

**SUBDIVISION REGULATIONS,
LAND DIVISION REGULATIONS,
CONGESTION PREVENTION REGULATIONS, AND
THOROUGHFARE PLAN ADDENDUM**

For
VILLAGE OF BUCKEYE LAKE, OHIO



**LICKING
COUNTY PLANNING COMMISSION**

SUBDIVISION & SITE REVIEW REGULATIONS

LICKING COUNTY, OHIO

Original Adoption –

PREAMBLE

A Ordinance of Village of Buckeye Lake, Ohio, enacted in accordance with Chapter 711 and Chapter 713 of the Ohio Revised Code, and for the purpose of protecting the public health, safety, comfort, convenience and general welfare; regulating the development and division of land; promoting the proper arrangement of streets and layout of lots; providing for adequate and convenient provisions of open spaces for traffic, circulation, utilities, recreation, and access to service and emergency vehicles; providing for adequate provision of water, drainage, sewer, and other sanitary facilities; providing for the administration of these regulations and defining the powers and duties of the administrative officers; and prescribing penalties for the violation of the provisions in this resolution and to any amendment. Let it be resolved by the Village of Buckeye Lake Council of Licking County, State of Ohio.

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ARTICLE 1
TITLE, PURPOSE, & JURISDICTION

Section 10.00 Title

These regulations shall be known and may be cited and referred to as the "Subdivision Regulations for Village of Buckeye Lake, Ohio," and shall be referred to as "these regulations," herein.

Section 11.00 Purpose

The purpose of these regulations are to provide for the harmonious development of the county by:

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

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

Section 12.00 Authority

The *Ohio Revised Code*, Section 711.001 et. seq., enables the Village of Buckeye Lake and the Buckeye Lake Planning Commission to adopt regulations governing plats and subdivisions of land within their jurisdiction.

Section 13.00 Administration

These regulations shall be administered by the Village of Buckeye Lake Planning Commission and the Licking County Planning Commission, herein referred to as the "LCPC".

Section 14.00 Jurisdiction

These regulations shall apply to all subdivisions made of lands, including those by deeds and land contracts, and/or leases resulting in the creation of a lot located in the incorporated areas of the Village of Buckeye Lake. The regulations shall also apply to subdivisions with private streets, planned unit developments, commercial developments, and industrial parks, as well as any development that requires change in the type or amount of access to the public roadways and right-of-ways.

Section 15.00 Relation to Other Laws

The provisions of these regulations shall supplement any and all laws of the State of Ohio, ordinances of Licking County or any and all rules and regulations promulgated by authority of such law and/or ordinance or resolution relating to the purpose and scope of these regulations. Whenever the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions conflict with these regulations, the most restrictive or the one imposing the higher standard(s) shall govern. A zoning ordinance of the Village of Buckeye Lake under the provisions of Section 713, of the *Ohio Revised Code*, all proposed subdivisions shall meet the requirements of said zoning resolution, as well as the provisions of these regulations.

Section 16.00 Amendments

These regulations may be amended, after public hearings and other requirements, as specified in the appropriate sections of the *Ohio Revised Code*.

Section 17.00 Interpretation

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

Section 18.00 Separability

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

Section 19.00 Exceptions

Any person or group proposing to divide, sell, exchange, or improve land in the incorporated area of Village of Buckeye Lake must submit their plans to the Licking County Planning Commission to ensure compliance with these Subdivision Regulations. There are three special types of division, sale, exchange, or improvement of land which are exempted from certain provisions of these regulations. They are:

1. The division or partition of land in which the lots being created and the remainder of the original tract are equal to or greater than five (5) acres in size each and do not involve the creation or modification of any streets or easements of access. This type of proposed lot must be submitted to the LCPC to check that it meets this condition, all applicable zoning regulations, and Article 8: Congestion Prevention of these regulations.
2. The sale or exchange of parcel(s) between adjoining lot owners which does not create additional building sites. This type of proposed lot split must be submitted to the LCPC according to Article 3, Section 32.00: Exempted Minor Subdivision. It must also meet the requirements of Article 8: Congestion Prevention of these regulations.
3. The improvement of a lot by combining existing, adjacent lots. This type of proposed lot must be submitted to the LCPC to ensure that any leftover or remaining adjacent lots under the same ownership meet the requirements set forth in these regulations.
4. The division or partition of land in which the lot(s) being created and the remainder of the original tract do not total more than five (5) minor land divisions in number, are not being platted, are five (5) acres or greater in size, are to be used exclusively for agricultural purposes with no residential structures or residential, commercial, or industrial development permitted and is so indicated on the deed for perpetuity, and do not involve the creation or modification of any streets or easements of access. This type of proposed lot must be submitted to the LCPC to ensure that it meets this condition, all applicable zoning regulations, and Article 8 of these regulations.

ARTICLE 2

DEFINITIONS

Section 20.00 Interpretation of Terms and Words

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

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

Section 21.00 Definitions

(Additional Definitions found in Article 8, Congestion Prevention. Some duplication will be found).

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

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

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

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

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

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.

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

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

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

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

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

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

Contour Interval: A line on a map or survey that represents where all the land at that elevation is located. Contour maps show topography and United States Geological Survey (USGS) maps are based on 10 & 20 foot contour interval lines.

Covenant: A written promise, pledge, or agreement.

Critical Areas: As they pertain to erosion control measures are defined in Appendix XI by the Licking County Engineer.

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

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

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

Developer: Any individual, subdivider, firm, association, syndicate partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a platted subdivision of land hereunder for himself or for another. Also, the holder of an option or contract to purchase, or any other person having enforceable proprietary interests in such land.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling

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

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

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

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

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

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

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

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

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

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, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed and which results in or contributes to erosion and sediment pollution.

Earth Material: Soil, sediment, rock, sand, gravel, and organic material or residue associated with or attached to the soil.

Easement: Authorization by a property owner for the use by a public utility, or other organization or individual, and for a specified purpose, of any designated part of his or her property.

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

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

Erosion:

1. The wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep.
2. Detachment and movement of soil or rock fragments by wind, water, ice, or gravity.
3. Erosion includes:
 - a. Accelerated Erosion: Erosion much more rapid than the normal, natural, or geological

erosion, primarily as a result of the influence of the activities of man.

- b. **Floodplain Erosion:** Abrading and wearing away of the nearly level land situated on either side of a channel due to overflow flooding.
- c. **Gully Erosion:** The erosion process whereby water accumulates in narrow channels during and immediately after rainfall or snow or ice melt and actively removes the soil from this narrow area to considerable depths such that the channel would not be obliterated by normal smoothing or tillage operations.
- d. **Natural Erosion (Geologic Erosion):** Wearing away of the earth's surface by water, ice, or other natural environmental conditions of climate, vegetation, etc., undisturbed by man.
- e. **Normal Erosion:** The gradual erosion of land used by man which does not greatly exceed natural erosion.
- f. **Rill Erosion:** An erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed soils.
- g. **Sheet Erosion:** The removal of a fairly uniform layer of soil from the land surface by wind or runoff water.

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

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

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

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

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

Flood Insurance Rate Map: Maps produced by the Federal Emergency Management Agency which highlight existing 100 year and 500 year flood plains within the 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.

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

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

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

Grassed Waterway: A broad or shallow natural course or constructed channel covered with erosion-resistant grasses or similar vegetative cover and used to conduct surface water.

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

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.

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

Licking County Planning Commission: A Commission established pursuant to Ohio Revised Code, Chapter 713. Also referred to as "LCPC" herein.

Limited Access Highway / Freeway: A highway especially designed for through traffic and over which abutting property owners have no easement or right of access by reason of the fact that their property abuts upon such highway (ORC 5511.02) **except as granted by these regulations**. Major and Minor Arterials, as identified in the Licking County Thoroughfare Plan for Congestion Prevention and these regulations, are Limited Access Highways/Freeways. (See also ORC 5535.03.)

Location Map: See *Vicinity Map*.

