

PERRY COUNTY, OHIO SUBDIVISION REGULATIONS

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ARTICLE 1: GENERAL PROVISIONS

Section 10.00 Title and Purpose

These regulations shall be known, cited, and referred to as the Subdivision Regulations for Perry County, Ohio,” or shall be referred to as “these regulations,” herein.

The Subdivision Regulations for Perry County are enacted for the general purpose of promoting the public health, safety, comfort, and welfare of the residents of Perry County; to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts; to lessen congestion on public streets, roads and highways; to provide for the administration and enforcement of these regulations including the provisions of penalties for its violation. Specifically these regulations are to provide for the harmonious development of Perry County by:

1. Establishing standards of design and procedures for approval of plats and subdivisions.
2. Assuring adequate, convenient, and appropriate open spaces for utilities, access of fire fighting and other emergency apparatus, recreation, light, and air as well as mitigate the effects of traffic, noise, and higher density.
3. Providing for the proper arrangement of streets and lots, insure safe and convenient vehicular traffic and pedestrian circulation.
4. Plan for the provision of adequate and convenient recreational and open space areas, school sites, and other public facilities.
5. Safeguarding against the pollution of air, streams, and ponds; assuring the adequacy of drainage facilities; protecting the general wealth and welfare of the public from such hazards as floods and soil erosion; and encouraging the wise use and management of natural resources throughout the county.
6. Encouraging the preservation of high quality farmland areas.
7. Establishing standards for the construction of infrastructural improvements associated with the subdividing of land.
8. Coordinating land development in accordance with applicable zoning resolutions, the Major Thoroughfare Plan, the Comprehensive Plan, and other regulations of Perry County.

Section 11.00 Authority

The Ohio Revised Code, Section 711.001 et. seq., enables the Perry County Commissioners and the Perry County Planning Commission to adopt regulations governing plats and subdivisions of land within their jurisdiction.

Section 12.00 Administration

These regulations shall be administered by the Perry County Planning Commission, herein referred to as the “Planning Commission” or “PCPC.”

Section 13.00 Jurisdiction

These regulations shall be applicable to all subdivisions of land, including those by deeds and land contracts, and/or leases resulting in the creation of a lot in the unincorporated areas of Perry County. The regulations shall also apply to subdivisions with private streets.

The Perry County Planning Commission shall have the power of final approval of all plats in territory subject to its jurisdiction. In the case where a local political subdivision has adopted subdivision regulations, the Perry County Planning Commission may serve in an advisory capacity if requested by said political jurisdiction.

Whenever a city within Perry County has adopted a major street plan, parks and public open space plan for territory within three miles of the corporate limits, has adopted subdivision regulations, and is exercising extra-territorial jurisdiction, the city planning commission shall be advised by the Perry County Planning Commission upon all subdivision plats located within three miles of the corporate limits. The city planning commission shall have final approval of the plat, except for the provisions in these regulations which grant jurisdiction to the Perry County Engineer.

Section 14.00 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 Perry County, Ohio. Whenever the requirements of these regulations conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall govern.

Section 15.00 Amendments to this Resolution

The Board of County Commissioners and the Perry County Planning Commission may, after public hearings, amend or supplement these regulations. Notice shall be given of the time and place of such public hearing by publication in at least one (1) newspaper of general circulation published in the county, thirty (30) days prior to the holding of the said hearing. The amendment(s) shall be on file in the office of the Perry County Planning Commission for public examinations during the said thirty (30) days.

Provided the state law should be changed which would affect the definition of "subdivision" said change shall be made a part of these regulations the same as if adopted by the Perry County Planning Commission and the Perry County Commissioners. Said change shall become effective on the date the revised state law becomes effective.

Section 16.00 Separability

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

Section 17.00 Applicability

Any person or group proposing to divide, sell, exchange, or improve land in the unincorporated area of Perry County must submit their plans to the Perry County Planning Commission to ensure compliance with these subdivision regulations.

Section 18.00 Enforcement

18.10 Recording of Plat

No plat of any subdivision shall be entitled to record in the office of the Perry County Recorder or have any validity until such plat has been approved in the manner prescribed herein. In the event any such unapproved plat is recorded, it shall be considered invalid, and the Commission shall initiate proceedings to have the plat stricken from the records of Perry County, Ohio.

18.20 Sale of Land in Subdivision

No owner or agent of the owner of any land located within a subdivision shall transfer, sell, agree to sell, or negotiate to sell any land by reference to, exhibition of or by the use of a plan or plat of a subdivision before such plan or plat has been approved and recorded as prescribed herein. Any sale or transfer contrary to the provisions of this section is void. 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.

18.30 Penalties

- A. Whoever violates any rule or regulation adopted by the Board of County Commissioners for the purpose of setting standards and requiring and securing the construction of improvements within a subdivision or fails to comply with any order according to these regulations is creating a public nuisance. The public nuisance may be abated by action at suit of Perry County or any citizen of Perry County. Whoever violates these regulations shall forfeit and pay not less than \$100 nor more than \$1,000 per offence per day. The PCPC 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 Perry County.
- B. 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 Perry County.
- C. Whoever, being the owner or agent of the owner of any land outside a municipal corporation, 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 County Recorder, shall forfeit and pay the sum of not less than \$100 nor more than \$500 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 Perry County.

Section 19.00 Schedule of Fees

The Board of County Commissioners shall establish a schedule of fees, charges, expenses and a collection procedure for same, and other matters pertaining to these regulations. The schedule of fees shall be filed in the Office of the County Commissioners, and may be altered, or amended only by the Board of County Commissioners.

ARTICLE 2: DEFINITIONS

Section 20.00 Interpretation of Terms

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

1. The word “person” shall include 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 word “used” or “occupied” includes 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

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.

Agriculture: The use of land for farming; ranching; aquiculture; apiculture; horticulture; viticulture; animal husbandry, including but not limited to the care and raising of livestock (including equine) and fur-bearing animals; poultry husbandry; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock; pasturage; the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with, but are not secondary to, normal agricultural activities.

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 a person having enforceable proprietary interest in such land.

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, NRCS, etc.

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 county or a municipality.

Buildable Area: That portion of the lot upon which the building and appurtenances are to be placed or already existing including adequate areas for sewage disposal, clearance, proper drainage and appropriate easements. A buildable area does not include space required for minimum subdivision and zoning requirements for yards, rights-of-ways, setbacks, waterways, etc.

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

Comprehensive Plan: A plan, or any portion thereof, adopted by the Perry County Planning Commission and/or the local community showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, other community facilities, and infrastructure. This plan establishes the goals, objectives, and policies of the community based on public input and its demographics, economics, natural physical characteristics, and sociology.

Crosswalk: A public right-of-way which cuts across a block in order to provide pedestrian access to adjacent streets or properties.

Common Access Driveway: A privately owned but commonly maintained portion of a driveway beginning at a common access point and ending in separate drives providing access to no more than two distinct parcels.

Covenant: A written promise or pledge.

Dedication: An act of transmitting property or interest thereto.

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

1. Gross density is the number of dwelling units per acre of the total land to be developed.
2. Net density is 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 subsurface water in order to impede its flow and to release the same gradually.

Developer: Any person, subdivider, firm, association, syndicate partnership, corporation, trust, or any other legal entity who constructs or contracts to construct improvements or subdivides 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.

Driveway: A privately owned and maintained way to one lot of record used to provide vehicular and pedestrian access.

Dwelling Unit: Space, within a building, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

Earth-Disturbing Activity: Any grading, excavating, filing, 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.

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 or 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: The wearing away of the land surface by water, wind, ice, storm, or other geological agents including such processes as gravitational creep.

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.

Final Plat: The final map or drawing on which the subdivider's plan is presented to the Perry County Planning Commission for approval and which, if approved, will be recorded by the Perry County Recorder.

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

Flood Fringe: The portion of the 100-year floodplain, excluding the floodway, where development may be allowed under certain restrictions.

Flood Insurance Rate Map (FIRM): Maps produced by the FEMA which show existing 100-year and 500-year floodplains in Perry County.

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.

Floodplain: Any land area susceptible to being inundated by water from any source.

Floodplain, 100-Year: A flood having a 1 percent chance of being equaled or exceeded in any given year. These areas are shown as zones A, AE, or A1-A30 on the FEMA Flood Insurance Rate Maps.

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.

Highway Director: The Director of the Ohio Department of Transportation.

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.

Improvement Plan: Plans prepared by a registered Professional Engineer showing engineering details of any improvements in a major subdivision. Improvement plans include plans for any improvement as defined above, sediment and erosion control plans, stormwater management calculations, and any other necessary calculations or plans.

Location Map: See *Vicinity Map*.

Lot: For the purposes of these regulations, a lot is a parcel of land 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 lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record; or
2. A portion of a lot of record on the same deed; or
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.

Lot, Area of: The computed area within the lot lines.

Lot Frontage: Portion of a lot abutting a dedicated road or street, or street or road right-of-way, measured at the front lot line.

Lot Line, Front: The lot line separating the lot from the right-of-way line of the principal street on which the lot abuts.

Lot Line, Rear: The lot line opposite and most distant from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line. A side lot line of a corner lot separating a lot from a street or road, is considered the front lot line.

Lot Measurement: A lot shall be measured as follows:

1. **Depth** of a lot shall be considered to be the horizontal distance between the front and rear lot lines, measured at right angles to the street or road lines.
2. **Width** of a lot shall be considered to be the horizontal distance across the lot between side lot lines measured at the building setback line.

Lot of Record: A lot which is part of a subdivision recorded in the office of the Perry County Recorder or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types: Terminology used in these regulations with reference to corner lots, interior lots, and through lots is as follows:

1. A corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the lot meet at an interior angle of less than 135 degrees.
2. An interior lot is a lot other than a corner lot with only one frontage on a street.

3. A through lot is a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets are sometimes referred to as double frontage lots.
4. A reversed frontage lot is a lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.
5. A flag lot is a lot which utilizes a narrow strip of land to provide access to, or legal frontage on, a public street.

Minor Subdivision: A division of a parcel of land that requires 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 definitely establish all lines of the plat of a subdivision, including all lot corners, boundary line corners, and points of change in street alignment.

Open Space: An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, and other recreational facilities the PCPC deems permissible. Streets, structures for habitation, and the like shall be not included. Common leach or infiltration fields shall be included.

Original Tract: Any parcel of real estate with a separate legal description acquired under common ownership which the current owner is attempting to further subdivide.

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

Parking Space, Off-Street: For the purposes 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 PCPC shall utilize the current edition of *Urban Planning and Design Criteria*, for determining the size and number of parking spaces.

Performance Bond or Surety Bond: An agreement by a subdivider or developer with the county for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

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

Perry County Planning Commission (PCPC): A commission established pursuant to the Ohio Revised Code, Chapter 713. Also referred to as "PCPC" or "Planning Commission" herein.

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 Section 34.00 of these regulations.
2. **Preliminary Plan:** A map indicating the proposed layout of a development and related information described in Sections 35.00 and 52.00 of these regulations.
3. **Improvement Plans:** Maps, profiles, and information concerning the construction of improvements of a subdivision described in Sections 36.00 and 54.00 of these regulations.
4. **Final Plat:** The final map of all or a portion of a subdivision and related information described in Sections 37.00 and 53.00 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 landscape plans.

Planning Commission: The Perry County Planning Commission.

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

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

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.

Retention Basin/Pond: See *Detention Basin/Pond*.

Right-of-Way (ROW): A strip of land dedicated for the 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.

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 or Erosion Control Plan: A written description included in the Improvement Plans and 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 are of five or more contiguous acres.

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

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

Sewer 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 where a common access drive has been established.

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

Staff, Planning Commission: Employees of the Perry County Planning Commission. Also referred to as "PCPC staff."

Subdivider: See *Developer*.

Subdivision: The division of a lot, tract, or parcel into two or more lots, tracts, or parcels or other divisions of land for sale, development or lease. The following is the statutory definition of subdivision in Section 711.001 of the Ohio Revised Code:

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 streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted.
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.

