

# DEVELOPMENT REGULATIONS

For



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Prepared By:





# DEVELOPMENT REGULATIONS

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**DEVELOPMENT REGULATIONS**

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# **ARTICLE 1**

## **TITLE, PURPOSE, & JURISDICTION**

### **Section 10.00 Title**

These regulations shall be known and may be cited and referred to as the "Development and Subdivision Regulations for the City of Heath," and shall be referred to as "these regulations," herein.

### **Section 11.00 Purpose**

The purpose of these regulations is to provide for the harmonious development of the city by:

1. Protecting and providing for the public health, safety, convenience, and general welfare of the City of Heath by establishing reasonable standards of design and procedures for approval of plats and subdivisions.
2. Lessening congestion in the streets and highways by providing a proper arrangement in relation to existing or planned streets, highways, and driveways as well as to the City, County and/or Regional Transportation Plan.
3. Furthering the orderly layout and use of land by facilitating the further re-subdivision of larger tracts into smaller parcels of land, avoiding undue concentration of population, and providing the most beneficial relationship between the use of land, roadways, buildings, and the natural environment.
4. Assuring adequate, convenient, and appropriate open spaces for utilities, access of fire fighting apparatus, recreation, light, and air as well as mitigate the effects of traffic, noise, and higher density.
5. Safeguarding against the pollution of air, streams, and ponds; assuring the adequacy of drainage facilities; helping safeguard the water table; and encouraging the wise use and management of natural resources throughout the city.
6. Facilitating adequate and timely provisions for transportation, water, sewage, schools, parks, playgrounds, and other public needs and requirements.
7. Ensuring proper legal descriptions and the monumentation of subdivided land by providing for the proper location of lot lines and building setback lines, and to encourage innovative forms of development.

The provisions of these regulations are made with reasonable consideration, among other things, of the character of the city, with a view of conserving the value of the buildings placed upon the land, providing the best possible environment for human habitation, and encouraging the most appropriate use of land throughout the City.

### **Section 12.00 Authority**

The *Ohio Revised Code* (ORC), Section 711.001 et. seq. enables the Council of the City of Heath to adopt regulations governing plats and subdivisions of land within their jurisdiction.

### **Section 13.00 Administration**

These regulations shall be administered by the City of Heath Planning Commission, herein

referred to as the "HPC".

## **Section 14.00 Jurisdiction**

These regulations shall apply to all subdivisions made of lands, including those by deeds and land contracts, and/or leases resulting in the creation of a lot located in all areas of the City of Heath. The regulations shall also apply to all development including subdivisions with private streets, planned unit developments, commercial developments, and industrial parks.

### **Section 14.10 Application of Development Regulation**

Any development, which requires any of the following revisions or changes to the site shall be governed by these regulations;

1. New Building.
2. New Access Point.
3. If changing the impervious area by more than 10%.
4. Increasing the size of the existing building roof area by more than 10% or 1000 sq. ft., whichever is less.
5. Change of parking lot configuration.
6. Exterior remodeling affecting more than 10% of the building.

## **Section 15.00 Relation to Other Laws**

The provisions of these regulations shall supplement any and all laws of the State of Ohio, ordinances and/or resolutions of the City or any and all rules and regulations promulgated by authority of such law and/or ordinance or resolution relating to the purpose and scope of these regulations. Whenever the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions conflict with these regulations, the most restrictive or the one imposing the higher standard(s) shall govern.

## **Section 16.00 Amendments**

These regulations may be amended, by the Heath City Council in accordance with the charter of the City of Heath.

## **Section 17.00 Interpretation**

The provisions of these regulations shall be held to be minimum requirements for the promotion of health, safety, and general welfare of the people of City of Heath, Ohio.

## **Section 18.00 Separability**

If, for any reason, any clause, sentence, paragraph, section, article, 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 other than the part held to be invalid.

## **Section 19.00 Exceptions**

Any person or group proposing to divide, sell, exchange, or improve land within the City must

submit their plans to the Heath Planning Commission (HPC) to ensure compliance with these Subdivision Regulations. There are three special types of division, sale, exchange, or improvement of land, which are exempted from certain provisions of these regulations. They are:

1. The division or partition of land in which the lots being created and the remainder of the original tract are equal to or greater than twenty (20) acres in size each and do not involve the creation or modification of any streets or easements of access. This type of proposed lot must be submitted to the HPC to check that it meets this condition, all applicable zoning regulations, and Article 8: Congestion Prevention of these regulations.
2. The sale or exchange of parcel(s) between adjoining lot owners which does not create additional building sites. This type of proposed lot split must be submitted to the HPC according to Article 3, Section 32.00: Exempted Minor Land Division. It must also meet the requirements of Article 8: Congestion Prevention of these regulations.
3. The improvement of a lot by combining existing, adjacent lots. This type of proposed lot must be submitted to the HPC to ensure that any leftover or remaining adjacent lots under the same ownership meet the requirements set forth in these regulations.

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## ARTICLE 2

### **DEFINITIONS**

#### **Section 20.00 Interpretation of Terms and Words**

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

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

#### **Section 21.00 Definitions**

(Additional Definitions found in Article 8, Congestion Prevention.

**AASHTO** - American Association of State Highway Transportation Officials. This organization publishes a manual with transportation and roadway standards cited in these regulations.

**Access** - A way or means of approach to provide vehicular or pedestrian entrance or exit to a property.

**Access Classification** - A ranking system for roadways used to determine the appropriate degree of access management and congestion prevention. Factors considered include functional classification, the appropriate local government's adopted plan for the roadway, existing or potential land use of abutting properties, and existing level of access control.

**Access Connection** - Any driveway, street, turnout, or other means of providing for the movement of vehicles to or from the public roadway system.

**Access Management:** The process of providing and managing access to land development while preserving the flow of all modes of traffic in terms of safety, capacity, speed, and the prevention of congestion. This traffic can include automobile, truck, mass transit, bicycle, and pedestrian forms. See *Congestion Prevention*.

**Accessway** - That area of road surface from curb line to curb line or between the edges of the paved or hard surface of the roadway, which may include travel lanes, parking lanes, and deceleration or acceleration lanes.

**A.D.T.:** See *Average Daily Traffic*, below.

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

**Applicant:** The legal or beneficial owner or owners of land included in a proposed development, including the holder of an option or contract to purchase, or person having an enforceable proprietary interest in such land. When the applicant is not the owner, written consent shall be required from the legal owner of the land. See also *Developer*.

**Appropriate Authority:** Those federal, state, or local agencies or departments, with expertise, interests, and/or authority in a given area, from which recommendations and/or approvals could be required. These include, but are not limited to: OEPA, ODOT, ODNR, SCS, Local Water and Sewer District, etc.

**Average Daily Traffic (ADT):** The average number of vehicles that travel that portion of roadway in the specified direction each day.

**Block:** A tract of land bounded by streets or by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or the corporate limits of the municipality.

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

**Buildable Area:** Space remaining on a lot after the minimum subdivision and zoning requirements for yards, setbacks, easements, and restrictions have been met.

**Channel:** A natural stream that conveys water; an excavated ditch or channel excavated for the flow of water.

**Classified Roadway** - A roadway categorized by the amount of traffic it can or will carry and the amount of congestion prevention and access management it should receive.

**CMS** – Construction and Materials Specifications.

**Completely Subdivided:** A tract that is divided into as many lots as the sub-divider intends and/or these regulations permit.

**Comprehensive Plan:** A plan, or any portion thereof, adopted by the Heath Planning Commission showing the general location and extent of present and proposed physical facilities and open spaces including housing, industrial and commercial uses, major streets, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community based on public input and its demographics, economics, natural physical characteristics, and sociology. Strong Zoning Resolutions are based on a

Comprehensive Plan.

**Congestion Prevention:** The process of providing and managing access to land development while preserving the flow of all modes of traffic in terms of safety, capacity, speed, and the prevention of congestion. This traffic can include automobile, truck, mass transit, bicycle, and pedestrian forms.

**Congestion Prevention Plan (Corridor)** - A plan illustrating the design of access for lots on a highway, arterial, or collector segment and/or an interchange area.

**Connection Spacing** - The distance between connections, measured from the closest edge of pavement of the first connection to the closest edge of pavement of the second connection along the edge of the traveled way.

**Contour Interval:** A line on a map or survey that represents where all the land at that elevation is located. Contour maps show topography and United States Geological Survey (USGS) maps are based on 10-foot contour interval lines.

**Corner Clearance** - The distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.

**Corridor Overlay Zone** - Special access requirements added onto existing land development requirements along designated portions of a public thoroughfare.

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

**Cross Access** - A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public roadway system.

**Culvert:** A transverse drain that channels water under a bridge, street, driveway, or path.

**Dedication:** An act of transmitting property or interest thereto.

**Deed** - A legal document conveying ownership of real property.

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

1. **Gross Density:** The number of dwelling units per acre of the total land to be developed.
2. **Net Density:** The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

**Detention Basin/Pond:** A man-made or natural water collecting facility designed to collect surface and/or sub-surfaced water in order to impede its flow and to release the same gradually at a rate not greater than that prior to development, into natural or man-made outlets. See also *Retention Basin/Pond*.

**Developer:** Any individual, sub-divider, firm, association, syndicate partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a platted subdivision of land hereunder for himself/herself or for another. Also, the holder of

an option or contract to purchase, or any other person having enforceable proprietary interests in such land.

**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.

**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.

**Directional Median Opening** - An opening in a restrictive median which provides for specific movements and physically restricts other movements. Directional median openings for two opposing left or "U-turn" movements along a road segment are considered one directional median opening.

**District Deputy Director:** The director of the local district (District 5) of the Ohio Department of Transportation.

**Ditch:** An excavation either dug or natural for the purpose of drainage or irrigation with intermittent flow.

**Ditch Petition:** The process, governed by the Ohio Revised Code Section 6131.63, and amendments, that details the method for permitting public maintenance of drainage facilities.

**Drainage:** The removal of surface or subsurface water from a given area either by gravity or by pumping.

**Drainageway:** An area of concentrated water flow other than a river, stream, ditch, or grassed waterway.

**Driveway:** A privately owned and maintained access for ingress and egress to one or more lots of being a minimum of 8' in width and paved 30 feet with concrete or asphalt from the edge of road pavement.

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

**Dumping:** Grading, pushing, piling, throwing, unloading, or placing of any material.

**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 results in or contributes 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:** Authorization by a property owner for the use by a public utility, or other

organization or individual, and for a specified purpose, of any designated part of his or her property.

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

**Engineer:** Any person registered to practice Professional engineering by the state board of registration as specified in Section 4733.14 of the Ohio Revised Code.

**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 the normal, natural, or geological erosion, primarily as a result of the influence of the activities of man.
  - b. Flood Plain Erosion: Abrading and wearing away of the nearly level land situated on either side of a channel due to 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.

**Erosion Control Plan:** See *Sediment Control Plan* below.

**Existing Grade:** The level of ground prior to any development or earth disturbing activity.

**Federal Emergency Management Agency (FEMA):** The agency with the overall responsibility for administering the National Flood Insurance Program.

**FIRM.:** See *Flood Insurance Rate Map*, below.

**Finished Grade or Finished Elevation:** The final elevation and contour of the ground after cutting and filling.

**Flood Plain or Flood-Prone Area:** Any land area susceptible to being inundated by water from any source.

**Flood Insurance Rate Map (FIRM):** Maps produced by the Federal Emergency Management

Agency which highlight existing 100 year and 500 year flood plains within the City.

**Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

**Flooding, Base:** A flood having a 1 percent chance of being equaled or exceeded in any given year.

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Flood Fringe:** That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

**Frontage Road** - A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street. (see also Service Roads)

**Full Median Opening** - An opening in a restrictive median that allows all turning movements from the roadway and the intersecting road or access connection.

**Functional Area (Intersection)** - That area beyond the physical intersection of two roadway facilities that comprises decision and maneuver distance, plus any required vehicle storage length, and is protected through corner clearance standards and driveway connection spacing standards

**Functional Classification** - A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.

**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.

**Headwall:** A structure designed to prevent the collapse of a culvert from traffic weight.

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

**Joint Access (or Shared Access)** - The point where vehicles enter or leave the public roadway to or from a private lot which is shared by two or more contiguous sites.

**Licking County Health Department:** The organization representing the Board of Health of the Licking County General Health District established under Chapter 3709 of the Ohio Revised Code.

**Limited Access Highway / Freeway:** A highway especially designed for through traffic and over which abutting property owners have no easement or right of access by reason of the fact that their property abuts upon such highway (ORC 5511.02) **except as granted by**

***these regulations.***

**Location and Design Manual** - A manual produced by the Ohio Department of Transportation which provides for uniform standards and criteria for transportation facilities for both state and local roads.

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

**Lot:** For purposes of these regulations, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such a lot shall have frontage on an improved public street, and shall consist of one of the following:

1. A single lot of record.
2. A portion of a lot of record on the same deed.
3. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record on the same deed.

**Lot, Corner** - Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty five (135) degrees.

**Lot, Flag** - A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

**Lot Frontage** – That portion of a lot extending along a public street right-of-way line.

**Lot Lines:** The lines that make up the boundary of a lot.

**Lot Measurement:** A lot shall be measured as follows:

1. Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines at the front yard setback and the rearmost points of the side lot lines in the rear.
2. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the front building setback line as established by the current zoning regulations.

**Lot, Minimum Area of:** The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street and any other easements of record.

**Lot, Nonconforming** - A lot that does not meet the dimensional requirements of the district in which it is located and that existed before these requirements became effective.

**Lot of Record** - A lot or parcel that exists as shown or described on a plat or deed in the records of the County Recorder.

**Lot, Through** (also called a double frontage lot) - A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

**Minor Land Division:** A division of a parcel of land that does not require a plat to be approved by a planning authority according to Section 711.131 of the Ohio Revised Code. Also

known as a *lot split*.

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

**Natural Resource Conservation Service (NRCS):** See *Soil and Water Conservation Service*.

**National Pollutant Discharge Elimination System (NPDES) Permit:** The national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits and enforcing pretreatment requirements, under sections 307, 402, 318 and 405 of the Clean Water Act.

**Nonconforming Access Features** - Features of the access system of a property that existed at the date of this articles' adoption that do not conform with the requirements of these regulations.

**Nonrestrictive Median** - A median or painted centerline that does not provide a physical barrier between traffic traveling in opposite directions or turning left, including continuous center turn lanes and undivided roads.

**ODNR** See *Ohio Department of Natural Resources*, below.

**ODOT** See *Ohio Department of Transportation*, below.

**Ohio Department of Natural Resources (ODNR):** The department of the State of Ohio that is responsible for the protection of waterways, natural preserves and other natural resources.

**Ohio Department of Transportation (ODOT):** The department of the State of Ohio charged with creating, maintaining, and supporting infrastructure to move people and goods within the state. ODOT is divided into districts, with District 5 responsible for Licking County.

**Ohio Revised Code, The:** The laws adopted by the State of Ohio that govern the state.

**Ohio's Rainwater and Land Development Manual:** A manual describing construction and post-construction best management practices and associated specifications. A copy of the manual may be obtained by contacting the Ohio Department of Natural Resources, Division of Soil & Water Conservation.

**ORC:** See *The Ohio Revised Code*, above.

**Open Space:** An area open to the sky, which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, any other recreational facilities that the Planning Commission deems permissible. Streets, uses that are incidental to the primary use of the property, structures for habitation, and the like shall not be included.

**Original Tract:** Property shown as a parcel or contiguous parcels under the same ownership on the official tax maps of Licking County as of January 1st of each year.

**Original Owner:** The individual, family member, persons, company, or corporation (with essentially the same ownership or share-holders) owning the tract as shown on the official tax map as of January 1st of each year.

**Out Lot:** Property shown on a subdivision plat outside of the boundaries of the land which is to be developed and which is to be excluded from the development of the subdivision.

**Outparcel** - A parcel of land abutting and external to the larger, main parcel, which is under separate ownership and has roadway frontage.

**Parcel:** A contiguous quantity of land in single ownership or under single control, or parcels described on one deed reference.

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

**Parking Space, Off-Street:** For the purpose of these regulations, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way. The HPC shall utilize Chapter 1183 of the Codified Ordinance, for determining the size and number of parking spaces.

**Performance Bond or Surety Bond:** An agreement by a sub-divider or Developer with the city for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by sub-divider's agreement.

**Person:** Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government, or any combination thereof.

**Plan:** The map, drawing, or chart containing the Developer's plan for a subdivision that, fall under the following categories:

1. Sketch Plan: A generalized concept plan of a subdivision, accompanied by the information described in Chapter 1105 of these regulations.
2. Pre-Engineering Plan: A generalized concept plan of a subdivision, accompanied by the information described in Chapter 1105 of these regulations.
3. Preliminary Plan: A map indicating the proposed layout of a development and related information described in Chapter 1105 of these regulations.
4. Final Plat: The final map of all or a portion of a subdivision and related information described in Chapter 1105 of these regulations.

**Planned Unit Development (PUD):** An area of land, in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

**Planning Commission:** Herein refers to the *City of Heath Planning Commission (HPC)*;

**Plat:** The legal map, drawing, or chart containing the Developer's plan for a subdivision, which is officially recorded.

**Private Road** - Any road or thoroughfare for vehicular travel which is privately owned and maintained and which provides the principal means of access to abutting properties.

**Public Road** - A road under the jurisdiction of a public body that provides the principal means of access to an abutting property.

**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.

**Public Way:** An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

**Reasonable Access:** The minimum number of access connections, direct or indirect, necessary to provide safe access to and from the thoroughfare, as consistent with the purpose and intent of these regulations.

**Related Owner:** As per the Internal Revenue Service definition and as it relates to the Ohio Department of Development's definition of an "arm's length transaction."

**Restrictive Median** - A physical barrier in the roadway that separates traffic traveling in opposite directions, such as a concrete barrier or landscaped island.

**Retaining Wall:** A structure erected between lands of different elevation to protect structures and/or prevent the washing down or erosion of earth materials from the upper slope level.

**Retention Basin/Pond:** A man-made or natural water collecting facility (pond, pool, or basin) used for the permanent storage of water runoff. See also *Detention Basin/Pond*.

**Right-of-Way (ROW):** A strip of land dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

**Road:** See *Roadway and Thoroughfare, Street, or Road*, below.

**Roadway:** A general reference to a public road, highway, thoroughfare, street, and/or right-of-way. A road or highway includes bridges, viaducts, grade separations, appurtenances, and approaches on or to such road or highway (see ORC 5501.01). See also *Thoroughfare, Street, or Road*.

**ROW:** See *Right-of-Way*, above.

**Rural Soil and Water Conservation Service (SCS):** A branch of the federal government in charge of informing counties and individuals about best management techniques for soil and water.

**SCS:** See *Soil and Water Conservation Service*, below.

**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 water flow to settle and retain sediment carried by the runoff waters.

**Sediment or Erosion 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.

**Service Road** - A public or private street or road, auxiliary to and normally located parallel to a highway facility, that maintains local road continuity and provides access to parcels adjacent to the regulated access highway.

**Setback Line:** A line established by the subdivision regulation and/or zoning resolution generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory buildings, or structure may be located above ground except as may be provided in said codes.

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

**Shared Access Point:** A point of common access to a public roadway leading to separate drives providing access to distinct parcels.:

**Sidewalk:** That portion of a road right-of-way outside the roadway, which is improved for the use of pedestrian traffic. See *Walkway*.

**Significant Change in Trip Generation** - A change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities, that creates an increase in the trip generation of the property exceeding 10 percent more trip generation (either peak or daily) or 100 vehicles per day more than the existing use for all roads falling within these regulations.

**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 and Water Conservation District:** A district organized under Chapter 1515 of the Ohio Revised Code.

**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.

**Street, Arterial:** A street which accommodates traffic to and from the expressways or to or through major commercial districts. Traffic volumes are generally greater than 10,000 ADT.

**Street, Local:** A street intended to provide access to other streets from individual properties, generally bearing a volume of traffic no greater than 800 ADT.

**Street, Major Collector:** A street which carries traffic from the minor collector system to the arterial. Traffic usually has origin and destination within the community and does not exceed 10,000 ADT.

**Street, Minor Collector:** A street which carries internal traffic within a given neighborhood, connecting local streets to the major collectors or to the arterial system and generally bearing volume of traffic no greater than 4,000 ADT.

**Stub Street** - A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

**Subdivider:** See *Developer*.

**Subdivision:**

1. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new street 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.
2. The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any 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. See Article 3, Section 31.

**Substantial Enlargements or Improvements** - A 10% increase in existing square footage or 50% increase in assessed valuation of the structure.

**Surveyor:** Any person registered to practice surveying in the State of Ohio.

**Technical Review Committee (TRC):** A committee made up of local officials or other local, state, or federal authorities. The Technical Review Committee will advise and recommend to the Heath Planning Commission on matters related to subdivision plats, and other matters as requested by the Heath Planning Commission.

**Temporary Access** - Provision of direct access to the regulated access facility until that time when adjacent properties develop, in accordance with a joint access agreement or frontage road plan.

**Thoroughfare or Long Range Transportation Plan:** A plan, or portion thereof, adopted by the Heath Planning Commission, indicating the general location of recommended major thoroughfares such as arterial and collectors.

**Thoroughfare, Street, or Road:** The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as noted in Section 41.00. All design standards and criteria for aforementioned are designated in Article 4, Section 41.

**Topsoil:** Surface and upper surface soils, which presumably are darker colored, fertile soil materials, ordinarily rich in organic matter or humus debris.

**TRC.:** See *Technical Review Committee*, above.

**United States Geological Survey (USGS):** Federal agency in charge of keeping accurate maps of the United States. The USGS created topographic maps of the country and divided them into quadrangles ("quads"). These quadrangles show 10-foot contour elevations and intermittent streams, among other land features such as roads, bodies of water, and structures.

**USGS** See *United States Geological Survey*, above.

**Utilities:** A necessary service for the convenience or welfare of the public. The utilities include, but are not limited to, electric service, natural gas, water systems, sewer systems, cable television companies, and telephone service.

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

**Vehicle Storage Length** - That portion of the roadway or parking lot where vehicles line up waiting to turn onto an intersecting roadway or parking lot.

**Vicinity Map:** A drawing located on the plat which sets forth, by dimensions or other means, the relationship of the proposed subdivision to other nearby developments or landmarks and

community facilities and services within the City in order to better locate and orient any area in question.

**Walkway/Bikeway:** A dedicated public way for pedestrian and non-motorized use only, whether along the side of a road or not.

**Watershed:** The drainage basin in which the subdivision drains or that land whose drainage is affected by the subdivision.

**Yard:** A required open space other than a court, unoccupied and unobstructed by any enclosed structure.

1. Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building (also called building line).
2. Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. Side: A yard extending from the principal building to the side lot lines on both sides of the principal building between the lines establishing the front and rear yards.

**Zoning Resolution:** Regulations adopted by the City that govern how land can be used.

## ARTICLE 3

### PROCEDURES FOR DEVELOPMENT APPROVAL

#### Section 30.00 INTRODUCTION

These regulations are established to protect the subdivider and the public. By law, the HPC must consider all relevant aspects of a subdivision including the feasibility, desirability, safety, roads, water and sewerage, compliance with other regulations, and the physical capability and suitability of the land to support the development. In this respect, time limits are set in these regulations to allow sufficient and reasonable periods of public review and comment. The time limitations set forth in these regulations meet the standards set in Chapter 711 of the Ohio Revised Code.

There are six basic types of development review procedures in the City of Heath. They are:

- ❖ **MINOR LAND DIVISION** (Lot Split), see Section 31.00
- ❖ **EXEMPTED MINOR LAND DIVISION** (Exempted Lot Split), see Section 32.00
- ❖ **MAJOR LAND DIVISION** (Major Subdivision), see Section 33.00
- ❖ **MAJOR DEVELOPMENT** (Condominium, Multi-Family, Commercial, & Industrial), see Section 34.00
- ❖ **REPLAT**, see Section 35.00
- ❖ **CONGESTION PREVENTION REVIEW** for existing and proposed parcels, see Article 8.

#### Section 31.00 MINOR LAND DIVISION (Lot Split)

##### **Section 31.10 Minor Land Division Criteria**

Pursuant to ORC 711.131, minor land divisions are divisions of parcels which meet certain criteria and shall be approved by the HPC without a plat. These criteria include the following:

1. The division of the original tract does not involve the opening, widening or extension of any street or road, or easement of access, does not involve more than five (5) lots, including the remainder of the original tract, and is located on a roadway that is **not** identified as a Minor or Major Arterial roadway in the City of Heath thoroughfare plan and these regulations.
2. The original tract is defined herein as property shown as a parcel or contiguous parcels under the same or related ownership on the official tax maps of Licking County **as of January 1st of each year.**
3. Only five (5) lots, including the remainder of the original tract, may be split from an original tract, if the lots will gain access from a roadway that **is identified as a limited access highway or freeway (i.e. Minor or Major Arterial)** in the City of Heath

Thoroughfare Plan and these regulations, as of the effective date of these regulations. This division of the original tract shall not involve the opening, widening or extension of any street or road, or easement of access.

4. All minor land divisions must comply with Article 4: Subdivision Design Standards, Article 8: Congestion Prevention, the appropriate zoning resolutions, and the City of Heath Flood Damage Prevention Regulations.
5. All exempted minor land divisions are also considered minor land divisions in terms of review and approval procedures, except that exempted minor land divisions, as non-buildable lots, do not count toward the five minor lot split per year limitation. See Section 32.00.

### **Section 31.20      Review and Approval of Minor Land Divisions under 20 acres**

Approval of a minor land division under 20 acres is required and shall be granted when such minor land division meets the following conditions:

1. The proposed land division is located along an existing public road and involves no opening, widening, or extension of any street or easement of access.
2. Each proposed lot must meet all criteria and standards of Article 8: Congestion Prevention.
3. No more than five lots are proposed, including the remainder of the original tract.
4. The proposed land division, including the remainder of the original tract, is not contrary to applicable subdivision or zoning regulations.
5. The proposed land division has been reviewed and approved by the Licking County Health Department and the City Water and Sewer Departments with respect to the suitability of the proposed parcel for an on-lot well and septic system or the City water and/or sewer system.
6. An application for minor land division under 20 acres must be submitted to the HPC. This application must contain the following in order to be considered complete:
  - a. Two (2) full size of a survey prepared by a Registered Surveyor in the State of Ohio. The survey will contain:
    - i. Proposed division of land, including dimensions of the entire original tract. A copy of the tax map for that area would be sufficient to show large area remainders too big to include in an appropriate scale survey, as long as the proposed split, current property owners, and existing parcel boundaries are indicated.
    - ii. Owner(s) of parcel and all adjoining and adjacent parcels.
    - iii. Dimension and location of proposed lot lines and property corners by iron pins, corner posts, and/or other monuments.
    - iv. Existing structures, easements, public facilities, direction of drainage, and bodies of water - including intermittent and perennial streams and rivers.
    - v. Any adjoining public road and road right-of-way, zoning setbacks, and the distance to all driveways or road intersection in each direction within 250 feet of the road frontage on both sides of the road.
    - vi. 100-year flood plain boundary and floodway if it exists anywhere in the original tract. The FIRM panel number and flood zone should be noted on

- the application form.
- vii. Any 100-year flood plain boundary lying within the proposed lot must be located and established in the field on the lot by the Surveyor. For non-detailed study streams, the Surveyor shall establish the flood plain by horizontal control.
- viii. The deed and/or record number and tax duplicate number of the original tract.
- b. Two (2) copies of a legal description prepared by a Registered Surveyor in the State of Ohio.
- c. A copy of the current deed for the original land tract so as to be able to check for any applicable deed restrictions and whether it was an exempted lot when created.
- d. A completed "Minor Subdivision / Lot Split Application for Administrative Approval" form with the corresponding sections completed by both the applicant and a Registered Surveyor in the State of Ohio.
- e. All applicable fees as stated in Appendix V.
- f. The proposed Minor Land Division in AutoCad or Microstation format via email or on CD-ROM.

### **Section 31.30 Review & Approval of Minor Land Divisions of 20 Acres or Larger**

Approval of a minor land division of 20 acres or larger is required and shall be granted when such minor land division complies with the following:

1. The Ohio Revised Code, and all of its amendments.
2. All local zoning regulations.
3. The proposed land division involves no opening, widening, or extension of any street or easement of access. That is, any new or changed easement(s) of access will not be approved as a minor land division without an approved variance from the HPC.
4. Article 8, Congestion Prevention, of these "City of Heath Development and Subdivision Regulations."

All lot splits creating parcels twenty acres or larger in size must be submitted to the HPC for review. The following are required to be submitted to the HPC for review:

1. The property must be surveyed by a Registered Surveyor in the State of Ohio. A drawing showing the establishment of property corners by iron pins, corner posts, or other monuments, and legal description of the property must be submitted. It should also include dimensions of the entire original tract (a copy of the tax map for that area would be sufficient to show large area remainders too big to include in an appropriate scale survey as long as the proposed lot, current property owners and parcel boundaries are indicated).
2. A copy of the current deed for the existing parcel.

When an authorized representative of the HPC is satisfied that a proposed sale or exchange of a parcel meets the requirements of this section, he or she shall stamp the deed conveyance "Verified by HPC" and sign and date.

### **Section 31.40 Submittal & Approval Process for Minor Land Division**

Applications are considered officially submitted and filed once all required and pertinent

information is submitted, as determined by the City Zoning Department Official. The information is then disbursed among City Department Heads and, if applicable, the Licking County Board of Health, for review and comments. Comments are returned to the Zoning Official and reviewed with the applicant. Once all comments are satisfied, the application is submitted to the Heath Planning Commission for action.

### **Section 31.50      Approved Access Points & Curb Cuts for Minor Land Division**

All approved lot splits will receive an access point or joint access point. In situations where access constraints for a proposed lot are considered severe enough by the HPC, the access point will be precisely located. A copy of all new splits showing approved access points will be distributed to the local officials. Before the installation of any curb cuts, the applicant must receive a permit from the City Zoning Department.

### **Section 31.60      Recourse from Minor Land Division Disapproval**

Minor Land Divisions which are disapproved by the HPC staff may be brought before the Board of Zoning and Building Appeals for consideration of a variance from these regulations

### **Section 32.00      EXEMPTED MINOR LAND DIVISION (Exempted Lot Split)**

The division and sale or exchange of parcels in size between adjoining lot owners, where such sale or exchange will not create an additional building site, shall be exempted from these regulations under the following circumstances:

1. It can be clearly demonstrated that the parcel(s) does not create an additional building site or new access to a public roadway. The HPC shall require that deed restrictions be placed on the property limiting the use of the parcel to only accessory buildings or uses. The deed restriction will state that "The Grantees, their heirs, and assigns do hereby acknowledge and agree that this conveyance is subject to the covenant and agreement of the grantees, their heirs, and assigns that this lot does not constitute a building site and that no building shall be constructed on said premises without the prior written approval of the City of Heath".
2. The property has been surveyed by a Registered Surveyor in the State of Ohio. Two copies of a drawing showing the establishment of property corners by iron pins, corner posts, and/or other monuments, and two copies of the legal description of the property must be submitted along with a completed minor subdivision lot split application for administrative approval with corresponding sections completed by both the applicant and a Registered Surveyor.
3. Any other material deemed necessary by the Zoning Department to complete the application.
4. All applicable fees as stated in Appendix V, City of Heath Fee Schedule.
5. The submittal process shall follow those outlined in Section 31.40.