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

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

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

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

Lot Measurement: A lot shall be measured as follows:

1. Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines at the front yard setback and the rearmost points of the side lot lines in the rear.
2. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the front building setback line as established by the current township zoning regulations or, where no zoning exists, 40 feet back from the edge of the current or proposed road right-of-way.

Lot of Record: A lot which is part of a subdivision recorded in the office of the 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 Land Division: A division of a parcel of land that does not require a plat to be approved by a planning authority according to Section 711.131 of the Ohio Revised Code. Also known as a *lot split*.

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

Natural Resource Conservation Service: See *Soil and Water Conservation Service*.

National Pollutant Discharge Elimination System (NPDES) Permit: .

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

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

Ohio Department of Natural Resources: The department of the State of Ohio that is responsible for the protection of

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

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

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

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

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

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

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

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

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

Park District: The Licking Park District organized under Chapter 1545 of the *Ohio Revised Code*.

Parking Space, Off-Street: For the purpose of these regulations, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall

be located totally outside of any street or alley right-of-way. The LCPC 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 subdivider's agreement.

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

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

1. **Sketch Plan:** A generalized concept plan of a subdivision, accompanied by the information described in Section 33.30 of these regulations.
2. **Pre-Engineering Plan:** A generalized concept plan of a subdivision, accompanied by the information described in Section 33.40 of these regulations.
3. **Preliminary Plan:** A map indicating the proposed layout of a development and related information described in Section 33.50 of these regulations.
4. **Final Plat:** The final map of all or a portion of a subdivision and related information described in Section 33.60 of these regulations.

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

Planning Commission: Herein refers to the *Village of Buckeye Lake Planning Commission*; see above.

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

Public Waters: Water within rivers, streams, ditches, and lakes except private ponds and lakes wholly within single properties, or waters leaving property on which surface water originates.

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

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

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

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

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

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

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

R.O.W.: See *Right-of-Way*, above.

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

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

Sediment Basin: A barrier, dam, or other suitable detention facility built across an area of water flow to settle and retain sediment carried by the runoff waters.

Sediment or Erosion Control Plan: A written description, acceptable to the approving agency, of methods for controlling sediment pollution from accelerated erosion on a development area of five or more contiguous acres or from erosion caused by accelerated runoff from a development area of five or more contiguous acres.

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

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

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 leading to separate drives providing access to distinct parcels.

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

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

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

Soil and Water Conservation Service: A branch of the federal government in charge of informing

Soil Loss: Soil relocated on or removed from a given site by the forces of erosion and the redeposit of the soil at another site on land or in a body of water.

Staff, Planning Commission: Employees of the Licking County Planning Commission. Also LCPC staff.

Storm Frequency: The average period of time within which a storm of a given duration and intensity can be expected to be equalled or exceeded.

Stream: A body of water running or flowing on the earth's surface or channel in which such flow occurs. Flow may be seasonally intermittent.

Subdivider: See *Developer*.

Subdivision:

1. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new street or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted. See Article 1, Section 19.
2. The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities. See Article 1, Section 19 and Minor Subdivision, Article 3, Section 31.

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

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

Thoroughfare or Long Range Transportation Plan: A plan, or portion thereof, adopted by the Licking 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 noted in Section 41.00. All design standards and criteria for aforementioned are designated in Article 4, Section 41, and in Article 8, Section 82.1 (All roads in the county are also categorized in Licking County's Long Range Transportation Plan). See also *Roadway*.

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

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

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

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

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 Licking 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 not.

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

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

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

Zoning Ordinance: Regulations adopted by the village that govern how land can be used.

ARTICLE 3

PROCEDURES FOR MINOR LAND DIVISION AND SUBDIVISION APPROVAL

Section 30.00 Introduction

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

There are six basic types of subdivision review procedures in Licking County. They are:

- Minor Land Division (Lot Split), see Section 31,
- Exempted Minor Land Division (Exempted Lot Split), see Section 32,
- Major Land Division (Subdivision), see Section 33,
- Major Development of single or multiple lots in which there is substantial improvement (e.g. apartments, schools, commercial shopping center, etc.), see Section 34.
- Replat, see Section 35, and
- Congestion Prevention Review for existing and proposed parcels, see Article 8.

Section 31.00 MINOR LAND DIVISION (Lot Split)

Section 31.10 Minor Land Division Criteria

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

1. The division of the original tract does not involve the opening, widening or extension of any street or road, or easement of access, does not involve more than five (5) lots, including the remainder of the original tract, and is located on a roadway that is not identified as a Minor or Major Arterial roadway in the Licking County Thoroughfare Plan for Congestion Prevention and these regulations (See Appendix VIII, esp. Maps 8-A & 8-B),

The original tract is defined herein as property shown as a parcel or contiguous parcels under the same or related ownership on the official tax maps of Licking County as of January 1st of each year.

2. Only five (5) lots, including the remainder of the original tract, may be split from an original tract, if the lots will gain access from a roadway that is identified as a limited access highway or freeway (i.e. Minor or Major Arterial) in the Village of Buckeye Lake Thoroughfare Plan for Congestion Prevention and these regulations (See Appendix VIII, esp. Map 8-B), as of the effective date of these regulations. This division of the original tract shall not involve the opening, widening or extension of any street or road, or easement of access.
3. All minor land divisions must comply with Article 4: Subdivision Design Standards, Article 8: Congestion Prevention, the appropriate zoning ordinance, and the Village of Buckeye Lake Flood Damage Prevention Regulations (See Section 43.20).
4. All exempted minor land divisions are also considered minor land divisions in terms of review and approval procedures, except that exempted minor land divisions, as non-buildable lots, do not count against the five minor lot split per year limitation. See Section 32.00.
5. If the division of land is to be used exclusively for agricultural purposes with no residential structures or residential, commercial, or industrial development of any kind permitted and is so stated on the deed for perpetuity and the lot(s) being created, including the remainder of the original tract, do not total more than five (5) minor land divisions in number, are not being platted, are five (5) acres or greater in size, and do not involve the creation or modification of any streets or easements of access then it may proceed through the process outlined in Section 31.30. The agricultural use may be changed in the future if the lot meets all village and local regulations in effect at that time. This type of proposed lot must be submitted to the Village of Buckeye Lake Planning Commission to ensure that it meets these conditions, all applicable local zoning regulations, and Article 8 of these regulations (see also Section 19.00).

Section 31.20 Review and Approval of Minor Land Divisions under 5 acres

Approval of a minor land division under 5 acres is required and shall be granted when such minor land division meets the following conditions:

1. The proposed land division is located along an existing public road and involves no opening, widening, or extension of any street or easement of access.
2. Each proposed lot must meet all criteria and standards of Article 8: Congestion Prevention. All minor land divisions that require new points of access onto the State Highway System must have Ohio Department Of Transportation approval prior to Planning Commission approval. Where ODOT and county regulations overlap, the stricter of the two apply (see Section 15.00).
3. No more than five lots are proposed, including the remainder of the original tract.
4. The proposed land division, including the remainder of the original tract, is not contrary

5. The proposed land division has been reviewed and approved by the Licking County Health Department with respect to the suitability of the proposed parcel for an on-lot well and septic system where proposed; or the appropriate local water and/or sewer authority with respect to central water and/or sewer systems where proposed.
6. An application for minor land division under 5 acres must be submitted to the LCPC. This application must contain the following in order to be considered complete:
 - a. Four (4) copies of a survey prepared by a registered surveyor in the State of Ohio. The survey will contain:
 - 1) 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.
 - 2) Owner(s) of parcel and all adjoining and adjacent parcels.
 - 3) Dimension and location of proposed lot lines and property corners by iron pins, corner posts, and/or other monuments.
 - 4) Existing structures, easements, public facilities, direction of drainage, and bodies of water - including intermittent and perennial streams and rivers.
 - 5) Any adjoining public road and road right-of-way, zoning setbacks, and the distance to the nearest driveway or road intersection in each direction within 1000 feet of the road frontage on the same side of the road.
 - 6) 100-year floodplain boundary and floodway if it exists anywhere in the original tract. The FIRM panel number and flood zone should be noted on the application form.
 - 7) 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, the surveyor shall establish the floodplain by horizontal control.
 - 8) The deed and/or record number and tax duplicate number of the original tract.
 - b. Four (4) copies of a legal description prepared by a registered surveyor in the State of Ohio.
 - c. A copy of the current deed for the original land tract so as to be able to check for any applicable deed restrictions and whether it was an exempted lot when created.
 - d. A completed "Minor Subdivision / Lot Split Application for Administrative Approval" form with the corresponding sections completed by both the applicant and a registered surveyor in the State of Ohio.
 - e. All applicable fees as stated in Appendix VI "Village of Kierksville Subdivision Fee Schedule."