Surveyor: Any person registered to practice surveying by the State Board of Regulations as specified in Section 4733.14 of the Ohio Revised Code.

Technical Review Committee (TRC): A committee made up of staff from the PCPC, Perry County Health Department, Perry County Engineer's Office, and Perry Soil and Water Conservation District. The Technical Review Committee will advise and recommend to the PCPC on matters relating to subdivision plats, and other matters as requested by the PCPC.

Thoroughfare Plan: A plan or portion thereof, adopted by the Perry County 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 such.

United States Geological Survey (USGS): Federal agency in charge of keeping accurate maps of the United States. The USGS created topographic maps of the county and divided them into quadrangles.

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 an extraordinary and undue hardship.

Vicinity Map: A drawing located on the plat which sets forth, by dimensions or other means, the relationship of the proposed subdivision to other nearby developments or landmarks and community facilities and services within Perry County in order to better locate and orient any area in question.

Walkway: A dedicated public way for pedestrian use only, whether along the side of a road or lot.

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.
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 Inspector: The person designated by the Board of Perry County Commissioners, Board of Township Trustees, and/or Mayor to administer and enforce zoning ordinances related or pertaining to these regulations.

Zoning Regulations: Resolution or ordinance adopted by a township or other local jurisdiction that govern how land can be used.

ARTICLE 3: APPLICATION PROCEDURE AND APPROVAL PROCESS

Section 30.00 Purpose

All proposed land divisions in Perry County must be reviewed by the Perry County Planning Commission, if not covered by the authority of another local political jurisdiction, and will fall into one of three categories: *Exempt Land Division, Minor Subdivision, or Major Subdivision*. Each category has its own review mechanism. The purpose of these procedures and regulations are to provide for the orderly growth and harmonious development of the County of Perry, Ohio. These regulations are established to protect the subdivider and the public. By law, the PCPC 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 development.

Section 31.00 Exempt Land Divisions

31.10 Exempt Land Division Criteria

There are two types of divisions or improvements of land which are exempted from the provisions of these regulations. They are:

- a. The division or partition of land in which the lots being created and the remainder of the original tract are five (5) acres or greater and does not involve the opening, widening, or extension of any street or easement of access. Such divisions must meet the requirements of the zoning resolution affecting said parcels, have no less than 200 ft. public road frontage; or
- b. The sale or exchange of parcel(s) between adjoining lot owners which does not create additional building sites. In such instances, the PCPC shall require that either:
 1. A new deed be prepared that combines the original parcel of the grantee and the parcel being transferred into one parcel; or
 2. A restrictive covenant must be placed in the deed of the new parcel stating: *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 does not constitute a residential, commercial, or industrial building site. No residential, commercial, or industrial building shall be constructed on said premises without prior written approval of the Perry County Planning Commission.*

31.20 Application Procedure

All proposed exempt land divisions must be submitted to the Perry County Planning Commission office or the Perry County Engineer's Tax Map Office. Submittals shall include one (1) original legal description, one (1) original plat, and the split fee (See *Appendix I*).

31.30 Review and Approval

All proposed exempt land divisions will be reviewed by PCPC staff and the Perry County Engineer's Tax Map Office. When PCPC staff are satisfied that a proposed sale or exchange of a parcel meets the requirements for exemption as stated in Section 31.10, staff shall stamp the deed conveyance "Exempt from the Perry County Subdivision Regulations."

Section 32.00 Minor Subdivisions

32.10 Minor Subdivision Criteria

Proposed division(s) of land in an unincorporated area of Perry County where such division(s) create parcels 4.99 acres or less are considered minor subdivisions if all of the following criteria are met:

- a. The proposed parcels must abut to an existing, platted public road or street.
- b. The proposed division does not involve the opening, widening, or extension of any street or road, or easement of access.
- c. The proposed division involves no more than **five** lots (four lots and the original parcel remaining) after the original tract has been completely subdivided.

Original tracts divided by public road right of way will be considered as one parcel for the purposes of these regulations.

32.20 Application Procedure

All applications for a minor subdivision must be submitted to the PCPC office. The application must contain the following to be considered complete:

- a. A completed "Application for Minor Subdivision/Lot Split Perry County, Ohio" with the corresponding sections completed by both the applicant and a registered surveyor in the State of Ohio.
- b. Three copies of a legal description prepared by a registered surveyor in the State of Ohio.
- c. Three copies of a survey prepared in accordance with Section 51.00 of these regulations by a registered surveyor in the State of Ohio.
- d. A copy of the current deed for the original tract.
- e. FEE: A split fee as shown in APPENDIX 1: SCHEDULE OF FEES is required for each split created.

A completed application is considered officially submitted once all required and pertinent information is submitted to the PCPC, and after the Perry County Health Department has completed any necessary site evaluations.

32.30 Review Process

The PCPC staff will review the completed application to determine whether the subdivision proposal complies with the Perry County Subdivision Regulations and shall forward one copy of the completed proposed minor subdivision application to the following agencies for review and approval: The Perry County Health Department, and the Perry County Engineer's Office. If the application for a minor subdivision is located in a zoned township, the township zoning inspector will be consulted and provide comments.

32.40 PCPC Staff Action

Minor subdivisions may be submitted to the PCPC for administrative approval without needing to be considered by the full Planning Commission. If the Perry County Health Department, Perry County Engineer, township zoning inspector, and Perry County Planning Commission are satisfied that such proposed subdivision is not contrary to

applicable platting, subdivision, health, or zoning regulations, the application shall be approved by the PCPC or authorized representative within seven working days of submission. Upon presentation of a conveyance for said approved parcel(s), the authorized representative of the PCPC shall stamp the same "Approved by Perry County Planning Commission: No Plat Required" and sign and date.

32.50 Notice of Action

Written notice of action of the Planning Commission, with reasons therefor, shall be mailed or given to the subdivider by PCPC staff within five (5) days after action is taken. In case of disapproval, the notice of action shall inform the subdivider of his/her appellate rights per Section 39.00 of these regulations.

Section 33.00 Major Subdivisions

33.10 Major Subdivision Criteria

A major subdivision is:

- a. The creation of more than five (5) lots (including the remainder), any of which is less than five (5) acres, from an original tract; or
- b. The improvement of a lot or lots involving the creation or extension of any roads or easements of access.

All land divisions not exempted (Sections 19,31) or covered by the minor land division process (Section 32) must follow the regulations for creating a major subdivision.

Section 34.00 Major Subdivisions – Sketch Plan

Subdividers who intend to submit a plat of a major subdivision are strongly encouraged to submit a sketch plan. The purpose of a sketch plan is to provide the subdivider with expert opinion on issues and problems facing the proposed development prior to the developer incurring the expense of hiring a Professional Surveyor or Professional Engineer. It also serves to inform the subdivider of the criteria and standards of these regulations.

34.10 Sketch Plan Submittal

Five (5) copies of the sketch plan shall be submitted to the PCPC. The plan should be legibly drawn at a suitable scale and should contain the following information:

- a. Preliminary name of the subdivision and north arrow.
- b. Topography interpolated from U.S.G.S. quadrangles or from more precise methods.
- c. The proposed layout of the subdivision including the location and acreage of proposed streets, lots, and open spaces.
- d. The location of existing on-site or immediately adjacent right-of-ways, buildings, utility lines, streets, streams and other significant natural and/or manmade features.

34.20 Sketch Plan Review

After the submittal of a sketch plan, PCPC staff shall set the date of a Technical Review Committee (TRC) meeting to review the sketch plan proposal. The subdivider is encouraged to attend the meeting. The TRC shall consist of a representative from each of the following: The Perry County Health Department, Perry County Soil and Water Conservation District, Perry County Engineer's Office, and PCPC.

Recommendations of the TRC shall be summarized by PCPC staff and given to the subdivider. There is no formal approval of the sketch plan; however, the subdivider is expected to incorporate recommendations made by the TRC into the Preliminary Plan for the subdivision.

Section 35.00 Major Subdivisions – Preliminary Plan

The purpose of the Preliminary Plan is to provide the PCPC sufficiently detailed information to evaluate a major subdivision. A Preliminary Plan provides a more detailed overview of a subdivision than a Sketch Plan; but does not include all engineering details of proposed improvements. Such improvements are provided on Improvement Plans. The Preliminary Plan shall be prepared by a registered professional engineer or surveyor.

35.10 Preliminary Plan Submittal

In order to be considered at a meeting of the Planning Commission, a Preliminary Plan prepared in accordance with Section 52.00 (Preliminary Plan), together with data and documents as required by these regulations and specified hereunder, shall be submitted to the office of the Planning Commission fifteen (15) days prior to such meeting:

- a. A completed application form provided by the PCPC. (*See Appendix 2: Forms*).
- b. Ten (10) copies of the Preliminary Plan.
- c. One (1) reduced size copies of the Preliminary Plan.
- d. A letter accompanying submittal in which the subdivider shall state the type of sewage disposal he/she proposes to use and include evidence of approval of the proposed system by the Perry County Health Department (i.e. site evaluations) or appropriate authority (*See Section 72.00*).
- e. Description of proposed covenant and deed restrictions. Where public water and/or sewer is provided, a deed restriction requiring connection to such systems shall be included.
- f. A document providing information about any 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 a description of the powers the association shall have in collecting dues.
- g. Water supply information for subdivisions not involving a public water supply (*See Section 71.00*).
- h. Three (3) copies of Improvement Plans if necessary (*See Section 36.00*) including stormwater and erosion control plans and calculations.
- i. All applicable fees as stated in *Appendix I: Fee Schedule*.
- j. Three (3) copies of any additional analyses that may be required (i.e. slope analysis, sight distance analysis, traffic analysis).

Said plan shall be considered officially filed on the day the submittal is reviewed and determined complete by PCPC staff and shall be so dated. No further review of the Preliminary Plan shall take place until a complete submittal has been filed.

35.20 Preliminary Plan Review

When a Preliminary Plan has been officially filed, together with required data and documents, PCPC staff shall place the proposal on the agenda for the next PCPC meeting, provided the Preliminary Plan has been filed no less than fifteen (15) days in

advance of the meeting. If the Preliminary Plan has been filed less than fifteen days in advance of the next PCPC meeting, the proposal shall be placed on the agenda of the following month's meeting. PCPC staff shall proceed with the review of the Preliminary Plan as follows:

- a. Send written notice by certified mail, return receipt requested, to the clerk of the Board of Township Trustees of the township in which the proposed Preliminary Plan is located. The notice shall inform the trustees of the submission of the proposed plat and of the date, time, and location of the meeting at which the PCPC will consider the proposed Preliminary Plan. No meeting shall be held until at least seven (7) days have passed from the date the notice was sent by the PCPC.
- b. Refer copies of the Preliminary Plan, together with supporting materials and notice as described in the paragraph above, to the following agencies for review and comment:
 1. Members of Technical Review Committee,
 2. Local school district,
 3. Local fire department,
 4. Water and/or sanitary sewer district,
 5. Township zoning official
 6. Township trustees.
- c. Give notice, by certified mail, to ODOT for any proposed subdivision that is within 300 feet of the centerline of a State Highway, or proposed new highway, or a highway for which changes are proposed by the Director of the ODOT. The PCPC shall not give Final Plat approval to said subdivision for 120 days from the date the notice is received by ODOT. If ODOT notifies the PCPC that it shall proceed to acquire the land needed, then the PCPC shall refuse to approve the Final Plat. If the ODOT notifies the PCPC that acquisition at this time is not in the public interest or upon the expiration of the 120 days or any extension agreed upon by ODOT and the property owner, the PCPC may proceed with Final Plat approval.
- d. Prepare a staff report of the proposed subdivision, including recommendations, and mail such report to members of the PCPC no less than five (5) days prior to the hearing at which the plan is to be reviewed.

35.30 Planning Commission Hearing

At the next scheduled PCPC meeting and following the report of the PCPC staff, the PCPC shall review the Preliminary Plan as submitted and its compliance with these regulations. The Planning Commission shall take action approving, approving with conditions, disapproving, or postponing the Preliminary Plan. In case of disapproval or postponement, reasons therefor shall be given in the minutes of the meeting, with references to specific requirements of these regulations which have not been complied with.

