCIOTO COUNTY, OHIO Flood Insurance Rate Map, June 19, 1989, and includes any subsequent improvements to such structures.

Person

Includes any individual or group of individuals, corporation, partnership, association, or other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

Recreational Vehicle

A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Registered Professional Architect

A person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Revised Code.

Registered Professional Engineer

A person registered as a professional engineer under Chapter 4733 of the Revised Code.

Registered Professional Surveyor

A person registered as a professional surveyor under Chapter 4733 of the Revised Code.

Special Flood Hazard Area

Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal, state or local sources of data, including but not limited to, historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

Start of Construction

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

Structure

A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood related damage sustained by a structure on two (2) separate occasions during a 10-year period for which the cost of repairs at the time of each flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of the construction" of the improvement. **When the combined total of all previous improvements or repairs made during the life of the structure equals or exceeds 50 percent of a structure's market value, that structure is considered a substantial improvement.** This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

1. Any improvement to a structure which is considered "new construction";
2. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
3. Any alteration of a "historic structure", provided that the alteration would not preclude the structure's continued designation as a "historic structure".

Variance

A grant of relief from the standards of these regulations consistent with the variance conditions herein.

Violation

The failure of a structure or other development to be fully compliant with these regulations.

Watershed

The area of land where all of the water that is under it or drains off of it goes into the same place.

SECTION 3.0: ADMINISTRATION

3.1 Designation of the Floodplain Administrator

As appointed by the Scioto County Commissioners, a staff member in the Scioto County Economic Development Office is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

3.2 Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include, but are not limited to:

- A. Evaluate applications for permits to develop in special flood hazard areas.
- B. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- C. Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- D. Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- E. Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.
- F. Enforce the provisions of these regulations.
- G. Provide information, testimony, or other evidence as needed during variance hearings.
- H. Coordinate map maintenance activities and FEMA follow-up.
- I. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

3.3 Floodplain Development Permits

It shall be unlawful for any person to begin construction or other development activity, including but not limited to, filling, grading, construction, alteration, remodeling, or expanding any structure, or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1.6, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

3.4 Application Required

An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose.

Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

- A. Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- B. Elevation of the existing, natural ground where structures are proposed.
- C. Elevation of the lowest floor, including basement, of all proposed structures.
- D. Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- E. Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
 - 1. Flood proofing certification for non-residential flood proofed structure as required in Section 4.5.
 - 2. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 4.4(E) are designed to automatically equalize hydrostatic flood forces.
 - 3. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 4.9(C).
 - 4. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 4.9(B).
 - 5. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 4.9(A).
 - 6. Generation of base flood elevation(s) for subdivision and large-scale developments as required by Section 4.3.
- F. A floodplain development permit application fee set by the schedule of fees adopted by the SCIOTO COUNTY Commissioners.

3.5 Review and Approval of a Floodplain Development Permit Application

A. Review

1. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 3.4 has been received by the Floodplain Administrator.
2. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required, including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

B. Approval

Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after the issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

3.6 Inspections

The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

3.7 Post-Construction Certifications Required

The following as-built certifications are required after a floodplain development permit has been issued:

- A. For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a *Federal Emergency Management Agency Elevation Certificate* completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A or Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.

- B. For all development activities subject to the standards of Section 3.10(A), a Letter of Map Revision.

3.8 Revoking a Floodplain Development Permit

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Variance Board in accordance with Section 5 of these regulations.

3.9 Exemption from Filing a Development Permit

An application for a floodplain development permit shall not be required for:

- A. Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000.
- B. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code, Section 3701.
- C. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
- D. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
- E. Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

3.10 Map Maintenance Activities

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that SCIOTO COUNTY, OHIO flood maps, studies and other data identified in Section 1.6 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

A. Requirement to Submit New Technical Data

1. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 - a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;

- c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - d. Subdivision or large-scale development proposals requiring the establishment of base flood elevations in accordance with Section 4.3.
- 2. It is the responsibility of the applicant to have technical data, required in accordance with Section 3.10(A), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
- 3. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - a. Proposed floodway encroachments that increase the base flood elevation; and
 - b. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
- 4. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 3.10(A)(1).