Section 31.40 Submittal & Approval Process for Minor Land Division

Applications are considered officially submitted and filed once all required and pertinent information is submitted, and once the Buckeye Lake Village Engineer, Licking County Board of Health, Board of Public Affairs and/or appropriate water/sewer district, and any other official agency of the County, State, or Federal government deemed appropriate by the LCPC, has

completed its review and approved the application. Once an application is officially submitted

and filed, an authorized representative of the LCPC shall review the proposed division(s) of a parcel, and if satisfied that such proposed division(s) is (are) not contrary to applicable platting, subdividing, or zoning regulations, he or she shall, within seven working days after return from the Licking County Health Department or Board of Public Affairs, approve such proposed division and upon presentation of a conveyance for said parcel(s), shall stamp the same "Approved By Licking County Planning Commission: No Plat Required" and sign and date.

Section 31.50 Approved Access Points & Culverts for Minor Land Division

All approved lot splits will receive an access point or joint access point as determined by Article 8, Access Management. In situations where access constraints for a proposed lot are considered severe enough by the LCPC, the access point will be precisely located. A copy of all new splits showing approved access points will be distributed to the local officials. Before the installation of any culverts, the applicant must receive a permit from his/her village official. All culverts must be installed with an adequate headwall suitable to the village and/or be constructed of non-crushable material to prevent damage to the culverts.

Section 31.60 Recourse from Minor Land Division Disapproval

Minor Land Divisions which are disapproved by the LCPC staff may be brought before the Village of Buckeye Lake Planning Commission for consideration of a variance from these regulations pursuant to Section 90.50 herein.

Section 32.00 EXEMPTED MINOR LAND DIVISION

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

1. It can be clearly demonstrated that the parcel(s) does not create an additional building site or new access to a public roadway. The LCPC staff shall require that deed restrictions be placed on the property limiting the use of the parcel to only accessory buildings or uses. The deed restriction will state that "The Grantees, their heirs, and assigns do hereby acknowledge and agree that this conveyance is subject to the covenant and agreement of the grantees, their heirs, and assigns that this lot does not constitute a principal building site and that no building shall be constructed on said premises without the prior written approval of the Village of Buckeye Lake Planning Commission".
2. The property has been surveyed by a registered surveyor in the State of Ohio. Two copies of a drawing showing the establishment of property corners by iron pins, corner posts, and/or other monuments, and two copies of the legal description of the property must be submitted along with a completed minor subdivision lot split application for administrative approval with corresponding sections completed by both the applicant and a registered surveyor.
3. Any other material deemed necessary by the LCPC staff to complete the application.

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4. All applicable fees as stated in Appendix VI, Village of Buckeye Lake Fee Schedule.

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

When an authorized representative of the LCPC is satisfied that a proposed sale or exchange of a parcel between adjoining owners meets the requirements of this section, he or she shall stamp the conveyance "Exempt," and sign and date it.

Section 33.00 MAJOR LAND DIVISION (Subdivision)

Section 33.10 Major Subdivision Criteria & Review Process

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

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

Section 33.20 Pre-Application Conference

Developers new to Licking County & the Village of Buckeye Lake or who are unfamiliar with the major subdivision process are strongly encouraged to meet with the LCPC staff prior to submitting sketch, pre-engineering, and preliminary plans. The purpose of this meeting is to discuss early and informally the purpose and effect of these regulations and the criteria and standards contained in these regulations, and to familiarize the developer with the zoning ordinance, and the drainage, sewage, and water systems of Licking County, Ohio. It will also acquaint the applicant with local and county-wide comprehensive plans, local and county-wide transportation plans, and other adopted zoning regulations or planning policies of local municipalities and Licking County and the Village of Buckeye Lake, Ohio. The subdivider shall be made aware of the provisions of the "Procedure for Subdivision Evaluation" (see Appendix I) at this time.

Section 33.30 Sketch Plan

Section 33.31 Sketch Plan Definition and Purpose

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

Section 33.32 Sketch Plan Application and Review

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

- 1) A completed application form provided by the LCPC staff,
- 2) Fifteen (15) copies of the Sketch Plan, and
- 3) The proper filing fee (see Appendix VI: Fee Schedule).

Once the application is determined to be complete, LCPC staff will distribute the application to all the members of the Technical Review Committee. Other copies will be distributed to the local school district, the local fire and police departments, the post office, the village clerk and zoning official, and other such regulatory offices and agencies necessary for a proper review.

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

Section 33.33 Sketch Plan Conference

The LCPC staff shall meet with the developer, a representative or assistant, to review the Sketch Plan with the Technical Review Committee. This meeting is primarily to illuminate potential difficulties or issues facing the proposed development as it relates to the laws, regulations, policies, and best practices of Licking County and the Village of Buckeye Lake, its agencies. It also provides an opportunity for the developer to ask questions and for all parties to suggest ways to improve the proposed project. The staff and members of the Technical Review Committee will provide comments and suggestions to the subdivider to assist with further subdivision design. After this meeting, the LCPC staff will prepare a brief letter to the applicant addressing issues and areas of concern that should be examined during the preparation of the Preliminary Plan.

Section 33.34 Sketch Plan Contents

The subdivider shall submit to the LCPC staff the following: 1) A completed Sketch Plan application; 2) All applicable fees as stated in Appendix VI "Licking County Subdivision Fee Schedule"; and 3) Fifteen (15) copies of the Sketch Plan illustrating the entire parcel under

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

MAP / SITE PLAN

1. Preliminary name of the subdivision for identification purposes.
2. Topography interpolated from U.S.G.S. quadrangles, or more precise methods.
3. Soils Evaluation Report from the Soil and Water Conservation Service.
4. The proposed layout of the subdivision including proposed streets, lots, and open space.
5. Existing on-site or immediately adjacent community facilities, utility lines, streets, rights-of-way, buildings, streams, and/or other significant natural and/or man-made features.
6. North arrow and scale
7. Surveyor's name.

ADDITIONAL INFORMATION REQUIRED WITH APPLICATION

1. Tax map or other map showing adjacent parcels and property owners.
2. F.I.R.M. showing any existing floodways and/or 100 year flood plains on the site.
3. Existing local zoning, including zoning setbacks and lot size requirements.
4. Approximate distance from the site to the nearest driveway or road in each direction on the same side of the road.
5. Geologist report relating to groundwater availability or description of where water supplies will be obtained to service the subdivision, where on-lot water wells are proposed.
6. Description of sewage disposal system to serve the subdivision.
7. A copy of the current deed for the land.

Section 33.50 Preliminary Plan

Section 33.51 Preliminary Plan Definition and Purpose

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

Section 33.52 Posting Notice of Development

In order to notify adjacent property owners, landowners, and residents in the immediate vicinity and the general public of impending development activity, applicants for Preliminary Plan and Final Plat approval shall post a notice of development concurrently upon any application with the LCPC. The notice sign shall be at least 4' X 8' and erected on the site readily legible from the most traveled thoroughfare adjacent to the property. If local zoning sign regulations prohibit any part of this requirement, every attempt shall be made to meet the spirit of this requirement. Should a hardship of this type exist, a letter stating the specific requirements that can not be

met shall be included with the Preliminary Plan application.