35.40 Notice of Action

Written notice of action of the Planning Commission, with reasons therefor, shall be mailed or given to the subdivider by PCPC staff within five (5) days after action is taken. In case of disapproval or postponement, the notice of action shall inform the subdivider of his/her appellate rights per Section 39.00 of these regulations.

35.50 Interpretation of Approval

Approval of the Preliminary Plan shall not constitute approval of a Final Plat, but rather an expression of approval of the layout submitted on the Preliminary Plan as a guide to the preparation of the Final Plat.

Section 36.00 Major Subdivisions – Improvement Plans

At the time of the submission of the Preliminary Plan, the subdivider shall submit a full set of Improvement Plans prepared in accordance with Section 54.00 of these regulations for any improvements including but not limited to streets, water lines, sewer lines, and/or stormwater control facilities. No improvements can be made within the proposed subdivision unless the Improvement Plans have been submitted to the PCPC and approved by the Planning Director and Perry County Engineer.

Prior to recording of the Final Plat, the subdivider shall have installed the required improvements, or shall have furnished a guarantee pursuant to Article 4, Section 41.00 for the amount of the estimated construction cost of the ultimate installation of the required improvements.

Section 37.00 Major Subdivisions – Final Plat

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.

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. The Final Plat must be approved by the PCPC.

Final Plats shall be submitted within two (2) years of the approval date of a Preliminary Plan, unless a time extension has been requested by the subdivider and granted by the Planning Commission. In case the time period for submission of a Final Plat has elapsed, the Preliminary Plan must be re-submitted for approval. The Final Plat shall be prepared by a registered professional engineer or surveyor.

37.10 Final Plat Submittal

If a Preliminary Plan has been previously approved, or conditionally approved, the Final Plat shall conform to the Preliminary Plan or incorporate required changes. Should the subdivider elect to submit a Final Plat without having previously submitted and received approval for a Preliminary Plan, the Final Plat submission shall include all the information required in Sections 35 (Preliminary Plans), 36 (Improvement Plans), and 37 (Final Plat) of these regulations to be considered complete.

In order to be considered at a meeting of the Planning Commission, a Final Plat prepared together with data and documents as required by these regulations and specified hereunder, shall be submitted to the office of the Planning Commission fifteen (15) days prior to such meeting:

- a. A completed application form provided by the PCPC. (See Appendix 2: Forms).
- b. Three (3) copies of the Final Plat.
- c. Three (3) copies of revised Improvement Plans if necessary.
- d. A copy of all finalized restrictive covenants (may be written on the Final Plat).
- e. All applicable fees as stated in Appendix 1: Fee Schedule.

Said plat shall be considered officially filed on the day the submittal is reviewed and determined complete by PCPC staff and shall be so dated. No further review of the Final Plat shall take place until a complete submittal has been filed.

37.20 Final Plat Review

When a Final Plat has been officially filed, together with required data and documents, PCPC staff shall place the proposal on the agenda for the next PCPC meeting, provided the Final Plat has been filed no less than fifteen (15) days in advance of the meeting. If the Final Plat has been filed less than fifteen days in advance of the next PCPC meeting, the proposal shall be placed on the agenda of the following month's meeting. PCPC staff shall proceed with the review of the Final Plat as follows:

- a. Send written notice indicating the time and place of the hearing to consider the Final Plat to the clerk of the local board of township trustees and the local township zoning inspector. Such notice to the clerk of the local board of township trustees shall be made by certified mail, return receipt requested.
- b. Prepare a staff report of the proposed subdivision, including recommendations, and mail such report to members of the PCPC no less than five (5) days prior to the meeting at which the plan is to be reviewed.

37.30 Planning Commission Hearing

Following the report of the PCPC staff, the PCPC shall review the Final Plat as submitted and its compliance with these regulations. The PCPC shall take action approving, disapproving, or postponing the Final Plat. The PCPC shall not disapprove the final plat if the subdivider has done everything that was required and has proceeded in accordance with the conditions and standards specified in the PCPC approved Preliminary Plan. In case of disapproval, reasons therefor shall be given in the minutes of the meeting, with references to specific requirements of these regulations which have not been complied with. The subdivider may make the necessary corrections and re-submit the Final Plat to the PCPC for approval.

37.40 Notice of Action

Written notice of action of the Planning Commission, with reasons therefor, shall be mailed or given to the subdivider within five (5) days after action is taken. If the Final Plat is disapproved by the PCPC, the subdivider shall be notified of his/her appellate rights per Section 39.00 of these regulations.

37.50 Recording of Final Plat

When the Final Plat has been approved by the PCPC and after all necessary certifications are received, the original tracing shall be filed within twelve (12) months by the subdivider with the Perry County Recorder.

Section 38.00 Variances

The granting of variances from a regulation contained within these regulations shall be governed by the following:

- A. Where the PCPC 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.
- B. In granting variances or modifications, the PCPC may require special conditions which, in its judgement, secure the objective of the standards or requirements so varied or modified.
- C. All variances shall be requested in writing on forms provided by the PCPC. A petition for any such variance shall state fully the grounds for the application and all the facts relied upon the petitioner.

Section 39.00 Appeals

Any person who believes that he has been aggrieved by these regulations or the action of the PCPC may file an appeal with the Court of Common Pleas in Perry County as set forth in Chapter 2506 of the Ohio Revised Code, or any other applicable chapter of the Ohio Revised Code.

Any person who believes that he has been aggrieved by an action of the PCPC staff (i.e. minor subdivision/lot split denial) shall file an appeal with the Perry County Planning Commission. Said person shall file such an appeal with the PCPC office within fifteen days of such action. PCPC staff shall place the appeal on the agenda of the next regularly scheduled PCPC meeting.

ARTICLE 4: POST FILING PROCEDURES FOR MAJOR SUBDIVISIONS

Section 40.00 Completion of Improvements

Before the Final Plat is signed by the Director of the PCPC, the subdivider shall be required to complete, all the street, sanitary, and other improvements required in these regulations. Required public improvements may be installed prior to Final Plat approval after the following have been met:

- A. The Preliminary Plan has been approved by the PCPC;
- B. The final Improvement Plans have been approved by the Perry County Engineer, Perry County Sanitary Engineer, and the Perry Soil and Water Conservation District;
- C. The erosion control and stormwater management plans have been approved by the PCPC and Perry Soil and Water Conservation District;
- D. The required inspection fee has been paid (See Appendix I, *Schedule of Fees*).

Section 41.00 Assurances for Improvements

The PCPC, at its discretion, may waive the requirements that the subdivider complete and dedicate all public improvements prior to signing of the plat, provided that subsections A, B, C and D of Section 40.00 have been met and the subdivider provides an assurance for the construction of improvements. Improvements shall include the total cost of developing subdivisions including all work called for in improvement and erosion control plans. An acceptable assurance includes one of the following four alternatives:

- A. A PERFORMANCE BOND for one hundred (100) percent of the estimated cost of all improvements and monuments shall be deposited with the Board of Perry County Commissioners. The bond amount shall be set by the Perry County Engineer based upon estimates provided by the subdivider.
- B. A CERTIFIED CHECK for one hundred (100) percent of the estimated cost of all improvements and monuments shall be deposited with the Board of Perry County Commissioners. The check amount shall be set by the Perry County Engineer based upon estimates provided by the subdivider. The certified check shall be accompanied by a contract between the subdivider and the payee stating 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 Section 41.10.
- C. A subdivider may make arrangements to have an amount equal to one hundred (100) percent of the cost of improvements and monuments held in escrow at a financial institution of record for Perry County. The amount held in escrow may be in the form of a Certificate of Deposit with a two year maturity time limit. The escrow amount shall be set by the Perry County Engineer based upon estimates provided by the subdivider. An escrow agreement shall 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 Section 41.10.
- D. A subdivider may make arrangements to have an amount equal to one hundred (100) percent of the cost of improvements and monuments secured by a Letter of Credit. The Letter of Credit amount shall be set by the Perry County Engineer based upon estimates provided by the subdivider. A 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 Section 41.10.

41.10 Time Limit; Extension of Time

The construction of all improvements for which an assurance for the construction of improvements 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 or she must show cause why the assurance should not be forfeited. The Board of Perry County Commissioners may, if reasonable cause is shown, grant an extension of not more than one year. At the termination of the aforementioned period, the County may use as much of the bond, check, escrow agreement, or other guarantee, as is necessary to complete the improvements.

Section 42.00 Construction and Inspection of Improvements

Once Improvement Plans have been approved, the subdivider may begin constructing improvements for the subdivision. Inspection of each phase of work shall be made by the County Inspectors, which shall be designated by the Perry County Planning Commission.

42.10 Inspection Schedule

For major subdivisions, there will be an inspection of the following:

- a. Sub-grade preparation for new roads.
- b. Base installation for new roads.
- c. Asphalt paving.
- d. Stormwater water drainage
- e. Road culvert and bridge installation.
- f. Seeding & mulching (Right-of-way).
- g. Final subdivision inspection.

42.20 Notice

The subdivider shall give two working days notice to the County Inspectors for any inspection to be conducted. The subdivider shall furthermore insure that no work shall be covered or obscured prior to inspection and acceptance by the County Inspectors.

42.30 Inspection Fee

The subdivider shall, prior to the start of construction, pay the amount set forth in *Appendix I, Schedule of Fees*, to cover the cost of inspection of the improvements to the subdivision. As the project progresses, if additional inspection money is required, it will be requested by a letter showing how the inspection fee has been used up to that time. Any inspection money remaining after acceptance of the project will be returned to the payee.

42.30 Final Inspection

Upon the completion of all improvements, the subdivider shall request, in writing, a final inspection.

Section 43.00 Final Inspection

After completion of all improvements, the subdivider shall request, in writing a final inspection. The final inspection shall be conducted by the County Inspector who shall notify the Director of the PCPC and township trustees of the time and date of such inspection.

The final inspection shall be a walk-thru type where the Director of the PCPC, local township trustees, or other interested parties can participate. After completion of the final inspection, the County Inspector shall make a report thereon to the Perry County Engineer, indicating whether the improvements comply with the requirements of these Regulations. In case of noncompliance, the subdivider shall be so notified, and requested to make further improvements as necessary.

Section 44.00 Acceptance of Improvements

Approval of a plat for recording shall not constitute the acceptance by the public of any street, drainage, water supply or sanitary sewer installation or any other improvement shown on the plat for public ownership and maintenance.

After the final inspection report has been approved by the Perry County Engineer certifying that the improvements comply with applicable standards, the Board of Perry County Commissioners shall pass a resolution accepting such improvements for public maintenance and operation. Such acceptance shall not be given until the developer has furnished the Board of Perry County Commissioners a maintenance bond as required in Section 45.00.

Section 45.00 Maintenance Bond

Prior to the acceptance of any improvements within a subdivision, the subdivider shall furnish the Board of County Commissioners a maintenance bond, certified check, or other acceptable guarantee that shall be held for a period of one (1) year to insure that the improvements are in satisfactory condition. If within said period defects appear in the improvements, such defects shall be repaired to the satisfaction of the County Inspector at the expense of the subdivider. In the event the subdivider fails to make required maintenance within a reasonable time of a request to do so, the above mentioned guarantee shall be forfeited. **Said guarantee shall be five (5) percent of the total improvement cost as shown on the Improvement Plans.**

Section 46.00 Amendments to Plats; Replats

46.10 Application

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:

- a. An application form provided by the PCPC and the proper filing fee (*see Appendix I*).
- b. A final plat (replat) submitted on a Mylar sheet not to exceed twenty-four by thirty inches. With all required statements and signature lines (*see Section 53.00*).
- c. Any other required material.

All required information for a proposed replat must be submitted to the office of the Planning Commission no later than fifteen (15) days prior to the next regularly scheduled meeting of the PCPC.