NOTE:      Exempted minor land divisions, as non-buildable lots, do not count toward the five minor lot split per year limitation.

### **Section 33.00      MAJOR LAND DIVISION (Major Subdivision)**

### **Section 33.10 Major Subdivision Criteria & Review Process**

A Major Land Division (Major Subdivision) is the creation of more than 5 lots, including the remainder, from an original tract and/or the creation or extension of any roads or easements of access. In addition, the development of more than one multi-family housing structure on a single lot or group of adjacent lots or the development of commercial, industrial, or quasi-public sites is subject to Major Subdivision review as per these regulations. All land divisions not excepted (see Section 19), exempted (see Section 32), or covered by the minor land division process (see Section 31) must follow the regulations for creating a Major Subdivision. Such land division includes, but is not limited to, that described by ORC Section 711.

Developers who intend to submit a plat of a subdivision are strongly encouraged to submit sketch, and preliminary plans for the City staff review in order to provide a clear understanding and ensure compliance with the requirements contained within these regulations as well as to avoid duplication and/or wasted engineering efforts. Such submission does not, however, constitute formal subdivision review pursuant of Section 711.10, of the ORC.

### **Section 33.20 Pre-Application Conference**

Developers new to the City of Heath or who are unfamiliar with the Major Subdivision process are strongly encouraged to meet with the City staff prior to submitting sketch and preliminary plans. The purpose of this meeting is to discuss early and informally the purpose and effect of these regulations and the criteria and standards contained in these regulations, and to familiarize the Developer with the zoning resolutions, drainage, sewage, and water systems of the City of Heath. It will also acquaint the applicant with local comprehensive plan, transportation plans, and other adopted zoning regulations or planning policies of the City of Heath. The subdivider shall be made aware of the provisions of the "Procedure for Subdivision Evaluation for Land in the City of Heath with No Water and/or Sanitary Service." (See Appendix I).

### **Section 33.30 Sketch Plan**

### **Section 33.31 Sketch Plan Definition and Purpose**

The purpose of the Sketch Plan is to provide the subdivider with expert opinion on issues and problems facing the proposed development. This is the first opportunity for the Developer to get feedback from the Technical Review Committee (TRC) on the rough sketch plan. It helps the Developer evaluate the feasibility of a proposed major subdivision at an early stage in the process.

### **Section 33.32 Sketch Plan Application and Review**

Upon Sketch Plan application, the City staff will make a determination of the **completeness of the application** as it complies with Section 33.34 of these regulations within 5 business days. Each Sketch Plan application shall include the following:

1. Application form provided by the City and the proper filing fee (Appendix V).
2. Six (6) copies of the Sketch Plan (See Section 33.34).
3. Copy of the current deed for the land.
4. Current County tax map showing adjacent parcels and property owners.

Once the application is determined to be complete, the City staff will distribute the application to all the members of the TRC.

The City staff will compile all related information submitted by the Developer, review the proposed layout, and provide a general impression of the proposed development in light of applicable subdivision regulation and local zoning requirements. Upon completion, the staff will schedule a meeting between the Developer and members of the TRC. Every attempt will be made to schedule this TRC meeting within two (2) weeks of official submittal.

### **Section 33.33      Sketch Plan TRC Meeting**

The City staff shall meet with the Developer, a representative or assistant, to review the Sketch Plan with the TRC. This meeting is primarily to illuminate potential difficulties or issues facing the proposed development as it relates to the laws, regulations, policies, and best practices of the City of Heath. It also provides an opportunity for the Developer to ask questions and for all parties to suggest ways to improve the proposed project. The staff and members of the Technical Review Committee will provide comments and suggestions to the subdivider to assist with further subdivision design. After this meeting, the City staff will prepare a brief letter to the applicant addressing issues and areas of concern that should be examined during the preparation of the Preliminary Plan. This letter by no means constitutes approval of the project but indicates to the Developer the City acceptance of the Developer's concept. This acceptance does not exempt the Developer from complying with any new ordinances adopted prior to preliminary plan approval by the City.

### **Section 33.34      Sketch Plan Contents**

The Sketch Plan shall illustrate the entire parcel under ownership legibly drawn at a scale of one inch equals 100 feet (one inch equals 50 feet if the subdivision includes less than ten (10) acres), and containing the following information on a single map, as indicated below, along with the additional information required.

1. Preliminary name of the subdivision for identification purposes.
2. Topography interpolated from USGS quadrangles, or more precise methods.
3. The proposed layout of the subdivision including proposed streets, lots, and open space.
4. Existing local zoning, including zoning setbacks and lot size requirements.
5. Existing on-site or immediately adjacent community facilities, utility lines, streets, rights-of-way, buildings, streams, and/or other significant natural and/or man-made features.
6. North arrow and scale.
7. Engineer's or Surveyor's name.
8. Developer's name, contact name, address, phone & fax number.
9. Location of wetlands, existing wooded areas, other significant natural features or vegetation onsite and visible within 300 feet of the property line. Approximate location of burial grounds, historic sites, and archeologically significant areas, if known.
10. Location of any existing sewer, water, and gas lines, culverts, and other underground structures as well as power transmission lines, within and adjacent to the parcel to be developed which are visible from the site or otherwise known.
11. Approximate distance from the site to the nearest driveway or road in each direction.

## **Section 33.50 Preliminary Plan**

### **Section 33.51 Preliminary Plan Definition and Purpose**

The purpose of the Preliminary Plan is to provide the HPC with sufficiently detailed information to evaluate a Major Subdivision. The plan should show all of the information needed to enable the HPC to determine whether the proposed layout meets the standards and requirements of these regulations, and whether the proposed development concept, under the zoning classification and proposed public improvements and utilities, is acceptable to the appropriate offices, agencies, and governmental bodies having jurisdiction.

### **Section 33.52 Posting Notice of Development**

In order to notify adjacent property owners, landowners, and residents in the immediate vicinity and the general public of impending development activity, applicants for Preliminary Plan and Final Plat approval shall post a notice of development concurrently upon any application with the City. The notice sign shall be at least 4' X 8' and erected on the site readily legible from the most traveled thoroughfare adjacent to the property. Should a hardship of this type exist, a letter stating the specific requirements that cannot be met shall be included with the Preliminary Plan application.

The wording of the sign must include the following:

"This site is being reviewed for Major Development. For more information please contact the Developer, (insert Developer's name), at (insert Developer's phone number) or the City of Heath Zoning Department at (740) 522-1420."

The sign must be maintained throughout the review process until the beginning of construction or Final Plat recording of that phase of the project. The TRC will not hold a meeting on either the Preliminary Plan or Final Plat Application until this notice has been posted in accordance with the provisions of this section.

### **Section 33.54 Preliminary Plan Application and Review**

If a Sketch Plan has been previously approved, or conditionally approved, the Preliminary Plan shall conform to the Sketch Plan or incorporate required changes as the case may be. Should the subdivider disregard the Sketch Plan process, the Preliminary Plan submission must include all the information required in Sections 33.34 (Sketch Plan Contents), as well as the information required within Section 33.50 (Preliminary Plan) to be considered complete. This includes all the associated fees required for the Sketch Plan. The City may take the standard review time provided for by all previous review steps skipped before considering whether the Preliminary Plan submitted is complete.

Upon initial Preliminary Plan application, City staff will make a determination of the completeness of the application as it complies with Section 33.57 of these regulations. An application will be considered officially submitted and filed when the Zoning Director finds that the following have been provided (see Section 33.56):

1. Application form provided by the City and the proper filing fee (Appendix V).
2. Six (6) copies of the Preliminary Plans (See Section 33.57 and Article 6).
3. Names and addresses of adjoining property owners typed on mailing labels (See

- Section 33.55).
4. Description of proposed covenant and deed restrictions. Such covenants and deed restrictions must be acceptable to the Licking County Health Department as they pertain to the on-site well and septic system. Where public water and/or sewer are provided, a deed restriction requiring connection to such systems shall be included.
  5. A document providing information about the proposed homeowner's association, if applicable. This shall include a description of what area(s) it is to maintain, wording that every lot owner shall be a member, and an account of the powers the association shall have in collecting dues.
  6. If streets or other improvements are to be installed or constructed prior to final plat approval, the Developer shall submit detailed engineering plans for any of the required and/or proposed improvements in accordance with Section 33.50 of these regulations.
  7. Other elements that may be required by reviewing offices and agencies, including but not limited to: slope analysis, sight distance analysis, and circulations and traffic analysis.

The City staff shall, within five business days after the initial submission of the preliminary plan, transmit copies to all of the members of the TRC. The City staff will compile all related information submitted by the Developer and schedule a meeting with the Developer and members of the TRC to consider the plan. Every attempt will be made to schedule this TRC meeting within two (2) weeks of official submittal.

The preliminary plan shall be considered officially filed and the review process begins on the date it is received and determined to be complete by the City staff with regards to the issues that resulted from the TRC. The Preliminary Plan shall not be submitted to HPC until all TRC requirements and conditions are met or, in writing, they indicate they will take the issue to HPC. **If the preliminary plan is to be considered at the next monthly meeting of the HPC, the plan shall be filed with the City staff not less than 25 or more than 30 days in advance of such meeting date.** A filing fee shall be charged. Upon acceptance, the City staff shall schedule the review of the subdivision by the HPC. The meeting shall take place within 30 days of acceptance of the submission of the plan.

### **Section 33.55 Notice to Property Owners**

Written notice of the public meeting to be held on all Preliminary Plans shall be mailed to all adjoining property owners of the proposed subdivision by first class mail, and shall be mailed at least ten days before the preliminary plan meeting. Adjoining property owners are described, for these regulations, as all property owners within 300 feet of said proposed subdivision boundaries. The applicant shall provide the names and addresses (no bank or other institutional names) of all adjoining property owners. This list shall be typed on mailing labels. The failure of delivery of such notice shall not invalidate any such action taken on such preliminary plan, but does not relieve the applicant from providing the information or from any civil action.

### **Section 33.56 Preliminary Plan TRC Meeting**

The TRC shall review all Preliminary Plans with respect to these regulations. A meeting of the TRC shall be scheduled before the HPC meeting. Comments of the TRC shall be forwarded to the HPC for consideration during its review of the plan.

### **Section 33.57 Preliminary Plan Contents**

The Preliminary Plan shall be drawn at a scale not more than 100 feet to the inch, plans of ten (10) acres or less shall be drawn at a scale of 50 feet to the inch. The plan shall be on one or more indexed sheets, and contain the following information as indicated below, along with any additional information required. Preliminary Plans must be prepared by a Registered Civil Engineer and/or Surveyor.

Where applicable the following data will be contained on the Preliminary Plans (sheets and required information may be combined if space allows):

**Items common to all sheets**

1. The Preliminary Plans will be clear and precise in detail. Freehand linear drawings will not be accepted. No coloring will be allowed. A poorly drawn or illegible plan is sufficient cause for rejection.
2. North arrow, horizontal scale, and vertical scale (engineering scales only).
3. Distinct separation between proposed and existing elements of the plan.

**Cover Sheet**

1. Proposed name of development for identification purposes. The name will be unique to the incorporated area of Heath in order to avoid duplication and confusion of previously recorded plats.
2. The names, addresses, and phone numbers of the owner(s) and applicants of the proposed development.
3. Vicinity map showing the location of the proposed development in relation to the surrounding area.
4. Location of property by survey, total acreage, correct graphic scale, north arrow, and date.
5. The name, address and telephone number of the Civil Engineers/Surveyors preparing the Preliminary Plans. Such Engineer and Surveyor shall be currently registered with the Ohio Board of registration for Engineers and Surveyors.
6. Schematic Plan (Index Map) showing the extent of the proposed project.
7. Proposed roadway typical sections.

**Layout Plan**

1. Locations of boundary lines, existing easements, burial grounds, railroad right-of-ways, watercourses, wetlands and drainage, existing wooded areas, other important natural features, and existing permanent and temporary structures on site.
2. Existing local zoning setbacks and dimensions, zoning boundaries, lot size requirements, and proposed zoning changes for this development.
3. Diagram of the relationship of the boundaries of the property with adjacent roadways, existing street right-of-ways, nearby intersections the development may impact, and a traffic circulation study if the City staff determines the development will have an adverse impact on the existing infrastructure.
4. For multi-family (two or more dwelling units on the same lot), planned unit developments, commercial, industrial development, and quasi-public, the location, dimensions, and approximate grade of proposed parking and loading areas, alleys, pedestrian walks, streets, and the points of vehicle entrance and exit to the development, must be shown on the plan.
5. Statement of proposed use of lots, giving type and number of dwelling units, or commercial and industrial structures.
6. General lot layout with approximate acreage, including total acreage of original

- parcel(s).
7. Proposed street layout and names in accordance with Section 41.00, and Article 8 of these regulations, and the adopted City of Heath Thoroughfare Plan.
  8. The approximate location and size of all parcels of land proposed to be set aside for recreational use or other public use, or for the exclusive use of property owners of the proposed subdivision.
  9. All plans must follow Article 8, Congestion Prevention, and show the location of any improvements including but not limited to the location, and dimensions of proposed points of vehicle entrance and exit to the subdivision, location of parking and loading areas, alleys and pedestrian walkways.

**Drainage Vicinity Map**

See Article 6, Section 61.10

**Pre-Development Map**

See Article 6, Section 61.10

**Post Development Map**

See Article 6, Section 61.10

**Utility Plan**

1. Existing sewers, water lines, culverts, and other underground structures, power transmission poles and lines, within and adjacent to the parcel to be platted.
2. Location and dimensions of all proposed utility lines, showing their connections with an existing system.

**Section 33.58 Preliminary Plan Approval Period**

The approval of a preliminary plan shall be for a period of 24 months and shall commence with the formal approval of the HPC. The terms under which the approval was granted will not be affected by changes in these regulations.

**Section 33.59 Construction Plans Required**

Construction plans, construction improvement plans, construction development plans, construction plans, all here after referred to as construction plans, are intended to insure ample provisions for the efficient use of land and to promote high standards in the layout, design, landscaping and construction of development. They are intended to further the purpose of the Construction and Subdivision Regulations and provisions of the Heath Zoning Ordinance.

A construction plan is required and will be submitted for the following:

1. Any use or development, involving new construction, reconstruction or expansion, in all zoning districts except single family detached dwelling units, duplexes, or unattached accessory buildings in residential district.
2. Any development in which automobile parking spaces are to be used by more than one (1) establishment.
3. When a change is proposed in the exterior elements of a previously approved construction development plan.
4. When an existing residential use is proposed for change to a commercial, industrial, or multi-family residential use.
5. All public and/or semi-public buildings and institutions.

6. Any subdivision, which will include a new private street or road.
7. Any PUD.
8. Any use or development requiring the extension or installation of municipal utilities.

See time frames for submittal to the Zoning Director in conformance with policy established with the Planning and Zoning Board.

Any re-submission of a construction plan will clearly show all revisions made hereto, by a note in the "revision" block and outline all of the revisions made.

### **Section 33.60 Construction Plan Submittal**

Drawings and specifications for improvements in a subdivision shall be a set of construction plans prepared by a Registered Professional Engineer. The submittal to the City shall include the following:

1. Application form provided by the City and the proper filing fee.
2. Six (6) sets of Full Size Construction Plans in accordance to the regulations contained herein (Articles 4, 5, 6, & 8). Plans shall contain all the applicable items as listed under Section 33.61. Plans will be distributed by the City Staff to the following departments: Street Department, Building and Zoning, City Engineer, Fire Department, and Utilities (x3).
3. Two (2) sets of Reduced Construction Drawings (11"x17" minimum). **Reduced plans must be legible and scaleable.**
4. Two (2) copies of applicable Engineering Calculations (Sanitary Sewer, Storm Sewer, Detention/Retention Routing, Sight Distance, Pavement, etc.).
5. Two (2) copies of the Engineer's Construction Estimate or a signed contract from a licensed contractor. If the contract is chosen for submittal, costs must be itemized based upon the Engineering Plans estimate of quantities.

### **Section 33.61 Construction Plans Content**

Where applicable the following data will be contained on the construction plans (sheets and required information may be combined if space allows):

#### **Items common to all sheets**

1. The construction plans will be clear and precise in detail. Freehand linear drawings will not be accepted. No coloring will be allowed. A poorly drawn or illegible plan is sufficient cause for rejection.
2. The sheet upon which the construction drawings are made will measure 22"x34" or 24" x 36", with ½" margin border on three sides and 1½ "to 2" binding margins on the short left side (22"x34" preferred).
3. **Plans shall be scaleable and legible when plotted on reduced sheets. The minimum reduced size shall be 11"x17".**
4. North arrow, horizontal scale, and vertical scale (engineering scales only).
5. Proposed and existing rights-of-way and easements.
6. Distinct separation between proposed and existing elements of the plan.

#### **Title Sheet**

1. Project name, address, road or street names, county, and location map.
2. Index of sheets.
3. Location map with street names, municipal corporate boundaries, and construction

- boundaries.
4. List of applicable City of Heath and ODOT Standard Drawings including effective dates.
  5. List of applicable permits obtained (NPDES, ACOE Nationwide Permits, etc.)
  6. Date block showing all revision dates.
  7. Engineering design firm name, address, telephone & fax number, name of Ohio Professional Registered Engineer preparing the plans (along with registration number).
  8. Developer/Subdivider name, address, and telephone number.
  9. Signature lines for the Mayor, City Engineer, Director of Utilities, Street Superintendent, and Zoning Director.

### **Schematic Plan (Index Map)**

1. Schematic map (Index Map) showing the entire proposed project on a single sheet.
2. Adjoining properties and owners.
3. Benchmark locations, descriptions, and elevations.
4. Phasing lines.
5. Zoning Information & Densities (Total project acreage, total number of lots, densities, current zoning, proposed zoning (if change is required), building & parking setbacks, no build zones, etc.).
6. Identification of adjacent parcels, property lines, and property owners.
7. Survey control information.
8. Typical Sections (if space allows; referencing the Heath CMS is not acceptable, typical sections shall be included within the drawings). On developments where multiple pavement build-ups exist (i.e. light duty, heavy duty) the engineer shall clearly depict through hatching or shading the locations of the different areas.

### **General Notes**

1. General, Roadway, Drainage, Water, and Sanitary notes from the Heath CMS. Notes shall be titled as shown in the CMS.
2. Project Specific notes and details.
3. General Summary (Estimate of Quantities) is space allows.

### **Stormwater Pollution Prevention Plan (SWP3)**

1. Items to be required on the SWP3 shall be as defined within the NPDES Construction Stormwater Permit (Ohio EPA Permit No.: OHC000002), Part III.

### **Site Dimension Plan**

1. The location and dimensions of all boundary lines of the property expressed in feet and decimals of a foot, and the acreage of the land to be subdivided.
2. The location, width, names, classification of, and construction details of all proposed streets and their rights-of-ways. Data to include Stations at every 100 feet on centerline. Indicate stations at points of curve and tangent at the beginning and end of all returns at centerline intersection and at subdivision or section limits.
3. The locations, dimensions of, and the designated use of all easements for public utilities, streams, surface drainage, and other uses.
4. Location of setback lines from all right-of-way, public or private, and the building envelope shown on all irregular lots.
5. Location and construction details of all existing and proposed paved surfaces including; curbs, landscape islands, parking spaces, drive aisles, driveways and radii, sidewalks and bike paths.

6. Disability access and parking.

### **Roadway Plan & Profile (Subdivision)**

1. Plan View
  - a. The location, width, names, classification of, and construction details of all proposed streets and their right-of-ways. Data to include:
    - i. Right-of-way line, centerline, departing lot lines, lot numbers, subdivision limits, and limits of construction.
    - ii. Centerline curve data, including delta, radius, arc, chord, chord bearings, tangent, and central angle.
    - iii. Approved street name.
    - iv. Stations every 100' on centerline. Indicate stations at points of curvature, tangency, and intersections.
  - b. Show all proposed curbs, edge of pavement, easements, setbacks, storm sewer, water line, sanitary sewer, sidewalks, curb ramps.
  - c. Proposed storm sewer, sanitary sewer, and water line. Proposed sanitary shall be shown for reference only, sanitary to be detailed on Sanitary Sewer Plan and Profile sheets.
    - i. Locate by station/offset from centerline all storm and water structures.
2. Profile View to contain the following information:
  - a. Elevations at the beginning and ends of all vertical curves
  - b. Length of vertical curves with elevations and stations of vertical points of intersections (VIP)
  - c. Proposed elevations along the centerline of construction computed every 25 feet
  - d. Existing centerline profiles for 200 feet minimum distance to insure proper grade tie, when proposed street is an extension of, or connects with an existing street or road
  - e. Extension of centerline profile 300 feet beyond property line or boundary of all streets that provide for access to adjoining property
  - f. Proposed storm sewer (if the trunk sewer parallels the proposed centerline; transverse sewers shall be on stand alone profiles). Label top of casting and flowline of all pipes entering and leaving the structure
  - g. Proposed water main (if the main parallels the proposed centerline).

### **Site Grading Plan**

1. The location of existing water bodies, streams, drainage ditches, stands of trees, land other pertinent features within the proposed subdivision. Topography will have a contour interval of one (1) foot. Elevations will be based on a mean sea level datum obtained from benchmarks established by the United States Geological Survey. Existing contours hatched or dashed.
2. Proposed stream or channel relocations. Show existing and proposed locations. Furnish details typical section and type of stabilization to be provided. The Developer shall provide the City with copies of all of the necessary approval from jurisdictional agencies.
3. The 100-year flood plain of any stream identified as having a flood hazard area. The elevation of the portion of the 100-year flood plain, which is nearest to the subdivision will be noted.
4. The elevation above sea level noted for the proposed pad and first floor elevations of a future primary structure or structures are to be noted for each lot within the

- floodplain.
5. Delineation of the drainage areas involved, with the provisions made for draining the total upstream watershed through development and the provisions made for adequate drainage, flow control, retention, and detention for the disposition of storm and nature waters as outlined in the **City of Heath Stormwater Design Manual**.
  6. The location of all or any natural springs whether within or draining to street right-of-way and indicate proposed treatment of same. All springs will be capped and piped in a minimum 6-inch diameter perforated pipe encased in washed gravel and connected into the nearest storm manhole or curb inlet.
  7. The tributary drainage area and design flow for all major culverts.
  8. Proposed elevations & contours, including landscape mounding
  9. Benchmark elevations, designations and locations
  10. Storm sewer top of casting
  11. Sanitary sewer and waterline shown in plan view for reference, if possible screen sanitary and water lines.
  12. Major flooding routing designated with large arrows., Ponding limits, elevation, and provisions to retain surface water run off. Proposed ponding limits to be shaded.
  13. Ditch direction of flow and slope
  14. Ponding tabulations (required and provided)
  15. Orifice plate details
  16. Head wall standards identification
  17. Cross-sections of ditches in right-of-way (at 50 foot spacing)
  18. Necessary additional details: entrance features, intersection details, drainage details

### **Drainage Profiles**

For Major Development Projects Other than Land Subdivisions (commercial or multifamily) drainage profiles shall be provided. Profiles shall be included for culvert and storm sewer and contain the following:

1. Stationing along the centerline of the drainage feature, beginning from the downstream end
2. Each structure shall contain a unique identifier to the construction drawings (including any existing structure)
3. Label structure type, top-of-casting (grate), and flowline elevations for all pipes
4. Label pipe size, type, and slope
5. Label the limits of granular backfill
6. Existing and proposed grade line along the centerline of drainage feature

### **Utility Plans**

1. The locations, dimensions of, and the designated use of all easements for public utilities, streams or water courses, surface drainage, and other uses.
2. Location, size, and illustration of existing public utilities including culverts, drainage tiles, gas lines, CATV, utility poles, street lighting and utility lines within and adjacent to the proposed subdivision.
7. All water mains, their sizes, type of material, valves, and fire hydrants, and location of mains to centerline of street.
8. All sanitary sewers and appurtenances, their type and material. Identify sanitary sewer appurtenance by type. All appurtenances will be numbered.
9. All storm sewers shown screened for reference
10. Locations of the planned extensions of and, connections to, the public water lines, sanitary sewer systems, and surface water drainage system. All types, sizes, and materials will be noted.

3. Size, slope, and type of proposed and existing utility mains.
4. Invert of sanitary lines at the manhole.
5. All backfill material and compaction noted.
6. Provisions to comply with Heath's Pretreatment Program (If Industrial or Commercial).
7. Tributary areas maps for sanitary and storm facilities.

#### **Utility Profiles**

1. Sanitary sewer profiles shall be provided for all projects. For Land Subdivision projects, separate sanitary sewer plan & profile sheets shall be provided. Sanitary sewer shall be stationed along the centerline of the proposed sanitary sewer.
  - a. Plan view shall contain the location of the proposed manholes. When the sanitary sewer parallels a proposed roadway, additional station-offsets shall be referenced to the roadway centerline.
  - b. Profile views shall contain manhole top-of-castings, pipe sizes, slopes, and types. All crossings of other utilities shall be labeled. Limits of compacted granular backfill shall be labeled.
2. Waterline profiles shall be provided for all projects. When the waterline of a Land Subdivision parallels a proposed road, this line can be shown on the roadway plan & profile sheet.

#### **Structure Elevation Plan (Where applicable)**

1. Building elevations depicting actual composition and architectural style for all proposed structures.
2. Number of floors, floor area, height and location of each building, and proposed general use for each building.
3. In a multi-family residential building, the number, size, and type of dwelling units will be shown.
4. Exterior lighting, showing location, size, and height of all lights including provisions of the elimination of glare to adjoining properties.

#### **Landscape Plan (Ref. Heath Zoning Ordinance 1136 Landscaping)**

1. Plot plan drawn to scale indicating proposed improvements, natural features, drainage, adjacent uses and structures, and proposed landscaping which will include botanical and common names, installation size, on-center planting dimensions where applicable, and a summary of all landscaping materials used on-construction, new and existing, by type, common name, and quantity.
2. In the case where trees are to be removed as part of any construction development, the plot plan will, in addition to items included in (1) above, also specifically indicate any trees to be removed and include botanical and common names and location of any large trees and any significant trees as defined in this chapter.
3. Typical building elevations and/or cross sections with proposed vegetation as may be required.
4. Landscaping plan of parking lots.
5. The location of existing water bodies, streams, drainage ditches, stands of trees and other pertinent features within the proposed subdivision. Topography will have a contour interval of one (1) foot.

#### **Exterior Lighting and Street Lighting Plan**

1. The location, height, wattage, and project area of illumination of each exterior light fixture, parking lot illumination fixture, and street lighting fixture will be shown.

2. A detailed drawing of the lighting fixture to be used for the project.

### **Section 33.62 Submissions Prior to Site Improvement**

**Prior to the beginning of onsite improvements, the Developer must have submitted and obtained approval of the following items (when applicable):**

1. All filing fees paid (Appendix V).
2. Approved Construction Plans (Section 33.60).
3. Proper Bonding (Article 7).
4. Copy of the OEPA Notification of Intent (NOI) furnished to the City.
5. Copy of the OEPA Sanitary Sewer Permit to Install (PTI) furnished to the City. The Developer shall also furnish a copy of the OEPA approved plans.
6. Copy of the OEPA Water PTI furnished to the City. The Developer shall also furnish a copy of the OEPA approved plans.
7. Any other applicable permits required (ACOE Nationwide, NPDES, etc.).
8. Water & Sewer connection fees paid.
9. Pre-Construction Conference to have taken place (Section 33.62.1)

#### **Section 33.62.1 Pre-Construction Conference**

All developments **NOT** exempt from Construction Plans shall be required to have a “Pre-Construction Conference” with the City of Heath prior to any site improvements taking place. The pre-construction conference shall take place with the City of Heath, Owner/Developer, Site or General Contractor, Design Engineer, and City Engineer. The Conference will take place at the City Municipal Building.

At the Pre-Construction Conference:

1. the Contractor will be required to submit a proposed construction schedule reflecting all work that is to be completed.
2. the Owner/Developer will be required to have secured all necessary permits, paid all necessary tap, connection, inspection, or review fees. No connection to any City Owned utility lines will be allowed until these items have been secured.
3. the design engineer shall bring two (2) full size Approved Final Construction Plans and eight (8) reduced Approved Final Construction Plans (legible and scalable) for distribution to the City Departments. Both full reduced plans shall contain all necessary approval signatures on the title sheet.

A sample Pre-Construction agenda is included in Appendix VI. The Design Engineer and Owner/Developer are encouraged to review the agenda prior to the Conference to ensure the necessary items and information is available.

### **Section 33.63 Developments Exempt from Construction Plans**

1. Additions to existing commercial and industrial buildings less than 1,000 square feet, that does not add to the overall imperviousness of the site.

### **Section 33.64 Record Construction Drawings**

All Site Improvements requiring Construction Plans shall submit Record Construction Drawings upon substantial completion of construction. The Owner/Developer’s Contractor shall prepare

and maintain a set of Record Construction Drawings as his work on the project progresses. The record drawings shall document all deviations from the original drawings as well as document the location and extent of any unforeseen conditions or obstructions. The record conditions shall be shown in red and any plan changes shall be outlined. The contractor shall bring the record drawings to any construction progress meetings for the City Engineer's review.

Following substantial completion of construction, the Owner/Developer is responsible for having **five (5) full size and three (3) reduced copies** of the record construction drawings sent to the City after the project is completed. Reduced plans must be legible and scaleable. The plans must include the following:

- A. Locations, top-of-castings, and flow line elevations for all sanitary and storm sewer structures, along with service lateral locations.
- B. Locations, of all water lines, valves, hydrants, and services.
- C. Proof elevations of any proposed detention basin as detailed in Section 8.4 of the City of Heath Stormwater Design Manual.
- D. Identify all field modifications to the approved plan set.

The subdivider is also responsible for providing the City with electronic CADD files of the record drawings in order to incorporate the project into the City GIS. The CADD file coordinate system shall be State Plane South, NAD 83, NAVD 88. Plans shall include the scale factor and point of origin.

**IF A BOND HAS BEEN POSTED: THE PROJECT BOND WILL NOT BE RELEASED UNTIL THE CITY HAS RECEIVED AND ACCEPTED ALL RECORD DRAWING ITEMS.**

**NO BOND POSTED: THE FINAL PLAT WILL NOT BE APPROVED UNTIL THE CITY HAS RECEIVED AND ACCEPTED ALL RECORD DRAWING ITEMS.**

### **Section 33.70 Final Plat**

### **Section 33.71 Final Plat Definition and Purpose**

The subdivider shall submit a final plat of the subdivision and drawings and specifications of the improvements required therein. If a preliminary plan has been previously approved, or conditionally approved, the final plat shall conform to the Preliminary Plan or incorporate required changes as the case may be. The final plat shall be prepared by a Registered Surveyor as appropriate. Should the subdivider elect to submit a final plat without having previously submitted a Preliminary Plan, the Final Plat submission shall include all information required under Sections 33.34 (Sketch Plan Contents), 33.57 (Preliminary Plan Contents), as well as the information required within Section 33.71 (Final Plat Definition and Purpose) herein to be considered complete.

The purpose of a Final Plat is to ensure that all conditions, engineering plans, and other requirements have been completed or fulfilled and that required improvements have been installed, or guarantees properly posted for their completion, prior to recording the Final Plat of the Subdivision.