The wording of the sign must include the following:

"This site is being reviewed for development, for more information please contact the developer, (insert developer's name), at (insert developer's phone number), the Licking County Planning Commission staff at (614) 349-6555 or the Village of Buckeye Lake"

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

Section 33.53 Submission to Ohio Department of Transportation (ODOT)

Before any parcel subject to major subdivision review is approved within 300 feet of the centerline of a State Highway, or proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director or Deputy Director of the ODOT, the Commission shall give notice, by registered or certified mail to ODOT. The Commission shall not approve the plan for 120 days from the date the notice is received by ODOT. If ODOT notifies the Commission that it shall proceed to acquire the land needed, then the Commission shall refuse to approve the plan. If the ODOT notifies the Commission 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 Commission shall approve the plan, if the plan complies with these regulations.

Section 33.54 Preliminary Plan Application and Review

If a Pre-Engineering Plan has been previously approved, or conditionally approved, the Preliminary Plan shall conform to the Pre-Engineering Plan or incorporate required changes as the case may be. Should the subdivider disregard the Preliminary Plan submission must include all the information required in Sections 33.34 (Sketch Plan Contents) and 33.53 (Submission to ODOT), as well as the information required within Section 33.50 (Preliminary Plan) to be considered complete. This includes all the associated fees required for the Sketch.

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

- 1) An application form provided by the LCPC and the proper filing fee (Appendix VI),
- 2) Fifteen (15) copies of the preliminary plan,
- 3) Three (3) copies of Article 6 calculations,
- 4) Three (3) copies of the street improvement plans,
- 5) Names and addresses of adjoining property owners typed on mailing labels (Sect. 33.54)
- 6) Three (3) copies of any other required material.

The LCPC staff shall, within five working days after the initial submission of the preliminary plan, transmit copies to all of the members of the Technical Review Committee. Other copies will be

distributed to the local school district, the local fire and police departments, the post office, the township clerk and zoning official, and other such regulatory offices and agencies necessary for a proper review. The LCPC staff will compile all related information submitted by the developer and schedule a meeting with the developer and members of the Technical Review Committee to consider the plan. Every attempt will be made to schedule this TRC meeting within two (2) weeks of official submittal.

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

Section 33.55 Notice to Property Owners

Written notice of the public meeting to be held on all preliminary plans shall be mailed to all adjoining property owners of the proposed subdivision by first class mail, and shall be mailed at least ten days before the preliminary plan meeting. Adjoining property owners are described, for these regulations, as all property owners within 500 feet of said proposed subdivision boundaries. The applicant shall provide the names and addresses (no bank or other financial institutional names) of all adjoining property owners. This list shall be typed on mailing labels. The failure of delivery of such notice shall not invalidate any such action taken on such preliminary plan, but does not relieve applicant from providing the information or from any civil action.

Section 33.56 Preliminary Plan Technical Review Committee Meeting

The Technical Review Committee shall review all preliminary plans with respect to these regulations. A meeting of the Technical Review Committee shall be scheduled before the Village of Buckeye Lake Planning Commission meeting. Comments of the Technical Review Committee shall be forwarded to the Village of Buckeye Lake Planning Commission for consideration during its review of the proposed plan.

Section 33.57 Preliminary Plan Contents

The subdivider shall submit to the LCPC staff the following: 1) All applicable fees as stated in Appendix VI "*Licking County Subdivision Fee Schedule*"; 2) Fifteen copies of the preliminary plan drawn at a scale not more than 100 feet to the inch, plans of six acres or less shall be drawn at a scale of 50 feet to the inch; and 3) Three (3) copies of Article 6 (Urban Soil and Sediment Pollution Control) calculations and report. The plan may be on one or more indexed sheets, and contain the following information as indicated below, along with any additional

information required.

1. NAME, LOCATION, AND DESCRIPTION OF PROPERTY

- ~~a. Proposed name of development for identification purposes. The name will be unique to the incorporated and unincorporated areas of Licking County in order to avoid duplication and confusion of previously recorded plats.~~
- b. The names, addresses, and phone numbers of the owner(s) and applicants of the proposed development.
- c. Vicinity map showing the location of the proposed development in relation to the surrounding area.
- d. Location of property by survey, approximate total acreage, correct graphic scale, north arrow, and date.
- 2. INVENTORY AND ANALYSIS OF SITE AND ADJACENT PROPERTIES**
- a. Locations of boundary lines, existing easements, burial grounds, railroad rights of way, watercourses, wetlands and drainage, existing wooded areas, other important natural features, and existing permanent and temporary structures on site.
- b. Existing sewers, water lines, culverts, and other underground structures, power transmission poles and lines, within and adjacent to the parcel to be platted.
- c. Diagram of the relationship of the boundaries of the property with adjacent roadways, existing street right-of-ways, nearby intersections the development may impact, and a traffic circulation study if the LCPC staff determines the development will have an adverse impact on the existing infrastructure (streets & roads).
- d. If any part of the proposed development is within the 100 year flood plain, a line indicating the approximate elevation of flooding shall be shown.
- e. All preliminary plans must be drawn on contour maps with contour intervals of not less than two feet prepared by photogrammetric methods using aerial photography with ground control or by acceptable field survey technique based on United States Geological Survey (USGS) mean sea level datum. All mapping should meet National Map Accuracy Standards. Small areas six acres or less may be prepared by field survey methods. Contour maps prepared by interpolation from enlarged USGS maps shall not be permitted. The surveyor or engineer shall certify on the preliminary plan how the topographical information was obtained. The Technical Review Committee may require review of field notes or maps from which the information was obtained.
- 3. PROPOSED LAYOUT OF THE SUBDIVISION**
- a. For multi-family (two or more dwelling units on the same lot), planned unit developments, commercial, industrial development, and quasi-public, the location, dimensions, and approximate grade of proposed parking and loading areas, alleys, pedestrian walks, streets, and the points of vehicle entrance and exit to the development, must be shown on the plan.
- b. Statement of proposed use of lots, giving type and number of dwelling units, or commercial and industrial structures.
- c. General lot layout with approximate acreage, including total acreage of original parcel(s).
- d. Proposed street layout and names in accordance with Section 41, and Article 8 of these regulations, and the adopted Licking County and the Village of Buckeye

Lake Transportation Plan.

- e. The approximate location and size of all parcels of land proposed to be set aside for recreational use or other public use, or for the exclusive use of property owners of the proposed subdivision.

- f. Location and dimensions of all proposed utility and sewer lines, showing their connections with an existing system, if available.
- g. Statement of proposed use of lots giving type and number of dwelling units, or commercial and industrial structures.
- h. All plans must follow Article 8, Congestion Prevention, and show the location of any improvements including but not limited to the location, and dimensions of proposed points of vehicle entrance and exit to the subdivision, location of parking and loading areas, alleys and pedestrian walkways.

4. ADDITIONAL INFORMATION REQUIRED WITH APPLICATION

- a. Reduced size copies of the proposed development. (8 ½ " x11" or 11" x 17")
- b. Existing local zoning setbacks and dimensions, zoning boundaries, lot size requirements, and proposed zoning changes for this development.
- c. In a letter accompanying the request for approval of the Preliminary Plan, 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 Licking County Health Department, or appropriate authority.
- d. Description of proposed covenant and deed restrictions. Such covenants and deed restrictions must be acceptable to the Licking County Health Department as they pertain to the on-site well and septic system. Where public water and/or sewer is provided, a deed restriction requiring connection to such systems shall be included.
- e. A document providing information about the proposed homeowner's association, if applicable. This shall include a description of what area(s) it is to maintain, wording that every lot owner shall be a member, and an account of the powers the association shall have in collecting dues.
- f. The preliminary plan shall be filed with the Urban Soil Sediment Pollution Control Requirements of Article 6 of these regulations.
- g. The preliminary plan shall be accompanied by all plans and applications necessary to obtain a National Pollutant Discharge Elimination System (NPDES) Permit.
- h. The preliminary plan shall be accompanied by a list of adjoining property owners in accordance with Section 33.55 of these regulations, along with the names and addresses of all involved utility companies.
- i. If streets or other improvements are to be installed or constructed prior to final plat approval, the developer shall submit detailed engineering plans for any of the required and/or proposed improvements in accordance with Section 33.54 of these regulations.
- j. Other elements that may be required by reviewing offices and agencies, including but not limited to: slope analysis, sight distance analysis, and circulations and traffic analysis.
- k. One copy of the final preliminary plan must be submitted with a white base map showing property boundaries, and clear overlays of proposed roadways, soils, lot-lines, vegetation, etc. that can be superimposed over the base. A colored rendering of the development to aid in presentation to the Planning Commission.
- l.
- m. This drawing should highlight important features such as lot lines, roadways, wooded areas, existing or proposed streams or lakes.