46.20 Review

The PCPC will determine the completeness of the application as it meets the following requirements:

- a. The applicant shall submit to the PCPC a final plat complete with all information required in Section 53.00 of these regulations.
- b. 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.
- c. The replat shall assign a new lot number(s) to all new lots.
- d. 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 with 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.
- e. The applicant shall provide proof that the proposed replat complies with applicable regulations, including those regulations established by township zoning, the Perry County Health Department, the Perry County Engineer's Office, and any authority in control of the involved sanitary sewer and/or water supply systems.

The PCPC shall either approve or disapprove the replat. If disapproved, the applicant may make the necessary corrections to meet these requirements and resubmit the replat to the PCPC for approval. If a replat is disapproved by the PCPC, the applicant may appeal the decision in accordance with Section 39.00 of these regulations

ARTICLE 5: STANDARDS FOR PLATS AND PLANS

Section 50.00 Minimum Standards for Boundary Surveys

These standards are intended to be the basis of surveys relating to the establishment or retracement of property boundaries in Perry County, Ohio. All descriptions of new parcels must be accompanied by a copy of the survey plat.

50.10 Measurement Specifications

All measurements shall be made in accord with the following specifications:

- a. The surveyor shall keep his or her equipment in such repair and adjustment as to conform to the requirements of Section 4733.24 of the Ohio Revised Code.
- b. Every measurement of distance shall be made such that the error of closure shall not be more than 1' in 5,000'.

50.20 Plat of Survey

The surveyor shall include the following details:

- a. A title such that the general location on the survey can be identified.
- b. A north directional arrow with a clear statement as to the basis of the reference direction used. When a prior survey is used as the basis of bearing; the bearing direction should be given.
- c. Location by section, town, range, township, county, and state.
- d. The current owner's full name and volume and page at the time of the survey.
- e. The control station(s) or line cited in the deed description and the relationship of the property to this control.
- f. A notation at each corner of the property stating that the boundary monument specified in the deed description was found or that a boundary monument was set. Intersections of roads or intersections of roads and section lines will not be accepted as a point of beginning. Points used as points of beginning must have labeled reference monumentation set.
- g. A statement describing the material, size, position, and condition of every monument found and/or set.
- h. A citation of documentation and sources of data or testimony used as a basis for carrying out the work.
- i. When a tract lies in two different sections, or in two or more recorded tracts, in or out of a corporation, the acreage applicable to each different area shall be shown on the plat.
- j. All lots in any municipality or regularly recorded subdivision are to be designated by lot owner, official record/deed record and page number, name of subdivision or addition with plat book and page number, township, range, section number, state, village, or municipality.
- k. When a survey involves railroad or highway plans, the plan or map numbers shall be reflected on the plat.
- l. The written and graphical scale of the drawing
- m. The date of the survey
- n. The surveyor's printed name and registration number, signature, and seal.

50.30 Descriptions

When a surveyor is called upon to prepare a new description, the following items shall be included:

- a. Sufficient caption so that the property may be adequately identified.
- b. The current owner's full name and volume and page at the time of the survey.
- c. The basis of bearings.
- d. A citation to the public record of the appropriate prior deed(s).
- e. The surveyor's name, registration number, signature, seal, and date of writing.
- f. A description of the boundary monument used as the initial point of the description.
- g. A series of calls for successive lines bounding the parcel, each of which specifies:
 1. The intent in regards to adjoiners or other existing features.
 2. The direction of the boundary monument used as the direction of the basis of bearing.
 3. The length of the line.
 4. The description (including size, type, condition) of any set or found monument to identify the end of the particular line.
 5. Sufficient mathematical data shall be given for each curved line so that the curve can be reproduced without ambiguity.
 6. The report boundary data shall meet the closure requirement of these regulations.
- h. The acreage of each proposed parcel.
- i. A statement that shall indicate either:
 1. The description was made in accordance with a recent survey and date thereof; or
 2. The description was made based on a previous survey, of a certain date, and date of description; or
 3. The description was not based on a survey.

Section 51.00 Minor Subdivision – Plats

In addition to the requirements found in Section 50.00 for survey plats, the following items are required to be shown on plats for minor subdivisions or lot splits:

- A. 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.
- B. Owner(s) of parcel to be split and all adjoining parcels.
- C. All existing structures
- D. All existing and proposed easements.
- E. Any adjoining public road, road right-of-way, and setback lines.
- F. The distance to the nearest driveway or intersection in each direction within 100 feet along the road frontage along the same side of the road.
- G. The 100-year floodplain boundary and floodway if it exists anywhere on the proposed lot and original tract, and a notation of the FIRM panel number and date. Any 100-year floodplain 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 (no flood elevations provided), the surveyor shall establish the flood plain by horizontal control.

Section 52.00 Major Subdivisions – Preliminary Plan

Preliminary Plans shall include the following:

52.10 Identification and Description

- a. The scale and size of the Preliminary Plan shall be one (1) inch equals one hundred (100) feet and a no more than twenty-four (24) by thirty (30) inches respectively, unless otherwise required by the Planning Commission. A north directional point, correct graphic scale, and date of survey shall be indicated. The plat shall bear the seal, signature, and date of a certified registered surveyor. The entire project shall be displayed on a single sheet when possible if more than two sheets are required, an index sheet must be included.
- b. Proposed name of subdivision for identification purposes. The name shall be unique to the incorporated and unincorporated areas of Perry County in order to avoid duplication and confusion of previously recorded plats.
- c. Names, addresses, and phone numbers of the owner(s) and applicants of the proposed development.
- d. Vicinity map showing the location of the proposed development in relation to the surrounding area.
- e. The location by Section, Range, and Township or other surveys

52.20 Existing Conditions and Inventory of Site

- a. The names and locations of all adjacent property owners and adjacent subdivisions.
- b. The current zoning of the property to be subdivided and of the contiguous properties.
- c. The location and dimensions of all boundary lines of the property expressed in feet and decimals of a foot, and the approximate acreage of the land to be subdivided.
- d. Location, widths, right-of-ways, centerlines and names of all existing and prior platted public and private streets and easements; railroad and utility right-of-ways, and other existing easements on and within 100 feet of the proposed subdivision.
- e. Location of permanent buildings within the proposed subdivision.
- f. Corporation and township lines.
- g. Location of wooded areas; wetlands, existing water bodies, streams, drainage ditches, and other important natural features.
- h. Location of existing sewers, water lines, culverts, known drainage tile, water lines, gas lines, CATV, utility poles, and utility lines within and adjacent to the proposed subdivision.
- i. The 100-year floodplain of any watercourse identified as having a flood hazard area.
- j. A contour map of the proposed subdivision with contour intervals of not more than five (5) feet based on United States Geological Survey (U.S.G.S.) mean sea level datum.

52.30 Proposed Conditions

- a. Location, names and dimensions of proposed streets, street right-of-ways, alleys, crosswalks, and other easements. Names shall not duplicate or closely approximate any existing street in Perry County.
- b. The approximate location, dimensions, area (in acres), and numbering of all proposed lots. Lots within the subdivision including future additions shall be numbered consecutively beginning with “one”, and the total number of lots and their combined acreage shown.
- c. Building setback lines with dimensions displayed graphically.

- d. The approximate location, dimensions, and area of all property proposed to be set aside for parks, open space, other public or private reservation, with designation of the purpose and proposed ownership thereof.
- e. Indication of the proposed use of any lot other than residential.
- f. Location and dimensions of all proposed water, sewer and utility lines, showing their connections with an existing system, if available. Also, proposed locations of fire hydrants.
- g. For multi-family (two or more dwelling units on the same lot), planned unit developments, commercial, industrial, and quasi-public development, 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.
- h. Where it is proposed to develop the tract in sections or stages, a tentative delineation of the sections and their phasing, including an estimated time frame.

Section 53.00 Major Subdivisions – Final Plat

The Final Plat shall be legibly drawn in waterproof ink on mylar or other material of equal permanence. It shall be drawn at a scale and size of one (1) inch equals one hundred (100) feet and no more than twenty four (24) inches by thirty (30) inches respectively, unless otherwise required by the Planning Commission. 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 the following information:

- A. Name of the subdivision, location by section, town and range.
- B. Legal description of the entire parcel proposed to be subdivided.
- C. Date, north arrow, and scale.
- D. A location map showing the relationship of the proposed subdivision to the surrounding area.
- E. The names of all adjoining property owners as shown on the Preliminary Plan.
- F. A table showing the total acreage contained in the subdivision, the acreage in lots and the acreage in roads.
- G. Name and address of the subdivider and the professional registered surveyor who prepared the plat, and the appropriate numbers and seals.
- H. 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 1:5,000.
- I. Primary control points and descriptions or ties to such.
- J. Bearings and distances to nearest established street lines or other recognized permanent monuments.
- K. Radii, internal angles, points of curvature, tangent bearings, lengths of all arcs, and length bearings of all chords.
- L. Exact location, width, and name of all roads, road centerlines and road right-of-ways.
- M. Exact location, width and purpose of easements.
- N. Minimum building setback line on all lots and other sites displayed graphically including width and dimensions from street lines.
- O. All lot numbers and lines with accurate dimensions in feet and hundredths.
- P. 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.

- Q. Typical sections and complete profiles of streets and other related improvements to be constructed in the proposed subdivision.
- R. The locations and descriptions of all benchmarks, monuments, and pins.
- S. The location of streams, watercourses, channels, or creeks.
- T. The 100-year floodplain of any watercourse identified as having a flood hazard area.
- U. All restrictive covenants.
- V. Certifications and signature block as described in Appendix II.

Section 54.00 Major Subdivisions – Improvement Plans

54.10 General Requirements

- a. All improvement plans shall be prepared, signed, and sealed by a registered professional engineer. Plans shall include a title sheet, index map, location map, typical sections, plan and profile views, bench marks, miscellaneous engineering details, and estimate of quantities for new or extended roads, water lines, sanitary sewage lines, fire hydrants, bridges, and culverts.
- b. The title sheet of the improvement plans must contain the name of the subdivision, road or street names, and location map. Space shall be provided on the title sheet or the first sheet of the plan for signatures of the Perry County Engineer and the Perry County Planning Director.
- c. The improvement plans shall show plans for drainage and stormwater management including all calculations, and the drainage area and design flow for all major culverts.
- d. Erosion control plans and methods shall be reflected on the improvement plans.
- e. Resubmittals of improvement plans shall clearly show all revisions made thereto by notes in a “revision” block and outlines of the revisions.
- f. After the improvements have been constructed, a complete set of as-built plans mylar material shall be submitted to the PCPC.

ARTICLE 6: SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS

Section 60.00 General Statement

All subdivision proposals shall be planned, designed, and constructed in conformance with the standards in this Article. The subdivider shall construct all improvements required in this Article prior to the acceptance of the final plat, or the subdivider may post a performance guarantee pursuant to Section 41.00 of these regulations. All improvements shall be subject to inspection by the County Inspector and subject to final approval by the Perry County Engineer.

Section 61.00 Conformity with Plans/Suitability

61.05 Conformity with Official Plans and Zoning

The arrangements, character, width, and location of all thoroughfares or extensions thereof shall conform with both the county and township's comprehensive plan, any city or village comprehensive plan (when exercising extraterritorial jurisdiction of lands outside of its corporate limits, the county's Official Thoroughfare Plan, and any other plans and policies adopted by the PCPC. In townships where zoning has been adopted, all subdivisions must conform to the current zoning resolution and any other rules and regulations adopted by the township. Where regulations overlap, the more restrictive standards shall control.

61.10 Suitability of Land and Public Facilities

If the PCPC 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 PCPC 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 62.00 Lots

Lots within subdivisions shall conform to the following standards:

- A. The lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to the topography and the character of the surrounding development.
- B. All lots shall conform or exceed the requirements of these regulations and any applicable zoning requirements for width, area and frontage.
- C. Each lot shall front on, be contiguous to, or border on a public or approved private street. A lot's frontage is the lot width measured at the setback line.
- D. All side lot lines shall be at right angles to straight street lines and radial to curved street lines except where a variation to this rule will provide a better street and lot layout.
- E. No lot shall have a depth which is more than three (3) times its width.

- F. Lots intended for purposes other than residential use shall be specifically designated for such purposes, and shall have adequate provision for off-street parking, setbacks, and loading/unloading areas.
- G. No lot shall have less area or frontage than is required by any zoning regulations applying to the area in which it is located. If no zoning is in effect, the following minimum lot frontage and areas shall be met.