### **Section 33.72 Final Plat Application and Review**

This includes all the associated fees required for the Sketch and Preliminary Plans, including the Article 6 Drainage Review. The City may take the standard review time provided for by all previous review steps skipped before considering whether the Final Plat submitted is complete.

An application for approval of a Final Plat shall be submitted on forms provided by the City not less than 25 or more than 30 days prior to the next meeting date of the HPC. An application shall be considered officially submitted and filed when the City staff finds that all required information is submitted. Each application must include the following:

1. Application form provided by the City and the proper filing fee (Appendix V)
2. Three (3) Copies of the final plat.
3. Proposed deed restrictions and covenants.
4. A copy of any restrictions and covenants the subdivider intends to include in the deeds to the lots in the subdivision. This includes a watercourse easement, if applicable (see Appendix IIIa: Sample Watercourse Easement).
5. Names and addresses of adjoining property owners typed on mailing lists (See Section 33.73).

Within five days after the filing of the final plat, the City staff shall schedule a meeting of the HPC to consider such final plat. Written notices indicating the time and place of the meeting, along with copies of the plat shall be sent to the City Departments, The Licking County Board of Health, if applicable, and the Heath School Board Superintendent and other officials deemed necessary.

### **Section 33.73 Notice to Property Owners**

Written notice of the meeting at which the Planning Commission will consider the final plat shall be mailed to all adjoining property owners by first class mail. Adjoining property owners are defined herein as all property owners within 300 feet of said final plat boundaries and within the corporate limits of the City of Heath. The applicant shall provide the names and addresses (no bank and other institutional names) of all adjoining property owners. This list shall be typed on mailing labels. The failure of delivery of such notice shall not invalidate any such action taken on such preliminary plan, but does not relieve the applicant from providing the information or from any civil action.

### **Section 33.74 Final Plat TRC Meeting**

The TRC shall review Final Plats with respect to these regulations. Every attempt will be made to schedule a meeting of the TRC within two (2) weeks of official Final Plat submittal. All comments of the TRC shall be forwarded to the HPC for consideration during their review of the proposed subdivision plat, and the City staff will prepare a letter to the applicant addressing issues and areas of concern that should be examined.

### **Section 33.75 Final Plat Contents**

The final plat shall be legibly drawn in waterproof ink on matte mylar. It shall be drawn at a scale not less than 100 feet to the inch, six acres or less at 50 feet to the inch, on one or more sheets 18x24 inches in size. If more than one sheet is needed, each sheet shall be numbered and the relation of one sheet to another clearly shown.

The final plat shall contain or accompany the following information:

1. Name of the subdivision, location by section, range, and township, or by other survey number, date, north arrow, scale, and acreage.
2. Name and address of the subdivider and the Professional Registered Surveyor who prepared the plat, and appropriate numbers and seals.
3. Plat boundaries based on accurate traverse with angular and linear dimensions. All dimensions, both linear and angular shall be determined by an accurate control survey in the field which must balance and close within the limit of 1:10,000.
4. Bearings and distances to nearest established street lines or other recognized permanent monuments.
5. Radii, internal angles, points of curvature, tangent bearings, lengths or arcs, all easements and right-of-way provided for public services or utilities, building setback lines with exact dimensions, right-of-way width, and names of all streets within and adjoining the plat shall be accurately located on the final plat.
6. All lot numbers and lines with accurate dimensions in feet and hundredths, and acreage.
7. Accurate outlines of areas to be dedicated or reserved for public use, or any area to be reserved for the common use of all property owners. The use and accurate boundary locations shall be shown for each parcel of land to be dedicated.
8. The locations and descriptions of all monuments and pins as specified in Section 50.20.
9. When lots are located on a curve or when lot lines are at angles other than 90 degrees, the width at the building line shall be shown. If the building line is a curved line, the cord distance should be shown.
10. The driveway culvert design size when in excess of 12 inches.
11. Where the proposed subdivision is traversed by a stream, watercourse, channel, or creek, the present or prior location of such stream, watercourse, channel, or creek shall be shown on the Plat. A 30-foot watercourse easement shall be depicted on the plat around these watercourses (See Appendix IIIa: Watercourse Easement).
12. Any part of the subdivision located within the 100 year flood plain as indicated on the county Flood Insurance Rate Map, (FIRM), shall be shown on the Final Plat.
13. All bearings shall be related and tied to the State Plane Coordinate System.
14. Each plat shall contain no less than four ties to the City of Heath control monument showing the coordinate and elevation on the plat.
15. Each plat shall contain a benchmark. Said benchmark to contain X, Y, and Z coordinates. The benchmark shall be a concrete monument with the City of Heath's designation on a brass disk. This monument shall be purchased by the Developer from the City.
16. Certification by a Registered Surveyor to the effect that the plat represents a survey made by him and that the monuments shown thereon exist as located and that all dimensional details are correct.
17. Notarized certification by the owner or owners of the adoption of the plat and the dedication of streets and other public areas.
18. Required statements and signatures to be affixed on plat (See Appendix II).
19. The notation "This Instrument Prepared By."
20. Certification shall be required showing that all required improvements have either been installed and approved by proper officials or agencies, or that a bond or other surety has been furnished assuring installation and initial maintenance of the required improvements.

If changed since or not included with Preliminary Plan submission, the Final Plat shall be accompanied by a list of adjoining property owners, along with the names and addresses of all involved utility companies.

### **Section 33.76 Final Plat Approval Period**

The HPC shall recommend to approve or disapprove the final plat within 75 days after it has been filed. Failure of the HPC to act upon the final plat within 75 days shall be deemed as an approval. The Developer may waive his/her right to approval or disapproval of a plat within 30 days. If the plat is disapproved, the grounds for disapproval shall be stated in the records of the HPC, and a copy of this record shall be forwarded to the subdivider. The HPC shall not recommend disapproval of the Final Plat if the Developer has done everything that was required and has proceeded in accordance with the conditions and standards specified in the HPC approved Preliminary Plan. If disapproved, the subdivider may make the necessary corrections and re-submit the Final Plat to the HPC for its final approval.

### **Section 33.77 Recording of Final Plat**

When the final plat has been approved by the City Council and after all necessary certifications are received, the original mylar shall be filed with the Licking County Recorder by the Developer. Applicants have 12 months from approval by the City Council to record the Final Plat.

## **Section 34.00 MAJOR DEVELOPMENT (Condominium, Multi-Family, Commercial, and Industrial Developments)**

Major development occurring on one or more existing lots is subject to review by the City of Heath staff and the HPC.

### **Section 34.10 Review Process**

The review procedure follows this outline:

1. Sketch Plan, as per Section 33.30
2. Preliminary Plan approval, as per Section 33.50
3. Construction Plan approval, as per Section 33.60
4. Approval by the City staff and TRC before Building Code permits are issued
5. Necessary "Submissions Prior to Site Improvements," as per Section 33.62.
6. Final approval by the HPC before Building Code permits are issued

When the authorized representatives of the HPC are satisfied that the proposed development, drainage, and access meet the requirements of this section, he or she shall stamp the conveyance "Approved by the HPC," and sign and date it. This approval is required before any building permits are issued.

### **Section 34.20 Additional Required Information**

All Condominiums, Multi-family, Commercial, and Industrial Developments shall also provide the following information to the City prior to final approval of the development.

1. The Developer shall meet with the City Zoning Director to review the current City

Thoroughfare/Land Use, Plan and Zoning Map to determine if the proposed development is in compliance with said plan. Should there be differences it should be discussed what the City's vision is and the procedure for altering said plan.

2. Access – All new development shall have their access points approved by the City prior to final design approval is given to the development of site. No site access shall be “grand-fathered” in from their previous use.
3. Traffic Study – Based on the impact of the development on the existing infrastructure the City shall determine if a traffic study is required prior to the approval of the development.
4. Storm Water Management – At the preliminary plan submittal, the Developer shall indicate the means and methods on how the stormwater will be managed both on and off site. This shall include, but not be limited to, the location of retention/detention areas, flood routing, and the ability of the discharge to be controlled and not cause downstream problems to the collector stream or river and shall meet all OEPA NPDES requirements.
5. Water and Sewer – It is the responsibility of the Developer to discuss utilities available with the City's Director of Utilities and to obtain a letter from the Director stating that adequate water pressure and capacity as well as sanitary sewer capacity is available to serve the site.
6. FAA Review – There are areas of the City that are under the jurisdiction and require height restrictions to any construction within this area. It is the Developers responsibility to meet with the City Zoning Director to determine if the development lies within the restricted area. If it is found to be so, then the Developer must seek FAA approval for the project before any permits from the City or County are issued.
7. Outside Impact – If the proposed development impacts any adjacent areas outside of the corporation limits of the City of Heath, then it will be the Developers responsibility to obtain written approval from those entities before the City of Heath will allow permits to be issued. These impacts could be but not limited to roadway/traffic, drainage and/or utilities.

## **Section 35.00 REPLAT**

If a person(s) wishes to replat (i.e. make alterations to existing lot lines or other conditions) all or part of an existing platted subdivision, the applicant must submit a completed application consisting of the following:

1. An application form provided by the City and the proper filing fee (see Appendix V).
2. A final plat (Replat) submitted on at least an 18 inch by 24-inch sheet of Mylar with:
  - a. The Surveyor's name and signature,
  - b. The property owner's notarized signature,
  - c. The notary public's signature and stamp,
  - d. The appropriate signatures of the City Engineer.
3. Any other required material.

The City will determine the completeness of the application as it meets the following

requirements:

1. The applicant shall submit to the City a final plat complete with all information required in Section 33.75 of these regulations.
2. If lots being re-platted have existing structures located on them, then a separate dimensionally accurate sketch prepared by a Registered Surveyor illustrating the revised lot lines, together with the outlines of such structures shall be submitted with Item 1 above. This shall include the access point location of the driveway(s) to the public roadway.
3. The replat shall meet the requirements of Article 8 of these regulations. This includes the provision that the creation of lot(s) located on a classified roadway. Provide ½ of any additional right-of-way required for future road expansion (see Sect. 41.20 for required road right-of-way).
4. The replat shall assign a new lot number(s) to all new or modified lots. This number shall consist of the lowest original lot number contained within the lot lines of the proposed lot and hyphenated with the letter "A", or next alphabetical letter needed to make the proposed lot number unique within the subdivision.
5. Replats must maintain and show all easements on the original plat. The one exception is when a lot combination creates a lot in which a lot line is removed leaving an existing utility easement running through the middle of the lot. In this situation, if no utilities exist in the easement, it may be removed. Where utility easements do not exist, a 10 foot utility easement shall be provided along all lot lines except those w/ public road frontage. If utility easements throughout the subdivision are of a different size than 10 feet, then that width should be used along new lot lines instead.
6. The applicant shall provide proof that the proposed Replat complies with applicable regulations, including those regulations established by zoning.

All required information for a proposed Replat must be submitted no later than twelve (12) days before the next regularly scheduled meeting of the HPC. The HPC will then either recommend approval or disapproval of the replat. If disapproved, the subdivider may make the necessary corrections to meet these requirements and resubmit the Replat to the HPC for recommendation of approval. Once the HPC has acted upon the submittal it shall be forwarded on to City Council for action.

## **ARTICLE 4**

### **MAJOR LAND DIVISION DESIGN STANDARDS**

#### **Section 40.00 General**

The regulations in Article 4 shall control the manner in which streets, driveways, infrastructure, lots, and other elements of a subdivision are arranged on the land. These design controls shall help ensure the construction of convenient, safe, and efficient roadways, the creation of usable lots, the provision of space for public utilities, and the reservation of land for recreational and other public purposes. The planning of attractive and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned, haphazard growth. Adequate infrastructure shall be in place prior to the development of any commercial, residential, or industrial subdivision.

#### **Section 40.10 Conformity to Development Plans and Zoning**

The arrangements, character, width, and location of all thoroughfares or extensions thereof shall conform both the City's comprehensive plan and any other plans and policies adopted by the HPC. Thoroughfares not contained in the aforementioned plans shall conform to the recommendation of the HPC based upon the design standards set forth in Section 41.00 and Article 8, Congestion Prevention. All Final Plats must conform to the current zoning resolution and any other rules and regulations adopted by the City. Where regulations overlap, the more strict standards shall control.

#### **Section 40.20 Suitability of Land**

If the PC finds that land proposed to be subdivided is unsuitable for subdivision development due to, but not limited to: topography, flooding, poor drainage, inadequate water supply and/or inadequate waste water treatment facilities, schools, transportation facilities, inappropriate access, or other such conditions which may be detrimental to public health and safety; and, if from investigations conducted by the public agencies concerned, it is determined that in the best interest of the public the land should not be developed for the subdivision proposed, the HPC shall not approve the land for said purpose unless the subdivider proves that the problems created by the development of the land will be remedied.

#### **Section 41.00 Streets**

No Major Subdivision shall be approved unless the area to be subdivided has frontage on, and/or access from an existing city street or roadway. The subdivider shall provide within the boundaries of the subdivision plat the necessary right-of-way for widening, continuance, or alignment of such streets in conformity with the Official Thoroughfare Plan.

Developments being reviewed shall be in conformance with these regulations and other regulations and/or plans adopted by other government agencies.

1. All streets shall be platted with appropriate regard for topography, streams, wooded areas, soils and geologic constraints, and other natural features in order to create desirable building sites and to preserve and enhance natural attractiveness. Road

- site design should also permit efficient drainage and utility systems layout while providing safe and convenient access to property.
2. As far as practical all proposed through streets and collectors shall be continuous and relatively linear with no sharp turns and in alignment with existing, planned, or platted streets. Either a gridiron street pattern, or the use of curvilinear streets or U-shaped streets shall be encouraged where such use will result in a more desirable layout.
  3. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established on the local comprehensive plans.
  4. All proposed streets of the tract to be subdivided shall be extended to connect to any existing access reserve, street stub, or street extension on adjacent parcels or subdivisions at the point where the improved, dedicated roadway is found (see Sect. 41.20).
  5. All proposed streets of the tract to be subdivided shall be extended as either a street extension or a street stub, and in such a manner as to allow future extension and access to any adjacent developable property unless, in the opinion of the PC, such extension is not desirable for the coordination of the layout of the subdivision or most advantageous to future development of adjacent tracts. Where possible, these extended rights-of-way shall line up with the adjoining developable properties in such a way as to allow appropriate and feasible future development, i.e. it should not run into a large rock outcrop, and in most cases, not end at the corner but rather the middle of the adjoining lot so the future street can be double-loaded (see Section 41.20).
  6. Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit, and in conformance with the sight distance requirements and intersection spacing requirements set forth in the Subdivision Regulations, Article 8: Congestion Prevention and this Article.
  7. Where the number of residential dwellings to be developed, including developable land for which future access is to be provided, exceeds 100 units, the Developer shall be required to build a subcollector to serve the site. If the total exceeds 240 dwellings, a minor collector shall be required and the site must have at least two (2) accesses or future reserves to create at least a second access. Calculations for the developable adjacent tracts should be made with densities equal to the proposed site unless otherwise instructed by the PC. This total will then be halved if the parcel has its own road frontage.
  8. Where natural topography and original tract composition allow, internal flow within a subdivision shall take precedence over the use of several, repeated, or back-to-back cul-de-sacs. The use of cul-de-sacs should be kept to a minimum for situations in accessing topographically restrictive areas of a site.

### **Section 41.10 Right-of-Way Requirements**

When a Major Subdivision or Major Development (not Minor Land Division, Exempted Minor Land Division, or Replat) abuts a public right-of-way which is shown on the City's Land Use and Thoroughfare Plan, and when additional right-of-way is required for the street to meet its classification, the subdivider shall dedicate to the city one-half the additional right-of-way required in accordance with the City's Land Use and Thoroughfare Plan and Article 8 of these regulations. When natural topographic features preclude the expansion or use of one side of the road right-of-way, the Developer of the other side may be required to dedicate additional road right-of-way equal to that which is precluded by the natural feature.

When a Minor Land Division, Exempted Minor Land Division, or Replat (not major subdivision or major development) abuts a public right-of-way which is shown on the City's Land Use and Thoroughfare Plan, and when additional right-of-way is required for the street to meet its classification, the subdivider shall have pins placed in the ground marking one-half the additional right-of-way required in accordance with the City's Land Use and Thoroughfare Plan and Article 8 of these regulations. This area shall be indicated and labeled as "future road right-of-way setback" on both the survey and in the deed. When natural topographic features preclude the expansion or use of one side of the road right-of-way, the Developer of the other side may be required to pin, mark, and label additional road right-of-way equal to that which is precluded by the natural feature.

When a subdivision (major, minor, exempt, or replat) abuts a public road right-of-way where 60 feet of journalized road right-of-way does not currently exist, the land owner/Developer shall be required to dedicate at least the amount required to increase the public road right-of-way from the centerline of the road to 30 feet. However, where this requirement would create a non-buildable lot due to existing lot lines, a minimum variance shall be granted.

For any subdivision (major, minor, exempt, or replat) fronting along an existing city street not designated on the City's Land Use and Thoroughfare Plan, provisions shall be made to set aside the necessary right-of-way for traffic, utilities, and drainage, in accordance with the minimum right-of-way for local streets as established by these regulations. When natural topographic features preclude the expansion or use of one side of the road right-of-way, the Developer may be required to dedicate (Major Subdivision/Major Development) or set aside (Minor /Exempt Subdivision or Replat) additional road right-of-way equal to that which is precluded by the natural feature.

## **Section 41.20 Street Classifications and Design Standards**

Each street shall be designed according to the following classifications. The design and improvement standards contained herein are minimums for all street types in residential subdivisions unless otherwise noted. All streets shall be designed and constructed in accordance with the standards specified in the tables below for each classification and in Article 8 (Congestion Prevention) of these regulations. Curbs and gutters and sidewalks shall be required. Streets with curbs and gutters are measured from curb back to curb back. Greater right-of-ways and pavement width may be required due to high slopes or other natural features. Utility easements of 10' may also be required along each side of the street.

The classification of a new street or streets will be designated by the PC when a new subdivision (major or minor) is proposed on or adjacent to that street.

## Section 41.21 Cul-de-Sacs

**Cul-de-Sac** - A street that has a single means of ingress and egress and terminates in a vehicular turnaround. Lengths of cul-de-sacs are limited to minimize backup time for large service and emergency vehicles unable to use the turnaround, to minimize mistaking cul-de-sacs with connecting streets, to discourage speeding, and to limit the number of families stranded in emergency or repair situations where the road is cut or blocked off. Cul-de-sacs are intended to serve fewer than 25 lots. In addition, cul-de-sacs shall be used sparingly and only to capture areas that cannot be reasonably developed with a through street. Cul-de-sacs in a commercial or industrial zoning district shall meet additional width and right-of-way requirements. Back to back or adjoining residential cul-de-sacs will be joined by a public sidewalk.

**All Cul-de-sacs shall be signed with no parking signs. Signage shall be in accordance with the Ohio Manual of Uniform of Traffic Control Devices (OMUTCD) and the ODOT Traffic Engineering Manual.**

Table 4.1 – Design Elements for Cul-De-Sacs

DESIGN ELEMENTS FOR CUL-DE-SACS (25 mph Design Speed, under 250 ADT)	DIMENSIONS IN FEET OR PERCENT
Minimum Right-of-Way: Curb & Gutter w/10' utility easement	50'
Minimum Pavement Width: Curb back to Curb back Parking on one side only	32'
Minimum Cul-de-Sac Bulb * Right-of-Way Pavement Width with Curbs & Gutters (Edge of Asphalt)	60' radius * 44' radius *
Maximum Cul-de-Sac Length (except when serving less than 25 lots or future right-of-way is provided)	600'
Maximum Grade	10%
Maximum Grade within 50 feet of an Intersection	4%
Minimum Grade	1.0%
Minimum Radius of Centerline	150'
Minimum Curb Radii	35'
Minimum Stopping Distance	170'
Minimum Sidewalk Width	4'

## Section 41.22 Local Residential Streets

**Local Residential Street** - A local residential street is the lowest order of roadway providing access to residential lots and carrying only the traffic generated by adjoining residential land uses. Residential subdivisions should be developed so that the maximum number of housing units have frontage on local residential streets (See City of Heath CMS for typical section).

Table 4.2 – Design Elements for Local Residential Street

<b>DESIGN ELEMENTS FOR LOCAL RESIDENTIAL STREETS (25 mph Design Speed, 200 - 800 ADT)</b>	<b>DIMENSIONS IN FEET OR PERCENT</b>
Minimum Right-of-Way With 10' utility easement each side Without utility easement	50' 60'
Minimum Pavement Width Curb & Gutter	32'
Maximum Grade	10%
Maximum Grade within 50 feet of an Intersection	4%
Minimum Grade	1.0%
Minimum Radius of Centerline	150'
Minimum Tangent Length Between Reverse Curves	50'
Minimum Curb Radii	35'
Minimum Stopping Distance	175'
Minimum Sidewalk Width (when required) Minimum Grassed Area Between Sidewalk and Curb	4' 4'

NOTE: Hillside lots with grades of more than 15 percent (15%) are subject to exceptions.

## Section 41.24 Minor Collectors

**Minor Collector** - A collector roadway distributes traffic between lower order residential streets and higher order arterial streets. The collector's purpose is primarily to promote free traffic flow, thus direct access for adjoining lots should be limited where possible. Collectors should not be used for on-street parking and may provide linkages to adjoining developments to improve vehicle circulation. There are two types of collectors, minor and major. A minor collector adds a middle turn lane while a major collector is designed to carry more traffic by removing the turn lane in favor of two dedicated lanes running in each direction, (up to 2000 ADT (See City of Heath CMS for typical section).

Table 4.3 – Design Elements for Minor Collectors

<b>DESIGN ELEMENTS FOR MINOR COLLECTORS (3 Lane: 35 mph Design Speed)</b>	<b>DIMENSIONS IN FEET OR PERCENT</b>
Minimum Right-of-Way: Curb & Gutter Required	72'
Minimum Pavement Width: B/B Curb & Gutter Required *No Parking Permitted*	40'
Maximum Grade	10.00%
Maximum Grade within 50 feet of an Intersection	3%
Minimum Grade	1.00%
Minimum Radius of Centerline	250'
Minimum Tangent Length Between Reverse Curves	250'
Minimum Curb Radii	35'
Minimum Stopping Distance	250'
Minimum Sidewalk Width	4'
Bike Lanes Required (each side)	4'

NOTE: Hillside lots with grades of more than 15 percent (15%) are subject to exceptions.

## Section 41.25 Major Collectors

**Major Collector** - A collector roadway distributes traffic between lower order residential streets and higher order arterial streets. The collector's purpose is primarily to promote free traffic flow, thus direct access for adjoining lots should be limited where possible. Collectors should not be used for on-street parking and may provide linkages to adjoining developments to improve vehicle circulation. There are two types of collectors, minor and major. A minor collector adds a middle turn lane while a major collector is designed to carry more traffic by removing the turn lane in favor of two dedicated lanes running in each direction (Over 2000 ADT (See City of Heath CMS for typical section)).

Table 4.4 – Design Elements for Major Collectors

DESIGN ELEMENTS FOR MAJOR COLLECTORS	DIMENSIONS IN FEET OR PERCENT
Minimum Right-of-Way: Curb & Gutter Required	100'
Minimum Pavement Width: B & B Curb & Gutter Required *No Parking Permitted*	63' (More where left/right turn lanes are required.)
Maximum Grade	7%
Maximum Grade within 50 feet of an Intersection	3%
Minimum Grade	1.00%
Minimum Radius of Centerline	350'
Minimum Tangent Length Between Reverse Curves	100'
Minimum Curb Radii	35'
Minimum Stopping Distance	400'
Minimum Sidewalk Width (when required)	6'

NOTE: Hillside lots with grades of more than 15 percent (15%) are subject to exceptions.

## Section 41.26 Arterials

**Arterial** - An arterial is a major thoroughfare designed to carry traffic between municipalities and other activity centers at a high rate of speed, generally over 45 mph, and to provide connections with major state and interstate roadways. Arterials shall consist of a minimum of 4 lanes with a 12 foot landscaped median, and contain as few intersections and access as few driveways as possible. As a result, no new access points for driveways will be permitted (see Article 8: Congestion Prevention). Typically, existing or new state routes are classified as arterial.

Table 4.5 – Design Elements for Arterials

<b>DESIGN ELEMENTS FOR ARTERIALS (55 mph Design Speed)</b>	<b>DIMENSIONS IN FEET OR PERCENT</b>
Minimum Right-of-Way: Curb & Gutter Required	120' *
Minimum Pavement Width: Curb & Gutter Required *No Parking Permitted* SEE DETAIL	76' (more when left and/or right turn lanes are required.)
Maximum Grade	7%
Maximum Grade within 50 feet of an Intersection	3%
Minimum Grade	0.5%
Minimum Radius of Centerline	575'
Minimum Tangent Length Between Reverse Curves	250'
Minimum Curb Radii	35'
Minimum Stopping Distance	550'
Minimum Sidewalk Width (when required)	4'
Minimum Grassed Area Between Sidewalk and Curb	8'
Brake Lane (each side)	5'

\* 45 feet of additional road right-of-way shall be required to accommodate a one-way (parallel with traffic) service drive wherever lots face an arterial road. For commercial or industrial uses, 24 feet of pavement is the minimum requirement. For residential uses, 16 feet of pavement with a 4 foot shoulder on each side is the minimum requirement.

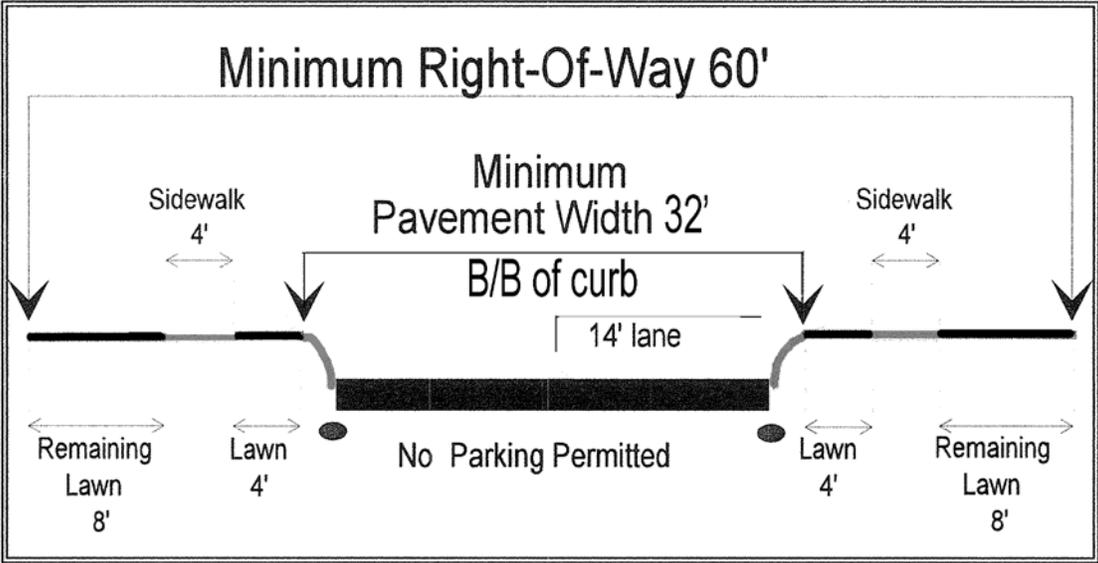
NOTE: Hillside lots with grades of more than 15 percent (15%) are subject to exceptions. The necessity of guardrail, seeding, back fill, or other special provisions, shall be determined by GUARD RAIL WARRANT STUDY, and the City Engineer.

**Section 41.28 Marginal Access Roads**

**Marginal Access Road** - A service roadway running parallel to and from a higher order roadway and providing access to abutting properties and separation from through traffic on the higher order roadway. A marginal access road shall be designed as a local residential street or as a subcollector according to anticipated daily traffic. When a marginal access road is developed directly adjacent to the arterial, its ultimate design should be one-way.

DESIGN ELEMENTS FOR MARGINAL ACCESS ROADS (35 mph Design Speed)	DIMENSIONS IN FEET OR PERCENT
Minimum Right-of-Way *	
Curb & Gutter	60'
Uncurbed	60'
Minimum Pavement Width * (No Parking Permitted in Non-Residential Areas)	
Curb & Gutter	28'
Uncurbed	20'
Maximum Grade	10%
Maximum Grade within 50 feet of an Intersection	5%
Minimum Grade	0.5%
Minimum Radius of Centerline	150'
Minimum Tangent Length Between Reverse Curves	50'
Minimum Curb Radii	25'
Minimum Stopping Distance	250'
Minimum Sidewalk Width (when required)	4'
Minimum Grassed Area Between Sidewalk and Curb	4'
Minimum Grassed Area Between Marginal Access & Arterial	20'

\* A reduction in these minimum requirements may be made if the marginal access road is designed and approved as a one-way road.



## **Section 41.29 Special Street Types**

The following requirements shall apply to special street types:

1. Permanent dead-end streets shall not be permitted. Temporary dead-end streets shall be permitted only as part of a continuing street plan. Where a street is temporarily dead-ended at a property line, a temporary turnaround shall be required. These turnarounds cannot be used as road frontage for the creation of additional lots.

When the adjacent tract of land is anticipated to be developed in the future and the extension of the roadway system will provide continuity between subdivisions, a street extension or street stub that satisfies the following standards, will be required:

- a. A note is added to the Final Plat indicating that the future connection of the street extension(s) or street stub(s) identified thereon by the same or other Developers shall be extended and opened as a public street(s) in subsequent phases of development.
  - b. If a street extension is built, a "No Outlet" sign is placed at its entrance and a barricade approved by the City is placed at the end of the extension.
  - c. A street extension that exceeds 1 lot in depth will be considered a cul-de-sac for the purposes of construction and shall conform to the requirements of Section 41.21. Depending on whether a major subdivision is being constructed in phases and the timing of the projects, an exception may be sought to allow the section of the cul-de-sac bulb, which is not part of the linear pavement to be constructed in temporary pavement.
2. Dedication of a new half-street shall not be permitted. Where a dedicated or platted half-street exists adjacent to the tract being subdivided, the other half shall be platted.
  3. Where a subdivision abuts or contains an existing or proposed arterial street, the City shall require marginal access streets, and where reverse frontage is created, screen planting shall be contained in a non-access reservation along the rear property line or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. There shall be no direct vehicular access from any lots to such arterial streets or highways.
  4. Alleys shall be 20 feet for the right-of-way and 18 feet for the pavement width. Alleys are not considered public road frontage for the purpose of meeting lot frontage requirements or creating new lots.

## **Section 41.30 Street Names**

In no case shall the names for proposed streets (except extensions of existing streets), or the name of proposed subdivisions duplicate or closely approximate existing street names or subdivision names in the city, irrespective of the use of a different suffix such as Drive, Court,

Place, Avenue, etc. In addition, a name shall not be confusing or excessive in length. Street names shall be subject to the approval of the City. See Section 51.20.

**Section 41.40 Alignments**

**Section 41.41 Horizontal Alignment**

**Horizontal** - As determined by the design speed and site distance per ODOT's regulations (as per ODOT's Location & Design Manual).

**Section 41.42 Vertical Alignment**

**Vertical** - As determined by the design speed and site distance per ODOT's regulations (as per ODOT's Location and Design Manual).