Section 33.58 Preliminary Plan Approval Period

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

Section 33.59 Submission of Construction Plans Prior to Any Site Improvement

The developer shall submit a complete set of construction plans according to the regulations contained herein (Articles 4, 5, 6, & 8) and proper bonding (Article 7) and must have received complete approval from the appropriate authorities prior to beginning any on-site improvements.

Drawings and specifications for improvements in a subdivision shall be a set of construction and utility plans prepared by a registered professional engineer. The plans shall include typical sections, plans and profile views, construction details, and estimates of the quantities of construction material needed to meet the requirements of the approved Final Plat. All typical sections and major engineering details to be used on any particular street, sewer line, or water line shall be approved by the Village Engineer and, where applicable, an engineer representing the involved water and/or sewer authority. Prior to the recording of the Final Plat, the subdivider shall have installed the required improvements, or shall have furnished a guarantee pursuant to Article 7 for the amount of the estimated construction cost of the ultimate installation of the required improvements.

Section 33.60 Final Plat

Section 33.61 Final Plat Definition and Purpose

The subdivider shall submit a final plat of the subdivision and drawings and specifications of the improvements required therein. If a preliminary plan has been previously approved, or conditionally approved, the final plat shall conform to the preliminary plan or incorporate required changes as the case may be. The final plat shall be prepared by a registered surveyor as appropriate. Should the subdivider elect to submit a final plat without having previously submitted a Preliminary Plan, the Final Plat submission shall include all information required under Sections 33.34 (Sketch Plan Contents), 33.44 (Pre-Engineering Plan Contents), 33.46 (Submission to ODOT), 33.52 (Posting Notice of Development), and 33.57 (Preliminary Plan Contents), as well as the information required within Section 33.60 (Final Plat) herein to be considered complete.

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

Section 33.62 Final Plat Application and Review

If a Preliminary Plan has been previously approved, or conditionally approved, the Final Plat shall conform to the Preliminary Plan or incorporate required changes as the case may be.

Should the subdivider elect to submit a Final Plat without having previously submitted and received approval for a Preliminary Plan, thus disregarding the review process, the Final Plat submission shall include all the information required in Sections 33.34 (Sketch Plan Contents), 33.52 (Posting Notice of Development), 33.53 (Submission to ODOT), and 33.57 (Preliminary Plan Contents), as well as the information required within Section 33.60 (Final Plat) to be considered complete. This includes all the associated fees required for the Sketch, Pre-Engineering, and Preliminary Plans, including the Article 6 Drainage Review. Thus this means the LCPC may take the standard review time provided for by all previous review steps skipped before considering whether the Final Plat submitted is complete.

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

1. An application form provided by the LCPC and application fee.
2. Fifteen (15) Copies of the final plat.
3. Five (5) copies of construction drawings.
4. Proposed deed restrictions and covenants.
5. Names and addresses as required in Sections 33.63 and 33.65 (h).

Within five days after the filing of the final plat, the LCPC staff shall schedule a meeting of the Village of Buckeye Lake Planning Commission to consider such final plat. Written notices indicating the time and place of the meeting, along with copies of the plat shall be sent to the Licking County Engineer, The Licking County Board of Health, The Ohio Department of Transportation, the Licking County Soil Conservation District, Board of Public Affairs and/or other authority which would own and operate a water or sewer system, the local school district, local utility companies, local water/sewer districts and other officials deemed necessary.

Section 33.63 Notice to Property Owners

Written notice of the meeting at which the Village of Buckeye Lake Planning Commission will consider the final plat shall be mailed to all adjoining property owners by first class mail. Adjoining property owners are defined herein as all property owners within 500 feet of said final plat boundaries. The applicant shall provide the names and addresses (no bank and other financial institutional names) of all adjoining property owners. This list shall be typed on mailing labels. The failure of delivery of such notice shall not invalidate any such action taken on such preliminary plan, but does not relieve the applicant from providing the information or from any civil action.

Section 33.64 Final Plat Technical Review Committee Meeting

The Technical Review Committee shall review Final Plats with respect to these regulations. Every attempt will be made to schedule a meeting of the Technical Review Committee within

two (2) weeks of official Final Plat submittal. All comments of the Technical Review Committee shall be forwarded to the Village of Buckeye Lake Planning Commission for consideration during their review of the proposed subdivision plat, and the LCPC staff will prepare a letter to the applicant addressing issues and areas of concern that should be examined.

Section 33.65 Final Plat Contents

The final plat shall be legibly drawn in waterproof ink on tracing cloth or other material of equal permanence. It shall be drawn at a scale not less than 100 feet to the inch, six acres or less at 50 feet to the inch, on one or more sheets 18 x 24 inches in size. If more than one sheet is needed, each sheet shall be numbered and the relation of one sheet to another clearly shown.

The final plat shall contain or accompany the following information:

1. NAME AND LAYOUT OF THE SUBDIVISION

- a. Name of the subdivision, location by section, range, and township, or by other survey number, date, north arrow, scale, and acreage.
- b. Name and address of the subdivider and the professional registered surveyor who prepared the plat, and appropriate numbers and seals.
- c. Plat boundaries based on accurate traverse with angular and linear dimensions. All dimensions, both linear and angular shall be determined by an accurate control survey in the field which must balance and close within the limit of 1:10,000.
- d. Bearings and distances to nearest established street lines or other recognized permanent monuments.
- e. Radii, internal angles, points of curvature, tangent bearings, lengths or arcs, all easements and right-of-way provided for public services or utilities, building setback lines with exact dimensions, right-of-way width, and names of all streets within and adjoining the plat shall be accurately located on the final plat.
- f. All lot numbers and lines with accurate dimensions in feet and hundredths, and acreage.
- g. 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.
- h. Typical sections and complete profiles of streets and other related improvements to be constructed in the proposed subdivision (see Sect. 33.70).
- i. The locations and descriptions of all monuments and pins as specified in Section 50.20.
- j. When lots are located on a curve or when lot lines are at angles other than 90 degrees, the width at the building line shall be shown. If the building line is a curved line, the cord distance should be shown.
- k. The driveway culvert design size when in excess of 12 inches.
- l. Where the proposed subdivision is traversed by a stream, watercourse, channel, or creek, the present or prior location of such stream, watercourse, channel, or creek shall be shown on the Plat. A 30 foot watercourse easement shall be

depicted on the plat around these watercourses (See Appendix IIIa: Watercourse Easement).

- m. Any part of the subdivision located within the 100 year flood plain as indicated on the County Flood Insurance Rate Map, (F.I.R.M.), shall be shown on the Final Plat.