B. Right to Submit New Technical Data

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevation, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Commissioners of SCIOTO COUNTY, OHIO, and may be submitted at any time.

C. Annexation / Detachment

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of SCIOTO COUNTY, OHIO have been modified by annexation or the community has assumed authority over an area, or no longer has authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the SCIOTO COUNTY, OHIO Flood Insurance Rate Map accurately represent the SCIOTO COUNTY, OHIO boundaries, include within such notification a copy of a map of SCIOTO COUNTY, OHIO suitable for reproduction, clearly showing the new corporate limits or the new area for which SCIOTO COUNTY, OHIO has assumed or relinquished floodplain management regulatory authority.

3.11 Data Use and Flood Map Interpretation

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

- A. In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
- B. Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
- C. When Preliminary Flood Insurance Rate Maps and/or Flood Insurance Study have been provided by FEMA:
 - 1. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.
 - 2. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.
- D. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5.0, Appeals and Variances.
- E. Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.

3.12 Substantial Damage Determinations

Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:

- A. Determine whether damaged structures are located in special flood hazard areas;

- B. Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
- C. Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with increased Cost of Compliance insurance claims.

SECTION 4.0: USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1.6 or 3.11(A):

4.1 Use Regulations

A. Permitted Uses

All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by SCIOTO COUNTY, OHIO are allowed provided they meet the provisions of these regulations.

B. Prohibited Uses

1. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3701 of the Ohio Revised Code.
2. Infectious waste treatment facilities in all special flood hazard areas, permitted under Section 3734 of the Ohio Revised Code.
3. Storage or processing of hazardous, flammable, or explosive materials in special flood hazard areas.

4.2 Water and Wastewater Systems

The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
- B. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
- C. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

4.3 Subdivisions and Large Developments

- A. All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;
- D. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less;
- E. The applicant shall meet the requirement to submit technical data to FEMA in Section 3.10(A)(1)(d) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 4.3(D);
- F. All preliminary plans for platted subdivisions shall identify the flood hazard area and the elevation of the base flood;
- G. All final subdivision plats will provide the boundary of the special flood hazard area, the floodway boundary, and the base flood elevations;
- H. In platted subdivisions, all proposed lots or parcels that will be future building sites shall have a minimum buildable area outside the natural (non-filled) 1% chance annual floodplain. The buildable area shall be large enough to accommodate any primary structure and associated structures such as sheds, barns, swimming pools, detached garages, on-site sewage disposal systems, and water supply wells, if applicable; and
- I. Approval shall not be given for streets within a subdivision, which would be subject to flooding. All street surfaces must be located at or above the base flood elevation.

4.4 Residential Structures

- A. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the

base flood elevation, the requirements for anchoring (4.4)(A) and construction materials resistant to flood damage (4.4)(B) are satisfied.

- B. New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
- C. New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- D. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. Where flood protection data are not available the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent grade.
- E. New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of floodwaters may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - 1. Be used only for the parking of vehicles, building access, or storage; and
 - 2. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - 3. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- F. Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- G. Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 4.4:

- H. In AO Zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

4.5 Nonresidential Structures

- A. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall meet the requirements of Section 4.4(A) – (C) and (E) – (H).
- B. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
 - 1. Be dry flood proofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 - 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - 3. Be certified by a registered professional engineer or architect, through the use of a *Federal Emergency Management Flood Proofing Certificate*, that the design and methods of construction are in accordance with Section 4.5(B)(1) and (2).
- C. Where flood protection elevation data are not available, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

4.6 Accessory Structures

Relief to the elevation or dry flood proofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:

- A. They shall not be used for human habitation;
- B. They shall be constructed of flood resistant materials;
- C. They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- D. They shall be firmly anchored to prevent flotation;
- E. Service facilities such as electrical and heating equipment shall be elevated or flood proofed to or above the level of the flood protection elevation; and
- F. They shall meet the opening requirements of Section 4.4(E)(3).