**Section 41.50 Intersection Design Standards**

These standards create safer intersections and allow for sufficient safe stopping distance as well as to prevent cars waiting to turn from stacking and thus disturbing through traffic flow. The design and improvement standards for intersections are minimums for all street intersections in subdivisions. All such intersections shall be designed and constructed in accordance with the standards as specified in the table below, Section 41.51, and Article 8, Congestion Prevention.

DESIGN ELEMENTS FOR INTERSECTIONS*	STANDARD	
Maximum Approach Speed	25 mph	
Minimum Angle of Intersection	75 degrees and that all streets shall remain in the angle of intersection for at least 100' beyond the point of intersection.	
Minimum Centerline Offset of Adjacent Intersections: Local - Local Local - Collector Local - Arterial Subcollector - Collector Collector - Arterial	175 feet 250 feet 300 feet 300 feet 1,320 feet	
Minimum Intersection Stopping Sight Distances	Design Speed of Road Intersected  55 MPH 50 MPH 45 MPH 40 MPH 35 MPH 25 MPH	Minimum Stopping Sight Distance  550 feet 450 feet 400 feet 325 feet 250 feet 175 feet

\* Based on AASHTO.

**Section 41.51 General Intersection Standards**

1. Intersections shall be laid out so as to intersect as nearly as possible at right angles.
2. Multiple intersections involving junctions of more than two streets shall not be permitted unless approved by the City.
3. Proposed new intersections, or subdivision entrances along one side of an existing street shall, wherever practicable, coincide and align with any existing street. Street jogs with centerline offsets of less than 175 feet shall not be permitted.
4. Within new residential subdivisions, four-way intersections should be avoided, and three-way or "T" intersections should be encouraged.

### **Section 41.60 Streets for Non-Residential Subdivisions**

Non-Residential Subdivisions shall include subdivisions in an area zoned for any type of commercial, industrial, or PUD that contains any mix of residential, commercial, and/or industrial development.

In addition to the rules and regulations set forth in these subdivision regulations, the subdivider must demonstrate to the satisfaction of the City that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be satisfied:

### **Section 41.61 Principles and Standards**

1. The street and lot layout of a non-residential subdivision shall be appropriate to the land use proposed and shall conform to the approved land use plans and zoning resolutions of the area.
2. Proposed industrial and commercial parcels shall be suitable in area and dimensions for the type of development anticipated.
3. Street right-of-ways and pavement width minimums shall be increased in order to accommodate the type and volume of traffic the development is expected to generate (i.e. the street classification may be upgraded depending on the proposed use. This includes the need to plan for future traffic from adjacent undeveloped parcels.)
4. Additional requirements may also be imposed by the City regarding the amount and type of materials used in the construction of the proposed roadways, as well as the curb & gutter and sidewalk design and construction.
5. Special requirements may be imposed by the City regarding the installation of public utilities.
6. Parcels adjacent to residential or proposed residential areas shall have a buffer area in compliance with the City's Landscape Ordinance and/or other applicable codes.
7. Streets carrying non-residential traffic, especially truck traffic, should not normally

be extended to the boundaries of existing or potential adjacent residential areas, or connected to streets intended for predominantly residential traffic.

### **Section 41.70 Sidewalks and Pedestrian Accesses**

- (A.) Residential. Sidewalks in Residential Districts will be four (4) feet wide minimum.
- (B.) Commercial. Sidewalks in Commercial Districts will be five (5) feet wide.
- (C.) Disability Ramps. All intersecting points with streets, driveways, or other areas have changes of elevation will have disability ramps of standard gradients.
- (D.) Where Required. All proposed new construction of, or alteration of existing highway, streets, or thoroughfares that will be or are now located in a Residential, Neighborhood Commercial, General Commercial District will include the installation of sidewalks on both sides of the street. Upon approval of the Board, in multi-lot developments, this may be accomplished by the installation of side walks on each lot as it is developed, provided the end result will be a completely connected sidewalk system within the development.
- (E.) Development along Existing Street. Any development of property, which is located in a Residential, Neighborhood Commercial, or general Commercial District, will include the installation of a sidewalk on the side of the street being developed. The sidewalk will extend across the full length of the developments street frontage.
- (F.) The Planning and Zoning Board may require the inclusion in a development's site plan provisions for the extension of the existing sidewalk system so as to connect with a proposed new sidewalk system.
- (G.) Connection of Cul-de-sacs. Adjacent cul-de-sacs In residential areas will be connected with a public sidewalk. Such stands alone sidewalks will have a minimum dedicated right-of-way or easement of ten (10) feet.

Sidewalks shall be required on both sides of all streets in the proposed subdivision. These sidewalks shall be constructed to handicapped/disabled standards at street intersections. The sidewalks must be included as a requirement in the deed for each lot. These sidewalks can be installed at the time of home construction so as to minimize damage from construction. Should the site not be improved within 5 years from the plotting of the lot, the owner of said lot shall construct the sidewalks from lot line to lot line to allow for continuity of the development.

The City may also require, in order to facilitate pedestrian access from the roads to schools, parks, playgrounds, shopping centers, transportation, or other community facilities perpetual unobstructed easements of at least 20 feet in width. Easement may be required to be paved with asphalt and must be recorded on Final Plat. Sidewalks shall be 4 feet wide in residential districts and 5 feet wide in all other districts.

### **Section 41.71 Bicycle/Walking Paths**

The development of a public bicycle/walking path system that interconnects various sections of the City and connects with other communities, or other public, bicycle/walking paths is required by the City.

### **Section 41.72 Street Lighting**

When applicable, the site plan will include a street lighting plan. Street lighting shall be designed using the recommendations of the Illuminating Engineering Society (IES) handbook, the local electrical utility, and the City Engineer.

- (a) The Owner/Developer will install all street lights, wiring, and metering at his/her expense.
- (b) Heath will designate and approve the style of lamp fixture and pole.
- (c) The location and method of metering will be approved by the City.
- (d) Heath may specify a 110 volt weatherproof outlet be included for each pole.
- (e) Unless otherwise approved by the Planning and Zoning Board and the City Engineer all street light wiring will be under ground.
- (f) Ownership of the installed street lights and the designated entity responsible for paying the street lighting charges will be agreed on before installation is approved by the City.
- (g) Lighting shall be accepted for maintenance at the time other public improvements are approved and accepted.

## **Section 42.00 Easements**

Utility Easements: Public utility easements at least ten (10) feet in total width shall be required along the rear of lots where needed for the accommodation of a public utilities, drainage or any combination of the foregoing. Side yard easements shall be ten (10) feet or, where the City has minimum side yard setbacks, the side yard setbacks shall be the minimum if it is less. Sanitary sewer and water line easements shall have a minimum total width of 20 feet and may be required at the end of cul-de-sacs to provide access for future utility line extensions. Where deemed necessary by the City, an additional easement width may be required. This would apply to any pipe deeper than 8 feet. The width of the easement shall extend from centerline of pipe both directions as far as the pipe is deep plus 5 feet. (i.e. a pipe 10 feet deep shall have an easement 15 feet either side of the centerline of pipe.)

Watercourse Easements: Thirty foot easements shall be provided along every watercourse, drainage channel, stream, or other environmentally sensitive area. Extra easements for backslopes may be required by the City where necessary.

Structures and fill are not permitted in any easement unless approved in writing by the City. All easements shall be fully depicted on the Final Plat and these restrictions recorded in the deeds.

## **Section 43.00 Lots and Blocks**

The arrangement of lots and blocks shall be such as to conform to the street planning criteria set forth in Section 41 inclusive, and shall be arranged to accommodate lots and building sites of the size and character required for the district as set forth in these subdivision regulations.

### **Section 43.10 Block Standards**

Block lengths and widths shall be coordinated with the development of the land and shall be designed in a manner that will allow proper traffic flow including fire and emergency vehicles, and pedestrian use and access-ways within the block to schools, parks, or other destinations as may be required by the City. In addition, the following regulations shall govern the design and layout of blocks:

- a. Irregularly shaped blocks, those intended for cul-de-sacs or loop streets, and those containing interior parks or playgrounds, may be approved by the City if properly designed and located and if the maintenance of interior public spaces is covered by

agreements.

- b. No block shall be longer than 1,500 feet, and the block width shall accommodate lots and building sites of the size and character required for the district as set forth in these subdivision regulations or the appropriate zoning resolution and shall be sufficient to provide for the required community facilities.
- c. Wherever blocks exceed 900 feet in length, the City may require crosswalks, or crosswalk easements of not less than 10 feet in width near the center of the block. These pedestrian accesses would be constructed to sidewalk specifications to provide proper access to schools, recreation areas, shopping centers, and other facilities.

### **Section 43.20      Lot Standards**

Each lot shall front along a dedicated public right-of-way. All lots must also conform to or exceed the requirements of the zoning district in which they are located and the use for which they are intended. In addition, the following regulations shall govern the design and layout of lots:

- 1. Building Site: The lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development.
- 2. Lot Width and Frontage: In addition to local zoning, all lots must meet the following minimum frontage and width requirements:
  - a. For all lots under 5 acres in size, the maximum depth of a lot measured from the building setback line shall not be greater than three times the width of the lot (see definition of lot measurement).
  - b. Every lot equal or greater to 5 acres in size, but less than 20 acres in size, shall have at least 250 feet of continuous public road frontage at the edge of the road right-of-way. For lots this size that gain frontage from the bulb of a publicly dedicated cul-de-sac, the required road frontage shall equal that required by local zoning or, where none exists, the 250 feet minimum may be measured from the building setback line.
- 3. Minimum Lot Size: In addition to local zoning, lots must meet the following minimum size requirements:
  - a. Where central water and sewer systems are not provided to the site, the minimum lot size shall coincide with those as required by the LCHD and shall be 1.6 acres exclusive of any easements, rights-of-way, waterways, or 100 year flood plains. The County Health Department may require a larger lot due to slope, soil permeability, groundwater availability, number of lots in close proximity, or other conditions that could impair the proper operations of the well and septic systems.
  - b. Lots without water or sewer provided to the site, the minimum lot size is determined by the existing zoning district.
  - c. Where either central water or sewer, but not both, is provided to the site,

the Health Department shall determine the minimum allowable lot size.

4. Lots Abutting Classified Roadways: Where a proposed subdivision (major or minor) abuts or contains an existing or proposed arterial or collector street, the City may require, without limitation, the following:
  - a. Frontage access roads
  - b. Reverse frontage lots with depth adequate to insulate the building area from the arterial.
  - c. Buffering and/or screening (per Section 44.50) to separate traffic from the proposed lot.
  - d. Driveways with turnarounds.
  - e. Shared access points to the public right-of-way.
  - f. Cross access agreements.
5. Access to Arterials: The creation of lots which would have direct access from an arterial as identified in - The City's Official Thoroughfare Plan, or Article 8 - Congestion Prevention, shall be discouraged and will not be allowed where the minimum spacing required by Article 8 is not met.
6. Side Lot Lines: All side lot lines shall be at right angles to street lines and radial to curved street lines except where the City determines that a variation to this rule would provide a better layout. Corner residential lots shall have additional width to accommodate front setback requirements for orientation to both streets (i.e. the front setback requirement must be met on both sides of the lot with public road frontage).
7. Double Frontage: Lots with double frontage shall be avoided except where the City determines that it is essential to provide separation of residential development from higher order streets. Any Access shall be to the lower order street. These lots will require adequate buffering and/or screening as per Section 44.50 of these regulations.
8. Additional Lot Depth and Buffers: Additional lot depth will be required where a residential lot in a subdivision backs up to a railroad right-of-way, a high pressure gasoline or gas line, open drainage ditches, an industrial area, or other existing or zoned land use which may have a detrimental effect on the residential use of the property, and where no street is provided at the rear of such lot. Where a residential lot has its side lot line adjacent to any of the aforementioned, an appropriate additional width may also be required. Buffers per Section 44.50 are to be provided by the Developer.
9. Steep Driveways: Lots and streets shall not be laid out so as to create a buildable lot that requires a driveway access with a slope greater than 40%.
10. Lowest Order Road Address: The City shall assign new lots their street address on the lowest order improved public roadway on which the lot has frontage. This is also the roadway where any mailbox for that lot shall be located, unless the United States Postal Service requests, in writing to the City, a different location.
11. Remaining Land: No remnants of property shall be left after the creation of a lot that do not meet the intent of these regulations.

## **Section 44.00 Physical Considerations and Natural Features**

Subdivisions shall be planned to take advantage of the topography of the land, to economize in the construction of drainage facilities, to reduce the amount of flood danger and damage, to minimize destruction of trees and topsoil, and to preserve such natural features as watercourses, unusual rock formations, large trees, sites with historical significance, and other assets which, if preserved, will add attractiveness and value to the subdivision and the community.

#### **Section 44.10 Flood Plain and Watercourses**

Some flood plains in the City are identified on Federal Emergency Management Agency (FEMA) maps. The following shall apply to those floodplains identified on FEMA's Flood Insurance Rate Maps (FIRM) or to flood prone areas identified as follows. For any stream or body of water not identified by the FIRM, including intermittent streams, the Developer shall determine the 100-year flood elevations through a certified engineering analysis. These elevations shall be determined in accordance with FEMA's recognized state methods or those described in *Rural Watersheds in Ohio*. Any 100-year flood plains thus identified on the site must also meet the following requirements:

1. Floodway and 100 Year Flood Hazard Area - The approval of a subdivision that is located in or partially in an area of periodic flooding, or identified as a flood hazard area on the City FIRMs or floodway maps, shall be limited to the following:
  - a. Approval shall not be given for streets within a subdivision which would be subject to flooding. All street surfaces must be located one or more feet above the 100-year flood elevation.
  - b. Where subdivisions are proposed to be located in areas of periodic flooding or in identified 100-year flood hazard areas, such flood prone areas shall be constructed to comply with the City's Flood Plain Ordinance.
  - c. All sanitary sewer systems and water supply systems must either be located outside flood hazard areas or flood plain areas otherwise they must be flood-proofed. Final approval of such systems rests with the City and Ohio Environmental Protection Agency.
  - d. Subject to Section 40.20 (Suitability of Land) of these regulations.
  - e. Floodplain area and retention and/or detention basins may be counted toward the open space requirements of Section 45.20.
2. Stream, Drainage, and Flood Easements - If a stream flows through, or is adjacent to, the proposed subdivision, the subdivider shall provide on the Preliminary Plan and Final Plat for a storm water easement along the stream(s).
  - a. Access to streams or storm drainage ditches and channels shall be by means of easements. Such easements shall not be less than 30 feet in width, exclusive of the width of the ditch, or channel, or similar type facility.
  - b. Underground facilities, such as tiles and storm sewers shall have easements with a minimum width of 20 feet.

- c. Whenever a stream, storm drainage ditch, or channel has a depth of three feet or more, a bank slope of two feet horizontal to one foot vertical shall be provided. For identified flood hazard areas, the subdivider shall provide that the flood hazard area (fringe and floodway) be established on the preliminary plan and the final plat. The subdivider will also incorporate into the deed restrictions and covenants that any modifications to the flood plain area shall be in accordance with the current City's Flood Plain Ordinance.
3. Public Access - Flood plain and storm water easements established under these regulations shall provide for public access for inspection, enforcement of these regulations and the regulations adopted by the City. The establishment of these easements does not in itself provide for public maintenance of these facilities. See Appendix IIIa for a sample watercourse easement.

### **Section 44.20 Storm Drainage Channels**

A storm drainage channel requiring a capacity greater than that accommodated by a 72 inch diameter pipe shall remain as an open channel. Where conditions justify, exceptions may be made by the City Engineer. The cross section and profile of said channel and its banks shall be approved by the City Engineer. After inspection, open channel banks and a ten foot berm shall be seeded and mulched at the end of each construction day according to specifications in the latest revision of Water Management and Sediment Control for Urbanizing Areas, Soil and Water Conservation Service.

### **Section 44.30 Soils and Erosion Control**

The intent of the Soils and Erosion Control regulations are to:

1. Prevent erosion during construction and prior to final site completion.
2. Minimize the removal of vegetation during the development process;
3. Minimize the exposure of bare earth to precipitation by encouraging the scheduling of land development in increments of workable size which can be completed within a single construction season or within a time period compatible with the type and the size of the project;
4. Provide for the re-establishment of vegetation within a reasonable period following completion of final grading and utility installation;
5. Give priority to the paving of streets, parking lots, and other areas within a reasonable time following completion of final grading;
6. Encourage the use of erosion control and sedimentation techniques found in the Water Management and Sediment Control for Urbanizing Areas, as published by the State Soil & Water Conservation Service.
7. Comply with the U.S. Environmental Protection Agency's NPDES permit requirements.

### **Section 44.31 Soils and Erosion Control Standards**

The Developer must meet the more stringent of the National Pollutant Discharge Elimination System (NPDES) Permit or the requirements of this section.

1. Sedimentation facilities (debris basins, sedimentation traps) and other control measures such as hay bales, berms, interceptor ditches and terraces, shall be installed in conjunction with the initial grading operations and be maintained throughout the

- development and construction process to remove sediment from runoff waters draining land under development. These shall be maintained by the Developer to assure functional operation during all phases of construction by periodic maintenance activities.
2. Land which has been cleared for development, and upon which construction has not commenced within sixty (60) days of this initial clearing shall be protected from erosion and consequent sedimentation by appropriate vegetation and land covering techniques such as seeding, sodding, ground cover installation or other vegetative or earth covering techniques.
  3. Construction activity on individual single-family lots or a group of lots being developed simultaneously by one Developer shall be conducted only if sedimentation facilities are installed and maintained throughout the construction period to prevent soil from any lot or group of lots from being carried offsite during all phases of project construction. Substantial completion of final grading and initial ground covering shall be completed prior to the seeding, sodding, ground covering installation or other vegetative or earth covering techniques.
  4. No grading, cutting, or filling shall be accomplished on any site under development such that unprotected land surfaces will be in contact with surface water or will encroach upon natural waterways or their floodplains, unless erosion control and sedimentation control devices can be installed where determined by the HPC staff or City Engineer between the grading area and water surface during development and construction, and vegetation can be restored upon project completion. The provisions of this section shall not apply to grading necessitated by drainage or other utility improvements required or authorized by the City of Heath.
  5. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion.
  6. Cut-fill operations must be kept to a minimum.
  7. Development plans must conform to topography and soil type so as to create the lowest practical erosion potential.
  8. Whenever feasible, natural vegetation shall be retained, protected, and supplemented.
  9. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum.
  10. Disturbed soil shall be stabilized as quickly as practicable.
  11. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development. These measures shall be installed within 48 hours of initial disturbance. Critical areas, as they pertain to erosion control measures, are defined by the City Engineer.
  12. Permanent vegetation and structural erosion control measures shall be installed as soon as practicable but no later than 72 hours after final grading. This includes sod or other methods of retaining seeding material prior to maturation in the lower 1/2 of any drainage ditches.
  13. To the extent necessary, sediment in runoff water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized.
  14. Straw, mulch, or netting material provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping surface of fills within 48 hours of initial disturbance.
  15. Cuts and fills may not endanger adjoining property.
  16. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners.
  17. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible and provided, in any such case, that such crossings

- are kept to a minimum.
18. Land-disturbing activity plans for erosion and sedimentation control shall include provisions for control or treatment of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent streams beyond the levels specified in paragraph (21) of this section.
  19. Land-disturbing activities shall not be conducted within the one hundred (100) year floodplain unless in accordance with City of Heath Flood Damage Prevention Regulations.
  20. An undisturbed natural buffer area shall be maintained for a distance of twenty-five (25) feet adjacent to any body of water as measured from the stream or pond banks except when in the interest of public health, safety and welfare, or the contour of the land require a different buffer subject to the City's approval.
  21. Utilities shall not be located within this buffer if they can feasibly be located outside this area. All disturbances of this buffer require prior approval by the City.
  22. Around all perennial streams shown on the USGS Quad Map the following requirements shall be established:
    - a. An undisturbed natural buffer area of fifty (50) feet measured from the stream banks shall be maintained.
    - b. Utilities shall not be located within this buffer if they can feasibly be located outside the area. All disturbances of this buffer require prior approval by the City.
    - c. Impervious surfaces are prohibited within seventy-five (75) feet of the stream bank. This prohibition includes septic tanks, and septic tank drainfields.

#### **Section 44.40      Site Protection**

1. Topsoil Preservation - Topsoil shall be added (or redistributed if stockpiled during the course of construction) on all re-graded surfaces after completion of all excavation and grading so as to provide at least four inches (4") of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting.
2. Removal of Debris - All debris shall be disposed of in accordance with legal requirements. No debris, regardless of compliance with other local, state, or federal requirements, shall be buried in the development except in debris pits specifically designed and approved as part of an improvement plan in locations outside the buildable area, drainage ways or drainage easements. Debris pits shall be prohibited in all other locations. If trees and limbs are reduced to chips, they may be used as mulch in landscaped areas.
3. Protection of Existing Plantings - Maximum effort should be made to save fine specimens. No material or temporary deposits should be placed within four feet (4') of shrubs or within the dripline and at least ten feet (10') of trees designated by the Developer or the City to be retained. Protective barriers or tree wells should be installed around each plant and/or group of plants that are to remain on the site. Barriers should not be supported by the plants they are protecting, but shall be self-supporting. They should be a minimum of four feet (4') high and constructed of a durable material that will last until construction is completed. Snow fences and silt fences are examples of acceptable barriers.
4. Vegetative Enhancement - Landscaping of all cuts and fills and/or terraces shall meet the approval of the City.

## **Section 44.50 Buffering**

1. Function and Materials - Buffering shall provide a visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or combinations thereof to achieve the same objectives.
2. When Required - Buffering may be required when the City determines that there is a need:
  - A) To shield neighboring properties from any adverse external effects of a development;
  - B) To shield the development from negative impacts of adjacent uses such as streets or railroads;
  - C) To screen public views of rear yards and rear facades within double frontage or reverse frontage lots.
3. Planting Specifications & Species - Shall conform to the most current Landscaping Ordinance approved by the City of Heath on setting and type of shrub. All trees, shrubs, and ground covers shall be planted according to accepted horticultural standards.

## **Section 45.00 Open Space and Recreation**

It is found that in order to protect the public health, safety, and welfare, an adequate amount of land should be dedicated and developed for open space, park, and recreational purposes. Therefore, all development within the planning jurisdiction shall pay a fee-in-lieu of land dedication, unless the City of Heath, or some other governmental agency requests the dedication or provision of a portion of such land, the provision of a combination of land dedication and fee payment, or the provision of a perpetual conservation easement, as set forth in this resolution, for the purpose of providing park and recreation facilities to serve future residents of the City.

Developed open space shall be designed to provide active recreational facilities to serve the residents of the City. Undeveloped open space shall be designed to preserve important site amenities, scenic vistas, and environmentally sensitive areas.

### **Section 45.10 Choice of Open Space & Recreational Land or Fee-in-Lieu**

Filing: At the time of filing the Preliminary Plan for approval, the subdivider shall indicate whether a fee, land, or a combination of the two will be provided to meet the requirements of these regulations.

Determination: The Heath Planning Commission (HPC) shall determine with the advice of the City of Heath Parks Department whether the plans of the subdivider to pay a fee-in-lieu of land, dedicate or provide land, or provide a combination of land dedication and fee payment are acceptable. This decision will be made as part of the review of the preliminary plan.

### **Section 45.20 Minimum Open Space & Recreational Land Requirements**

## **Section 45.21 Fee-in-Lieu of Land Provision**

Amount of Fee-in-Lieu: In the event that open space and recreational land designation is inappropriate or infeasible, the HPC shall request the subdivider to pay a park fee in lieu of land provision. The per unit fee will be collected at the time final plat approval is requested and shall be based on the total number of units contained within the final plat as determined by using the following formula:

Fee-in-Lieu of = Land area that would otherwise X Fair market value land dedication be required to be provided as Determined by Section 45.22 Of this section.

Determination of Fair Market Value: For the purposes of this resolution, fair market value shall be determined as follows:

1. Time for determination: Fair market value shall equal the average value per acre of all land in each subdivision or development in its raw, undeveloped state, at the time of Final Plat filing, determined by application of one of the following procedures:
  - A) By agreement between the subdivider and the HPC.
  - B) In the event the subdivider and the HPC cannot agree, by determination of the HPC on the basis of assessed value for property tax purposes of all land in the subdivision, modified to equal market value in accordance with current assessment practices, and divided by the total number of acres within the subdivision; or
  - C) In the event the subdivider objects to the valuation method set forth in subsection "B or C", then by a qualified independent appraiser approved by the HPC. The fee for the appraiser will be paid by the subdivider.

## **Section 45.22 Land Provision and Dedication**

Minimum Amount of Land: The minimum amount of land to be dedicated or provided by a subdivider as open or recreational space shall be determined in accordance with the following formula (gross site area and number of dwelling units is as shown on the preliminary plan):

Acres of land = (0.02 X gross site area) + 0.03 per dwelling unit to be dedicated proposed or provided.

These minimums shall not be construed to prohibit the voluntary dedication or provision of lands by the subdivider in excess of the requirements established by these regulations.

Characteristics of Land: The HPC will use the following criteria to judge whether land to be dedicated or provided is satisfactory for open space and recreational purposes. These criteria may be adjusted if the HPC determines that doing so will be in the best public interest.

Unity: Land to be dedicated or provided must form a single parcel of land or else consist of a few large pieces connected by a trail, path, or walkway. Every attempt should be made to match open spaces and/or recreational land with similar land on adjoining lots or subdivisions.

Composition: Utility, drainage, or other easements that are typically required as part of the subdivision process shall not count toward the provision of open space. This includes all road right-of-way, all roadside ditches, and any retention or detention ponds unless designed as part of an overall common open space and approved by the HPC.

Size, Shape, and Topography: The land shall be of such minimum dimensions and maximum slope as to be functionally usable for recreational purposes. Steep slopes, streams, lakes, jurisdictional wetlands, water courses, and flood plains may constitute a maximum of 40 percent of such land.

Location: The land to be dedicated or provided shall be convenient to the dwelling units it is intended to serve. Due to the potential for noise generation, however, the land shall also be sited with sensitivity to surrounding development.

Access: Public access and maintenance access to the land shall be provided from adjoining street frontage.

Preservation of Natural Beauty: Scenic natural features such as trees, plant life, watercourses, topography, and views, and any historic or archeologic locations shall be considered and preserved in the provision of open space, parks, and recreation areas.

Open Space Ownership: The type of ownership of land dedicated or provided for open space purposes shall be selected by the owner, subdivider, or Developer, subject to the approval of the HPC and the CHPD-City of Heath Police Department. Type of ownership may include, but is not limited to, the following:

The local government, subject to acceptance by the governing board of the local government

Other public jurisdictions or agencies, subject to their acceptance

Quasi-public organizations, subject to their acceptance

Homeowner, condominium, or cooperative associations or organizations; or

Shared, undivided interest by all property owners in the subdivision

Ownership shall be determined based on the type of open space to be provided. For example, perpetual conservation easements and significant passive open space such as linear parks shall be owned and maintained by the CHPD-CITY OF HEATH PARKS DEPARTMENT. Active recreation areas such as tot lots or ball fields shall be owned and maintained by a homeowners association or other responsible local entity.

Homeowners Association: If the open space is owned and maintained by a homeowner

or condominium association, the Developer shall file with the application for preliminary approval a declaration of covenants and restrictions that will govern the association. The provisions shall include, but are not limited to, the following:

1. Membership must be mandatory for each home buyer and any successive home buyer
2. The open space restrictions must be permanent, not just for a period of years
3. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities
4. Homeowners must pay their pro rata share of the cost, and the assessment levied by the association can become a lien on the property if allowed in the master deed establishing the homeowners association, and
5. The association must be able to adjust the assessment to meet changed needs

Treatment of Land: Following approval of a preliminary plat which designates land for open space and recreation, the existing vegetation (except growing commercial crops other than growing timber), topography, features of historic value, stream courses, soil, rock, strata, and other natural features of such dedicated or provided land shall not be altered or have their condition adversely affected in any way without the consent of the HPC.

Improvement of Land: There are two general types of land that meet the open space requirements of these regulations:

Developed Open Space: The HPC may require the installation of recreational facilities, taking into consideration:

1. The character of the open space land
2. The estimated age and the recreation needs of persons likely to reside in the development
3. Proximity, nature, and excess capacity of existing recreation facilities; and
4. The cost of recreational facilities

Undeveloped Open Space: As a general principle, undeveloped open space should be left in its natural state. The subdivider may make certain improvements such as the cutting of trails for walking or jogging, or the provision of picnic areas, etc. In addition, the HPC may require a subdivider to make other improvements such as removing dead or diseased trees or grading and seeding.

The Developer shall provide developed open space with recreation facilities when the developments equal or exceed 4 units per acre, or as required by the HPC.

Deed Restrictions: Any lands designated for open space purposes shall contain appropriate covenants and deed restrictions approved by the City Law Director ensuring that:

1. The open space will not be further subdivided in the future
2. The use of open space will continue in perpetuity for the purpose specified
3. Appropriate provisions will be made for the maintenance of open space by the homeowners association. If in the opinion of the HPC the open space is not properly maintained, then the City shall perform the necessary maintenance and the cost for same shall be charged to the homeowners association.
4. Common, undeveloped open space shall not be turned into a commercial enterprise admitting the general public at a fee or as part of a membership

Procedure for Designation of Open Space Land: Dedication or provision of land shall be by general warranty deed conveying to the owner, whether it be the City of Heath, a homeowners association, or other approved owner, good and marketable title to the real estate described in such deed, free and clear of all liens and encumbrances. This deed shall be submitted to the County Recorder and shall be recorded simultaneously with the final plat map.

Perpetual Conservation Easements: At the discretion of the City, with the advice of the HPC, perpetual conservation easements may be used in lieu of fee simple acquisition where appropriate to preserve natural features. Under this alternative, more land may be necessary to accomplish this goal than would be required by simply using the formula for land dedication provided in Section 45.21.

Open Space Designations for Phased Subdivisions: The City recognizes that for phased subdivisions, the land must be suitable for open space and recreation may not be accessible in the initial stages of the development. If the open space to be designated will not be immediately accessible, the subdivider shall pay a fee-in-lieu of land dedication to the City as each phase of the development is platted. This fee, calculated as described below, shall be based on the acreage and number of lots for the phase of the development to be platted. The fee will be placed in an escrow account and will be returned to the Developer once the land to be provided or dedicated is fully accessible and acceptable.

If the open space will be accessible during the first phase of the development, the subdivider has the option of dedicating or providing the open space for the entire subdivision, or providing only that portion of the land required for that phase to be platted.

### **Section 45.30      Limitation on Use of Required Land and Fees**

Any land and fees received by the City pursuant to this resolution shall be used only for the purpose of providing park and recreational facilities to serve the citizens. Fees paid pursuant to this resolution shall be deposited in a Parks and Recreational Capital Improvement Fund to be used for the acquisition, development, and improvement of park and recreational facilities. No part of such fees shall be used for the purpose of paying salaries, wages, or other general operating expenses. Fees received may be expended only in connection with development of parks and recreational facilities.

## **Section 45.40      Adjustment to Open Space & Recreation Requirements**

Notwithstanding any provision of these regulations to the contrary, the Heath City Council (HCC) may in cases of an unusual or exceptional nature, allow for adjustments in the park land dedication and fee-in-lieu regulations and park development fee requirements as established in and required by the provisions of this resolution. Adjustments may be allowed when, in the opinion of the HCC, it has been determined and shown that the character of the particular subdivision and the park and recreation need generated by and associated with it sufficiently justify adjustments.