2. ADDITIONAL INFORMATION REQUIRED WITH APPLICATION

Village of Buckeye Lake Subdivision Regulations

- a. A copy of any restrictions and covenants the subdivider intends to include in the deeds to the lots in the subdivision. This includes a watercourse easement, if applicable (see Appendix IIIa: Sample Watercourse Easement).
- b. Certification by a registered surveyor to the effect that the plat represents a survey made by him and that the monuments shown thereon exist as located and that all dimensional details are correct.
- c. Notarized certification by the owner or owners of the adoption of the plat and the dedication of streets and other public areas.
- d. Required statements and signatures to be affixed on plat (See Appendix II).
- e. The notation "This Instrument Prepared By."
- f. Certification shall be required showing that all required improvements have either been installed and approved by proper officials or agencies, or that a bond or other surety has been furnished assuring installation and initial maintenance of the required improvements (see 33.70 and Article 7).
- g. If a zoning change is involved, certification from the zoning inspector or village clerk shall be required indicating that the change has been approved and is in effect (See Appendix II).
- h. The final plat shall be accompanied by a list of adjoining property owners in accordance with Section 33.63 of these regulations, along with the names and addresses of all involved utility companies.
- i. Prior to construction of the required improvements of the major development the applicant shall provide that a National Pollutant Discharge Elimination System (N. P. D. E. S.) has been applied for and approved by the O. E. P. A.

Section 33.66 Final Plat Approval Period

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

If a final plat is disapproved by the Commission, the person or party submitting the final plat which the Commission refused to approve may file a petition within 60 days after refusal in the Court of Common Pleas of Licking County.

Section 33.67 Recording of Final Plat

When the final plat has been approved by the Village of Buckeye Lake Planning Commission and after all necessary certifications are received, the original tracing shall be filed with the Licking County Recorder by LCPC staff, upon direction by the applicant and submittal of any fees required by the signing agencies, including the Recorder's Office filing fee. Applicants

have 12 months from approval by the Village of Buckeye Lake Planning Commission to direct the LCPC staff to record the Final Plat.

Section 33.70 Regulations Governing Improvements

Drawings and specifications for improvements in a subdivision shall be a set of construction and utility plans prepared by a registered professional engineer. The plans shall include typical sections, plans and profile views, construction details, and estimates of the quantities of construction material needed to meet the requirements of the approved Final Plat. All typical sections and major engineering details to be used on any particular street, sewer line, or water line shall be approved by the Village Engineer and, where applicable, an engineer representing the involved water and/or sewer authority. Prior to the recording of the Final Plat, the subdivider shall have installed the required improvements, or shall have furnished a guarantee pursuant to Article 7 for the amount of the estimated construction cost of the ultimate installation of the required improvements.

Section 33.80 Filing After Approval

The Preliminary Plan and Final Plan are valid for 24 months after the date of Village of Buckeye Lake Planning Commission approval, otherwise the subdivider must resubmit a new Final Plat due to potential changing conditions or considerations that may render the Preliminary Plan obsolete.

Section 34.00 MAJOR DEVELOPMENT

Major development occurring on one or more existing lots is subject to certain sections of the Licking County Subdivision Regulations when it involves one of the following:

1. The development of the tract involves the opening, widening, or extension of any street or roadway, or easement of access.
2. The development will increase the traffic flow to and from the site onto a public roadway.
3. The development will increase the impermeable surface area of the site by more than twenty percent (20%) of the total lot area.

The review procedure follows this outline:

1. Sketch Plan approval, as per Section 33.
2. Preliminary Plan approval consisting of only the Article 6 and Article 8 requirements.
3. Final approval by the LCPC staff and TRC before Building Code permits are issued.

This review process does not go before the Village of Buckeye Lake Zoning for formal approval. Only in situations of an appeal of a LCPC staff decision or requirement shall such a proposal go before the Village of Buckeye Lake Planning Commission for final review and approval.

Prior to construction of the required improvements of the major development the applicant shall provide that a National Pollutant Discharge Elimination System (N. P. D. E. S.) has been applied for and approved by the O. E. P. A.

When an authorized representative of the LCPC is satisfied that the proposed development, drainage, and access meet the requirements of this section, he or she shall stamp the conveyance if there is a property transfer, or the construction plans for the major development

“Approved by the Village of Buckeye Lake Planning Commission,” and sign and date it. This approval is required before the Licking County Building Code Department will act on any permits.

Section 35.00 REPLAT

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

- 1) An application form provided by the LCPC staff and the proper filing fee (see Appendix VI).
- 2) A final plat (Replat) submitted on at least an 18 inch by 24 inch sheet of Mylar with:
 - a) The surveyor’s name and signature,
 - b) The property owner’s notarized signature,
 - c) The notary public’s signature and stamp,
 - d) The signature of the representative of the Licking County Health Department, Village Engineer, water and sewer district or the Board of Public Affairs that has authority in that area.(See Appendix II for required statements and signature lines)
- 3) Any other required material.
- 4) Proper filing fee for the Recorder’s Office and any fees required by the Auditor’s Office.

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

1. The applicant shall submit to the LCPC staff a final plat complete with all information required in Section 33.65 of these regulations.
2. If lots being re-platted have existing structures located on them, then a separate dimensionally accurate sketch prepared by a registered surveyor illustrating the revised lot lines, together with the outlines of such structures shall be submitted with Item 1 above. This shall include the access point location of the driveway(s) to the public roadway.
3. The replat shall meet the requirements of Article 8 of these regulations. This includes the provision that the creation of lot(s) located on a classified roadway (see Appendix VIII) shall provide ½ of any additional right-of-way required for future road expansion (see Sect. 41.20 for required road right-of-way).
4. The replat shall assign a new lot number(s) to all new or modified lots. This number shall consist of the lowest original lot number contained within the lot lines of the

proposed lot and hyphenated with the letter "A", or next alphabetical letter needed to make the proposed lot number unique within the subdivision.

5. Replats must maintain and show all easements on the original plat. The one exception is when a lot combination creates a lot in which a lot line is removed leaving an existing utility easement running through the middle of the lot. In this situation, if no utilities exist in the easement, it may be removed. Where utility easements do not exist, a 10 foot utility easement shall be provided along all lot lines except those w/ public road frontage. If utility easements throughout the subdivision are of a different size than 10 feet, then

that width should be used along new lot lines instead

6. The applicant shall provide proof that the proposed Replat complies with applicable regulations, including those regulations established by zoning, the Licking County Health Department, the Village Engineer, and Board of Public Affairs or other authority in control of the involved sanitary sewer and/or water supply systems.
7. Any fees required by the signing agencies, including the Recorder's Office filing fee, shall be paid when the Replat is submitted to the LCPC.

All required information for a proposed Replat must be submitted no later than twelve (12) days before the next regularly scheduled meeting of the Village of Buckeye Lake Planning Commission. The Village of Buckeye Lake Planning Commission will then either approve or disapprove the replat. If disapproved, the subdivider may make the necessary corrections to meet these requirements and resubmit the Replat to the Village of Buckeye Lake Planning Commission for approval. If a Replat is disapproved by the Village of Buckeye Lake Planning Commission, the subdivider may file a petition within 60 days after disapproval in the Court of Common Pleas.

Upon approval, the LCPC staff shall collect the required approval signatures and submit the Replat to the Recorder's Office for filing, along with the required recording fee provided to the LCPC by the applicant at the time of submission. A notice will be sent to the applicant by the LCPC staff when this procedure is complete.

ARTICLE 4

SUBDIVISION DESIGN STANDARDS

Section 40.00 General

The regulations in Article 4 shall control the manner in which streets, driveways, infrastructure,

Village of Buckeye Lake Subdivision Regulations

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

Section 40.10 Conformity to Development Plans and Zoning

The arrangements, character, width, and location of all thoroughfares or extensions thereof shall conform with the county and/or village's comprehensive plan, the county's Official Thoroughfare Plan, and any other plans and policies adopted by the Village of Buckeye Lake Planning Commission. Thoroughfares not contained in the aforementioned plans shall conform to the recommendation of the Village of Buckeye Lake Planning Commission based upon the design standards set forth in Section 41 and Article 8, Congestion Prevention. All Final Plats must conform to the current zoning ordinance and any other rules and regulations adopted by the village. Where regulations overlap, the more strict standards shall control.