Development	Public Sewer Available	Public Sewer Unavailable
Single Family	Frontage: 80 ft. Area: 14,000 sq. ft.	Frontage: 150 ft. Area: 43,560 sq. ft. (1 ac.)
Two Family Multi-Family	Frontage: 80 ft. Area: 30,000 sq. ft.	Frontage: 200 ft. Area: 65,340 sq. ft. (1.5 ac.)
Commercial Industrial	Frontage: 80 ft. Area: 20,000 sq. ft.	Frontage: 200 ft. Area: 65,340 sq. ft. (1.5 ac.)

- H. Where a subdivision is not under zoning control and is to be used for residential purposes, the subdivider shall establish setback lines in accordance with the character of the development. The setback line shall be 100 feet from the centerline of state and federal routes, 75 feet from the centerline of county and township roads, and 100 feet radius measured from the center of the road extended for all cul-de-sacs. Road frontage shall be measured at the front lot line.
- I. In cases of unusual soil conditions or other physical factors which may impair the health and safety of the neighborhood in which a subdivision may be located, the Planning Commission may require larger lot widths and lot areas as deemed necessary.
- J. Radial lots shall be utilized at the end of all cul-de-sacs whenever possible. Radial lots shall have a minimum 60 feet road frontage.
- K. Flag Lots – Flag lots shall be allowed where necessary at the end of a cul-de-sac and may be permitted in other instances with a variance from the PCPC where topographic conditions warrant. Flag lots must have a minimum 60 feet of road frontage, must meet the depth to width ratio as specified in this section for the “body” of the lot, and meet the minimum lot areas as specified in this section.

Section 63.00 Blocks

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

- A. Block lengths shall not exceed 1,500 feet and shall normally be sufficient to provide for two rows of lots with allowances for required easements.
- B. Blocks intended for commercial and industrial subdivisions shall be designed specifically for such purposes and shall include adequate provisions for parking, loading, and delivery services.
- C. Blocks shall be as large as is practical within the specified maximum length so as to provide the most efficient utilization of the land, economy of construction, the maintenance of the streets and utilities, and the reduction of intersectional hazards.
- D. Irregularly shaped blocks, indented by cul-de-sac or loop roads and containing interior parks or playgrounds, may be approved by the Planning Commission if properly designed and located.

Section 64.00 Streets

64.05 General Design Standards

Subdivision proposals shall be in conformance with the following standards:

- a. No Subdivision shall be approved unless the area to be subdivided has frontage on, and/or access from, an existing state, county, or township 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.
- b. 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.
- c. 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.
- d. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established on the local and/or county comprehensive plans and the thoroughfare plans.
- e. 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. 41.29).
- f. 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 PCPC, 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.
- g. Proposed streets shall intersect one another at nearly 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 these regulations.
- h. 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.
- i. A cul-de-sac shall be provided at all dead-end roads where two or more lots face such dead-end roads or where the road is more than 250 feet in length.
- j. Except where justified by extreme conditions, alleys will not be approved in residential subdivisions.
- k. Wherever there exists a dedicated or platted half-street adjacent to the tract to be subdivided, the other half shall be platted. The dedication of new half-streets shall not be permitted.

- l. Easements or reserve strips controlling access to streets shall be prohibited except where deemed necessary by the Planning Commission and where their control is definitely placed with the County.
- m. Permanent dead-end streets shall not be permitted. Temporary dead-end streets shall be permitted only as a segment of a continuing street plan subject to extension into undeveloped acreage. Temporary dead-end streets shall extend to the boundary of such undeveloped acreage and shall be provided with an interim turnaround satisfactory to the Planning Commission in design. The Planning Commission shall reserve the right to limit such a dead-end street based on principles of proper planning, and the Planning Commission may require a street to extend to the boundary between a proposed subdivision and the undeveloped acreage to provide for future development.
- n. Private streets may be allowed provided such streets are constructed to the standards of a similarly classified public road as required herein, and the maintenance of such streets is assured through the creation of a homeowners association or other similar arrangement.
- o. Names of streets shall not duplicate nor be confusingly similar to the name of any other street in Perry County. New streets which are extensions of, or in alignment with, existing streets shall bear the name of the existing streets.
- p. Greater right-of-ways and pavement widths may be required due to high slopes or other natural features.

64.10 Street Classifications

- a. Proposed streets shall be designed according to the following classifications: **Local, Subcollector, Collector, and Arterial**. Existing street classifications are listed in *Appendix IV – Street Classifications*. The Planning Commission may change street classifications for proposed streets based on anticipated future development of adjacent parcels of undeveloped land, especially where a street stub or right-of-way extends to such adjacent property.
- b. The classification of a new street or streets that do not appear in Appendix IV will be designated by the PCPC when a new subdivision (major or minor) is proposed on or adjacent to that street. Where the number of residential dwellings to be developed, including the 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 collector shall be required and the site must have at least two accesses or future reserves to create a second access. Calculations for the developable adjacent tracts should be made with densities equal to the proposed site unless otherwise instructed by the PCPC. This total will be halved if the parcel has its own road frontage.
- c. The design and improvement standards contained herein are minimums for all street types in major subdivisions unless otherwise noted. All streets shall be designed and constructed in accordance with the standards specified in the following tables.

64.15 Design Standards for Local Streets

Local Street ~ A local 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.

DESIGN ELEMENTS FOR LOCAL STREETS (25 mph Design Speed)	DIMENSIONS IN FEET OR PERCENT
Minimum Right-of-Way: Curb & Gutter	60'
Uncurbed	60'
Minimum Pavement Width: Curb & Gutter	28'
Uncurbed, with 4 foot shoulder each side (shoulder between pavement and drainage ditch)	20'
Maximum Grade	10%
Maximum Grade within 50 feet on an Intersection	5%
Minimum Grade	0.5%
Minimum Radius of Centerline	150'
Minimum Tangent Length Between Reverse Curves	50'
Minimum Curb Radii	25'
Minimum Sidewalk Width (when required)	4'
Minimum Grassed Area Between Sidewalk and Curb	4'

NOTE: Hillside lots with grades of more than 15 percent (15%) are subject to exceptions. The necessity of guard rail, seeding, back fill, or other special provisions, shall be determined by the Perry County Engineer.

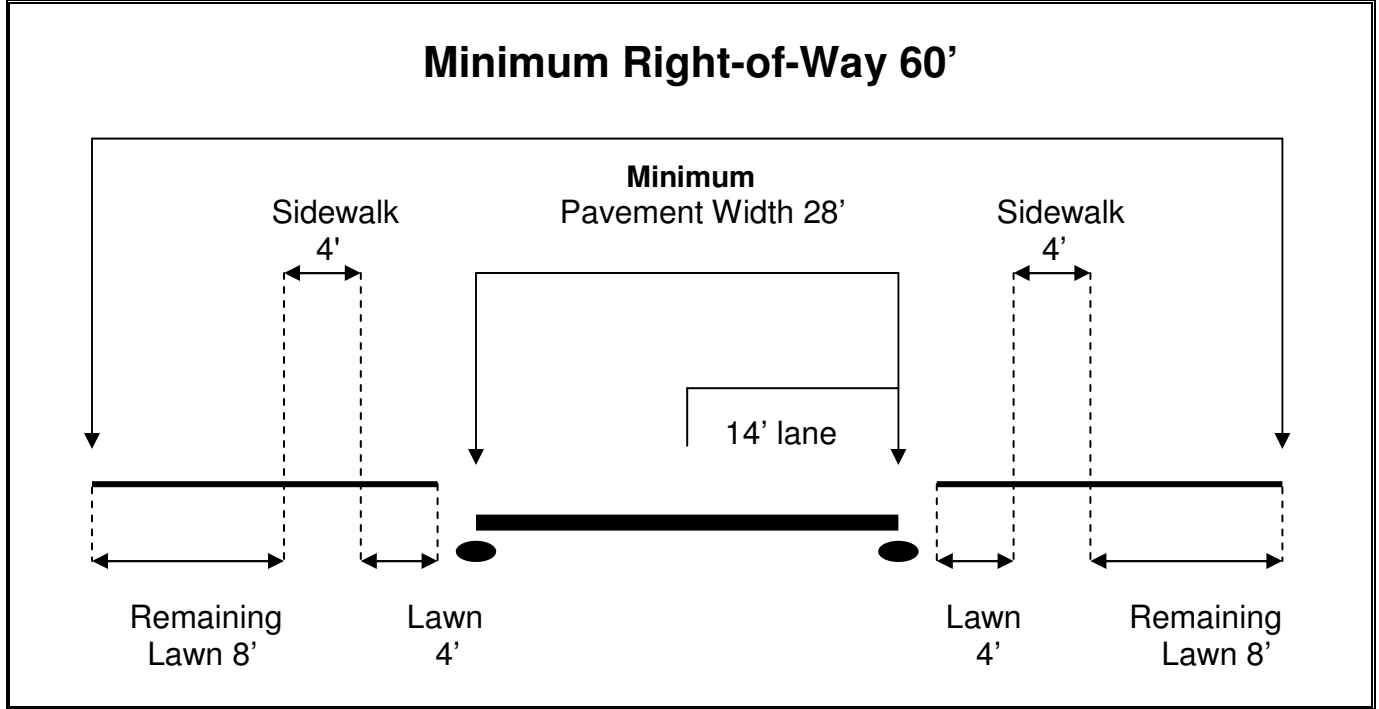
Cul-de-Sac ~ A local street that has a single means of ingress and egress and terminates in a vehicular turnaround is a cul-de-sac. Lengths of cul-de-sacs are limited to minimize backup time for large service and emergency vehicles unable to use the turnaround, to minimize mistaking cul-de-sacs with 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. The maximum length of cul-de-sac street is 1,000 ft, and are intended to serve under 25 lots. Cul-de-sacs in a commercial or industrial zoning district may be required to meet additional width and right-of-way requirements.

DESIGN ELEMENTS FOR CUL-DE-SACS (25 mph Design Speed)	DIMENSIONS IN FEET OR PERCENT
Minimum Cul-de-sac Bulb*	
Right-of-Way	60' radius *
Pavement Width with Curbs & Gutters	44' radius *
Pavement Width Uncurbed ¹	44' radius *

* This minimum requirement shall be increased upon the request of local trustees, fire district, or school district.