4.7 Recreational Vehicles

Recreational vehicles must meet at least one of the following standards:

- A. They shall not be located on sites in special flood hazard areas for more than 180 days; or
- B. They must be fully licensed and ready for highway use; or
- C. They must meet all standards of Section 4.4.

4.8 Above Ground Gas or Liquid Storage Tanks

All above ground gas or liquid storage tanks, not otherwise prohibited by these regulations, shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

4.9 Assurance of Flood Carrying Capacity

Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

A. Development in Floodways

1. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
2. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - a. Meet the requirements to submit technical data in Section 3.10(A);
 - b. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 - c. Certification that no structures are located in areas which would be impacted by the increased base flood elevation;
 - d. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
 - e. Concurrence of the SCIOTO COUNTY COMMISSIONERS of SCIOTO COUNTY, OHIO and the Chief Executive Officer of any other communities impacted by the proposed actions.

B. Development in Riverine Areas with Base Flood Elevations but No Floodways

1. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation

more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or

2. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - a. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
 - b. Section 4.9(A), items (a) and (c) – (e).

C. Alterations of a Watercourse

For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage". The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the *USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique* or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

1. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
2. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency (FEMA).
3. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with SCIOTO COUNTY, OHIO specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
4. The applicant shall meet the requirements to submit technical data in Section 3.10(A)(1)(c) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

SECTION 5.0: APPEALS AND VARIANCES

5.1 Appeals Board Established

- A. The SCIOTO COUNTY PLANNING COMMISSION is hereby appointed to serve as the Appeals Board for these regulations as established by the SCIOTO COUNTY COMMISSIONERS.
- B. Records of the Appeals Board shall be kept and filed in the SCIOTO COUNTY FLOODPLAIN OFFICE – 617 Court Street, Portsmouth, Ohio 45662.

5.2 Powers and Duties

- A. The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
- B. Authorize variances in accordance with Section 5.4 of these regulations.

5.3 Appeals

Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within 10 days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

5.4 Variances

Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

A. Application for a Variance

- 1. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.

2. Such application at a minimum shall contain the following information: Name, address and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.
3. All Applications for a variance shall be accompanied by a variance application fee in the schedule of fees set by the SCIOTO COUNTY COMMISSIONERS.

B. Public Hearing

At such hearing the applicant shall present such statements and evidence, as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
4. The importance of the services provided by the proposed facility to the community.
5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
6. The necessity to the facility of a waterfront location, where applicable.
7. The compatibility of the proposed use with existing and anticipated development.
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Variances shall only be issued upon:

1. A showing of good and sufficient cause.
2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.

3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
4. A determination that the structure or other development is protected by methods to minimize flood damages.
5. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purpose of these regulations.

C. Other Conditions for Variances

1. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
2. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 5.4(B)(1) to (11) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest flood elevation.

5.5 Procedure at Hearings

1. All testimony shall be given under oath.
2. A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
3. The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
4. The administrator may present evidence or testimony in opposition to the appeal or variance.
5. All witnesses shall be subject to cross-examination by the adverse party or their counsel.
6. Evidence that is not admitted may be proffered and shall become part of the record for appeal.
7. The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.

8. The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

5.6 Appeals to the Court

Those aggrieved by the decision of the Appeals Board may appeal such decision to the SCIOTO COUNTY Court of Common Pleas as provided in Chapter 2506 of the Ohio Revised Code.

SECTION 6.0: ENFORCEMENT

6.1 Compliance Required

- A. No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 3.9.
- B. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 6.3.
- C. Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 6.3.