Section 40.20 Suitability of Land

If the Village of Buckeye Lake Planning Commission 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 Village of Buckeye Lake Planning Commission shall not approve the land for said purpose unless the subdivider proves that the problems created by the development of the land will be remedied.

Section 41.00 Streets

No Major Subdivision shall be approved unless the area to be subdivided has frontage on, and/or access from, an existing 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.

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

- A. 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.
- B. 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.
- C. 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.
 - D. 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).
 - E. 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 LCPC staff, such extension is not desirable for the coordination of the layout of the subdivision or most advantageous to future development of adjacent tracts. Where possible, these extended rights-of-way shall line up with the adjoining developable properties in such a way as to allow appropriate and feasible future development, i.e. it should not run into a large rock outcrop, and in most cases, not end at the corner but rather the middle of the adjoining lot so the future street may be double-loaded (see Section 41.29).
 - F. Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit, and in conformance with the sight distance requirements and intersection spacing requirements set forth in the Subdivision Regulations, Article 8: Congestion Prevention and this Article.
 - G. Where the number of residential dwellings to be developed, including developable land for which future access is to be provided, exceeds 100 units, the developer shall be required to build a subcollector to serve the site. If the total exceeds 240 dwellings, a minor collector shall be required and the site must have at least two (2) accesses or future reserves to create at least a second access. Calculations for the developable adjacent tracts should be made with densities equal to the proposed site unless otherwise instructed by the LCPC. This total will then be halved if the parcel has its own road frontage.
 - 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.

Section 41.10 Right-of-Way Requirements

When a major subdivision (including major development, but not minor, exempt, or replat) abuts a public right-of-way which is shown on the County's Official Thoroughfare Plan (see Appendix VIII: County Roadway Classification), and when additional right-of-way is required for the street to meet its classification, the subdivider shall dedicate to the county one-half the additional right-of-way required in accordance with the County's and Village Official Thoroughfare Plan and Article 8 of these regulations. When natural topographic features preclude the expansion or use of one side of the road right-of-way, the developer of the other side may be required to dedicate additional road right-of-way equal to that which is precluded by the natural feature.

When a minor, exempt, or replat subdivision (not major subdivision or major development) abuts a public right-of-way which is shown on the County and Village's Official Thoroughfare Plan (see Appendix VIII: County Roadway Classification), and when additional right-of-way is required for the street to meet its classification, the subdivider shall have pins placed in the ground marking one-half the additional right-of-way required in accordance with the County and Village's Official Thoroughfare Plan and Article 8 of these regulations. This area shall be indicated and labeled as "future road right-of-way setback" on both the survey and in the deed. When natural topographic features preclude the expansion or use of one side of the road right-of-way, the developer of the other side may be required to pin, mark, and label additional road right-of-way equal to that which is precluded by the natural feature.

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

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

Section 41.20 Street Classifications and Design Standards

Each street shall be designed according to the following classifications. The design and improvement standards contained herein are minimums for all street types in residential subdivisions unless otherwise noted. All streets shall be designed and constructed in accordance with the standards specified in the tables below for each classification and in Article 8 (Congestion Prevention) of these regulations. Where central sewer systems are available or proposed, curbs and gutters shall be required (see Section 41.80). Streets with curbs and gutters are measured from curb face to curb face. Greater right-of-ways and pavement width may be required due to high slopes or other natural features. Utility easements of 10' may also be required along each side of the street.

The classification of a new street or streets that do not appear in Appendix VIII will be designated by the LCPC when a new subdivision (major or minor) is proposed on or adjacent to that street.

Section 41.21 Cul-de-Sacs

Cul-de-Sac - A street that has a single means of ingress and egress and terminates in a vehicular turnaround. Lengths of cul-de-sacs are limited to minimize backup time for large service and emergency vehicles unable to use the turnaround, to minimize mistaking cul-de-sacs with connecting streets, to discourage speeding, and to limit the number of families stranded in emergency or repair situations where the road is cut or blocked off. In addition, cul-de-sacs

~~should be used sparingly and only to capture areas that cannot be reasonably developed with a through street. Cul-de-sacs in a commercial or industrial zoning district shall meet additional width and right-of-way requirements.~~

DESIGN ELEMENTS FOR CUL-DE-SACS (25 mph Design Speed, under 250 ADT)	DIMENSIONS IN FEET OR PERCENT
Minimum Right-of-Way: Curb & Gutter	60'
Minimum Pavement Width: Curb & Gutter	28'
Minimum Cul-de-Sac Bulb * Right-of-Way Pavement Width with Curbs & Gutters	50' radius * 44' radius *
Maximum Cul-de-Sac Length	600'
Maximum Grade	10%
Maximum Grade within 50 feet of an Intersection	5%
Minimum Grade	0.5%
Minimum Radius of Centerline	150'
Minimum Tangent Length Between Reverse Curves	50'
Minimum Curb Radii	25'
Minimum Stopping Distance	170'
Minimum Sidewalk Width (when required) Minimum Grassed Area Between Sidewalk and Curb	4' 4'

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

Section 41.22 Local Residential Streets

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

DESIGN ELEMENTS FOR LOCAL RESIDENTIAL STREETS (25 mph Design Speed, 200 - 800 ADT)	DIMENSIONS IN FEET OR PERCENT
Minimum Right-of-Way Curb & Gutter	60'
Minimum Pavement Width Curb & Gutter (shoulder between pavement and drainage ditch)	28'
Maximum Grade	10%
Maximum Grade within 50 feet of an Intersection	5%
Minimum Grade	0.5%
Minimum Radius of Centerline	150'
Minimum Tangent Length Between Reverse Curves	50'
Minimum Curb Radii	25'
Minimum Stopping Distance	175'
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 APPENDIX VII, GUARD RAIL WARRANT STUDY, and the Village Engineer.

Section 41.23 Residential Subcollectors

Residential Subcollector - A residential subcollector is designed to provide access to adjoining property and carry traffic between local residential and cul-de-sac streets and 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). Parking shall be allowed on one side only.

DESIGN ELEMENTS FOR RESIDENTIAL SUBCOLLECTORS (35 mph Design Speed, 500 - 1,000 ADT)	DIMENSIONS IN FEET OR PERCENT
Minimum Right-of-Way Curb & Gutter	72'
Minimum Pavement Width Curb & Gutter	32'
Maximum Grade	9%
Maximum Grade within 50 feet of an Intersection	5%
Minimum Grade	0.5%
Minimum Radius of Centerline	200'
Minimum Tangent Length Between Reverse Curves	100'
Minimum Curb Radii	30'
Minimum Stopping Distance (35 mph design speed)	250'
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 APPENDIX VII, GUARD RAIL WARRANT STUDY, and the Village Engineer.

Section 41.24 Minor Collectors

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

DESIGN ELEMENTS FOR MINOR COLLECTORS (3 Lane: 35 mph Design Speed)	DIMENSIONS IN FEET OR PERCENT
Minimum Right-of-Way : Curb & Gutter Required	72'
Minimum Pavement Width: Curb & Gutter Required *No Parking Permitted*	36' (More where left/right turn lanes are required.)
Maximum Grade	7%
Maximum Grade within 50 feet of an Intersection	3%
Minimum Grade	0.5%
Minimum Radius of Centerline	575'
Minimum Tangent Length Between Reverse Curves	250'
Minimum Curb Radii	35'
Minimum Stopping Distance	250'
Minimum Sidewalk Width (when required) Minimum Grassed Area Between Sidewalk and Curb	4' 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 APPENDIX VII, GUARD RAIL WARRANT STUDY, and the Village Engineer.

Section 41.25 Major Collectors

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

DESIGN ELEMENTS FOR MAJOR COLLECTORS (4 Lane: 45 mph Design Speed)	DIMENSIONS IN FEET OR PERCENT
Minimum Right-of-Way : Curb & Gutter Required	100'
Minimum Pavement Width: Curb & Gutter Required *No Parking Permitted*	48' (More where left/right turn lanes are required.)
Maximum Grade	7%
Maximum Grade within 50 feet of an Intersection	3%
Minimum Grade	0.5%
Minimum Radius of Centerline	575'
Minimum Tangent Length Between Reverse Curves	250'
Minimum Curb Radii	35'
Minimum Stopping Distance	400'
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 APPENDIX VII, GUARD RAIL WARRANT STUDY, and the Village Engineer.