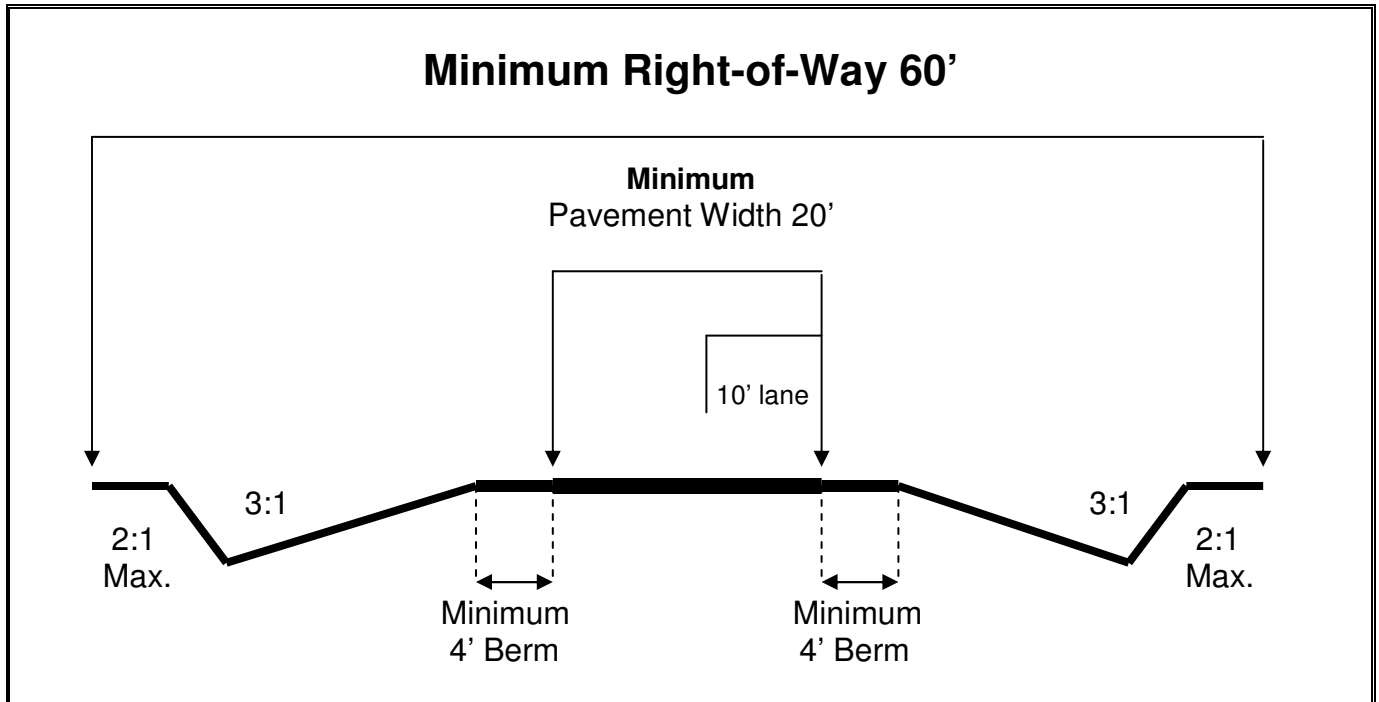
LOCAL STREET, Curbs & Gutters

Cross Section of Local Street OR Cul-de-sac with Curbs and Gutters



Local Street, Ditches

Cross Section of Cul-de-sac or Local Street with Ditches



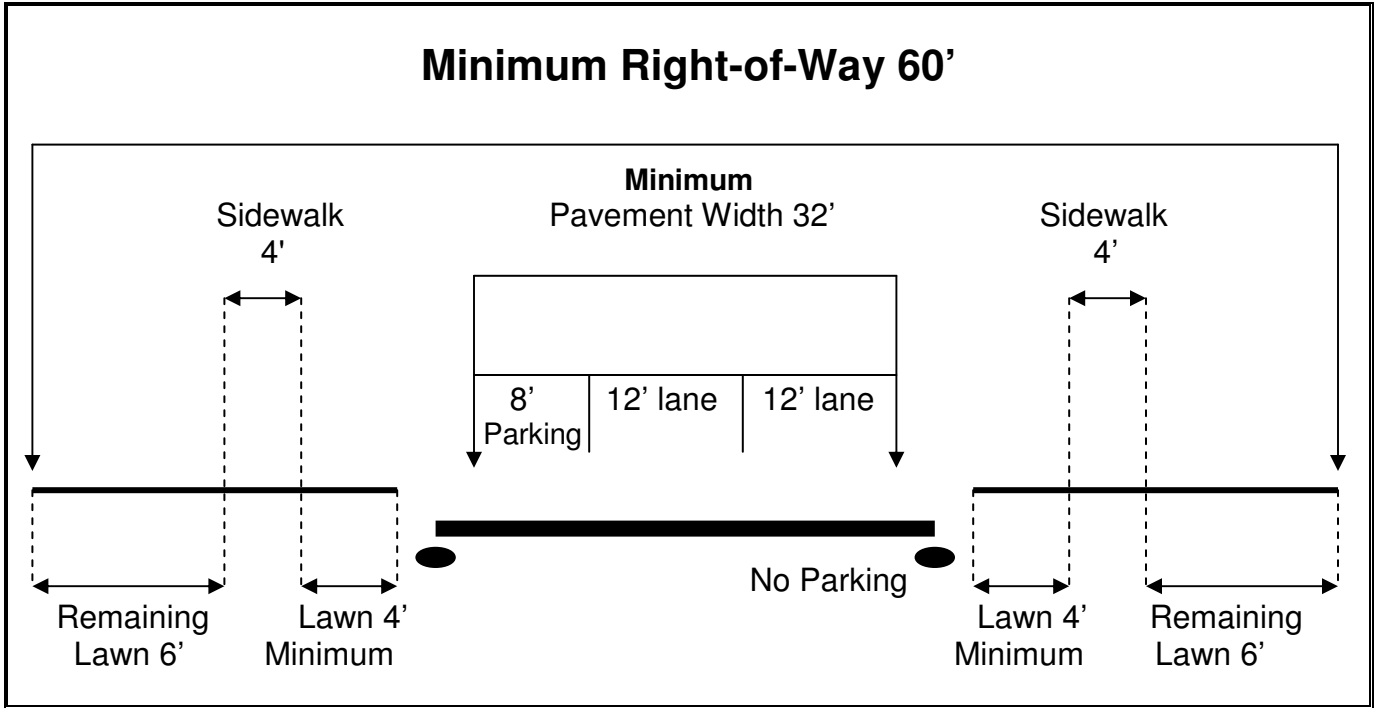
64.20 Subcollectors

A subcollector is designed to provide access to adjoining property and carry traffic from local and cul-de-sac streets to higher order collectors and arterials. Typically, subcollectors should be provided when residential subdivisions exceed 100 single family dwellings or as the lowest order street in commercial zoning districts (This includes future phases of the development and adjacent land to which access may be provided).

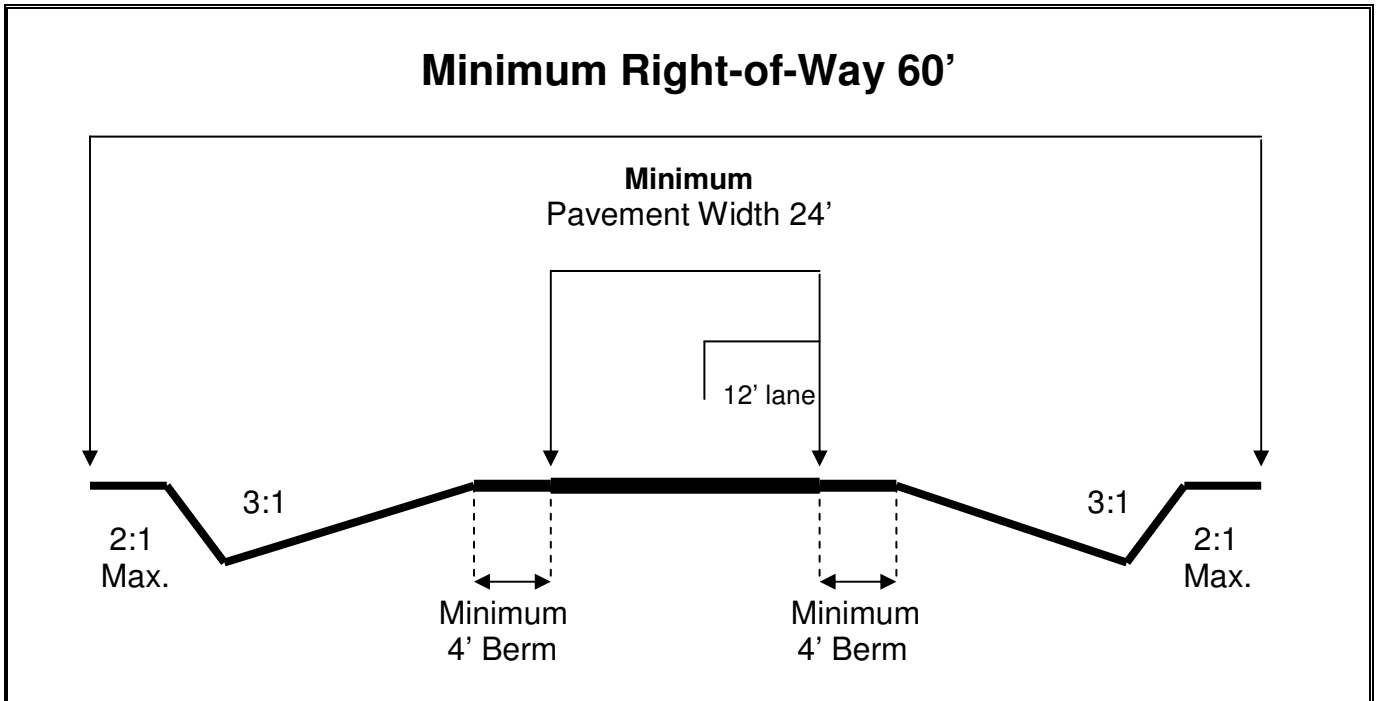
DESIGN ELEMENTS FOR SUBCOLLECTORS (35 mph Design Speed)	DIMENSIONS IN FEET OR PERCENT
Minimum Right-of-Way: Curb & Gutter Uncurbed	60' 60'
Minimum Pavement Width: Curb & Gutter Uncurbed, with 4 foot shoulder on each side (shoulder between pavement and drainage ditch)	32' 24'
Maximum Grade	10%
Maximum Grade within 50 feet on an Intersection	5%
Minimum Grade	0.5%
Minimum Radius of Centerline	200'
Minimum Tangent Length Between Reverse Curves	100'
Minimum Curb Radii	30'
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. The necessity of guard rail, seeding, back fill, or other special provisions, shall be determined by the Perry County Engineer.

SUBCOLLECTOR, Curbs & Gutters
 Cross Section of Subcollector with
 Curbs and Gutters



SUBCOLLECTOR, Ditches
 Cross Section of Subcollector with Ditches



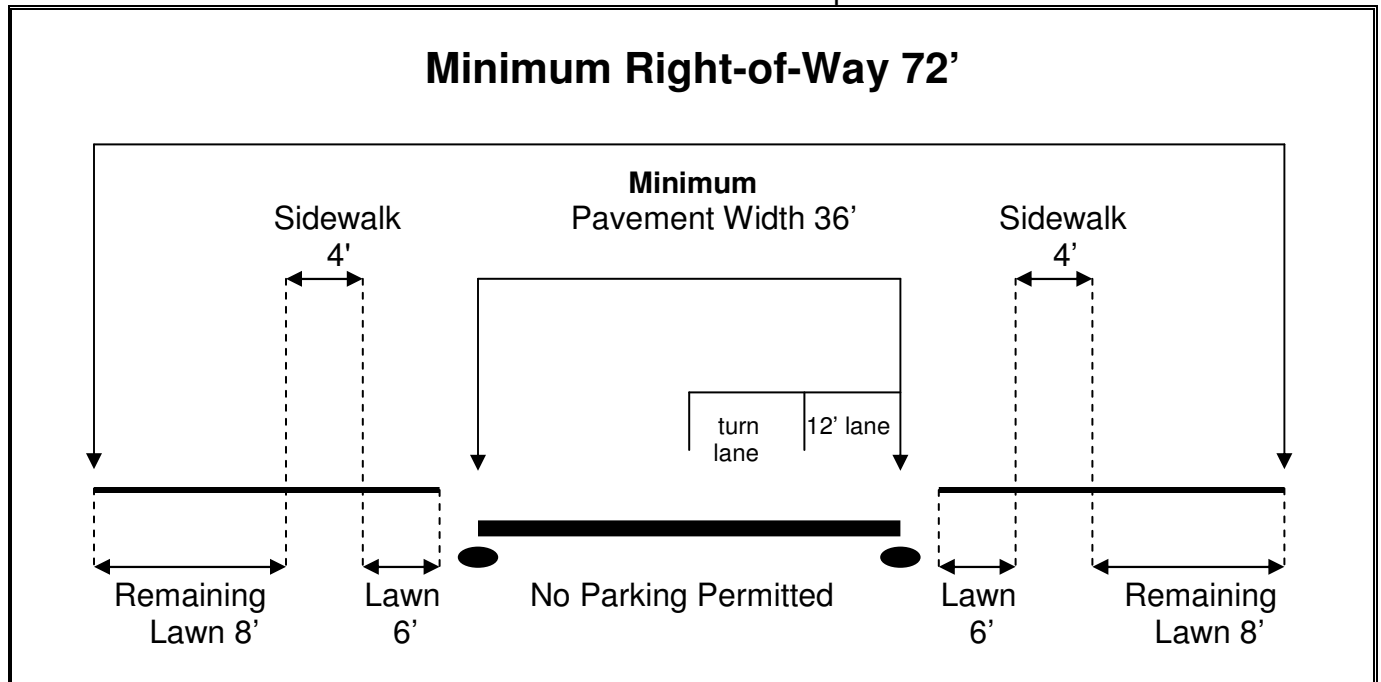
64.25 Collectors

A collector roadway distributes traffic from lower order local and subcollector streets to 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. A collector adds a middle turn lane.