## **Section 45.50      School Land Set-Aside Requirements**

Reserved for future use.

## **Section 46.00      Homeowner's Associations**

If the open space is owned and maintained by a homeowner or condominium association, the Developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for the Preliminary Plan approval. The provisions shall include, but are not limited to the following:

1. The homeowners association must be established before the homes are sold;
2. Membership must be mandatory for each homebuyer and any successive buyer;
3. The open space restrictions must be permanent, not just for a period of years;
4. The association must be responsible for liability insurance, local taxes, assessments, and the maintenance of recreational and other facilities;
5. Homeowners must pay their pro-rata share of the cost, and the assessment levied by the association can become a lien on the property if allowed in the master deed establishing the homeowners association;
6. The association must be able to adjust the assessment to meet changed needs;
7. The open space must be recorded on one deed or dedicated to the homeowners association on the Final Plat;
8. The open space may never be allowed to be further subdivided.

## **Section 47.00      Planned Unit Developments (PUDs)**

The Planned Unit Development (PUD) District is offered as an option to the requirements of the standard zoning districts in order to provide:

- a. A maximum choice of living or working environments by allowing a variety of housing and building types, lot dimensions, yards, building setbacks, and area requirements;
- b. A useful and suitably located pattern of open space and recreation areas;
- c. Convenience in the location of commercial and industrial uses;
- d. Accommodation of a mixture of residential and nonresidential land uses which is not available through the standard zoning districts and which is designed to complement existing and proposed development;
- e. A development pattern which preserves and utilizes natural topography and geologic features, unique natural features, trees and other vegetation, and avoids the disruption of natural drainage patterns;
- f. More efficient use of land and utilities than generally achieved through conventional

- development; and
- g. A development pattern in harmony with the land use density, transportation, and community facilities objectives of the comprehensive plan.

## **Section 48.00 Landscaping**

Landscaping - Reasonable landscaping shall be provided at subdivision and site entrances, in public areas, and adjacent to buildings. The type and amount of landscaping required shall be allowed to vary with the type of development. Landscaping improvements shall not be constructed in the right-of-way, either existing or to be dedicated.

The plant or other landscaping material that best serves the intended function shall be selected. Landscaping materials shall be appropriate for the local environment, soil conditions, availability of water, and should not cause interference with any above or below ground utilities, or safe sight distance visibility.

For additional requirements refer to the current City Landscape Ordinance.

## **Section 48.10 Development Entrance Feature**

All Condominium, Multi-family and/or Single family Developments within the City Corporation limits shall have a permanent monument sign displaying the name of the development. This sign shall comply with the City of Heath Sign Ordinance and materials shall be in accordance with the City of Heath Architectural Guidelines.

1. The Entrance to the development shall be designed with a raised, curbed, landscaped median separating the inbound and outbound lanes. The landscaped median shall not intrude into the public right-of-way. The inbound and outbound lanes shall have a minimum pavement width of 16 feet. If a left turn exit lane is required then both exit lanes shall have a minimum lane width of 12 feet each. Signage and landscaping shall be placed outside of the public right-of-way and shall be maintained by the Owner/Developer or Condominium/Home Owners Association.
2. Gated entrances shall be designed to allow emergency access to the development. The Developer shall submit the entrance gate design to the City of Heath for approval prior to installation.
3. The sign shall be indirectly lighted.
4. Construction shall be completed with Phase 1 construction.
5. Plans for the sign shall be submitted to the City for review and approval at the same time as the construction plans.

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# **ARTICLE 5**

## **REQUIREMENTS FOR CONSTRUCTION OF IMPROVEMENTS**

### **Section 50.00     **Guarantee for Installation of Improvements****

All improvements required herein shall be constructed prior to the granting of the Final Plat approval by the City; or the subdivider shall furnish the City with a surety or certified check for the amount of the estimated construction cost plus 10% for the ultimate installation and initial maintenance of the improvements. The description of the bonding process is in Article 7.

### **Section 50.10**            **Construction Procedure and Materials**

The subdivider shall design and construct improvements not less than the standards outlined in these regulations. The minimum requirements for materials shall be in accordance with the standards of the current volume of "Construction and Material Specifications" of the State of Ohio Department of Transportation, the current requirements of the Ohio Department of Health, the current requirements of the Ohio Environmental Protection Agency, and the current **City of Heath Construction and Materials Specifications (CMS)**.

### **Section 50.20**            **Monuments, Markers, and Pins**

Permanent markers shall be set according to the provisions of Section 711.03 of the *Ohio Revised Code*. The Developer shall direct the Surveyor to place and set at least four permanent markers in each plat of ten lots or less and in plats having more than ten lots as many additional permanent markers as the Surveyor deems necessary to properly control his original survey. The Surveyor shall place additional permanent markers in accordance with Section 711.03 of the *Ohio Revised Code*, or with the approval of the City. The Developer shall direct and cause the Surveyor to place and set at least one permanent concrete monument within the subdivision which shall have reference to the state plane coordinate system and numbered according to the City's GIS control system. The City shall provide the Surveyor with the next monument number which will be placed into the City records.

### **Section 51.00     **Street Design****

1. After the surface of the sub-grade has been prepared, shaped, and compacted to the approximate cross section grade and before any pavement, base, or sub-base material is placed thereon, it shall be inspected by the City. The contractor shall proof roll through subbase in the presence of the City Inspector. Proof rolling shall be at the Developers expense. When notice of approval is received by the subdivider or contractor, he may proceed with the application of the base course provided that such application is inspected by the City while same is being accomplished.
2. Streets shall be graded, surfaced, and improved to the profiles and dimensions shown on plans, profiles, and cross sections submitted by the subdivider and approved by the City.
3. The City of Heath has the option to require that the final course of asphalt not be

applied until after a reasonable period has passed in order to determine the condition of the base courses.

4. There shall be a roadway crown of 1/4 of an inch per foot from the centerline of the road to the gutter section.
5. Streets shall be constructed to a minimum grade elevation 2 feet above any adjacent flood plain elevation.
6. No asphalt shall be applied to any surface when the outside ambient temperature is below 40 degrees F.

### **Section 51.10 Pavement Design for All Roadways**

Minimum pavement thickness shall be as per the **City of Heath CMS**. The design Engineer is to increase thickness as required to meet in-place soil and anticipated traffic loading conditions.

### **Section 51.20 Street Name Signs, Traffic Signs, and Street Naming**

Traffic signs (STOP, SPEED LIMIT, STOP AHEAD, etc.), shall be erected by the subdivider at all intersections and other locations as required at their expense. Signs shall be of a reflective nature with letters a minimum of 4" high and a color contrasting with their background. All signage shall conform the Ohio Manual of Uniform Traffic Control Devices (OMUTCD) and the Ohio Department of Transportation Traffic Engineering Manual (TEM).

The City shall provide and install street name signs at the Developers expense. To avoid duplication and confusion, the proposed names of all streets shall be approved by the City staff prior to such names being assigned or used. Platted street names, when approved, shall be used as the official street names. See Section 41.30.

### **Section 51.30 Guardrail Warrants**

The necessity for guardrail will be determined using the current issue of the ODOT Location and Design Manuals. The City of Heath reserves the right

## **Section 52.00 Drainage**

See Article 6 of these regulations, the City of Heath Stormwater Design Manual, and the City of Heath CMS.

### **Section 52.10 Record Drawings**

Record Drawings for Drainage improvements shall be submitted for all projects. Submittals shall be in accordance with Section 33.64

## **Section 53.00 Water Supply**

All water pipe, fittings, methods of construction, and workmanship for water lines and appurtenances shall conform to the current rules and regulations of the City of Heath, Division of Water, and ODOT Item 638.

### **Section 53.10 Fire Protection**

Fire hydrants with 2 1/2 inch outlets and one large pumping connection shall be provided by the subdivider in all subdivisions with public water supplies. The hydrants should be located between property lines and curbs with all outlets facing or parallel to the street. Hydrants shall be placed at the corners of all blocks and at mid-block for blocks exceeding 800 feet in length but shall not exceed 300 feet between hydrants in industrial areas and 500 feet in residential areas. Hydrants shall also be required at the entrance and end of all cul-de-sacs exceeding 400 feet in length.

The type of hydrant and control valves as well as the location of the hydrant shall be approved by the City. The minimum size of any water line serving any hydrant shall not be less than eight (8) inches in diameter and should be a looped water line.

The Developer shall provide the City with the properly designed fire suppression system so as to deliver fire flows as outlined in the "Guide for Determination of Needed Fire Flow" latest edition (an ISO Publication).

### **Section 53.20 Water Mains**

Water mains shall be installed with a minimum of 4.5 feet of cover measured from the finished grade to the top of the water main.

The normal working pressure in the water mains shall not be less than 35 psi.

Individual booster pumps will not be allowed for any service.

All main line valves, hydrant watch valves, curb boxes and dead end lines are to be marked with a 4" x 4" x 10'-0" pressure treated wood post with 4'-0" painted blue on four (4) sides.

Dead end water lines shall terminate with a fire hydrant assembly followed by a main line valve and an additional section of water line plugged and blocked.

Whenever possible, waterlines are to be located outside of the paved surface.

No public water lines shall be within 20 feet of a building foundation or overhang.

### **Section 53.21 Corporation Stops**

The Contractor is to assure that the corporation stop box does not accidentally get pushed off of corporation stop.

### **Section 53.22 Fire Hydrants**

Fire Hydrant types shall be as defined in the **City of Heath CMS**.

Maximum spacing of Hydrants shall be as follows:

Residential Areas – 500'

Commercial Areas – 300'

Industrial Areas – 300'

Fire hydrants shall be set 2 feet behind the back of curb, see Heath CMS for standard drawings. If the distance between the fire hydrant and the water main exceeds 25 feet, a second valve will be required on the fire hydrant lead. There should not be more than 7 feet of cover over the fire hydrant lead.

When Riased Pavement Markers (RPM's) are required within the roadway, a blue RPM shall be installed at all hydrant locations.

**Section 53.23 Valves**

Operation of in service valves shall be by water department personnel only. A 24 hour notice shall be required for shut downs.

All valves located in the pavement shall have heavy duty valve boxes.

The caps and inside of all mainline water valve boxes shall be painted blue.

If the top of the operating nut is more than thirty-six (36) inches below finished grade, an extension stem shall be furnished to bring the top of the operating nut to within twenty four (24) inches of finished grade elevation. All valve stem extensions are to be installed with the extension secured directly to the valve operating nut with galvanized restraint clips.

**Section 53.30 Materials**

All water main materials must meet AWWA specifications and a statement of verification must be furnished to the City. Curving and deflection shall be limited to that recommended by the manufacturer.

All materials shall be as described in the **City of Heath CMS**.

All bends, joints, deflections and fittings shall be appropriately blocked with concrete, as per City of Heath CMS and ODOT specification 638.06.

Services lines shall be copper, not less than three-quarter inch and shall be covered to depth of 4.5 ft.

Wherever a non-metallic water main is installed the use of underground locator tape (blue) installed above the line shall be required. Tape shall have 18" of cover.

**Section 53.40 Backfill**

All backfill for water lines and water services under pavement and within 5 feet of the pavement shall be compacted granular material for the entire trench depth. All other backfill and bedding shall be as per ODOT Item 603, Type C.

**Section 53.50 Permits**

A permit for each water service must be obtained from the City of Heath, Division of Water prior

to making a connection to the water service installed as part of this project and prior to making any additional taps into these water lines.

### **Section 53.60 Record Drawings**

Record Drawings for Water improvements shall be submitted for all projects. Submittals shall be in accordance with Section 33.64

### **Section 54.00 Sanitary Sewer**

The following requirements shall govern sanitary sewer improvements:

1. Public sanitary sewers shall be installed to adequately serve all new lots and development, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the OEPA, and the City. Combinations of sanitary sewers and storm sewers shall be prohibited.

### **Section 54.01 Sanitary Sewer Design**

Unless stated otherwise, Sanitary Sewer design shall be in conformance with the Ohio EPA's "Greenbook" and the "Recommended Standards for Wastewater Facilities" (10 State Standards).

### **Section 54.10 Sanitary Sewer**

Roof drains, foundation drains, and all other clean water connections to the sanitary sewer are prohibited.

No connection shall be made to the receiving sanitary sewer system until this project has been approved by OEPA, fully installed, tested, and approved by the City of Heath.

No person shall uncover, make any connections with or openings into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Division of Utilities.

### **Section 54.11 Sanitary Service Lines**

Where the cover to finished grade over a sanitary wye is in excess of twelve (12) feet, a length of riser pipe and a forty five (45) degree bend shall be installed along with a minimum of one whole length of six (6) inch pipe such that the end of the service will be ten (10) feet below grade. All sanitary lines and services are to be designed and installed so as to provide basement service.

Sanitary laterals installed in a common trench are to be installed with a minimum 2'-0" center to center separation of pipes in a 4'-0" minimum trench with 1'-0" minimum bedding around pipes. Pipe ends are to be flared to a minimum 10'-0" center to center separation of pipes at 5'-0" from the property line.

### **Section 54.20 Materials**

All sanitary sewers shall be installed in strict accordance with the manufacturer's recommendations and ODOT item 603, Type B or C conduit.

All materials shall be as described in the **City of Heath CMS**.

The sanitary sewer pipe to manhole connections shall be of a flexible watertight joint of approved manufacture. The joint may be of the following design: rubber sleeve with stainless steel banding, rubber Gasket compression, or rubber gasket expansion. Payment for this work and materials shall be included with the item bid for furnishing and installing manholes.

Green magnetic field locator tape shall be placed with 18" cover over all non-metallic sewer lines.

### **Section 54.30 Backfill**

All backfill for sanitary sewer and laterals under pavement and within 5 feet of the pavement shall be compacted granular material for the entire trench depth. All other backfill and bedding shall be as per ODOT Item 603, Type C. Payment for this work and material shall be included in the unit bid for furnishing and installing sanitary pipe.

### **Section 54.40 Testing**

All sanitary sewers shall be pressure tested for infiltration and ex-filtration, having maximum test sections of 400 feet. For the ex-filtration test a minimum of 2 feet of positive head shall be maintained during the test. A maximum 100 gal/in/mi/day is permitted.

Contractor shall mandrel test all ABS or PVC pipe for deflection a minimum of 30 days after installation. Testing shall be in accordance with ASTM D3034. The mandrel must be at least 95% of the base inside diameter of the pipe.

Manholes shall be tested for leaks using the negative air (vacuum) method. Testing shall be performed as per ASTM C1244.

All testing shall be performed under the supervision of a Registered Professional Engineer or a representative of the City of Heath. The cost of the above will be included in the unit price bid for the sanitary sewer.

### **Section 54.50 Sanitary Manholes**

Sanitary manholes are to be in accordance with Heath Standard Drawings SA-1 and SA-2.

Public sanitary manhole covers are to be the Heath custom lid per Standard Drawing SA-10. All private sanitary manholes shall be embossed "Sanitary Sewer". Castings shall be Neenah R-1762. Whenever proposed site improvements connect to an existing public manhole, the lid of the existing manhole shall be replaced with the City custom lid as detailed in the CMS. If necessary the developer shall replace the casting to accept the standard lid.

All manholes shall be adjusted to grade using precast concrete rings.

All sanitary manholes shall be staked under the direction of a Professional Registered Surveyor.

The maximum spacing between manholes shall be 400 feet.

### **Section 54.60 Record Drawings**

Record Drawings for Sanitary Improvements shall be submitted for all projects. Submittals shall be in accordance with Section 33.64

### **Section 55.00 Sanitary Pump Stations**

The requirements presented in this document and the **City of Heath CMS** have been developed to standardize the installation of sanitary pump stations. The City of Heath reserves the right to modify the requirements for individual projects as deemed necessary for the protection of public health and/or the environment.

The City of Heath Director of Utilities, or representatives, and the City Engineer will evaluate options for **preventing** each pump station through the extension of gravity sewers to the site. The Developer may be required to evaluate these options to determine feasibility and estimated costs for the gravity sewer extensions as well as the estimated cost of the proposed pump station and force main. These costs will be compared to assist in determining if a pump station will be allowed or a gravity sewer extension will be required.

#### **Section 55.01 Scope of Work**

1. The Developer shall, unless otherwise notified, furnish all labor, materials, equipment, tools, and incidentals necessary to install, test, complete, and make ready for operation a submersible sewage pump station. This includes the furnishing and installation of all necessary and desirable accessory equipment and auxiliaries, whether specifically mentioned in these specifications or not, as required for an installation incorporating the highest standards for the types of service which this pump station is to perform.
2. These specifications are intended to give a general description of that which is required and do not purport to describe all details of the equipment to be furnished. Such details are considered to be either standard among all manufacturers or variable in accordance with specific equipment formulations, but resulting, in either case, in equipment equal in performance, long-term reliability, and life-cycle cost-effectiveness.
3. The Developer shall be responsible for all excavation and removal of obstructions and restoration of all properties involved directly with the construction and/or installation of the pump station.

#### **Section 55.02 Capacity**

1. The facility shall be sized to handle all flows from the total upstream watershed, except for the pumps, which shall be sized to handle the peak flow of the upstream watershed or twice the design peak flow of the proposed development, whichever is less. However, the facility shall be designed to permit future installation of pumps sized to handle the peak flow of the upstream watershed.
2. The capacity of a pump station handling flow from existing gravity and/or upstream combined sewers shall be adequate to manage existing flows, including

infiltration/inflow, as well as additional flows anticipated to be required for the proposed development.

### **Section 55.03 Design**

1. Design of pump stations shall be coordinated at all stages with the City of Heath. Plans shall be submitted for review and approval along with water and sewer construction plans.
2. Design efficiency of the pumps shall be submitted for review and approval by the City. Pumps which are not properly selected for efficient operation may be rejected.
3. Friction losses through force mains shall be based on the Hazen Williams formula or other acceptable methods. When the Hazen Williams formula is used.

### **Section 55.04 Responsibilities of Developer**

The Developer shall be responsible for all materials stored on the job site and the pump station until such time as it is accepted by the City. The Developer shall bear the responsibility of any damages incurred either to private or public property.

### **Section 55.05 Inspection**

Materials provided and work performed shall be subject to inspections by City representatives and/or by appointed agents of the City. Acceptance of the pump station shall be contingent on the condition that all materials, equipment, and workmanship provided pass set inspections, satisfactory completion of all work and proper operation of the completed pump station.

### **Section 55.06 Warranty**

A minimum of a full twelve (12) month warranty shall be provided for the pump station. This warranty shall begin on the date the pump station is accepted by the City for operation. The warranty shall cover the following:

1. All equipment, parts, and labor.
2. Site materials, roadways, and fences.
3. Ground subsidence and settlement of valve chamber and wet well.
4. Landscaping and screening plantings

The pumps shall have at least an eighteen (18)-month full (all parts and labor) manufacturer's warranty and 5-year prorated manufacturer's warranty, which shall both begin no earlier than the date of shipment to the Contractor. In the event that the pump station is not accepted within six months of shipment of the pumps, the full warranty shall be extended to twelve months from the date the pump station is accepted by the City for operation.

### **Section 55.07 Tools and Spare Parts**

All special tools and recommended spare parts required for normal operation and maintenance shall be supplied for each piece of equipment furnished.

The following spare parts shall be furnished as a minimum:

1. One (1) spare pump, complete with impeller, identical to that specified.

2. One set of 1 upper and 1 lower mechanical seals and a seal tool.
3. One set of gaskets, O-rings, grommets, and other sealing devices.
4. One rotating wear ring (if so equipped) or a spare impeller, and one stationary wear ring (if so equipped) or a spare volute.
5. One complete set of spare fuses for all electrical devices.
6. Ten spare bulbs for each lamp type.

All tools and spare parts shall be properly packed and protected for long storage and placed in containers clearly identified in indelible markings as to contents.

### **Section 55.08      Submittals**

The Contractor shall submit to the City for approval five sets of the following prior to ordering equipment and materials or initiating construction. One set of submittals will be returned to the Contractor with comments and/or approvals.

1. Certified shop and erection drawings and data regarding pumps, motors, characteristics, and performance. The data shall include guaranteed performance curves, based on actual shop tests of duplicate pumping units, which show that the units meet the specified requirements for head, capacity, efficiency, and input power. Curves shall be submitted in quadruplicate on 8-1/2-inch by 11-inch sheets. For pumping units of the same size and type, only curves for a single unit need be provided.
2. Literature and drawings describing the equipment and showing all important details of construction and dimensions.
3. Complete data on motors, including schematic electrical wiring diagrams and other data as required.
4. Complete schematic electrical wiring diagrams for pump station, control panel, and SCADA.
5. Conduit routing and wire-pulling schedules.
6. Complete grounding scheme.

### **Section 55.09      Operation and Maintenance Manuals**

Four complete sets of installation, operation, and maintenance instructions shall be provided for all equipment and electrical components. The manuals shall be prepared specifically for the installation to which they pertain and shall include all available installation manuals, operation manuals, maintenance manuals, catalog cuts, drawings, wiring diagrams, equipment and parts lists, list of spare parts provided, warranties, product descriptions, etc. All four sets of manuals for major equipment shall be original manufacturer's manuals, copies will not be acceptable. Only one set of original manufacturer's literature is required for miscellaneous components; copies of this literature will be acceptable for the other three O&M manuals.

### **Section 55.10      Record Drawings**

The Record Drawing submittal for Sanitary Pump Stations shall be as per Section 33.64.

### **Section 55.11      Additional Items**

1. Each installation shall be individually assessed as to the need for equipment, structures, procedures and other items not named or described in these specifications. Installation of these items may be required at the discretion of the City Engineer or his appointed agent.
2. Any variations from the specifications provided in this document must be approved through the City representative or the appointed agent of the City.
3. These specifications are subject to change or revision without notification.

## **Section 55.20 Submersible Pumps**

1. Pumps shall be ITT Flygt CP or approved equal, shall be capable of passing solids at least three inches in diameter, shall have a maximum ambient operating temperature of at least 115° F, and shall be capable of withstanding corrosive materials normally found in domestic and industrial waste.
2. Each pump shall be provided with a sufficiently long power cable to suit its installation without splicing
3. A #316 stainless steel lifting chain shall be provided for each pump, of sufficient length to reach from the pump attachment to a chain holder, furnished by the equipment manufacturer and installed near the upper guide rail support for that pump. The chain shall be of sufficient strength to allow the raising and lowering of the pump with a safety factor of at least 2, but in no case less than 1/4-inch chain links. An ITT Flygt Corp. "Grip-eye" or equal sized for the pump lifting chains shall be provided for each pump station.
4. The pump shall be supplied with a mating cast-iron discharge connection elbow. The discharge connection elbow shall be permanently installed in the wet well along with the discharge piping. The pump shall be automatically connected to the discharge connection elbow when lowered into place and shall be easily removed for inspection or service. There shall be no need for personnel to enter the wet well to install, remove, or maintain the pumps.
5. All pumps shall be equipped with seal leak detectors, so as to give adequate warning if the lower seal unit should fail.
6. See **City of Heath CMS** for additional details.

## **Section 55.30 Structures**

### **Wet Well and Valve Pit Design and Construction**

1. Wet wells and valve pits shall be constructed using either precast concrete sections or poured-in-place concrete. If precast construction is used, each section shall be set and sealed with the proper gasket and joint sealing compound approved by the City. If the pump station will be constructed of poured-in-place concrete, the concrete shall be reinforced with reinforcement rod in accordance with acceptable engineering design practice and shall be certified by a Professional Engineer registered in the State of Ohio.
2. Wet wells shall have a minimum inside diameter of six feet. Valve pits shall have a minimum inside dimension in all directions of six feet. Valve pits shall have an inside

depth of no more than 8 feet.

3. Wet well and valve pits shall be tested for leakage prior to backfilling as follows: structures shall be filled with water and allowed to remain for 24 hours. Any visible leaks shall be repaired immediately (prior to backfilling). If the water level in the structures drops substantially (generally, more than 6-12") during the leakage test, the Contractor may be required to investigate for additional leaks and another test may be required.
4. See **City of Heath CMS** for additional details and specifications.

### **Shear Gate Manhole**

1. A separate manhole with a slab top shall be installed on the influent sewer within 15 feet of the wet well either within the fence or near one of the fence gates. Ductile iron pipe shall be installed between this manhole and the wet well. A shear gate valve shall be installed on the outlet side of this manhole. Polypropylene manhole steps shall be installed in the manhole.
2. A 24" x 24" (minimum) aluminum hatch shall be provided in the top slab of this manhole above the manhole steps and should open away from the manhole steps.
3. A pole with a lifting handle shall be included on the shear gate valve and shall extend to about 6 inches below the top of the manhole when the valve is fully open. A stainless steel eyebolt (2" eye) shall be installed about 4 inches from the top of the manhole to allow the handle to be chained and the padlocked open. This pole and eyebolt shall be under the hatch near the manhole steps. The pole and handle shall be installed so that the handle is accessible without entering the manhole and the hatch can be closed with the valve fully open or closed.

## **Section 55.40 Pipes and Valves**

### **Pipes**

1. See City of Heath CMS for pipe material specifications.
2. Force mains shall have a minimum cover of 4.0 feet and a maximum cover of 12.0 feet. High points in the force main should be minimized by the use of deeper cuts through small hills along the alignment. Automatic combination air release valves shall be located at each high point on the force main. The force main shall discharge at an elevation not more than 2 feet above the invert of the receiving sewer, to a separate terminal manhole having no upstream gravity sewer connections. A smooth uniform invert shall be poured in the manhole from the force main discharge to the gravity sewer.

### **Valves**

1. See **City of Heath CMS** for specifications.

## **Section 55.50 Electrical**

All electrical components shall meet NEMA standards, and shall comply with NEC and UL as applicable to construction and installation of wiring and components. The electrical system inside the wet well shall comply with the National Electric Code for Hazardous Locations, Class

I, Division 1, Group D.

### **Section 55.60 Standby Power**

1. Standby power shall be provided for each pump station through a permanent onsite generator with an automatic transfer switch.
2. Each generator shall be sized to supply emergency backup power capable of starting and operating a sufficient number of pumps to pump the maximum design flow for the station, as well as operating all other electrical components. The generator set shall be manufactured by Onan/Cummins, Kohler, Caterpillar, for 240 or 480 volts (same as main power supply), 3 phase, 4 wire, 60 Hz operation, complete with all standard equipment and all accessories described herein.

### **Section 55.70 Supervisory Control and Data Acquisition (SCADA)**

All pump station shall be supplied with SCADA equipment. The SCADA equipment shall include all materials and software; and all necessary installation, programming, and testing procedures shall be performed by the Contractor.

### **Section 55.80 Perimeter Fence**

1. The pump station area shall be enclosed with industrial-grade chain-link fence. This fence shall be 9-gauge chain link, with 3-inch end posts and 2-inch line posts. A 1-5/8" top rail shall be placed on the fence. The end posts, line posts, and top rail shall be structural galvanized steel with a rating of SS40. The fence shall be six feet high. The fence fabric shall be kept approximately 3-4 inches off the ground to allow trimming but prevent access under the fence.
2. Access through the perimeter fence shall be by means of a lockable sliding gate with a working length of 16 feet. In the event that the site layout makes a sliding gate impractical, dual-leaf swinging gates (8' each) may be acceptable. Either gate shall be constructed with SS40 structural galvanized steel for the outside frame (2.5" for sliding gate or 2" for dual-leaf swinging gates) and SS40 structural galvanized steel 1-5/8" filler supports. The frame shall be covered in 9-gauge chain link. The gate shall be capable of being padlocked to prevent unauthorized access to the station.
3. A personnel access swing gate (minimum 3 feet wide) shall also be installed in the fence in addition to the sliding gate. This gate shall be located on the perimeter fence as appropriate for convenient access to the station. This personnel access gate shall be capable of being padlocked to prevent unauthorized access to the station. The gate shall be constructed of SS40 structural galvanized steel tubing and 9-gauge chain link. The frame shall be 2" tubing with 1-5/8" filler support.
4. The perimeter fence shall be constructed no closer than twelve feet from the wet well, valve pit, or any building, or six feet from the generator pad, control panel pad, or SCADA pole. Gate placement shall be such that there is adequate truck access to the wet well, valve chamber, and generator, or, if a portable generator is used, to a plug and transfer switch.
5. The Contractor shall post the following sign on the sliding gate: 14" x 20" "DANGER: HIGH VOLTAGE" (EMED Co., Inc. Sign No. PD102859 or equal). The sign shall be according to State and Federal OSHA requirements. The sign shall be heavy gauge 0.063" aluminum with rounded corners and 1/4" I.D. corner eyelets for

mounting. The sign shall be attached with aluminum or stainless steel fasteners. Paint or ink shall be weather-resistant, and the face of the sign shall be covered with a clear mylar topcoat.

6. Where the zoning code requires a screening fence, the fence shall be a rigid PVC privacy fence in a style and color that harmonizes with the surrounding land use. Screening fences shall meet the requirements of the zoning code and be approved by the City of Heath prior to installation

## **Section 55.90 Final Grading and Finish Work**

1. Initial backfill for the pump station structure shall be non-compacting, washed pea gravel, extending to five feet above the bottom of the wet well. From that point to a point eight to ten inches below final grade, backfill shall consist of compacted fill dirt excavated from the station site, unless otherwise directed by City of Lancaster. No rock or unstable backfill will be accepted. The Contractor shall ensure that compaction is sufficient to prevent any subsidence. All ground shall be stable, and Contractor is responsible for repairing all subsidence and associated damage for 18 months from acceptance of the pump station by the City.
2. Any access driveway longer than 120 feet should be constructed with a turnaround at the pump station allowing a minimum 50 foot turning radius for a truck 8 ft. - 5 in. wide with an overall length of 33 ft. - 6 in.
3. Access driveways and turnarounds shall be black-topped. Base for black-topping shall consist of one 6-inch course of Item 304 of the State of Ohio Department of Transportation (ODOT) Construction Materials and Specifications. The surface shall consist of two 1½-inch (minimum) courses of asphalt concrete meeting requirements of CMSL Item 448.
4. A concreted parking area shall be provided for trucks. This area shall be located inside the perimeter fence if site considerations allow; otherwise, it shall be located outside the perimeter fence as near as possible to the sliding gate. This area shall be a minimum of 8" of 4,500 psi concrete with steel mesh reinforcing. A reinforced concrete slab (minimum 4" thick) shall be poured under the control panel. This slab shall have at least four times the horizontal surface area of the control panel to help prevent settlement. A minimum 4"-thick gravel base of ODOT Item 304 shall be provided under all concrete.
5. Six inches (6") of AASHTO M 43 Size No. 57 crushed stone shall be provided around the wet well, valve chamber, generator pad, etc., over all non-concreted areas within the perimeter fence. A solid layer of visquine plastic (minimum 6 mil thickness) shall be placed under the crushed stone to prevent vegetative growth.
6. Pavement subgrades shall be compacted in accordance with Section 3.4, D, iii. of these specifications.
7. Finish grading shall provide positive drainage away from the wet well and valve pit top slabs and control panel. The tops of all structures should be either designed for H-20 loading or raised 6- to 12-inches above surrounding grade to prevent vehicles from driving onto them.
8. All unpaved areas around the pump station shall be finish-graded and planted with grass seed, to meet CMSL 659 requirements. A landscaping plan shall be submitted with the design drawings for approval. Bushes and trees shall be planted in

accordance with the surrounding landscaping and anticipated land use. In general, the site shall be left in an aesthetically pleasing manner.