6.2 Notice of Violation

Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- A. Be put in writing on an appropriate form;
- B. Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action which, if taken, will effect compliance with the provisions of these regulations;
- C. Specify a reasonable time for performance;
- D. Advise the owner, operator, or occupant of the right to appeal;
- E. Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing

address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

6.3 Violations and Penalties

Violation of the provisions of these regulations, or failure to comply with any of its requirements or lawful orders issued pursuant thereto, shall be deemed to be a strict liability offense. Any person who violates these regulations, or fails to comply with any of its requirements or lawful orders issued pursuant thereto, shall, upon conviction thereof, be fined not more than \$300.00 and, in addition, shall pay all costs and expenses involved in the case as provided by the laws of Scioto County. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Scioto County from taking such other lawful action as is necessary to prevent or remedy any violation. Scioto County shall prosecute any violation of these regulations in accordance with the penalties stated herein.

SECTION 7.0: ADOPTION

This Resolution shall take effect on the thirty-first day following the date of its adoption. The Special Purpose Flood Damage Prevention Resolution adopted on September 19, 2002 is hereby repealed.

Adopted by the Board of SCIOTO COUNTY Commissioners on this 7th day of April, 2011.

Roll Call Vote:

Sean Beier

Van Ruff

Mike Galt

Attest:

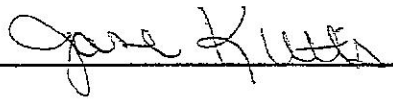
Jane Harris

APPROVED
BOARD OF COUNTY COMMISSIONERS
SCIOTO COUNTY, OHIO
Commissioners Journal
Journal 83 Page 399
Date 4-7-11

CERTIFICATION OF PUBLIC NOTICES

In accordance with the Ohio Revised Code, Section 307.37 and 307.39, public hearings were held on March 31, 2011 and April 7, 2011 at regular meetings of the Board of County Commissioners. Notice of these hearings was published once a week for two weeks immediately preceding the hearings in the Scioto Voice Newspaper on March 17, 2011 and March 24, 2011. A notice of adoption and availability was published within ten days after adoption in the Scioto Voice Newspaper on April 14, 2011.

CERTIFIED BY: _____



DATE: _____

April 7, 2011

APPENDIX - G -

URGENT MEMO

TO: SUBDIVISION DEVELOPERS
PROPERTY OWNERS WHO DESIRE TO
SUBDIVIDE THEIR PROPERTY AND SELL
LOTS OR PARCELS ON U.S. AND STATE HIGHWAYS

FROM: STEVE WELLS, EXECUTIVE DIRECTOR, SCIOTO COUNTY PLANNING
COMMISSION

REGARDING: O.D.O.T. District 9 State & U.S. Route Access Management Program

The Ohio Department of Transportation has developed a new driveway and new road permit program for accessing Ohio State Routes and U.S. Routes. My office would like to advise you and your public clients that whenever consideration of splitting land that involves a new driveway or road access onto a State Route or U.S. Route that the parties involved need to obtain a permit application from O.D.O.T. Prior to the Lot/Parcel split occurring.

Formulas will be utilized based on highway speed limits, topography, road curves, proximity to other driveways, etc., to determine whether highway access will be granted or not. In the case where driveway access to these highways are denied, an appeal process does exist within O.D.O.T. As our office is responsible in approving minor lot splits and new subdivision roads, we would like to request that your clients receive O.D.O.T.'s permit approvals before our office receives lot split requests from your clients. Whereas, currently the Scioto Count Planning Commission **has no** authority to enforce this permit process, the Ohio Department of Transportation **does have** the authority to enforce the O.D.O.T. access management program and permit process.

Quoting from an O.D.O.T. letter the following is set forth for your information:
With the ever growing population, new construction of homes, shopping centers, small business sites and various other types of facilities, O.D.O.T has developed an "Access Management Program: that will aid in the control of traffic patterns within our state routes. Effective as of February 14, 2004 O.D. O.T. District 9 will review all requests for access to our state routes through the "Access Management Program."