DESIGN ELEMENTS FOR COLLECTORS (35-45 mph Design Speed)	DIMENSIONS IN FEET OR PERCENT
Minimum Right-of-Way: Curb & Gutter Required	72'
Minimum Pavement Width: Curb & Gutter Required <i>*No Parking Permitted*</i>	36'
Maximum Grade	7%
Maximum Grade within 50 feet on an Intersection	3%
Minimum Grade	0.5%
Minimum Radius of Centerline	575'
Minimum Tangent Length Between Reverse Curves	250'
Minimum Curb Radii	35'
Minimum Sidewalk Width (when required)	4'
Minimum Grassed Area Between Sidewalk and Curb	6'

NOTE: Hillside lots with grades of more than 15 percent (15%) are subject to exceptions. The necessity of guard rail, seeding, back fill, or other special provisions, shall be determined by the Perry County Engineer.

COLLECTOR, Minimums
Cross Section of Collector Minimum Requirements



64.30 Arterials

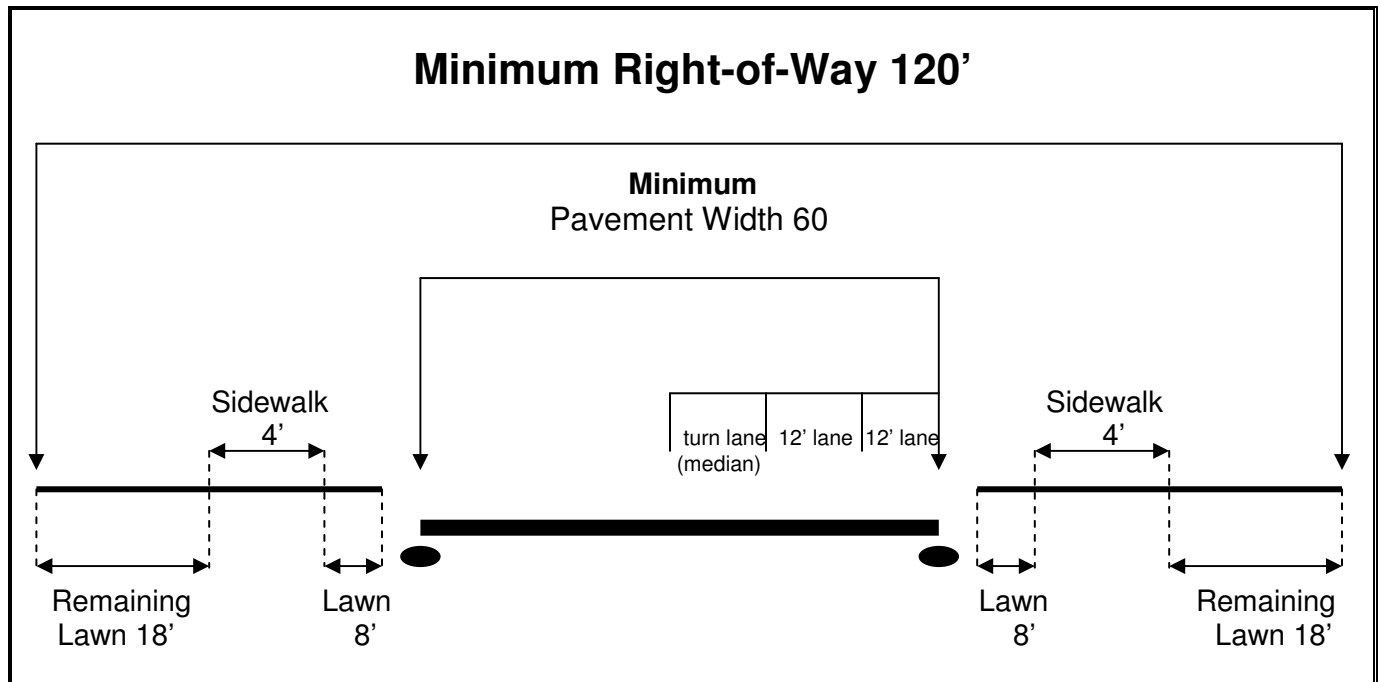
This roadway is a thoroughfare designed for high volumes of traffic at high speed. Arterials shall consist of a minimum of 4 lanes with a median, and intersections and direct driveway accesses shall be minimized.

DESIGN ELEMENTS FOR ARTERIALS (55 mph Design Speed, Over 3,000 ADT)	DIMENSIONS IN FEET OR PERCENT
Minimum Right-of-Way:	120'
Minimum Pavement Width: <i>*No Parking Permitted*</i>	48', excluding median
Maximum Grade	5%
Maximum Grade within 50 feet on an Intersection	3%
Minimum Grade	0.5%
Minimum Radius of Centerline	575'
Minimum Tangent Length Between Reverse Curves	250'
Minimum Curb Radii	35'
Minimum Sidewalk Width (when required)	4'
Minimum Grassed Area Between Sidewalk and Curb	8'

NOTE: Hillside lots with grades of more than 15 percent (15%) are subject to exceptions. The necessity of guard rail, seeding, back fill, or other special provisions, shall be determined by the Perry County Engineer.

ARTERIAL, Center Turn Lane

Cross Section of Arterial with Center Lane for Left Turns



64.35 Street Construction and Pavement Design

- a. New streets without curbs or curbs and gutters shall be properly installed by the subdivider subject to approval of the Perry County Engineer and shall be subject to the following minimum standards:
 1. Roadway Base: The roadway base shall consist of six (6) inches of B-19 aggregate or bank run gravel base compacted in two-three inch courses. The roadway shall be trenched to a depth of six inches to provide for the course. If bank run gravel is used, it shall be subject to the approval of the County Engineer.
 2. Roadway Crown: Roadway Crown shall be three (3) inches from center line to shoulder – No. 46 stone.
 3. Coating: A primer or tack coat of bituminous oil, of a minimum of .35 gallons per square yard. This prime shall be allowed to cure for at least five (5) days before application of double-seal coat of .30 gallons of MC-4, MC-5, RS-2 or other approved bituminous seal. Each application shall be covered with thirty (30) pounds of No. 6 crushed limestone or equal for each course per square yard.
- b. The pavement design for new streets with curbs or curbs and gutters shall be subject to approval by the Perry County Engineer. All streets with curbs or curbs and gutters shall have an asphalt or concrete surface.

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 County Inspector. When 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 County Inspector while same is being accomplished.

64.40 Curbs, Curbs and Gutters

The requirement for curbs and gutters will vary according to the character of the area and the density of development. In areas of notable flash flooding or heavy rain run-off, curbs shall be required to channel the flow of water. Curbs shall be required on all streets designed for areas where the existing or anticipated residential density of the area surrounding the proposed subdivision equals or exceeds (3) dwelling units per net acre. In commercial developments, or where other similar intensive urban uses exist or are anticipated, curbs shall be required. Where curbs exist on abutting properties, their extension shall be required throughout the proposed subdivision. Curbs, combined curbs and gutters, shall be constructed in conformance with the current volume of "Construction Material Specifications" and standard drawings of the Ohio Department of Transportation.

64.45 Ditches

Roadside ditches must be designed to contain the 10-year storm and side slopes must be no less than 2 1/2 to 1. Measures for side slope protection and stabilization shall be reflected in the Improvement Plans.

64.50 Intersections

- a. Proposed streets shall intersect one another as nearly at right angles as topography or other limiting factors will permit.

- b. No intersection of streets at angles less than 60 degrees shall be approved unless justified by extreme topographical conditions. In such a case, special provisions as deemed necessary by the Planning Commission shall be made in designing the intersection to afford a satisfactory sight distance of approaching vehicles from each intersecting street.
- c. Residential street intersection shall be rounded with a thirty foot radius measured at the back of curbs, if such intersections occur at right angles.
- d. Proposed new intersections, or subdivision entrances along one side of an existing street shall, whenever practicable, coincide and align with any existing street. Street jogs with centerline offsets of less than 175 feet for local and subcollector streets, 250 feet for collector streets, and 300 feet for arterial streets shall not be permitted.
- e. Intersections shall have the following minimum stopping sight distances:

Design Speed of Road Intersected	Min. Stopping Sight Distance
55 MPH	550 ft.
50 MPH	450 ft.
45 MPH	400 ft.
40 MPH	325 ft.
35 MPH	250 ft.
25 MPH	175 ft.

- f. Access for proposed roads intersecting with state or federal routes must be approved by the Ohio Department of Transportation in accordance with the current edition of the *State Highway Access Management Manual*. Any conditions of approval of the ODOT access permit (i.e. the addition of right and left turn lanes) shall be incorporated into the subdivision proposal prior to approval.

64.55 Street Name Signs, Traffic Signs

Street name signs and traffic signs (STOP, SPEED LIMIT, STOP AHEAD, etc.) shall be erected by the subdivider at all intersections at their expense. If the developer wishes, the signs can be erected by the county or township with their written consent, but the total cost will be charged to the developer.

Section 65.00 Driveways

The following standards shall govern the installation of all driveways:

- A. Pipe for drives shall be laid in line and grade of the adjacent roadside ditch and shall be at least twenty (20) feet long and no less than twelve inches in diameter.
- B. Curb cuts of straight curbs and the frame of rolled curbs shall be a minimum of five (5) feet wider than the driveway pavement on each side.
- C. All material, labor, and equipment necessary for construction and proper maintenance of approaches, driveways, and enclosure of roadside ditches shall be furnished by property owner at his/her expense.
- D. Commercial and industrial drives shall be designed and installed as detailed in the "Driveway Access Manual" prepared by the Ohio Department of Transportation.

Section 66.00 Right of Way (R.O.W.) Requirements

The necessary rights-of-way for widening or extension of all existing or proposed new street(s) shall be dedicated. The width shall be in accordance with the classification of the proposed street(s).

When a subdivision involves land fronting on an existing public road, and when additional right-of-way is required for the street to meet its classification, the subdivider shall dedicate to the county one-half of the additional right-of-way as required (*see Appendix IV: Road Classifications*).

Section 67.00 Easements

67.10 Utility Easements

All utility easements shall be a minimum of ten (10) feet in width. Where utilities are located outside street right-of-way lines, easements at least ten (10) feet in width centered along rear or side lot lines shall be provided. Where necessary, easements of greater width may be required by the Planning Commission.

67.20 Watercourse Easements

Easements ten (10) feet wide from the top of bank shall be provided along each side of every watercourse, drainage channel, or ditch (*See Section 69.00*). Restrictions pertaining to a watercourse easement shall be shown on the final plat per Appendix IIIc of these regulations.

67.30 Easements of Access

Easements of access not permitted in lieu of required road frontage for lots under these regulations. However, in very limited circumstances, the PCPC may grant a variance to allow an easement of access for a new lot. Such circumstances may include:

- a. When an original tract has limited or no road frontage (such as a farm parcel) and one split is requested.

Easements of access shall be 60 feet wide and the plat of all subdivisions having easements of access shall have the plat recorded with the deed. Deeds of all properties in which such easement is being established shall contain the deed restriction language found in Appendix IIIb of these regulations. These standards do not apply when an easement of access is being established on a lot that has the required amount of road frontage but wishes to create another access point.

Section 68.00 Fire Protection

Fire hydrants with 2 ½ 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. Hydrants shall also be required at the entrance and end of all cul-de-sacs exceeding 400 feet in length and shall be spaced no more than 400 feet apart. Where a water and sewer district has authority over the public water supplies, those standards for fire hydrants set forth by the water and sewer district shall apply.