9. All pump stations shall be supplied with a 3/4" frostless hose bib/yard hydrant–Murdock M-75 Compression Hydrant or equal for 4 feet bury. Water service piping shall be Type K copper and shall be sized for a maximum pressure drop of twenty-five pounds per square inch from the water main to the pump station with the hydrant full-open. Backflow prevention shall be as mandated by OEPA and shall be located inside the fence.

## **Section 56.00 Extensions to Boundaries**

The subdivider shall be required to connect to any existing access reserve, street stub, or street extension on adjacent parcels or subdivisions at the point where the improved, dedicated roadway is found. Where developable land exists on any adjacent parcel, the subdivider shall be required to provide a dedicated street right-of-way and improve said right-of-way as either a street extension or a street stub, unless, in the opinion of the City, such extension is not desirable for the coordination of the layout of the subdivision or most advantageous to future development of adjacent tracts. The rights-of-way and improvements shall be established in accordance with Article 4 of these regulations. See Sections 41.10 and 41.29.

### **Section 56.10 Over-Size and Off-Site Improvements**

The City may require, at the request of other government agencies, public sanitary sewer systems, public water systems, or other public improvements. The utilities, pavements, and other land improvements required for the proposed subdivision shall be designed over-sized and/or with extensions provided to serve nearby developable land which is, or may become, an integral part of the neighborhood service or drainage area as determined by the City.

### **Section 56.20 Cost of Over-Size Improvements**

The subdivider shall be required to pay for only that part of the construction costs for the trunk sewers or water lines which are serving the proposed subdivision as determined by the City. The City may pay the difference between the cost of the required improvements for the proposed subdivision and those improvements required to serve the surrounding neighborhood service areas.

### **Section 56.30 Off-Site Extensions**

If streets or utilities are not available at the boundary of a proposed subdivision, and if the City finds that extension across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a City expense until some future time, the subdivider may be required, prior to approval of the Final Plat, to provide necessary easements or rights-of-way and construct and pay for such extensions. Such improvements shall be available for later connection by any subdividers of the adjoining land after their development is approved through the development process.

## **ARTICLE 6**

### **STORMWATER MANAGEMENT REGULATIONS**

#### **Section 60.00 Title**

This article shall be cited as the City of Heath Stormwater Management Regulations. Adequate drainage, flow control, detention, and/or retention provisions for the disposition of storm and natural waters, and control of erosion created thereby, both on and off-site will be provided. Portions of the following sections of the Chapter are in addition to the **City of Heath CMS** and the **City of Heath Stormwater Design Manual**.

#### **Section 60.10 Statutory Authorization**

This article is adopted in accordance with and pursuant to the legal grant of authority of the *Ohio Revised Code*, Article 307.79, and Section 711 to adopt rules to abate soil erosion and water pollution by soil sediment.

#### **Section 60.20 Purpose**

This article is adopted for the purpose of controlling the pollution of public waters by sediment from accelerated soil erosion and accelerated storm water runoff caused by earth-disturbing activities and land use changes connected with developing urban areas. Control of such pollution will promote and maintain the health, safety and general well being of all life and inhabitants within the City of Heath.

#### **Section 60.30 Scope**

This article shall apply to all platted subdivisions within the jurisdiction of these subdivision regulations unless otherwise excluded within this article or unless expressly excluded by State law.

#### **Section 60.40 Disclaimer of Liability**

Neither submission of a plan under provisions of this article nor compliance with provisions of this article shall relieve any person from responsibility for damage to any person or property otherwise imposed by law, nor impose any liability upon the City of Heath for damage to any person or property.

#### **Section 60.50 Requirements**

No Major Development shall be approved, except in compliance with the standards and criteria set forth in this Article. All new, relocations of, or alterations to systems and related appurtenances for controlling storm water, natural water, or surface water flow will be constructed in accordance with the rules, standards and specifications of the **City of Heath Stormwater Design Manual** and the **City of Heath CMS**, and will be reviewed, and approved by the City Engineer prior to acceptance by the City. The extent of both onsite and offsite facilities for handling storm and natural water, and for controlling erosion, will be approved by

the City Engineer.

## **Section 60.60 Standards and Criteria**

The following documents shall define the City of Heath requirements for Construction Stormwater discharge, Post-Construction Stormwater Management, and Stormwater Design:

1. Ohio EPA National Pollutant Discharge Elimination System (NPDES) Permit No. OHC000002.
2. Ohio's Rainwater and Land Development Manual (see definitions).
3. City of Heath Stormwater Design Manual

## **Section 61.00 Site Development Planning Procedures**

### **Section 61.10 Preliminary Plan Required Information**

Any person seeking approval of a Preliminary Plan application (see Section 33.50) shall include the following information within the Preliminary Plans:

Information Requirements – All maps, with the exception of the Drainage Vicinity Map, shall be rendered on topographic base maps at a scale of no less than 100 feet to one inch which depicts:

1. The proposed development site and the adjacent area within 100 feet of its border.
2. All preliminary plans must be drawn on contour maps with contour intervals of not less than two feet prepared by photogrammetric methods using aerial photography with ground control or by acceptable field survey technique based on United States Geological Survey (USGS) mean sea level datum. All mapping should meet National Map Accuracy Standards. Contour maps prepared by interpolation from enlarged USGS maps shall not be permitted. The Surveyor or Engineer shall certify on the preliminary plan how the topographical information was obtained. The TRC may require review of field notes or maps from which the information was obtained. **This survey shall be tied to the closest City of Heath Geographic Information System (GIS) monuments both horizontally and vertically. Such ties shall be shown on the Preliminary Plan.**
3. Any natural watercourses and existing man-made improvements such as transportation thoroughfares, public utilities, transmission lines, and landmarks.
4. Off-site areas susceptible to sediment deposits or to erosion caused by accelerated runoff.
5. Off-site areas affecting potential accelerated runoff and erosion control.

**Drainage Vicinity Map** – This mapped information is required to show the proposed development site in relation to its general surroundings. The Vicinity Map shall:

1. Include the area proposed for development and the surrounding area within the approximately one (1) mile from its borders.
2. Be prepared from a 7.5 minute USGS quadrangle.
3. Indicate any areas adjacent to the development site which are obviously susceptible or which noticeably contribute to on-site potentials for flooding, erosion and sedimentation.
4. Indicate the general direction of surface drainage around the site and show delineation of the 100-year floodplain for any natural watercourses which pass through or are adjacent to the area to be developed.

**Pre-Development Map** – The Pre-Development Map shall:

1. Display information about the names, textures, percent slope, and erosivity of surface soils on the area proposed for development according to series symbols and descriptions provided within county soil surveys prepared by and available from the U.S. Department of Agriculture (USDA). Also, the hydrologic soil group (HSG) to which each soil series belongs may be identified from the Natural Resources Conservation Service (NRCS) Technical Release 55, Urban Hydrology for Small Watersheds and indicated in the map legend.
2. Depict all major and minor natural watercourses, inclusive of streams, creeks, rivers and tributaries, and indicate the general directions of flow and the 100 year floodplain where applicable. Any bodies of water, inclusive of lakes, ponds, marshes and reservoirs shall also be shown.
3. Delineate existing drainage tributary areas and sub-areas, and provide the necessary existing hydrologic data. Hydrologic data shall be provided in a summary table located on the Pre-Development Map. Each drainage area shall include the following information:
  - a. Acreage
  - b. Graphical representation of the time-of-concentration path used for hydrologic calculations
  - c. Sub-Area acreages based upon existing ground cover and HSG
  - d. Pre-Development Peak discharges at the for the following rainfall events:  $Q_1$ ,  $Q_2$ ,  $Q_5$ ,  $Q_{10}$ ,  $Q_{25}$ ,  $Q_{50}$ , &  $Q_{100}$  (see **City of Heath Stormwater Design Manual** for rainfall data). The method used to determine the peak discharge rates shall be noted on the drawing

**Post Development Map** – The purpose of the Post Development Map is to provide mapped and tabularized information about the changes in rates and volumes of runoff and erosion which are expected to result from its implementation. The Post Development Map shall:

1. Depict all permanently proposed structural improvements and installations to be made on the development site, inclusive of buildings, retaining walls, sidewalks, streets, parking lots, driveways and storm drainage impoundments, channels and outlets.
2. Include the kinds of utilities and proposed areas of installation
3. Include the proposed kind of cover on areas not covered by buildings, structures, or pavement. Description shall be in such terms as: lawn, turf grass, shrubbery, trees, forest cover, rip-rap, mulch, etc.
4. Delineate proposed drainage tributary areas and sub-areas, and provide the necessary hydrologic data. Hydrologic data shall be provided in a summary table located on the Post-Development Map. Each drainage area shall include the following information:
  - a. Acreage
  - b. Graphical representation of the time-of-concentration path used for hydrologic calculations
  - c. Sub-Area acreages based upon proposed ground cover and HSG.
  - d. Post-Development Peak discharges at the for the following rainfall events:  $Q_1$ ,  $Q_2$ ,  $Q_5$ ,  $Q_{10}$ ,  $Q_{25}$ ,  $Q_{50}$ , &  $Q_{100}$  (see **City of Heath Stormwater Design Manual** for rainfall data). The method used to determine the peak discharge rates shall be noted on the drawing
  - e. Estimate of required storage volume necessary to meet the requirements as described in the City of Heath Stormwater Design Manual
    - i. Proposed locations and approximate dimensions of the detention

and/or retention and water quality methods to be used

### **Section 61.20 Submission, Review, and Approval**

1. Submission of required Site Development Planning information required under Section 61.10 to the City of Heath by an applicant seeking approval of a proposed development and/or subdivision completes the applicant's responsibilities within the initial planning phase of the development review process.
2. The City of Heath shall review the site development planning information and inspect the proposed development site to:
  - a. Verify site plan assessment information furnished by the applicant and evaluate the proposed major/minor subdivision development in relation to existing site conditions.
  - b. Assess the adequacy of the proposed site grading and drainage development plan to control against on-site incidents of accelerated runoff, erosion, and sedimentation.
3. Review of the site plan and development impact assessment evaluation information shall be completed by the City of Heath:
  - a. By the time that such information, along with the subdivision proposal, is officially accepted by the City of Heath at its regularly scheduled meeting.
  - b. Provided the applicant has submitted all information required by Sections 61.10 and 61.20 of this resolution along with the subdivision proposal to the HPC at least 30 days prior to a regularly scheduled meeting.
4. The City of Heath and appropriately authorized approving agent(s) shall, upon completion of the site development plan and impact assessment evaluation review within the time period specified by Section 61.30 either:
  - a. Approve the site development plan as submitted by the applicant for review; or,
  - b. Disapprove the site development plan until required changes in the site plan are made and/or, if required, a Runoff Control and Sediment Abatement Plan is prepared and submitted by the applicant to the City of Heath according to the provisions under Sections 61.40 of this article and area reviewed and approved by them.
5. Action by the City of Heath approving or disapproving the site development plan is a final order for purposes of judicial review.

### **Section 61.30 Stormwater Pollution Prevention Plan (SWP3)**

1. A Stormwater Pollution Prevention Plan shall be included with the Construction Plan submittal (Section 33.61). Requirements of the SWP3 shall conform to the Ohio EPA NPDES permit for Construction Stormwater Activity (OEPA Permit No. OHC000002).
2. All proposed controls used to satisfy the conditions of the Ohio EPA NPDES Permit should meet the current edition of Ohio's Rainwater and Land Development manual (see definitions) or other standards acceptable to the Ohio EPA. When other items are used, written approval or documentation from the Ohio EPA must be provided in order for the City to accept.

### **Section 61.40 Guarantees for Completion of Work**

All required improvement guarantees shall be in accordance with Article 7 of this resolution.

### **Section 61.50 Inspection to Ensure Compliance**

All inspections of the required improvements of this article shall be done in accordance with Article 7, Section 70.30.

The City or its representative may inspect development areas to determine compliance with these regulations. If it is determined that a violation of these regulations exists, the responsible person will be notified of the deficiencies or noncompliance. After a reasonable time for voluntary compliance, the inspector or inspecting agency shall report the deficiency or noncompliance to the HPC. The HPC upon determination that a person is not complying with these regulations may issue, by certified mail, an order to comply. The order shall describe the problem and the work needed, and specify a date whereby the work must be completed.

### **Section 61.60 Appeals**

Any person aggrieved by any order, requirements, determination, or any other action or inaction in relation to this regulation may appeal to the Licking County Court of Common Pleas. Such an appeal shall be made within 20 days of the date of an order or decision and shall specify the grounds for appeal.

### **Section 61.90 Ownership and Maintenance**

1. The City of Heath may require the owner and/or the developer to follow the maintenance procedure outlined in Chapter 6131.63 of the *Ohio Revised Code*. The HPC may require of the owner and/or developer any one or all of the following prerequisites. That the facilities:
  - a. Benefit two or more property owners.
  - b. Are designed for cost-effective maintenance.
  - c. Are determined by the City of Heath to be appropriate additions to this jurisdiction's existing storm drainage system.
  - d. Are not better suited for private maintenance by an individual or group of property owner(s), with ultimate responsibility for maintenance in the event of default on the part of the owner(s) remaining with jurisdiction.
2. Permanent runoff control and sediment abatement installations which are to be privately owned and maintained by an individual or group of property owner(s) shall be:
  - a. Designed and constructed by the permittee (developer/owner) with easements sufficient to allow adequate access for inspections and corrective actions, if necessary, by the City of Heath.
  - b. Regularly inspected by the City of Heath Engineer's office to ensure privately-owned installations are being properly maintained and, if not, shall be repaired by them at the expense of the responsible owner(s).
  - c. Maintained as installed by the permittee (developer/owner) according to the approved design and not be altered unless approved by the City of Heath Engineer. This covenant shall be enforceable by injunction procedures by the grantors (property owners), their heirs, assignees and the City of Heath.

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## **ARTICLE 7**

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

### **Section 70.00 Improvements and Performance Bond**

Prior to any construction taking place on the site, the Developer shall provide to the City one of the following guarantees for performance of the improvements;

1. A performance bond for 110 percent of the estimated cost of all improvements and monuments shall be deposited with the City. The amount of said bond shall be an amount sufficient to cover all construction cost of improvements required in these regulations plus 30 percent of construction costs for initial maintenance. The bond amount shall be set by the City, based on estimates provided to them by the Developer or the actual contract costs, and as agreed upon by the City.
2. A certified check for 110 percent of the cost of improvements and monuments shall be deposited with the City. The amount of said certified check shall be an amount sufficient to cover all construction cost plus thirty percent for initial maintenance. The check amount shall be specified by the City, based on estimates provided to them by the Developer, and as agreed upon by the City of Heath. The certified check shall be accompanied by a contract between the subdivider and the payee which contract shall state the terms and conditions under which the check may be cashed if the subdivider fails to complete the required improvements within the time limit as specified in Sections 70.10.
3. A Developer may make arrangements to have an amount equal to 110 percent of the cost of improvements and monuments held in escrow. The amount held in escrow may be in the form of a Certificate of Deposit with a two year maturity time limit with automatic renewal should the construction not be completed within the 2 year time period. The amount of said escrow agreement shall be an amount sufficient to cover all construction cost of improvements required in these regulations plus 30 percent of construction cost for initial maintenance. The escrow amount shall be set by the City, based on estimates provided to them by the Developer, and as agreed upon by the City. Said escrow agreement will state the terms and conditions under which the funds will be distributed if the subdivider fails to complete the required improvements within the time limit as specified in Sections 70.10.
4. A subdivider may make arrangements to have an amount equal to 110 percent of the cost of improvements and monuments secured by a Letter of Credit. The amount of said Letter of Credit agreement shall be an amount sufficient to cover all construction cost of improvements required in these regulations. The Letter of Credit amount shall be set by the City, based on estimates provided to them by the Developer or by the actual construction contractor, and as agreed upon by the City. Said Letter of Credit agreement will state the terms and conditions under which the funds will be distributed if the Developer fails to complete the required improvements within the time limit as specified in Sections 70.10.

The performance bond, cash deposit, letter of credit, or escrow account shall be payable to the City and shall provide that the subdivider, his/her heirs, successors and assigns, their agent or servant will comply with all applicable terms, conditions, provisions, and requirements. A copy of

the bond or cash receipt shall be transmitted to the City for its record. A final plat will not be approved unless all improvements are installed as required herein, inspected and approved, and an approved bond or surety agreement is provided to the City.

#### **Section 70.10      Extension of Time**

The construction of all improvements for which a surety bond or cash deposit has been provided by the subdivider shall be completed within two years after the subdivision has received final approval. If the subdivider should fail to complete such improvements within the prescribed time, he must show cause why the bond or cash payment should not be forfeited. The Heath Planning Commission may, if reasonable cause is shown, grant an extension of not more than one year. If the improvements are not completed the Heath Planning Commission may request the City Law Director to initiate legal action to enforce compliance.

#### **Section 70.14      Inspection of Streets and Utilities**

A City inspector must be present at all times during installation by a private developer of street or utilities that are to be dedicated to the City. The developer will be required to reimburse the City for all construction inspection services, whether they are performed by City personnel or by contractors employed by the City. Failure to reimburse the City for those expenses will result in the streets or utilities not being accepted, and in the case of utilities, prevention of use. The Department Head and Mayor will establish Rates/Fees for inspecting services by City personnel, subject to approval of council, pursuant to City policy.

#### **Section 70.20      Inspections**

During construction, the City or their respective designee will provide all inspections. The subdivider shall give a written notice to the Director of Zoning 48 working hours prior to the date construction is to begin. The subdivider shall be required to pay for any and all inspections during and after construction as required by the City. The Developer shall be billed for the amount of inspection services. Upon completion of all improvements, the subdivider shall request, in writing, a final inspection by the City.

All inspections shall be required according to a schedule provided by the City.

#### **Section 70.21      Fees for Inspection**

2% of Construction costs. Define construction cost as those items for which the City will ultimately be responsible for maintain.

2% shall be deposited with the City before any construction on the site takes place and will be used to cover monthly inspection fees by the City and/or its representatives. Should the deposit amount be exceeded by the City before the project is complete, the Developer shall deposit an additional equal to that estimated to complete inspections for the project. 10% of the total inspection fee shall remain and/or be deposited with the City to cover needed inspections during the maintenance period.

#### **Section 70.30      Release or Reduction of Performance Bond**

1. The Heath City Council will not accept dedication of required improvements, nor release nor reduce a performance bond, until the appropriate department heads have submitted a

certificate stating that all required improvements have been satisfactorily completed and until the applicant's Engineer or Surveyor has recommendation to the City through submission of detailed as-built survey plat of the subdivision that the requirements of this resolution, and any conditions attached to final plat approval, have been complied with. This survey shall contain the location, dimensions, material, and other information required by the City.

2. A Title Option shall be furnished to and approved by the Heath City Council (or its attorney) indicating that the improvements shall have been completed, are ready for dedication to the City and are free and clear of all liens and encumbrances. Upon such approval and recommendation, the Heath City Council shall thereafter accept the improvements for dedication in accordance with the established procedure.
3. A performance bond may be reduced upon actual dedication of public improvements. When a portion of the improvements has, upon inspection by the City, been satisfactorily completed, a reduction in the bond or partial withdrawal of funds may be authorized, provided, however, that such reduction shall not reduce the balance of the bond below the re-estimated completion cost as of the date of reduction, and provided further that all other requirements of this section have been properly executed.

#### **Section 70.40      Maintenance of Improvements**

1. The applicant shall be required to maintain all improvements within the development including snow removal and periodic cleaning of streets and sidewalks, if required, until such improvements are accepted for public maintenance. This shall also include any necessary repair of infrastructure by a period of not less than 2 years.
2. The Developer shall post with City a maintenance bond for the value of no less than 10% of the original construction costs. This bond shall be held by the City for no less than the required maintenance period.
3. At the end of the maintenance period, the City shall provide a final inspection of the infrastructure. Should any item be unsatisfactory the Developer shall correct all problems to the approval of the City. Upon meeting those requirements the City approve the development for maintenance and release to the Developer any unused portion of the maintenance.
4. Maintenance Bond can be provided in the same format as those acceptable as Performance Bonds in Section 70.00 above.

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# **ARTICLE 8**

## **CONGESTION PREVENTION**

The relationship between transportation and land use is sometimes described in terms of an ongoing cycle of obsolescence. This is especially evident in areas undergoing rapid development. Many areas of The City of Heath are experiencing just this type of rapid development. As development occurs, traffic continues to increase, which drives up land values and spurs further development. More business development along the roadway brings more driveways, more conflicts, and more congestion. Eventually traffic service levels drop so low that roadway improvements or completely new infrastructure becomes necessary. This requires the expenditure of scarce tax-payer dollars on expensive land acquisition, physical construction, and traffic maintenance. The increased accessibility provided by the improved / new roadway starts the cycle all over again.

Congestion prevention and access control measures offer great potential for slowing the cycle of functional obsolescence while maintaining acceptable and safe traffic operating conditions along arterial and collector streets. Inadequate controls may render a highway functionally obsolete well in advance of its design life and contribute to potential safety problems, congestion, and air quality problems. Another important aspect of access management is the large public tax savings that occur by slowing this unmanaged growth. In addition, it protects the property owner by ensuring safe access with less road congestion which in turn maintains land values.

### **Section 80.00 Intent and Purpose**

The intent of this article is to provide and manage access to land development, while preserving the regional flow of traffic in terms of safety, capacity, and speed. Major thoroughfares, including highways and other arterials, serve as the primary network for moving people and goods. These transportation corridors also provide access to businesses and homes and have served as the focus for commercial and residential development. If access systems are not properly designed, these thoroughfares will be unable to accommodate the access needs of continued development while retaining their primary transportation function. This article balances the right of reasonable access to private property with the right of the citizens of the City to safe and efficient travel, while significantly reducing the need to raise or divert additional tax dollars to cover road improvements.

To achieve this policy intent, state and local thoroughfares have been categorized by function and classified for access purposes based upon their level of importance, with highest priority on the Ohio Highway System and secondary priority on the primary network of regional and intra-regional arterials and collectors. Regulations have been applied to these thoroughfares for the purpose of reducing traffic accidents, personal injury, and property damage attributable to poorly designed access systems, and to thereby improve the safety, operation, and reduce the overall improvement cost of the roadway network. In addition, these regulations attempt to mitigate the congestion of existing roadways resulting from continued growth in the City and the increased air pollution caused by resulting traffic jams. This will protect the substantial public investment in the existing transportation system and reduce the need for expensive, remedial measures. These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems that prevent congestion and discourage the unplanned subdivision of land.

**Section 80.10 Applicability**

This article shall apply to all arterials and collectors within the City as identified in Appendix VII, and to all properties that abut these roadways. The capacity and classification of those streets not listed will be evaluated in terms of the proposed development or lot split by the PC, the City Engineer, and, where applicable, the Ohio Department of Transportation.

**Section 82.00 Congestion Prevention Classification System/Standards**

**Section 82.10 Classifications**

All roadways in the City have been classified for congestion prevention and access management. These classes are “Arterial”, “Collector,” and lower order. These Congestion Prevention requirements only apply to these roadway classes. Those roads not listed are considered lower order and do not need to meet the requirements of Article 8. Within these classifications, each has different degrees of access standards, with the strictest applying to arterials and the least strict to collectors. Of major importance to congestion prevention and access management is driveway and roadway spacing; i.e. the distance between access points onto a roadway. The requirement for spacing between any access points and/or roads for a lot on any of these classified roadways is the LESS STRICT of the safe stopping distance required for either:

1. the speed limit on that road segment, or
2. the designed speed limit for that road segment’s classification.

What follows is a more detailed description of the requirements for each particular road classification.

**Table 8.1: AASHTO SAFE STOPPING SIGHT DISTANCE**

<i><b>SPEED (MPH)</b></i>	<i><b>DISTANCE (FEET)</b></i>
35	250
45	400
55	550

**Table 8.2: DRIVEWAY SPACING REQUIREMENTS**

<b>DRIVEWAY SPACING REQUIREMENTS** for Classified Roads in The City of Heath</b>			
<b>Road Classification</b>	<b>35 mph or less</b>	<b>45 mph</b>	<b>55 mph or more</b>
Collector	250'	400'	400'
Arterial	250'	400'	550'

**NOTES:** *\*This does NOT apply to spacing with road intersections. This spacing is 550 feet regardless of speed limit or road classification.*

*\*\*Additional requirements for Major Arterials exist; see congestion prevention text.*

**Section 82.11 Arterial - SR 79 (Hebron Road)**

1. Each parcel or combined parcels for a single development fronting on SR 79 is entitled to one (1) access unless said parcel exceeds 550 of frontage at which point two (2) access points would be allowed.
2. New roads that are constructed intersecting an Arterial shall construct left turn lanes and right turn deceleration lanes on the Arterial; this includes the dedication of right-of-way sufficient for turn lanes along the entire frontage.
3. For all land division or access improvement, half ( $\frac{1}{2}$ ) of the right-of-way necessary to improve the R.O.W. of the Arterial to 120 feet, or that necessary for a four lane divided road section, shall be pinned, marked on the survey or plat, and recorded on the deed or plat as "Future Road Right-of-Way Setback" along the entire parcel or development. Major Land Divisions and Major Developments are required to dedicate this right-of-way to the City (see Section 41.10).
4. All developments -- residential, commercial, and industrial, shall be reviewed to ensure that ingress/egress, including on-site circulation, shall not interfere with roadway traffic; this review may require, but is not limited to, the addition of left and right turn lanes, minimum turning radii for driveways, minimum "throat" lengths between entrance and parking areas (see Table 8.6), and restricting ingress and egress to Right In / Right Out only.
5. In the case of lot splits and/or the creation of multiple building sites and a new access point or a significant change in trip generation of an access point is permitted, the property owner(s) must record an easement with the deed allowing access to and from all parcels being split or subdivided. The property owner shall enter an agreement to dedicate remaining access rights along the arterial to the City, and enter into another agreement to be recorded with the deed that any pre-existing driveways on the arterial will be closed and eliminated after the construction of joint use driveways / access roads / or alternative means of access. The owner shall also construct the joint driveway to the other parcels during the development of the first parcel.
6. Increase in access will be granted on roadways where the access rights have been purchased by any governmental body.
7. New driveway access points and new roadways shall be located on an Arterial in accordance with the less restrictive requirement of either AASHTO SAFE STOPPING SIGHT DISTANCE criteria based upon the existing speed limit of the arterial (Table 8.1) or 55 miles per hour (550 feet).
8. Any lot permitted to create a new access point(s) shall be required to have deed restrictions allowing travel through that access to any contiguous lots of record.
9. Where a proposed subdivision or development abuts and, through internal roadways, connects to an existing subdivision or development which has access to an Arterial, the proposed subdivision shall be required, where necessary, to upgrade the intersection of the Arterial and the existing subdivision's roadway access. A traffic study may be required to determine the need for such improvements as required by the City of Heath. All such studies shall be at the Developers' expense.

**Table 8.3: FUTURE RIGHT-OF-WAY REQUIREMENTS**

<b>FUTURE RIGHT-OF-WAY SETBACK REQUIREMENTS for Classified Roads</b>		
<b>Road Classification</b>	<b>Total Right-of-Way Required</b>	<b>Requirement*</b>
Minor Collector	72 feet	6 feet each side
Major Collector	100 feet	20 feet each side
Arterial	120 feet	30 feet each side

*NOTES: \* This is based on an existing Right-of-Way of 60 feet, 30 feet on each side. Where less ROW exists, the difference between 30 feet and what exists is also required.*

**Section 82.12 Section removed for future use**

**Section 82.13 Major Collector - Irving-Wick Drive, Central Parkway, Thornwood Drive, Linnville Road, Hopewell Drive, Parkview Drive, 30<sup>th</sup> Street**

1. Each parcel shall have in their design a way to interconnect to adjacent parcels allowing traffic to move freely between parcels without going out onto SR 79.
2. Any new driveway access points and new roadways shall be located on a Major Collector in accordance with either AASHTO SAFE STOPPING SIGHT DISTANCE criteria based upon the existing speed limit of the Major Collector (Table 8.1).
3. Each parcels access shall be governed by the City of Heath’s Access Management Plan. Each access point shall be considered temporary until the access shown on the City’s Access Plan is constructed. At that time, the temporary access shall be removed at the cost of the owner.
4. When new streets access a Major Collector, left turn lanes shall be constructed on the collector and flared right turn “lanes” shall be constructed according to the requirements of Section 83.00 (esp. 83.30 & 83.40). Right-of-way shall be dedicated along the full frontage to the depth required by the turn lanes and/or other turn improvements.
5. For all land division or access improvement, half (½) of the right-of-way necessary to improve the R.O.W. of the Major Collector to 100 feet (50 feet from centerline), or that necessary for a four lane road section, shall be pinned, marked on the survey or plat, and recorded on the deed or plat as “Future Road Right-of-Way Setback” along the entire parcel or development. Major Subdivisions and Major Developments are required to dedicate this right-of-way to the City (see Section 41.10).
6. Commercial and industrial subdivisions/developments shall construct left and right turn lanes and dedicate right-of-way as per above and meet the requirements of Section 83.
7. All developments -- residential, commercial, and industrial shall be reviewed to ensure ingress/egress, including on-site circulation, shall not interfere with roadway traffic; this review may require, but is not limited to, the addition of left and right turn lanes, minimum turning radii for driveways, minimum "throat" lengths between entrance and parking

areas, and restricting ingress and egress to Right In / Right Out only.

8. Where a proposed subdivision or development abuts and, through internal roadways, connects to an existing subdivision or development which has access to a Major Collector, the proposed subdivision shall be required, where necessary, to upgrade the intersection of the Major Collector and the existing subdivision's roadway access.
9. No increase in access will be granted on roadways where the access rights have been purchased by any governmental body without the approval by the City of Heath.

**Section 82.14      Minor Collector – South Fork Road, Dorsey Mill Road, Heath Road, Franklin Avenue, Licking View Drive, Putnam Avenue, Andover Road, Custer Road, Keller Drive, Faye Avenue, Blue Jay Road, Watson Road, South 2nd Street and Liberty Drive.**

1. New streets intersecting the Minor Collector shall meet the requirements of Section 83.
2. New driveway access points and new roadways shall be located on a Minor Collector in accordance with either AASHTO SAFE STOPPING SIGHT DISTANCE criteria based upon the existing speed limit of the Minor Collector (Table 8.1) or 35 miles per hour (250 feet), whichever is less restrictive.
3. For all land division or access improvement, half (½) of the right-of-way necessary to improve the R.O.W. of the Minor Collector to 72 feet (or 36' from centerline), or that necessary for a three lane road section, shall be pinned, marked on the survey or plat, and recorded on the deed or plat as "Future Road Right-of-Way Setback" along the entire parcel or development. Major Subdivisions and Major Developments are required to dedicate this right-of-way to the City (see Section 41.10).
4. Minimum turning radii for roadways where no right turn lane exists shall be 50 feet for a development creating less than or equal to 50 peak hour trips, otherwise a right turn deceleration lane shall be constructed (see Section 83.40).
5. Where a proposed subdivision or development abuts and, through internal roadways, connects to an existing subdivision or development which has access to a minor collector, the proposed subdivision shall be required, where necessary, to upgrade the intersection of the minor collector and the existing subdivision's roadway access.
6. No increase in access will be granted on roadways where the access rights have been purchased by any governmental body without the City's approval.