For your ease of understanding and readily available information, O.D.O.T. has placed the "Access Management Program" on O.D.O.T.'s web site. To access the program, please follow the instructions below:

(Web Instructions)

Please go to www.dot.state.oh.us

Select an ODOT option from the drop down box

Click Roadway Eng Services

Click Access Management

Should you have any questions concerning this matter, please do not hesitate to contact either, O.D.O. T. at 888-819-8501 (Toll Free in Ohio). or Local Contact – Chris Nizio, State Garage for permits 740-259-2071

State of Ohio
Department of Transportation
RIGHT-OF-WAY USER PERMITS
Instructions

PLEASE READ:

- 1) A valid permit to use or occupy the highway right-of-way must be obtained **before any** construction takes place within the right of way. No work will be initiated on or off State right-of-way at any commercial site until the site plans have been approved by the Department of Transportation.
- 2) Application for permits can be made in person or sent by mail to the local Department of Transportation District office in care of the District Deputy Director (ATTN: Permit Department). Signatures by contractor are not acceptable and will be returned.
- 3) Applications for public roads, commercial accesses, or residential driveway approaches shall only bear the signature of the property owner, the company owner, or the corporate official responsible for construction and maintenance of the installation placed in the highway right-of-way.
- 4) Permits cannot be issued to developers, contractors, property owners, etc. for any utility service installation, ie; sewer taps, water taps service drops, etc. Applications for these installations must be submitted by the local governing utility company that services the requested area.
- 5) Commercial developments are required to submit the following as a minimum: 4 copies of detailed plans showing all proposed construction, possible effect of traffic movement and trip generation in and out of the proposed site, and drainage calculation based on a 10-year retention. Additionally a separate site plan showing all accesses on both sides of the highway within 1000 feet of the proposed access is required.

The following information should also be included with your application.

- A) Location of the proposed work should be indicated in feet at a distance north, south, east, west, from the nearest intersection indicating which side of the road you will occupy.
 - B) Staking is required for all residential property, showing the exact location of the proposed access, as well as the property lines.
 - C) Total width of through pavements, and if a divided highway, the width of median and location of existing median crossovers.
 - D) Record the width of the pavement and from the edge of a pavement and to the edge of the right-of-way line, keeping in mind the edge of the right-of-way is usually the utility line. If there is no utility line present, the rule of thumb for the edge of right-of-way is for the most part 31' from the center line of the road.
 - E) The proposed width of the new access including the width and radii of any existing access.
 - F) Dimensions and type of construction of any proposed islands between approaches.
 - G) The location and dimensions of proposed buildings and parking area.
 - H) The location and description of any existing and all proposed drainage structures within the highway right-of-way.
 - I) The location and type of all landscape items.
- 6) You must contact the County Manager or his associate 24 hours in advance of starting any work.
 - 7) A copy of the permit and approved plan(s) must be in on site at all times while work is being performed within the State's right-of-way.
 - 8) You may be required to submit additional documentation as listed on the reverse side of the M&R 505. Check with the issuing authority for these details.

App No _____

State of Ohio
Department of Transportation

See Reverse side for additional requirements

Office Use Only

County/ _____
Jurisdiction _____
Rte _____ Log Pt _____
Acc Cat _____

Pe

[1] This form must be completed by the property owner or agents working for a utility company (if applicable). Application by contractor is unacceptable.

Name _____
Address _____ City _____ State _____
Zip _____ Phone () _____ Other (Fax, E-mail) _____

[2] Type of Permit requested: _____ Commercial (See other side) _____ Residential _____ Field _____ Utility _____ Drainage
_____ Beautification (See other side) _____ Spraying, trimming, tree removal _____ Other _____

[3] Briefly describe work to be performed. (Attach plans and see Instructions.)

Traffic Plan

[4] Location where work is to be performed. Give sufficient detail to locate the site accurately, such as the distance in miles or feet from a mile post or from some geographical feature such as an intersecting highway.

In _____ County (along, across) State Route _____, _____ miles or _____ feet
North _____ East _____ West _____ South _____ of _____ on the North _____ East _____ West _____ South _____ side of the road.
Work to commence on _____ and will require _____ days to complete.