The type of hydrant and control valves as well as the location of the hydrant shall be approved by the local fire department. The minimum size of any water line serving any hydrant shall not be less than six inches in diameter and should be a looped water line.

Section 69.00 Drainage and Storm Water Management

A drainage system adequate to serve the needs of all proposed new streets and the entire subdivision will be required in new subdivisions and shall be approved by the Planning Commission. A stormwater management plan shall be reflected on the Improvement Plans and submitted with all major subdivisions for PCPC approval. The PCPC shall request a review of the plan by the Perry Soil and Water Conservation District.

Storm water management facilities may include the following:

- Surface and subsurface drainage systems.
- Storm sewers and tile systems.
- Storm water runoff control structures.
- Open ditches and diversion channels.
- Detention Ponds

Other stormwater considerations include:

- A. Access to stormwater management facilities shall be by means of easement. Such easements along existing open ditches, and existing or proposed surface drains, or diversion channel shall not be less than ten (10) feet along each side of the ditch drain or channel measured from the top of the back of the open ditch or channel.
- B. Adequate measures for the protection of open and closed drainage channels shall be provided. Easements for storm sewers and tile systems shall be a minimum of ten (10) feet in width centered on the centerline of the storm sewer or tile drain.
- C. The preferred runoff pattern shall be towards the street. The design of streets and grading shall be such that runoff from roofs, driveways, and other impervious surfaces will be collected in ditches and/or gutters. The runoff shall then be diverted from the surface into storm sewers or the natural water course. Streets shall be located away from water courses unless storm sewers are to be installed.
- D. Property lines should be so designed as to follow drainage easements, as closely as possible.
- E. No watercourse shall be altered in such a way as to change the amount or direction of flow; no fill, building, or structures shall be situated in natural watercourses unless the requirements of the Perry County Flood Damage Prevention Regulations have been met, and provisions are made for the flow of water in a manner satisfactory to the Planning Commission.

Section 70.00 Erosion and Sediment Control

In the development of a subdivision, the developer shall not create a situation where the erosion of soil may impair a public or private surface ditch, stream, or river; nor shall excessive amounts of sediment be deposited onto an adjoining property. Adequate controls of erosion and sedimentation of both a temporary and permanent nature shall be provided during all phases of

clearing, grading and construction to conserve soil resources and to insure no significant change in water quality.

In the event that any developer shall intend to make changes in the contour of the land to a degree that erosion and sedimentation may occur, the developer shall show erosion control measures and any calculations on Improvement Plans submitted to the PCPC for approval. The PCPC shall request review of the erosion control measures by the Perry County Soil and Water Conservation District. Failure to employ the recommended practices is cause to restrain the developer from future work until he complies with the recommendations. Withholding of performance bond payments for work completed may result.

Section 71.00 Water Supply

The following requirements shall govern water supply improvements:

- A. Where public water supply is reasonably accessible or required because of pollution problems, in the determination of the Planning Commission, the subdivider shall provide a complete water distribution system, including water lines, a connection for each lot and fire hydrants. The subdivider may be required to extend water lined off-site. Public water distribution and public well systems shall meet the requirements of the Ohio Environmental Protection Agency, the Perry County Department of Health and the political subdivision having jurisdiction.
- B. Where public water supply is not available or not required, the subdivider may be required, upon request of the PCPC or PCPC staff, to supply acceptable evidence of the availability of water. Acceptable evidence may include copies of well logs obtained by the Ohio Department of Natural Resources, Division of Water, or, the subdivider may be required to make one (1) or more well tests in the area if such evidence is deemed not acceptable.
- C. Individual private wells shall be permitted by the Perry County Health Department and meet the standards of the Ohio Department of Health.

Section 72.00 Sewage Disposal

The following requirements shall govern sanitary sewer improvements:

- A. Where an adequate public sanitary sewer system is reasonably accessible, in the determination of the Planning Commission, public sanitary sewers shall be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the Ohio Environmental Protection Agency, the Perry County Sanitary Engineer, and the political subdivision having jurisdiction. Combinations of sanitary sewers and storm sewers shall be prohibited.
- B. Where a public sanitary sewer system is not accessible, the subdivider may propose:
 - 1. Lots which may be served by individual sewage disposal systems.
 - 2. Lots served by a central sewerage disposal system. Such sewage systems must be installed in accordance with the requirements of the Ohio Environmental Protection Agency, the Perry County Health Department and the Perry County Sanitary Engineer. The design of such system shall be approved by the appropriate authorities prior to PCPC approval of the subdivision. The PCPC, at its discretion and upon consultation with the Ohio Environmental Protection Agency, may require the subdivider to install a central sewage treatment system.

- C. Where the installation of individual disposal systems is considered, the suitability of the soil for individual systems, the absorptive ability of the soil, surface drainage, ground water level, and topography shall be the criteria for determining whether or not the installation of individual systems is permissible. A site evaluation shall be made for each lot area being platted, and each test shall be located in close proximity to the proposed individual sewage disposal unit. **All site evaluations shall be preformed in accordance with the requirements of the Perry County Health Department.** Each lot so served shall be of adequate size and shape to accommodate a private sewage disposal system.
- D. Proposed commercial and industrial developments shall have a sewage disposal system design approved by the Ohio Environmental Protection Agency prior to approval of the subdivision by the PCPC.

Section 73.00 Bridges and Culverts

Where natural drainage channels intersect any street right-of-way, it shall be the responsibility of the subdivider to have satisfactory bridges and/or culverts constructed. All bridges and culverts shall be designed according to Ohio Department of Transportation design standards and/or as authorized by the Perry County Engineer. Driveway culverts shall have a minimum length of twenty (20) feet, and a minimum diameter of twelve (12) inches. The driveway culverts shall be laid so as to maintain the flow lines of the ditch or gutter (*see Section 65.00*).

Section 74.00 Monuments

Permanent marks 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 (4) permanent markers in each plat of ten (10) lots or less and in plats having more than ten (10) lots as many additional permanent markers as the surveyor deems necessary to property 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 Perry County Engineer. When all or part of a subdivision is located within a floodplain, the developer shall direct and cause the surveyor to place and set at least one (1) benchmark tied to U.S.G.S. elevation data.

Section 75.00 Sidewalks

Concrete sidewalks shall be required on at least one side of residential streets where:

1. The density exceeds three (3) families per acre; or
2. In all subdivisions having public sewers; or
3. In other instances the Planning Commission may require such sidewalks as it deems necessary to provide for the safety of pedestrians in walking to schools, recreation areas, commercial centers or other similar generators of pedestrian traffic.

Sidewalks shall be of concrete construction with a minimum four (4) foot width and a minimum four (4) inch thickness.

Section 76.00 Public Sites, Open Spaces, and Natural Features

- A. Where a park, playground, school, public access to water frontage, or other public uses, which are contained within the comprehensive plan are located in whole or in part in a proposed subdivision, the Planning Commission may request the dedication of such area

within the subdivision, or a provision may be made for the acquisition of such area by the proper agency within a period of two (2) years or other mutually acceptable period.

- B. The Planning Commission may require up to ten percent (10%) of a subdivision, exclusive of streets, to be dedicated for recreational purposes. Such requirement shall depend upon the size of the proposed subdivision, the density of population, the location of subdivision in relation to existing public open spaces, and other similar determining factors.
- C. Where a large scale subdivision or planned unit development is proposed, the Planning Commission may require that consideration be given to sites for schools, parks, playgrounds, and other such areas for common use and the provision may be made for such reservation or acquisition by the proper agency.
- D. The Planning Commission reserves the right to deny approval of a subdivision that disregards the preservation of natural features which add value to residential development and community, such as wooded areas, water courses, beaches, areas of natural or historical significance, and similar irreplaceable assets as determined by the appropriate federal, state and county agencies.

ARTICLE 7: ENACTMENT

These regulations shall become effective thirty days from and after the date of their approval and adoption by the PCPC and Board of County Commissioners after a public hearing and certification to the Perry County Recorder. Henceforth, any other regulations shall in no way affect any subdivision having received preliminary approval prior to the effective date provided that no changes to the preliminary plan, as approved are introduced by the subdivider.

PCPC Public Hearing Date: October 28, 1999

County Commissioner’s Public Hearing Date: November 18, 1999

Adopted: November 18, 1999

Effective Date: December 18, 1999

President, Board of County Commissioners

Chairman, Perry County Planning Commission

Attest: _____
County Clerk

These regulations were certified to the Perry County Recorder on: _____
Date

APPENDIX I: SCHEDULE OF FEES

SUBDIVISION FEE SCHEDULE

APPLICATION TYPE	FEE
MINOR SUBDIVISION (LOT SPLIT)	\$200.00 per split
MAJOR SUBDIVISION PRELIMINARY PLAN REVIEW	\$50.00 per split
MAJOR SUBDIVISION FINAL PLAT REVIEW	\$150.00 per split
SUBDIVISION INSPECTION FEE	\$30.00 per inspection
VARIANCE REQUEST	\$25.00 for each application

COPY OF SUBDIVISION REGULATIONS \$5.00

APPENDIX II: REQUIRED STATEMENTS AND SIGNATURES TO BE AFFIXED TO PLAT

Situated in Section _____, Township _____, Range _____, Perry County, Ohio. Containing _____ acres and being the same tract as conveyed to _____ and described in the deed recorded in Deed Book Perry 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 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 Perry County, 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 _____, _____.

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 PERRY:
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 _____, _____.

By: _____
My Commission Expires: _____

Township Zoning Approval this _____ day of _____, _____.

Township Clerk or Zoning Inspector

Approved this _____ day of _____, _____.

Perry County Engineer

(Note: One or more of the next two must be on the plat, depending on the jurisdiction of the site: Perry County Board of Health, and Perry County Sanitary Engineer. If public water and sewer are to be used at the time of development, the plat need not be signed by the County Board of Health.)

Approved this _____ day of _____, _____.

Perry County Health Commissioner

Approved this _____ day of _____, _____.

Perry County Sanitary Engineer

Approved this _____ day of _____, _____.

Perry County Planning Commission

Approved this _____ day of _____, _____.

PERRY COUNTY COMMISSIONERS

(NOTE: Approval of this plat by the Perry County Commissioners does not constitute an acceptance of the dedication of any public street, road, or highway dedicated on such a plat, Section 711.04 and 711.041 of the *Ohio Revised Code*).

Transferred this _____ day of _____, _____.

Perry County Auditor

File for record this _____ day of _____, _____, at _____ (AM ~ PM).

Recorded this _____ day of _____, _____, in Plat Book _____,
page number _____.

Perry County Recorder

APPENDIX III: SAMPLE EASEMENTS AND AGREEMENTS

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 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.

EASEMENT OF ACCESS

The following language must be included on all deeds under the heading "Easement of Access":

1. No structure of any kind shall be erected within the easement of access.
2. A lane twelve (12) feet wide with a surface suitable of supporting emergency vehicles shall be maintained throughout the easement of access by the property owner.
3. Every owner of property along the easement of access shall maintain the portion of said easement in his/her property, including the lane. The lane shall be kept free of debris and obstruction to allow the passage of emergency vehicles. Perry County shall be free of any responsibility toward maintaining said easement.
4. The easement of access shall be for ingress and egress of abutting property owners only.
5. These restrictions shall run with the land and shall bind the owner, his/her successors and assigns unless a modification or change thereto is agreed to and approved by the Perry County Planning Commission.
6. Said restrictions and agreements may be enforced by Perry County and its successors and assigns upon and its successors and assigns upon violation of said restrictions. The failure of said County to take prompt action by injunction or otherwise with regard to a violation of any of these restrictions and agreements shall not be deemed a waiver of the County's right to take action for said violation.

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, not shall s/he, 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 Perry County Engineer's Office or the Perry County Floodplain Administrator.
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 County 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 Perry County.
5. Said restrictions and agreements may be enforced by Perry County and its successors and assigns, and are for the benefit of said County 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 County 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 (county) rights to take action for said violation or any further violation of any said restrictions and agreements.

APPENDIX IV: COUNTY ROAD CLASSIFICATIONS

(Reserved for Future Use)

APPENDIX V: FORMS