**Section 82.15      Minor Land Division (Lot Split) on Classified Roadways**

1. Minor Land Divisions are permitted along all roadways except Arterials provided that the proposed driveway spacing meets the requirements of Table 8.1: AASHTO Safe Stopping Sight Distance Connection Spacing Standards and this article and the proposed minor land division(s) meet the requirements of Section 31.00.

**Section 82.20      General Roadway Standards**

1. All connections on roadway segments that have been assigned an access classification

shall meet or exceed the minimum connection spacing requirements of that access classification as specified in Table 8.1.

2. Driveway spacing shall be measured from the closest edge of the pavement to the next closest edge of the pavement (see Definition Section: "connection spacing" and Figure 1). The projected future edge of the pavement of the intersecting road shall be used in measuring corner clearance, where widening, relocation, or other improvement is indicated in an adopted local thoroughfare plan or 20 year transportation plan of the City of Heath planning organization.
3. The City may reduce the connection spacing requirements in situations where they prove impractical, but in no case shall the permitted spacing be less than 80% of the applicable standard, except as provided in Section 83.20.
4. If the connection spacing of this code cannot be achieved, then a system of joint use driveways and cross access easements shall be required in accordance with Section 83.20.
5. Variation from these standards shall be permitted at the discretion of the Heath City Planning Commission where the effect would be to enhance the safety or operation of the roadway. Examples might include a pair of one-way driveways in lieu of a two-way driveway, or alignment of median openings with existing access connections. Applicants may be required to submit a study prepared by a Registered Engineer to assist the Heath City Planning Commission in determining whether the proposed change would exceed roadway safety or operational benefits of the prescribed standard.

## **Section 83.00 General Congestion Prevention Standards**

### **Section 83.10 Corner Clearance**

1. Corner clearance for connections shall meet or exceed the minimum connection spacing requirements for that roadway.
2. New connections shall not be permitted within the functional area of an intersection or interchange as defined by the connection spacing standards of this code (see Table 8.1 or 8.2), unless:
  - a. No other reasonable access to the property is available, and
  - b. The City determines that the connection does not create a safety or operational problem upon review of a site specific study of the proposed connection prepared by a Registered Engineer and submitted by the applicant.
3. Where no other alternatives exist, the Heath City Planning Commission may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e. right in/out, right in only, or right out only) may be required.
4. In addition to the required minimum lot size, all corner lots shall be of adequate size to provide for required front yard setbacks and corner clearance on street frontage.

### **Section 83.20 Joint and Cross Access**

1. Adjacent commercial or office properties shall provide a cross access drive and

pedestrian access to allow circulation between sites.

2. A system of joint use driveways and cross access easements as shown in Figure 4 shall be established wherever feasible along arterials and collectors and the building site shall incorporate the following:
  - a. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the congestion prevention classification system and standards.
  - b. A design speed of 10 mph and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles;
  - c. Stub streets and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive;
  - d. A unified access and circulation system plan that includes coordinated or shared parking areas is encouraged wherever feasible.
3. Pursuant to this section, property owners shall:
  - a. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
  - b. Record an agreement with the deed that remaining access rights along the thoroughfare will be dedicated to the City of Heath and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
  - c. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
4. The Heath City Planning Commission may reduce required separation distance of access points, where they prove impractical, provided all of the following, requirements are met:
  - a. Joint access driveways and cross access easements are provided wherever feasible in accordance with this section.
  - b. The site plan incorporates a unified access and circulation system in accordance with this section.
  - c. The property owner shall enter a written agreement with the City of Heath, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.
5. The Heath City Planning Commission may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical.

### **Section 83.30 Left Turn Lane Improvements and Requirements**

When a new road is being created connecting to a classified roadway, or a parcel is creating a significant change in trip generation for its access point on a classified roadway, a left turn lane will be required to be constructed on the classified road. Left turn lanes shall be required in the following instances:

**TABLE 8.4: Conditions Requiring Left Turn Lane Improvements**

<b>City of Heath Road Classification</b>	<b>Residential: Required When Number of Lots Exceed</b>	<b>Non-Residential: Required When Peak Hour Trips Exceed</b>
<b>Minor Collector</b>	50 lots or dwelling units	60 Peak hour trips
<b>Major Collector</b>	50 lots or dwelling units	50 Peak hour trips
<b>Arterial</b>	25 lots or dwelling units	40 peak hour trips

When adjacent property is to be provided with an access, either at the time of development or in the future, and this adjacent site does not have its own access or can not meet the connection spacing standards, the number of dwelling units (if residential) or peak hour trips (if non-residential) shall be added to the total planned for the proposed site to determine whether a left turn lane is warranted. When the adjacent property has its own access, 25% of the lots or peak hour trips shall count toward the total for the proposed site. If the adjacent site to be connected with a future access road is currently undeveloped or contains only one structure, the total number of dwelling units or peak hour trips for that parcel shall be calculated by projecting the same density development as proposed on the current site.

In lieu of the above, a traffic study can be performed at the expense of the Developer and presented to the City for its review and approval. The City however is under no obligation to accept the results of said study but will consider the report in its final decision.

**Section 83.40 Right Deceleration Lane Improvements and Requirements**

When a new road is being created connecting to a classified roadway, or a parcel is creating a significant change in trip generation for its access point on a classified roadway, a right turn improvement shall be required to be constructed on the classified road. The type of improvement depends on the peak hour trips and shall be as follows:

**TABLE 8.5: Conditions Requiring Right Turn Improvements**

<b>Number of Peak Hour Trips</b>	<b>Minimum Right Turn Improvement Type</b>
Less than or equal to 50	Larger turn radius of 50 ft.
More than 50	Full-width right turn lane

Thus if the design right turn volume is less than or equal to 50 vehicles per hour, a 50 foot radius must be provided. If the design right turn volume is over 50 vehicles per hour, a full right turn lane must be constructed.<sup>1</sup>

When adjacent property is to be provided with an access, either at the time of development or in the future, and this adjacent site does not have its own access or can not meet the connection spacing standards, the number of peak hour trips shall be added to the total planned for the proposed site to determine what type of right turn improvement is warranted. When the adjacent property has its own access, 25% of the peak hour trips shall count toward the total for the

<sup>1</sup>National Cooperative Research Program standards.

proposed site. If the adjacent site to be connected with a future access road is currently undeveloped or contains only one structure, the total number of peak hour trips for that parcel shall be calculated by projecting the same density development as proposed on the current site.

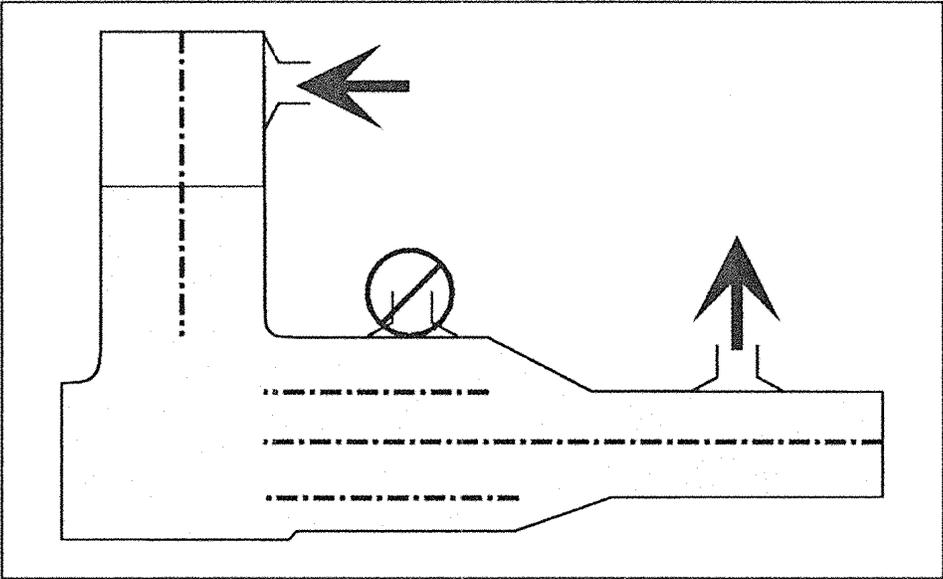
In lieu of the above, a traffic study can be performed at the expense of the Developer and presented to the City for its review and approval. The City however is under no obligation to accept the results of said study but will consider the report in its final decision.

### **Section 83.50 Non Residential General Access Connection and Driveway Design**

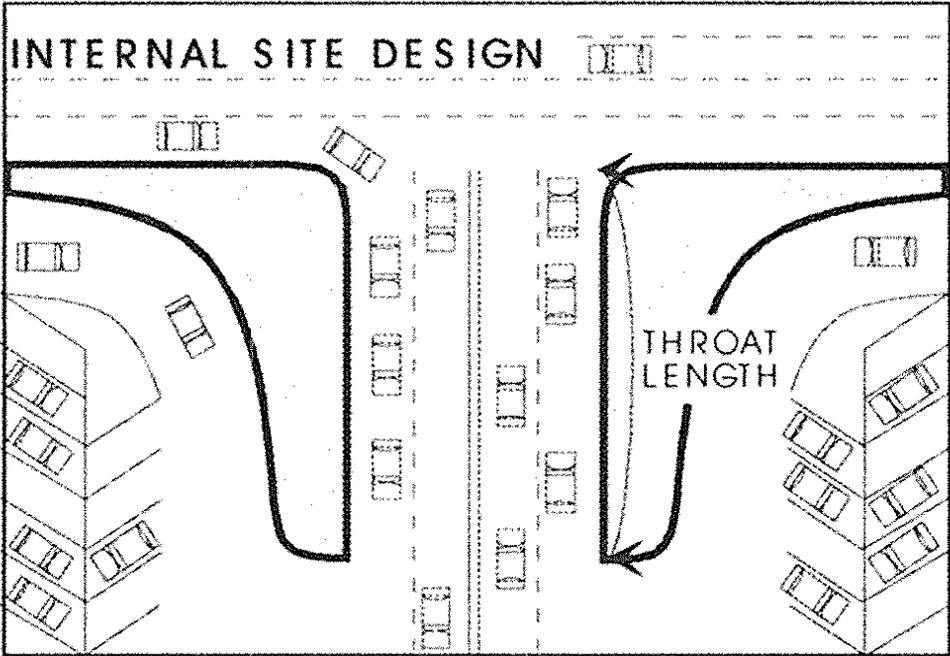
1. Non-Residential Driveway width shall meet the following guidelines:
  - a) If the driveway is a one-way in or one-way out drive, then the driveway shall be a minimum width of 16 feet and shall have appropriate signage designating the driveway as a one way connection.
  - b) For two-way access, each lane shall have a width of 12 feet and a maximum of four lanes shall be allowed. Whenever more than two lanes are proposed, entrance and exit lanes shall be divided by an approved landscape median. The median shall be 10 feet wide if three lanes are being proposed or 16 feet wide if four lanes are proposed.
  - c) Driveways that enter the major thoroughfare at traffic signals must have at least two outbound lanes (one for each turning direction) of at least 12 feet in width, and one inbound lane with 14 feet of width.
2. Driveways shall be located on the lowest order improved public roadway on which the lot has frontage or a shared access point, unless the Heath City Planning Commission determines that public safety would be better served through access on a higher order roadway. For major subdivisions with private roadways, driveway location will be determined during the Heath City Planning Commission review process.
3. Driveway grades shall conform to the requirements of ODOT's Location and Design Manual, latest edition. At the connection point between a new or reconstructed drive and the public streets the drive elevation shall be at or below the street elevation. This is to prevent damage to the drive or snow plans during plowing operations.
4. Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers is discouraged due to the potential for vehicular weaving conflicts (see Figure 8.1).
5. Driveway width and flair shall be adequate to serve the volume of traffic and provide for rapid movement of vehicles off of the major thoroughfare, but standards shall not be so excessive as to pose safety hazards for pedestrians, bicycles, or other vehicles.
6. The length of driveways or "Throat Length" (see Figure 8.2) shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. General standards appear in Table 8.6 but these requirements will vary according to the projected volume of the individual driveway. These measures generally are acceptable for the principle access to a property and are

not intended for minor driveways. Variation from these shall be permitted for good cause upon approval of the Heath City Planning Commission.

**FIGURE 8.1 Driveway Locations**



**FIGURE 8.2: Driveway Throat Length**



**TABLE 8.6: Generally Adequate Driveway Throat Lengths**

LAND USE	SIZE	TYPE OF ROAD	
		ARTERIAL <sup>2</sup>	COLLECTOR <sup>3</sup>
<b>Light Industry</b>	100,000 sq. ft.	100	75
	300,000 sq. ft.	250 <sup>4</sup>	200 <sup>6</sup>
	500,000 sq. ft.	400 <sup>5</sup>	300 <sup>7</sup>
<b>Retail Store</b>	30,000 sq. ft.	100	75
	100,000 sq. ft.	250 <sup>6</sup>	200 <sup>6</sup>
<b>Supermarket</b>	20,000 sq. ft.	75	75
	50,000 sq. ft.	200 <sup>6</sup>	150 <sup>6</sup>
<b>Shopping Center</b>	≤ 100,000 sq. ft.	150 <sup>6</sup>	150
	300,000 sq. ft.	300 <sup>7</sup>	250 <sup>7</sup>
	500,000 sq. ft.	400 <sup>7</sup>	350 <sup>7</sup>
	≥ 700,000 sq. ft.	500 <sup>7</sup>	450 <sup>7</sup>
<b>“Sit-Down” Restaurant</b>	15,000 sq. ft.	50	50
	30,000 sq. ft.	75	50
<b>“Drive-In” Restaurant</b>	2,000 sq. ft.	50	50
	4,000 sq. ft.	75	50
<b>Office Building</b>	100,000 sq. ft.	150 <sup>6</sup>	150
	300,000 sq. ft.	300 <sup>7</sup>	250 <sup>7</sup>
	500,000 sq. ft.	400 <sup>7</sup>	350 <sup>7</sup>
	700,000 sq. ft.	500 <sup>7</sup>	450 <sup>7</sup>
<b>Motel</b>	150 Rooms	75	50
<b>Apartment</b>	100 Units	50	25
	200 Units	75	50

NOTES: Throat lengths are shown for a single lane based on applying ITE trip generation rates to the formula  $N=2qr$ , where  $q$  = “vehicles per lane per second” and  $r$  = “effective red time in seconds.”

<sup>2</sup>Assumes 60 second red cycle (90 second cycle).

<sup>3</sup>Assumes 50 second red cycle (90 second cycle).

<sup>4</sup>Requires multiple lanes or access points.

<sup>5</sup>Requires multiple lanes and access points.

## **Section 83.60 Requirements for Outparcels and Phased Development Plans**

1. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall not be considered separate properties in relation to the access standards of these regulations. The number of connections permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations required under Section 83.20 shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of these regulations.
2. All access to the outparcel must be internalized using the shared circulation system of the principle development or retail center. Access to outparcels shall be designed to avoid excessive movement across parking aisles and queuing across surrounding parking and driving aisles.
3. The outparcels shall have a minimum lineal frontage of 300 feet per outparcel or greater where spacing standards for that roadway require. This frontage requirement may be waived where access is internalized using the shared circulation system of the principle development or retail center. In such cases the right of direct access to the roadway shall be dedicated to the City and recorded with the deed.

## **Section 83.70 Nonconforming Access Features**

1. Permitted access connections in place as of the effective date of these regulations that do not conform with the standards herein shall be considered as nonconforming features and shall be brought into compliance with applicable standards under the following conditions:
  - a. When new access connection permits are requested;
  - b. Substantial enlargements or improvements;
  - c. Significant change in trip generation; or
  - d. As roadway improvements allow.
2. If the principle activity on a property with nonconforming access features is discontinued for a consecutive period of 2 years, then that property must thereafter be brought into conformity with all applicable connection spacing and design requirements, unless otherwise exempted by the Heath City Planning Commission.

## **Section 84.00 Major Development: Multi-Family/Commercial/Industrial**

### **Section 84.10 Corridor Congestion Prevention Overlay**

1. The minimum lot frontage for all parcels with frontage on all arterials shall not be less than the minimum connection spacing standards of that thoroughfare, except as otherwise provided in this section. Flag lots shall not be permitted direct access to the thoroughfare and interior parcels shall be required to obtain access via a public road in accordance with the requirements of this code.
2. The following requirements shall apply to segments of thoroughfares that are planned for

commercial or intensive development. All land in a parcel having a single description number, as of the effective date of these regulations fronting on major thoroughfares, shall be entitled one (1) driveway/connection per parcel as of right on said public thoroughfare(s). When subsequently subdivided, parcels designated herein shall provide access to all newly created lots via the permitted access connection. This may be achieved through subdivision roads, joint and cross access, service drives, and other reasonable means of ingress and egress in accordance with the requirements of these regulations. The following standards shall also apply:

- a. Parcels with large frontages may be permitted additional driveways at the time of adoption of these requirements provided they are consistent with the applicable driveway spacing standards.
- b. Existing parcels with frontage less than the minimum connection spacing for that corridor may not be permitted a direct connection to the thoroughfare under this section where the Planning Commission determines alternative reasonable access is available to the site. [Note - The Planning Commission could allow for a temporary driveway as provided in Section 82.40 with the stipulation that joint and cross access be established as adjacent properties develop.]
- c. Additional access connections may be allowed where the property owner demonstrates that safety and efficiency of travel on the thoroughfare will be improved by providing more than one access to the site.

#### **Section 84.20      Reverse Frontage**

1. Access to double frontage lots shall be required on the street with the lower functional classification.
2. When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road. Access rights of these lots to the arterial shall be denied and recorded with the deed. A berm or buffer yard may be required at the rear of through lots to buffer residences from traffic on the arterial. The berm or buffer yard shall not be located within the public right-of-way.

#### **Section 84.30      Shared Access**

1. Lot created with frontage on a classified roadway may be required to be designed with a shared access point to and from the roadway. Normally a maximum of two accesses shall be allowed when the number of lots or businesses served is greater than 3.
2. Cul-de-sacs shall not serve more than 25 lots. (Minimum design elements are specified in Section 41.21 of these regulations.)

#### **Section 84.40      Connectivity**

1. The street system of a proposed subdivision shall be designed to coordinate with existing, proposed, and planned streets outside of the subdivision as provided in this section.
2. Wherever a proposed development abuts land that has not been platted or a future development phase of the same development, street stubs shall be provided as deemed necessary by the Planning Commission to provide access to abutting properties or to

logically extend the street system into the surrounding area. For these purposes either a street extension or street stub shall be used as provided in Section 41.29. The restoration and extension of the street shall be the responsibility of any future Developer of the abutting land.

3. Collector streets shall intersect with collector or arterial streets at safe and convenient locations.
4. Minor collector and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation, but such connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.

### **Section 84.50 Private Roads**

1. Private roads may be permitted in accordance with the requirements of this section and the following general standards shall apply: (This does not apply to condominium projects)
  - a. All roadways shall be constructed to public specifications and have an easement of a minimum of sixty feet in width.
  - b. Private roads that by their existence invite the public in shall have all traffic control features, such as striping or markers, in conformance with the *Manual of Uniform Traffic Control Devices*.
  - c. The minimum distance between private road outlets on a single side of a public road shall be 550 feet, or less where provided by access classification and standards for state roads and local thoroughfares.
  - d. All properties served by the private road shall provide adequate access for emergency vehicles and shall conform to the approved local street numbering system.
  - e. All private roads shall be designated as such and will be required to have a sign and name meeting Heath City Planning Commission standards and shall include the following notice: "Private Road - not publicly maintained."
  - f. All private roads shall have a posted speed limit not to exceed twenty-five miles an hour.
  - g. A second access connection to a public road shall be required for private roads greater than 2,000 feet in length.
2. Applications for subdivision approval that include private roads shall meet all of the requirement of these regulations.
3. No private road shall be incorporated into the public road system unless it is built to public road specifications of the Heath City Planning Commission. The property owners shall be responsible for bringing the road into conformance.
4. Any plat served by a private road shall note that the property receives access from a private road that shall be maintained collectively by all property owners along that road; that the City shall not be held responsible for maintaining or improving the private road; and that a right-of-way easement to provide the only access to that property has been recorded in the deed for that property.

## **Section 84.60 Site Plan Review Procedures**

1. Applicants shall submit a preliminary site plan for review by the Heath City Planning Commission, as required in Article 3 of these regulations.
2. The site plan review shall address the following access considerations:
  - a. The road system must be designed to meet the projected traffic demand and the road network should consist of a hierarchy of roads designed according to function.
  - b. The road network should follow the natural topography and preserve natural features of the site as much as possible. In addition, the road alignments should be planned so as to minimize grading requirements.
  - c. All access points must be properly placed in relation to sight distance, driveway spacing, and other related considerations. Where opportunities exist for joint and cross access, they should be given primary consideration. Entry roads must be clearly visible from the connecting thoroughfare.
  - d. All residential dwellings must front on residential access streets (local street, minor collector, marginal access street, or cul-de-sac) rather than major roadways (major collector, arterials). This is also preferable for commercial and industrial buildings.
  - e. Automobile movement within the site should be designed to prevent vehicles accessing the site from having to use the peripheral road network.
  - f. The road system must provide adequate access to the buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.
  - g. If sidewalks are provided alongside the road, they must be set back sufficiently from the road and a planting strip between the road and the sidewalk must be provided.
  - h. A pedestrian path system should link buildings with parking areas, entrances to the development, open space, and recreational and other community facilities.
3. The Heath City Planning Commission reserves the right to require the Developer to undertake a traffic impact analysis in accordance with Section 82.00 where safety is an issue or where significant problems already exist.
4. After 30 days from filing the application, applicants must be notified by the Heath City Planning Commission if any additional information is needed to complete the application.
5. If the application is approved with conditions, the applicant shall resubmit the plan with the conditional changes made. The plan, with submitted changes, will be reviewed within 10 working days and approved or rejected.
6. If the access permit is denied, the Heath City Planning Commission shall provide an itemized letter detailing why the application has been rejected.
7. The City of Heath Division of Building and Zoning shall not approve any building permit for a structure on a lot with access to a classified roadway without the site plan having been stamped by Heath City Planning Commission staff "Approved -- No plat required," signed, and dated.

## **Section 85.00 Variance Standards**

1. The granting of the variation shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.
2. Applicants for a variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical. This shall include proof that:
  - a. indirect or restricted access cannot be obtained;
  - b. no engineering or construction solutions can be applied to mitigate the condition;  
and
  - c. no alternative access is available from a street with a lower functional classification than the primary roadway.
3. Under no circumstances shall a variance be granted, unless not granting the variance would deny all reasonable access, endanger public health, welfare or safety, or cause an exceptional and undue hardship on the applicant. No variance shall be granted where such hardship is self-created.

# **ARTICLE 9**

## **REVISIONS AND ENFORCEMENT**

### **Section 90.00      Sale of Land Within Subdivision**

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

### **Section 91.00      Schedule of Fees, Charges, and Expenses**

The Heath City Council shall establish a schedule of fees, charges, and expenses. The schedule of fees shall be available in the City office, and may be altered, or amended by the Heath City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal. All such payments shall be made payable to the Heath City Council.

### **Section 92.00      Recording of Plat**

No plat of any subdivision, replatted subdivision, minor land division, or exempted minor subdivision shall be recorded by the County Recorder of Licking County or have any validity until said plat has received final approval in the manner prescribed in these regulations.

### **Section 93.00      Revision of Plat After Approval**

No changes, measures, modifications, or revisions shall be made in any plat of a subdivision, unless said plat is first submitted to the City, according to Section 35.00 and other relevant sections of these regulations.

### **Section 94.00      Penalties**

1.    a.    Whoever violates any rule or regulation adopted by the Heath City Council for the purpose of setting standards and requiring and securing the construction of improvements within a subdivision or fails to comply with any order according to these regulations is creating a public nuisance. The public nuisance may be abated by action at suit of the City of Heath or any citizen of Licking County.
- b.    Whoever violates the Urban Soil Sediment Pollution Control Regulations (Article 6) as notified by the city of shall be fined up to \$300 per day if said violations are not remedied within three (3) days after receipt of a certified letter notification to said violator from the Heath City Planning Commission after approval of said penalty at the regular monthly meeting of the Heath City Planning Commission. The Final Plat shall not be recorded unless the fine is paid and the provisions of Article 6 have been met as agreed when full Heath City Planning Commission approval was granted to the Preliminary Plan.
- c.    Whoever violates these regulations shall forfeit and pay not less than \$100 nor

more than \$1,000 per other articles of offense per day. The Heath City Planning Commission may refuse Final Plat approval until all fees and fines are paid. Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas of Licking County.

- d. Each such person shall be deemed guilty of a separate offense for every day during which any violation of any provisions of these regulations, including any physical condition created in violation hereof, continues or is committed by such person and shall be punished as provided herein.
2. A County Recorder who records a plat contrary to the provisions of these regulations shall forfeit and pay not less than \$100 nor more than \$500, to be recovered with costs in a civil action by the Prosecuting Attorney in the name and for the use of The City of Heath.
3. Whoever any owner or agent of the owner of any land within the City of Heath, transfers any lot, parcel, or tract of land from or in accordance with a plat of a subdivision before such plat has been recorded in the office of the County Recorder, shall forfeit and pay the sum of not less than \$500 nor more than \$1000 for each lot, parcel, or tract of land so sold. The description of such lot, parcel, or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this section. Such sum may be recovered in a civil action brought in the Court of Common Pleas of Licking County.

### **Section 95.00      Variances**

The following regulations shall govern the granting of variances from a regulation contained within these Subdivision Regulations:

1. Where the Heath City Planning Commission finds that extraordinary and unnecessary hardship may result from strict compliance with these regulations, due to exceptional topographic or other physical conditions, it may vary the regulations so as to relieve such hardship. If a variance is granted it shall not be a detriment to the public interest, nor shall it otherwise impair the intent and purpose of these regulations or the desirable development of the neighborhood and community.
2. In granting variances or modifications, the Heath City Planning Commission may require special conditions, which in its judgment, secure the objective of the standards or requirements so varied or modified. All variances shall be requested in writing on forms provided by the City at the time of preliminary and/or final plat submission. A petition for any such variance shall state fully the grounds for the application and all the facts relied upon by the petitioner.

### **Section 96.00      Appeal**

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

### **Section 97.00      De-platting or Vacating of Plats**

Any person wishing to de-plat or vacate any recorded subdivision, shall follow requirements of

the *Ohio Revised Code*, Chapter 711.25. If the de-platting or vacating of the plat creates dead-end streets, the Developer shall install cul-de-sacs or turn-arounds suitable to the City of Heath.

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**ARTICLE 10**

**SECTION REMOVED FOR FUTURE USE**

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## ARTICLE 11

# CONDOMINIUM, MULTI-FAMILY, COMMERCIAL, AND INDUSTRIAL DESIGN STANDARDS

### Section 110.10 Utilities

All privately owned utilities (sanitary sewer, waterlines, sanitary pump stations, fire hydrants, etc.) shall be constructed in accordance with the current City of Heath CMS, the most recent regulations of the OEPA, the latest edition of the ODOT Construction and Materials Specifications, and these regulations. Wherever two referenced standards are in conflict with each other, the more restrictive of the two shall apply.

All privately owned utilities shall be owned and maintained by the owner of the development, homeowners association or condominium owners association. The general maintenance of fire hydrants is the exception to this rule.

### Section 110.11 Fire Hydrants

The repair and replacement of all privately owned fire hydrants shall be the responsibility of the owner of the development, homeowners association or condominium owners association. The City will provide general maintenance on all privately owned fire hydrants at the City's expense. General maintenance of privately owned fire hydrants is limited to flushing, greasing and exercising valves to ensure the hydrants are working properly. The City will not be held liable for any damage to personal property or private property resulting from the general maintenance of privately owned fire hydrants as outlined above.

### Section 110.20 Drainage Systems

Storm drainage systems and Stormwater Pollution Prevention, including but not limited to catch basins, pipes, retention/detention ponds, control structures etc. shall be designed and constructed per the **City of Heath CMS, Stormwater Design Manual**, and pertinent sections of these regulations.

**The storm drainage system shall be owned and maintained by the owner of the development, homeowners association, or condominium owners association. The owner/developer is responsible to maintain the storm drainage system in such a way as to not reduce the capacity of the system. If the owner/developer does not maintain the drainage system, the approved plans will become void and the City will plug the system at the outlet.**

### Section 110.30 Landscaping

All developments shall conform to the City of Heath Landscape Ordinance. Plans shall be submitted for approval with the Construction Drawings.

### **Section 110.31 Entrance Feature**

All Entrance features shall conform to Section 48.10 of these regulations.

## **Section 111.00 Condominium Development Standards**

### **Section 111.01 Condominium Development Standards**

The following design parameters shall apply to all privately owned condominium development both residential and commercial. The purpose of these design criteria is to assure the City of Heath that the buyers of the condominium units are not receiving an inferior product, which will lessen the value of the project over time.

### **Section 111.10 Condominium Driveway and Pavement Design**

1. Driveway Composition. The entrance drives within the City's right-of-way shall be constructed as per City Street specification from the existing edge of pavement to the right-of-way line. Once the driveway is on private property the Developer may lessen the pavement composition, however shall not provide less than the following:
  - Item 448 – 1 ¼ " Asphalt Concrete Surface Course Type 1, PG64-22
  - Item 448 – 1 ½ " Asphalt Concrete Intermediate Course, Type 2, PG64-22
  - Item 304 – 6" Aggregate Base
  - Item 204 – Subgrade Compaction
2. Major Access Driveway Design and Width. Each project shall contain a Major Access Drive designed to allow a continuous flow for emergency vehicles to access the development throughout. **IF** the topography prohibits a loop design then a cul-de-sac shall be placed at the end of the roadway. The Major Access Drive shall be no less than 24 feet of asphalt surface if no curb and gutter is used or 28 feet of asphalt surface with curb and gutter. All turnout radii at intersections shall be a minimum of 35 feet. If a cul-de-sac is necessary, then the outer radius shall be no less than 50 feet with an inner radius of 20 feet.
3. Minor Access Driveway Design. Minor Access Drives are defined as those drives serving more than 4 units and are not part of the major access drive loop. The minimum width for a Minor Access Drive is 20 feet of asphalt surface if no curb and gutter is used or 24 feet if curb and gutter is used.
4. Driveway Design. Driveways are defined as those drives serving 4 units or less. These drives must have a minimum width of 16 feet.
5. Pavement Cross-Section. Inverted crowns are permitted within the development but must be designed to have a minimum profile grade slope of 1.50% with a cross section pavement slope of not less than 2.00%. Crowned roadways with curb and gutter shall have a minimum profile slope design of 1.00%. All drives shall have a maximum slope of 12%.

### **Section 111.20 Condominium Utilities**

1. Waterlines:

Unless otherwise required by the Utilities Director, all waterlines for condominiums shall be private waterlines. The only exceptions to this requirement would be when the city requires the waterline to be extended to an abutting property or right-of-way for future system expansion.