[5] Does the property owner own or have any interests in any adjacent property? _____ Yes _____ No
If yes, please describe. _____

[6] Prior to any excavation in the highway right-of-way, the Ohio Utilities Protection Service (OUPS) must be contacted in accordance with ORC Section 3781.25 to 3781.32. OUPS can be reached at 1-800-362-2764. A call must be made to OGPUPS at 1-800-925-0988.

[7] Open cutting of pavement shall not be permitted unless no reasonable alternate method is available. Written approval of the Ohio Department of Transportation District Office must be obtained.

[8] All work requiring men or vehicles within ODOT right of way shall comply with all applicable requirements of the Ohio Manual of Traffic Control Devices and Item 614 (Maintaining Traffic) of the Construction and Material Specifications, latest editions. Failure to comply with these requirements will be cause for immediate revocation or suspension of the permit until the proper traffic control devices have been provided.

[9] I have received a copy of the policies and regulations pertaining to the permit for which I have applied. If a permit is subsequently issued to me by the Ohio Department of Transportation, I understand that the permit will state the terms and conditions for its use, and I agree to comply with all conditions and regulations stipulated on or attached to the permit. I also understand and agree that failure to comply fully with all conditions and regulations of the permit or any change in the use of the permit inconsistent with its terms and conditions will be considered a violation and cause for suspension, revocation, or annulment of the permit thereby rendering the permit illegal and subject to appropriate Department action, up to and including removal of the installation at the permittee's expense.

SIGN and
PRINT here

→ _____
Signature of Property Owner or Agent for Owner
Date _____

Day time Phone _____

Office use only

Date Received _____
By _____
Date Accepted _____
By _____

Additional Requirements

1. All requests for vehicular access connections (commercial and residential driveways and field drives) are subject to the requirements and provisions of the State Highway Access Management Manual.
2. Check with the issuing authority to determine which of the following documents and information are required and the number of copies needed to complete the review of your application. Plans should usually not be larger than 24"x 36."

(A) Map or plat showing property location, property lines, amount of frontage on state highway and on other abutting public roads, if any;
 (B) Any existing access or easements of access on the property;
 (C) Highway and driveway plan profile;
 (D) Location of proposed access with respect to property lines and to the highway; NOTE: The proposed access location should also be physically marked on the property by a stake or other clearly visible means.

(E) Design and type of construction of the proposed access;
 (F) Drainage plans showing drive culvert/pipe and impacts to the highway right of way;
 (G) Subdivision, zoning, or development plan, if applicable;
 (H) Maps and letters detailing utility locations before and after development in and along the right of way;
 (I) Signing and striping plans;
 (J) Traffic data and traffic control plan;
 (K) Proof of liability insurance;
 (L) Performance Bond, if required

Commercial Development

3. If you are requesting a permit for Commercial Development, complete the following. Applicants seeking permits for development generating high traffic volumes (over 100 trip ends in the peak hour) are advised to request a preliminary meeting with appropriate ODOT and/or local officials prior to submitting a formal application for access.

(3a) If the proposed access will serve residential development, what type (single family, apartment, townhouse) and number of units are in the proposed development?

Type of Units		Number of Units	
Type of Units		Number of Units	

(3b) If the proposed access will serve business commercial or industrial development, what types and number of businesses are in the proposed development and what is floor area square footage of each?

Type of Business		Square Footage	
Type of Business		Square Footage	

(3c) Number of vehicles using the access. Indicate if estimates are ____ Peak hour = ____ or ____ Average daily volumes = ____.

Number of Passenger Cars:	Number of Multi Units:	Total All Vehicles:
---------------------------	------------------------	---------------------

(3d) Consulting Firm: _____ Name of Contractor: _____
 Contact Name: _____ Contact Name: _____
 Phone Number: _____ Phone Number: _____

Beautification Permit

4. If you are applying for Beautification Permit, complete the following. Please submit proof of insurance.

Insurer's Name _____ Address _____ Phone () _____
 Number of adults (over 18) _____ under 18 _____ Total people _____