Waterlines shall be designed and constructed in accordance with the current City of Heath CMS, the most recent regulations of the OEPA, the latest edition of the ODOT Construction and Materials Specifications, and these regulations. Waterlines that are buried between 4.5 feet and 5.5 feet below the proposed finished grade shall be located in the center of a 20' easement that is free of all structures, plantings, patios, porches, decks, etc. The Utilities Director shall determine whether an easement that is greater than 20 feet wide is necessary if the waterline is to be buried deeper than 6 feet below the proposed finished grade. Where practical, all waterlines shall be located along the side of the roadway and shall be a minimum of 5' from the edge of the asphalt. Where waterlines extend away from a road access, provisions must be made to allow for the clear 20' wide easement as defined above. All waterlines shall be buried a minimum of 4.5 feet below the proposed finished grade and no waterline shall be deeper than 5.5 feet below finished grade unless approved by the Utilities Director due to unique site circumstances. All waterline service valves must be located within the waterline easement.

- 2. Water Meters: All privately owned developments shall be serviced by a master meter at the connecting point to the city waterline. All waterline construction beyond the master meter must still meet all requirements of this section and be inspected and approved by the city utilities department. All meters shall be installed in accordance with Chapter 921 of the City of Heath Codified Ordinances.

- 3. Water Taps: The owner of the development will be required to pay the necessary fees associated with the tap(s) that will service each individual structure.

The following parameters shall govern the minimum service lateral size that feeds each structure:

<u>Structures with 1 housing unit(s)</u>	<u>3/4" Service Lateral</u>
<u>Structures with 2 housing unit(s)</u>	<u>1" Service Lateral</u>
<u>Structures with 3 &amp; 4 housing unit(s)</u>	<u>1 1/2" Service Lateral</u>

The City Water Department will determine the minimum size of the service lateral for all structures that contain 5 or more housing units.

- 4. **Sanitary Sewers/Sanitary Pump Stations:**  
Sanitary Sewer lines and pump stations shall be designed and installed as per the City of Heath CMS and these regulations. **Sanitary sewers and Pump Stations shall be owned and maintained in perpetuity by the Condominium Association.**

All sanitary sewer lines that are to be buried no deeper than 12 feet below the proposed finished grade shall be located in the center of a 20 foot easement that is free of all structures, plantings, patios, porches, decks, etc. All sanitary sewer lines that are to be buried between 12 and 20 feet below the proposed finished grade shall be located in the center of a 30 foot easement that is free of all structures, plantings, patios, porches, decks, etc. The Utilities Director shall determine whether or not an easement that is greater than 30 feet wide is necessary if the sanitary sewer line is to be buried deeper than 20 feet below the proposed finished grade. Where practical, all sanitary sewer lines shall be located opposite the side of the roadway on which the waterline is installed and shall be a minimum of 5 feet from the edge of the asphalt if the sewer is 12 feet deep or less and 10 feet from the edge of the asphalt if the sewer is greater than 12 feet in depth. When the sanitary sewer is located in an area away from the pavement or roadway, the alignment must allow for no obstructions within the required easement area as defined above.

5. All waterlines, sanitary sewer lines, and storm sewer lines must comply with the regulations of Ohio EPA and the Ten State Standards for separation of pipes.

6. Inspection of Streets, Water, Storm and Sanitary Sewer:

During construction, the City or its respective designee will provide all inspections. The developer shall give a written notice to the Director of Zoning 48 working hours prior to the date construction is to begin. The developer shall be required to pay for any and all inspections during and after construction as required by the City. The developer shall be billed for the amount of inspection services. Upon completion of all improvements, the developer shall request, in writing, a final inspection by the City.

7. Fees for Inspection:

2% of Construction costs. Construction costs are defined as those costs associated with the installation of the street, water, storm sewer and sanitary sewer utility. A cost estimate showing a breakdown of each individual utility cost shall be provided to the City prior to obtaining a zoning permit.

2% shall be deposited with the City before any construction on the site takes place and will be used to cover monthly inspection fees by the City and/or its representatives. Should the deposit amount be exceeded by the City before the project is complete, the Developer shall deposit an additional amount equal to that estimated to complete inspections for the project.

8. As-Built Drawings:

Prior to final approval of the project the developer shall provide the city with paper and digital copies of As-Built Drawings that reflect the utilities as they were installed including any plan changes or modifications due to site conditions.

## **Section 111.40 Traffic Study**

The Developer shall supply the City with a traffic study addressing the impact the development will have onto the City roadways. The study shall address not only the new intersection but also the impacts incurred onto the next major existing intersections each direction from the development. The study shall address the need for left turn lanes both on the thoroughfare and the exit lanes from the development and the need for a right turn deceleration lane giving access into the development. The study shall also address site distance at the connection intersection for both through and turning traffic. The cost for these improvements shall be bore by the developer.

## **Section 111.60 Bonding**

Performance Bonds are not required in a condominium project. No units shall be sold before the units are complete. The City of Heath shall require a 1-year maintenance bond to cover any utilities that are to be maintained in perpetuity by the City. The amount of the Bond shall be 10% of cost to install the utility. The City shall hold the maintenance bond for a period of one year. At the end of the 1-year period, the City shall perform a final inspection of the utility and determine if any repairs need to be performed. If none, then the City shall release the Bond back to the Developer. If repairs are necessary the City shall notify the developer of the needed work. The City shall hold the Bond until such time that the repairs are made and accepted by the City.

## **Section 112.00 Multi-Family Development Standards**

## **Section 113.00 Commercial Development Standards**

## **Section 114.00 Industrial Development Standards**

### **114.20 Industrial Development Utilities**

1. Sanitary Sewer – Prior to connection at the Public Sanitary Sewer main, each Industrial/Manufacturing development shall install a sampling/inspection manhole. Manholes, along with the sewer line shall be owned and maintained by the owner/developer.

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## APPENDIX I

### **PROCEDURE FOR SUBDIVISION EVALUATION FOR LAND IN THE CITY OF HEATH WITH NO WATER AND/OR SANITARY SERVICE**

1. A. The owner or agent should contact the City of Heath to determine the land use plan for the area proposed for subdivision development. This information will provide direction to the Developer and Engineer relative to long-range plans for the area proposed.
  - B. Zoning requirements, if applicable, should be confirmed by local zoning departments regarding residential building requirements.
  - C. Contact the City of Heath Zoning Department (522-1420) for information regarding flood plain areas within the City of Heath.
2. The feasibility of a central sewage system should be the first consideration for all new subdivisions.
3. If central sewer and water are not available and the local health department and individual sewage systems are to be considered, the owner must contact the Licking County Soil and Water Conservation Service and request a complete soils evaluation for the tract with copies forwarded to the Licking County Health Department and the City of Heath. The Licking County Soils and Water Conservation phone number is 345-9712 or 345-9713.
4. If individual water wells are proposed for the subdivision, a geologist's report must be submitted to the Licking County Health Department with recommendations regarding feasibility for developing individual water wells for the number of residential building sites proposed. Copies of well logs for existing wells in the area should be requested if available. The Ohio Department of Natural Resources, Division of Ground Water, may be able to provide this information (1-265-6745).
5. When the above referenced information has been acquired, the owner or his agent may submit a Preliminary Plan application along with the above required information to the City of Heath and the Licking County Health Department for Technical Review Committee evaluation.
6. **NOTE:** Preliminary Plans submitted for Technical Review Committee evaluation may be drawn on contour maps prepared by interpolation from enlarged U.S. Geological Survey Maps. The dimensions in feet and acreage must be shown for each proposed lot. Topography that contains slopes exceeding 15% will not be considered suitable for the installation of on lot sewage disposal systems. Information for Items 2, 3, and 4 of the procedural pamphlet must be received by the Health Department prior to the City of Heath Subdivision Technical Review Committee Meeting.

Please use 7.a. through 7.m. as a guide for providing Health Department requirements for preliminary plan.

7. When preliminary plans are submitted to the Licking County Health Department for final disposition, said plans shall be in accordance with the City of Heath Subdivision Regulations Section 34.40.

- a. The Licking County Health Department minimum lot size requirement for lots in major subdivisions (more than 4 lots), is 1.6 acres of useable ground excluding easements and right of ways.
- b. Show the proposed dwelling location and driveway to scale on the contour map for each lot.
- c. Show proposed location of each individual water well including radius measurements showing the required 50-foot separation from all primary and secondary sewage system locations.
- d. Show the minimum ten-foot separation between the dwelling and the water well. For other required water well dimensions, refer to the Private Water System Rules 3701-28-10, Items G and H.
- e. Proposed locations for septic tanks must show a ten foot minimum separation from the dwelling and must be designed for gravity flow from dwelling to sewage system.
- f. Draw to scale, the location and configuration of the primary and secondary leach trench systems. Minimum leach trench requirements shall be specified by the Health Department. Leach trenches must be designed to follow the contour lines, and must not exceed 150 feet in length.
- g. When curtain drains are required for leaching systems, an additional square feet of area will be required to accommodate the eight foot separation between curtain drains and leach trenches. Approved gravity flow discharge points are required for all curtain drains. The invert elevation of the curtain drain discharge points must be lower than the curtain drain elevation where it leaves the leach system.
- h. Sewage system specifications provided to the owner / Engineer by the Health Department shall be based on the requirements for a three (3) bedroom floor plan. the Health Department will provide specifications to exceed three bedroom floor plan when requested by the owner / agent. The Health Department shall require the owner / agent to provide deed restriction language noting the number of bedrooms per dwelling that will be permitted for all lots in the subdivision.
- i. The owner / Engineer shall place language on the Preliminary Plan requiring site investigations prior to any excavating of lots in the subdivision. This language will be provided by the Health Department prior to approval.
- j. The Health Department shall receive the following material prior to the Preliminary Plan Review:
  - 1)The application for evaluation and all applicable fees
  - 2)The Subdivision Plan Review packet with all appropriate entries completed.
- k. The Licking County Health Department staff will complete its plan review and provide written comments or instructions within 30 days from date of receipt of all items in Section 7j .
- l. Board of Health meetings are scheduled for the first Tuesday of each month. Board member review and recommendations for proposed subdivision are conducted at that time.

**APPENDIX II**

**REQUIRED STATEMENTS AND SIGNATURES TO BE AFFIXED ON THE PLATS**

**REQUIRED STATEMENTS**

The following statements shall be affixed on the subdivision plat:

Situated in the City of Heath, Ohio, Licking County, Ohio. Containing \_\_\_\_\_ acres and being the same tract as conveyed to \_\_\_\_\_ and described in the deed recorded in Deed Book \_\_\_\_\_ County, Ohio.

The undersigned \_\_\_\_\_ hereby certify that the attached plat correctly represents their \_\_\_\_\_, a subdivision of lots \_\_\_\_\_ to inclusive, and do hereby accept this plat of same and dedicate to public use as such all or parts of the roads, boulevards, cul-de-sacs, reserves/easements for future access, parks, platting strips, etc., shown dedicated.

The undersigned further agrees that any use of improvements made on this land shall be in conformity with all existing valid zoning, platting, health, or other lawful rules and regulations including the applicable off-street parking and loading requirements of City of Heath, Ohio, for the benefit of himself/herself and all other subsequent owners or assigns taking title from, under, or through the undersigned.

In witness thereof \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Witness \_\_\_\_\_ Signed

\_\_\_\_\_ Signed

We do hereby certify that we have surveyed the premises and prepared the attached plat and that said plat is correct.

By  
Registration Number

STATE OF OHIO  
COUNTY OF LICKING

Before me, a Notary Public in and for said State personally appeared , who acknowledged the signing of the foregoing instrument to be their voluntary act and deed for use and purposes therein expressed.

In witness whereof, I have hereunto set hand and affixed by official seal this \_\_\_\_ day of , 20\_\_.

By  
My Commission Expires

Zoning Approval this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Zoning Inspector

Approved this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City Engineer (City of Heath)

Approved this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

**(NOTE:** Approval of this plat by the Heath City Council does not constitute an acceptance of the dedication of any public street, road or highway dedicated on such plat, Section 711.04 and 711.041 of the *Ohio Revised Code*).

Transferred this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Licking County Auditor

Filed for record this \_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ (AM - PM).

Recorded this \_\_\_ day of \_\_\_\_\_, 20\_\_, in Plat Book \_\_\_\_\_, page number \_\_\_\_.

\_\_\_\_\_  
Licking County Recorder

## **APPENDIX IIIa**

### **SAMPLE WATERCOURSE EASEMENT**

The following restrictions shall apply specifically to lots number \_\_\_\_\_ and \_\_\_\_\_. Watercourse means storm flow above and below ground level.

1. No structure or improvements of any kind, including sheds, fences, flower beds, rock gardens and trees (but excluding grass and approved bank protection), shall be erected or planted within the easement provided for the watercourse.
2. No owner shall take any action or permit any action to be taken that might change or divert the flow of the watercourse, nor shall he/she, within the easement provided, alter the ground level or the course of the stream as shown on this plat. An owner may provide rip-rap, walls or other bank protection upon securing written approval from the City of Heath.
3. Every owner of property along the watercourse shall maintain the portion of said watercourse in his/her property and keep the same free of debris and obstruction of all kinds. The City shall be free of any responsibility toward maintaining the watercourse.
4. These restrictions and agreements shall run with the land and shall bind the owner, his/her successors and assigns unless and until a modification or change thereto is agreed to and approved by the City of Heath.
5. Said restrictions and agreements may be enforced by the City and its successors and assigns, and are for the benefit of said City and owners of neighboring property in such proximity to the above described premises that the violation of said restriction and agreements would adversely affect the value of such property or the enjoyment of the use thereof.
6. The failure of said City to take prompt action by injunction or otherwise with regard to a violation of any of these restrictions and agreements shall not be deemed to be a waiver of its (City) rights to take action for said violation or any further violation of any said restrictions and agreements.

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## **APPENDIX IIIb**

### **SAMPLE SHARED ACCESS AGREEMENT**

#### **Wording for Deed Requiring Shared Access Point**

The following wording is to be placed in the deeds of the parcels that will share an access point. One set of wording goes in the first lot, and the second goes in the second lot.

**For Lot #[X]:**

Access from **[ROAD NAME]** Road to this lot shall only be gained from a driveway entrance with a center point at the intersection of the **[COMPASS DIRECTION OF ADJACENT LOT THAT WILL SHARE THE ACCESS]** lot line and pavement. This shared access point extends from the road pavement to the edge of the road right-of-way with a width of 14 feet, 7 feet on each side of the shared lot line. The access point shall be shared for purposes of ingress and egress with **[LOT NUMBER, OR OTHER LEGAL REFERENCE TO LOT, OF ADJACENT LOT TO SHARE ACCESS]** as found in O.R. **[OFFICIAL RECORD #]** . Maintenance for this Shared Access Point is the joint responsibility of the property owners of both Lot # **[X]** and Lot # **[Y]**. However, each lot shall have and maintain their own individual driveway that extends from this shared access point onto the individual lot.

**For Lot #[Y]:**

Access from **[ROAD NAME]** Road to this lot shall only be gained from a driveway entrance with a center point at the intersection of the **[COMPASS DIRECTION OF THE ADJACENT LOT THAT WILL SHARE ACCESS]** lot line and pavement. This shared access point extends from the road pavement to the edge of the road right-of-way with a width of 14 feet, 7 feet on each side of the shared lot line. The access point shall be shared for purposes of ingress and egress with **LOT NUMBER, OR OTHER LEGAL REFERENCE TO LOT, OF ADJACENT LOT TO SHARE ACCESS]** as found in O.R. **[OFFICIAL RECORD #]**. Maintenance for this Shared Access Point is the joint responsibility of the property owners of both Lot # **[X]** and Lot # **[Y]**. However, each lot shall have and maintain their own individual driveway that extends from this shared access point on the individual lot.

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# APPENDIX IIIc

## SAMPLE CROSS ACCESS AGREEMENT

### Reciprocal Easement Agreement

This Reciprocal Easement Agreement (hereinafter the "Agreement") made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_ [Party 1 (full name)], an \_\_\_\_\_ [individual(s), corporation/company] of \_\_\_\_\_ [address of Party 1 (if company add "with offices at" [address])] (hereinafter " [Party 1] ") and \_\_\_\_\_ [Party 2 (full name)], an \_\_\_\_\_ [individual(s), corporation/company] of \_\_\_\_\_ [address of Party 2 (if company add "with offices at" [address])] (hereinafter " [Party 2] ").

### RECITALS

A. Party 1 is/are the fee owner(s) of the real property (hereinafter the "Party 1 Property") situated in the State of Ohio, County of Licking, City of Heath, and more fully described in Exhibit A, attached hereto and made a part of hereof.

B. The Party 2 is/are the fee owner(s) of the real property (hereinafter the "Party 2 Property") situated in the State of Ohio, County of Licking, City of Heath, and more fully described in Exhibit B, attached hereto and made a part of hereof.

C. The Party 1 Property and the Party 2 Property are adjacent to each other and are located and configured generally as shown in Exhibit C, attached hereto and made a part hereof.

D. Party 1 owns and is developing on his/her/their property a \_\_\_\_\_ [what is proposed - example: single family residential home] \_\_\_\_\_.

E. Party 2 owns and [(add "operates" if existing business or "resides" if existing residence) [if the land is being developed add "and is developing"] a \_\_\_\_\_ [what is exists or is proposed - example: building for retail commercial use] \_\_\_\_\_ on his/her/their property.

F. Party 1 and Party 2 desire to grant certain reciprocal easements with respect to the Party 1 Property and Party 2 Property to permit reciprocal, mutual access from the Party 2 Property to the Party 1 Property and from the Party 1 Property to the Party 2 Property through a curb cut (the "Access Point") to be installed at a point approximately [distance] feet [direction] of the [direction 2] boundary of the Party 1 or 2 Property.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto, intending to be legally bound, do hereby agree as follows:

**1. Identification and Installation of Access Point.** The "Access Point" shall be a curb cut made in the [direction 2] property line of the Party 1 or 2 Property (which property line is the [opposite direction 2] property line of the Party 2 or 1 Property), with the intention of aligning the Access Point with the [direction 2] most drive lane on the Party 2 Property. This curb cut shall not be less than **25 feet** and not more than **35 feet wide**, and it shall begin at the point located approximately [distance] feet Party 2 from the boundary line of [Road Name] Road. Subject to the foregoing parameters, the final location and width of the Access Point shall be agreed upon by the parties in conjunction with the review of plans provided for in the next following sentence, which agreement neither party shall unreasonably withhold. The curb cut for the Access Point shall be constructed by Party 1 subject to Party 2 approval of the plans therefore, which approval shall not be unreasonably withheld. In constructing the curb cut for the Access Point, Party 1 shall have the right to remove any concrete or asphalt dividers

[Party 2] may have installed along the line of or which would obstruct the Access Point and shall join the pavement on the [Party 2] Property and on the [Party 1] Property such that the two pavements are smoothly connected. [Party 1] shall have a right of entry onto the [Party 2] Property during its construction of the Access Point in the immediate vicinity reasonably needed for the construction thereof, only during working hours [or otherwise agreed upon time] (i.e. no equipment to be stored on the [Party 2] Property overnight), and only in such manner as does not materially detract from [Party 2] [residence or business]. All damage to the [Party 2] Property outside of the Access Point area shall be promptly repaired and best efforts shall be utilized not to cause any such damage. The plans for the curb cut shall include such traffic safety and directional signs (e.g. "stop" signs) as may, in the opinion of a Professional Engineer, be necessary in the vicinity of the Access Point to promote traffic safety, which signs [Party 1] shall and may install on either property, as such Engineer may direct, subject to the [Party 2] approval which shall not be unreasonably withheld.

## **2.Grants of Easements.**

a) *Easement to [Party 1]*. The [Party 2] hereby grant to [Party 1], his/her/their successors and assigns, for his/her/their benefit and that of any and all tenants or occupants of all or any part of the [Party 1] Property and their respective licensees, invitees, customers, agents and employees, during the term of this Agreement, the non-exclusive, irrevocable easement and right of way for pedestrian and vehicular traffic through the Access Point and over and upon such driveways and parking areas as may exist from time to time on the [Party 2] Property (including without limitation the drive lanes thereon), together with the easement and right to use such areas for pedestrian and vehicular passage, for access and ingress to, from and across the [Party 2] Property and to and from the streets, highways, and alleys adjacent to and abutting the [Party 2] Property. Notwithstanding anything in the foregoing to the contrary, the easement in the [Party 2] Property herein granted is limited to the use of passenger vehicles, and the use of such easement for transit by trucks or vehicles making deliveries or service calls to the [Party 1] Property or any occupant or tenant of the [Party 1] Property is prohibited. The [Party 2] warrant that he/she/they have fee simple title to the [Party 2] Property, free of all liens and encumbrances except real estate taxes and matters of record which would not prevent the granting nor use of this easement.

b) *Easement to [Party 2]*. The [Party 1] hereby grant to [Party 2], his/her/their successors and assigns, for his/her/their benefit and that of any and all tenants or occupants of all or any part of the [Party 2] Property and their respective licensees, invitees, customers, agents and employees, during the term of this Agreement, the non-exclusive, irrevocable easement and right of way for pedestrian and vehicular traffic through the Access Point and over and upon such driveways and parking areas as may exist from time to time on the [Party 1] Property (including without limitation the drive lanes thereon), together with the easement and right to use such areas for pedestrian and vehicular passage, for access and ingress to, from and across the [Party 1] Property and to and from the streets, highways, and alleys adjacent to and abutting the [Party 1] Property. Notwithstanding anything in the foregoing to the contrary, the easement in the [Party 1] Property herein granted is limited to the use of passenger vehicles, and the use of such easement for transit by trucks or vehicles making deliveries or service calls to the [Party 2] Property or any occupant or tenant of the [Party 2] Property is prohibited. The [Party 1] hereby warrant(s) that he/she/they have fee simple title to the [Party 1] Property, free of all liens and encumbrances except real estate taxes and matters of record which would not prevent the granting nor use of this easement.

**3.Maintenance.** After initial construction of the Access Point is complete, [Party 1] shall be responsible for all pavement maintenance, traffic and directional signage maintenance, repaving/resurfacing, striping maintenance, landscape maintenance, trash and litter pickup, and snow and ice removal on the [Party 1] Property, and [Party 2] shall be responsible for all pavement maintenance, traffic and directional signage maintenance, repaving/resurfacing, striping maintenance, landscape maintenance, trash and litter pickup, and snow and ice removal on the [Party 2] Property.

## **4.Insurance and Indemnity.**

a) *During Construction.* [Party 1] shall indemnify, defend and hold harmless the [Party 2] and all tenants or occupants of the [Party 2] Property from all loss, liability, suits, judgements, costs, or expenses (including reasonable attorney fees) for incidents occurring on either party's property during the period of time between the date of commencement and the date of completion of construction of the Access Point and arising out of any act or omission of [Party 1], its tenants, contractors, agents, or

employees. During such construction [Party 2] shall carry public liability insurance against such occurrences in the amount of at least [one million or other sum] dollars combined single limit coverage, with the [Party 2] as additional insured, and shall assure that any contractor performing work on the Access Point shall likewise carry public liability insurance in such amount or greater, together with worker's compensation coverage in accordance with Ohio law.

b)After the initial construction of the Access Point is complete, [Party 1] shall indemnify, defend, and hold harmless the [Party 2] and all tenants or occupants of the [Party 2] Property from all loss, liability, suits, judgements, costs, or expenses (including reasonable attorney fees) arising out of any and all occurrences taking place on the [Party 1] Property. The [Party 2] shall indemnify, defend, and hold harmless [Party 1] and all tenants or occupants of the [Party 1] Property from all loss, liability, suits, judgements, costs, or expenses (including reasonable attorney fees) arising out of any and all occurrences taking place on the [Party 2] Property. Each party shall add the other, and, upon request, any tenant or occupant of the other, as an additional insured to its public liability insurance policy, and shall provide the other, upon written request, with a certificate attesting thereto. The insurance certificate shall provide that the insurers shall give the additional insured at least thirty (30) days prior written notice of any intended cancellation of coverage. Each party's public liability insurance coverage shall be in the amount of at least [one million or other amount] dollars, combined single limit coverage. Each party hereby waives, for itself and any insurer providing it with liability insurance coverage, the right of subrogation against the other party hereto and against any tenant or occupant of such other party, for any and all claims paid for occurrences arising directly or indirectly out of the use of the easement created in this Agreement.

**5.No Public Dedication.** It is mutually agreed that the grants contained in this Agreement are not intended and shall not be construed as a dedication of the respective premises for public use, and the parties hereto will take whatever steps may be necessary to avoid such dedication.

**6.Running with the Land.** All of the easements, covenants, agreements, conditions, and restrictions set forth in this Agreement shall be construed as covenants running with the land, binding upon, inuring to benefit of and enforceable by the parties and their respective successors and assigns. To terminate this Agreement and all easements, covenants, restrictions, and conditions hereunder ***requires approval of the city of Heath Planning Commission or , if annexed, its municipal equivalent.***

**7.Limited Recourse.** Recourse by either party hereto against the other party for any claim or liability arising in connection herewith shall be limited to such other party's interest in its respective parcel of real property with which this Agreement runs.

**8.Notice.** Any notice required or permitted to be given by or to either of the parties under this Agreement shall be in writing and shall be deemed to have been given when deposited in the United States mail, certified or registered mail, return receipt requested and addressed as follows:

If to [Party 1] :  
[Party 1 address]

If to [Party 2] :  
[Party 2 address]

Either party may, at any time, change its address for the purposes of mailing, as aforesaid, a notice stating this change and setting forth the new address.

**IN WITNESS WHEREOF**, the parties hereto have duly executed this Agreement as of the day and year first above written.

**WITNESS:**

\_\_\_\_\_  
\_\_\_\_\_  
**BY:**  
**ITS:**

\_\_\_\_\_  
**STATE OF OHIO**  
**SS:** \_\_\_\_\_ )  
**COUNTY OF LICKING** )

Before me, a Notary Public in and for said County, personally appeared \_\_\_\_\_, [if individual: "an individual," or if a company: "of \_\_\_\_\_, an \_\_\_\_\_,"] who acknowledged the signing and attestation of the foregoing **Reciprocal Easement Agreement** to be his/her free act and deed, and as such ["officer" if a company] on behalf of for the uses and purposes set forth therein.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed my official seal on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

NOTARY PUBLIC

**STATE OF OHIO)**  
**)SS:**  
**COUNTY OF LICKING)**

Before me, a Notary Public in and for said County, personally appeared \_\_\_\_\_, [if individual: "an individual," or if a company: "of \_\_\_\_\_, an \_\_\_\_\_,"] who acknowledged the signing and attestation of the foregoing **Reciprocal Easement Agreement** to be his/her free act and deed, and as such ["officer" if a company] on behalf of for the uses and purposes set forth therein.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed my official seal on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

NOTARY PUBLIC

**STATE OF OHIO)**  
**)SS:**  
**COUNTY OF LICKING)**

Before me, a Notary Public in and for said County, personally appeared \_\_\_\_\_, [if individual: "an individual," or if a company: "of \_\_\_\_\_, an \_\_\_\_\_,"] who acknowledged the signing and attestation of the foregoing **Reciprocal Easement Agreement** to be his/her free act and deed, and as such ["officer" if a company] on behalf of for the uses and purposes set forth therein.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed my official seal on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

NOTARY PUBLIC

# APPENDIX IV

## PAVEMENT DESIGN GUIDE

**Table IV-A**

REQUIRED STRUCTURAL NUMBER'S (SN) FOR GIVEN SOIL RATINGS			
Road Class/Type	Soil Rating	Required "SN"	Inches of full depth asphalt
Local Residential, Cul-de-Sac:	Severe	2.40	6 <sup>7</sup> / <sub>8</sub> " – 7"
Collector:	Severe	3.50	10"-
Arterial:	Severe	3.85	11"

Source: County Soil Survey, Table 12: Building Site Development.

**Table IV-B**

STRUCTURAL NUMBER (SN) COEFFICIENTS	
MATERIAL	(SN / in.)
448 Surface Course	<u>0.35</u>
448 Intermediate Course	<u>0.35</u>
304 Aggregate Base	<u>0.14</u>
301 Asphalt Concrete Base	<u>0.35</u>
<u>310</u>	<u>0.11</u>
<u>452</u>	<u>0.35</u>

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# APPENDIX V

## CITY OF HEATH FEE SCHEDULE

	APPLICATION TYPE	FEE
<b>31.00</b>	<b>Minor Land Division (Lot Split)</b>	\$50.00 for Land Division; \$10 each for second, third, & fourth submitted at the same time as first.
<b>32.00</b>	<b>Exempted Minor Land Division (Exempted Lot Split)</b>	\$50.00 for Land Division; \$10 each for second, third, & fourth submitted at the same time as first.
<b>33.00</b>	<b>Major Land Division (Major Subdivision)</b>	
	Sketch Plan	\$150.00 + City Engineer Review Fee
	Preliminary Plan	\$300.00 + City Engineer Review Fee
	Construction Plan	\$800.00 + City Engineer Review Fee
<b>33.70</b>	<b>Final Plat</b>	\$300.00 + \$50.00 per proposed lot + City Engineer/Surveyor Review Fee
<b>34.00</b>	<b>Major Development other than Land Subdivision (Condominium, Multi-Family, Commercial, &amp; Industrial Development)</b>	
	Sketch Plan	\$150.00 + City Engineer Review Fee
	Preliminary Plan	Commercial/Industrial ≤5000 Sq.Ft. \$150.00 + City Engineer Review Fee
		Commercial/Industrial >5000 Sq.Ft. \$250.00 + City Engineer Review Fee
		Multi-Family/Condominiums \$300.00 + City Engineer Review Fee
	Construction Plan	Commercial/Industrial ≤5000 Sq.Ft. \$350.00 + City Engineer Review Fee
		Commercial/Industrial >5000 Sq.Ft. \$500.00 + City Engineer Review Fee
		Multi-Family/Condominiums \$800.00 + City Engineer Review Fee
<b>35.00</b>	<b>Replat</b>	\$150.00 + \$20.00 per lot affected + City Engineer/Surveyor Review Fee
<b>95.00</b>	<b>Variances</b>	\$35.00 Application Fee + \$0.00 for ≤ 10 Contacts = \$35.00 Total \$50.00 for 11-50 Contacts = \$85.00 Total \$75.00 for > 50 Contacts = \$110.00 Total

**\*\* All fees above are non-refundable.**

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**APPENDIX VI**  
**SAMPLE PRE-CONSTRUCTION CONFERENCE**  
**AGENDA**

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## **APPENDIX VII**

### **MAJOR SUBDIVISION INSPECTION SCHEDULE**

There will be an inspection of the following:

1. Final Grade
2. Curb & Gutter (or edge of pavement and culverts)
3. Proof-roll Subbase
4. Asphalt Paving
5. Stormwater Drainage
6. Road Culverts
7. Bridges
8. Seeding & Mulching (Right-of-way) for overall erosion control
9. Guardrail (if required)
10. Detention Basins
11. Final Subdivision Inspection
12. Waterline Installation
13. Sanitary Sewer Line Installation
14. Erosion and Sediment Control

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## **APPENDIX VIII**

### **Check List – Commercial & Multi-Family Sites**

1. Is it in conformance with the Landuse and Thoroughfare Plan.
2. Does existing zoning support proposed use of land.
3. Does the Proposed Development require a traffic study and management plan.
4. Is storm water discharge available (routing or capacity).
5. Existing water and sewer, capacity available, pressure, etc...
6. Does this development meet FAA or fall within FAA Regulations.
7. Does it impact outside communities, ie, Union township, Newark, Licking Township. Must contact outside political areas for coordinating with access, drainage and general traffic issues.

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