Section 41.26 Minor Arterials

Minor Arterial - This roadway is a thoroughfare similar in nature to a major arterial, but designed for lower volumes of traffic. Minor arterials shall consist of a minimum of 4 lanes with a median, and intersections and direct driveway accesses shall be minimized.

DESIGN ELEMENTS FOR MINOR ARTERIALS (55 mph Design Speed)	DIMENSIONS IN FEET OR PERCENT
Minimum Right-of-Way: Curb & Gutter Required	120'
Minimum Pavement Width: Curb & Gutter Required *No Parking Permitted*	48', excluding median (More where left/right turn lanes are required.)
Maximum Grade	5%
Maximum Grade within 50 feet of an Intersection	3%
Minimum Grade	0.5%
Minimum Radius of Centerline	575'
Minimum Tangent Length Between Reverse Curves	250'
Minimum Curb Radii	35'
Minimum Stopping Distance	550'
Minimum Sidewalk Width (when required)	4'
Minimum Grassed Area Between Sidewalk and Curb	8'

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 APPENDIX VII, GUARD RAIL WARRANT STUDY, and the Village Engineer.

Section 41.27 Major Arterials

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

DESIGN ELEMENTS FOR MAJOR ARTERIALS (55 mph Design Speed)	DIMENSIONS IN FEET OR PERCENT
Minimum Right-of-Way: Curb & Gutter Required	120' *
Minimum Pavement Width: Curb & Gutter Required *No Parking Permitted*	48', excluding median (more when left and/or right turn lanes are required.)
Maximum Grade	7%
Maximum Grade within 50 feet of an Intersection	3%
Minimum Grade	0.5%
Minimum Radius of Centerline	575'
Minimum Tangent Length Between Reverse Curves	250'
Minimum Curb Radii	35'
Minimum Stopping Distance	550'
Minimum Sidewalk Width (when required)	4'
Minimum Grassed Area Between Sidewalk and Curb	8'

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

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

Section 41.28 Marginal Access Roads

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

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

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

Section 41.29 Special Street Types

The following requirements shall apply to special street types:

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

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

- a. A note is added to the Final Plat indicating that the future connection of the street extension(s) or street stub(s) identified thereon by the same or other developers shall be extended and opened as a public street(s) in subsequent phases of development.
 - b. If a street extension is built, a "No Outlet" sign is placed at its entrance and a barricade approved by the Village Engineer is placed at the end of the extension.
 - c. A street extension that exceeds 1 lot in depth will be considered a cul-de-sac for the purposes of construction and shall conform to the requirements of Section 41.21. Depending on whether a major subdivision is being constructed in phases and the timing of the projects, an exception may be sought to allow the section of the cul-de-sac bulb which is not part of the linear pavement to be constructed in gravel.
 - d. Alternatively, a phase may be ended at an intersection and the road constructed such that a "T" turnaround is created by building the first 30 feet of length of the intersecting street. Such a "T" turnaround shall be in accordance with Section 41.21 or 41.22 of these regulations, depending on its ultimate planned design. A sign shall be posted indicating no parking on the "T". A barricade approved by the Engineer's Office will be placed at the end of the street stub.
 - e. If a street extension would extend only 1 lot frontage or less in depth past a street intersection, only a street stub will be required. In this case the right-of-way shall extend to the limits of the proposed subdivision while the street stub shall extend to the radius end of the curb or ten (10) feet, whichever is greater. A barricade approved by the County Engineer's Office will be placed at the end of the street stub.
 - f. The end of a street extension shall not be counted as road frontage for the creation of additional lots. Likewise, no part of a street stub shall be considered road frontage for the creation of additional lots.
2. Dedication of a new half-street shall not be permitted. Where a dedicated or platted half-street exists adjacent to the tract being subdivided, the other half shall be platted.

3. ~~Where a subdivision abuts or contains an existing or proposed arterial street, the LCPC shall require marginal access streets, and where reverse frontage is created, screen planting shall be contained in a non-access reservation along the rear property line or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. There shall be no direct vehicular access from any lots to such arterial streets or highways.~~
4. Alleys shall not be approved in residential subdivisions except where justified by extreme conditions. Alleys may be required in commercial or industrial districts if other provisions cannot be made for adequate service access. The minimum widths for alleys shall be 20 feet for the right-of-way and 18 feet for the pavement width. Alleys are not considered public road frontage for the purpose of meeting lot frontage requirements or creating new lots.

Section 41.30 Street Names

In no case shall the names for proposed streets (except extensions of existing streets), or the name of proposed subdivisions duplicate or closely approximate existing street names or subdivision names in the county, its cities or villages, irrespective of the use of a different suffix such as Drive, Court, Place, Avenue, etc. In addition, a name shall not be confusing or excessive in length by exceeding 12 letters excluding the suffix. Street names shall be subject to the approval of the LCPC of Licking County. See Section 51.20.

Section 41.40 Alignments

Section 41.41 Horizontal Alignment

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

Section 41.42 Vertical Alignment

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

Section 41.50 Intersection Design Standards

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

DESIGN ELEMENTS FOR INTERSECTIONS*	STANDARD
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Maximum Approach Speed	25 mph	
Minimum Angle of Intersection	75 degrees and the street shall remain in the angle of intersection for at least 100' beyond the point of intersection.	
Minimum Centerline Offset of Adjacent Intersections:		
Local - Local	175 feet	
Local - Subcollector	200 feet	
Local - Collector	250 feet	
Local - Arterial	300 feet	
Subcollector - Subcollector	300 feet	
Subcollector - Collector	300 feet	
Subcollector - Arterial	300 feet	
Collector - Arterial	1,320 feet	
Minimum Intersection Stopping Sight Distances	Design Speed of Road Intersected	Minimum Stopping Sight Distance
	55 MPH	550 feet
	50 MPH	450 feet
	45 MPH	400 feet
	40 MPH	325 feet
	35 MPH	250 feet
	25 MPH	175 feet

* Based on AASHTO.

Section 41.51 General Intersection Standards

1. Intersections shall be laid out so as to intersect as nearly as possible at right angles.
2. Multiple intersections involving junctions of more than two streets shall not be permitted unless approved by the Village of Buckeye Lake Planning Commission.
3. Proposed new intersections, or subdivision entrances along one side of an existing street shall, wherever practicable, coincide and align with any existing street. Street jogs with centerline offsets of less than 175 feet shall not be permitted.

Section 41.60 Streets for Non-Residential Subdivisions

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

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

Section 41.61 Principles and Standards

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1. The street and lot layout of a non-residential subdivision shall be appropriate to the land use proposed and shall conform to the approved land use plans and zoning ordinance of the area.
 2. Proposed industrial and commercial parcels shall be suitable in area and dimensions for the type of development anticipated.
 3. Street right-of-ways and pavement width minimums shall be increased in order to accommodate the type and volume of traffic the development is expected to generate (i.e. the street classification may be upgraded depending on the proposed use. This includes the need to plan for future traffic from adjacent undeveloped parcels.)
 4. Additional requirements may also be imposed by the Village of Buckeye Lake Planning Commission or the Village Engineers regarding the amount and type of materials used in the construction of the proposed roadways, as well as the curb & gutter and sidewalk design and construction.
 5. Special requirements may be imposed by the LCPC upon recommendation from the Engineer, Sanitary Engineer/Board of Public Affairs, or other state, federal, or local authority regarding the installation of public utilities.
 6. Every effort shall be made to protect existing or potential adjacent residential areas from any potential nuisances as a result of the proposed development. This may include, but not be limited to, extra depth in parcels abutting the residential areas, screening or fencing, and a combination of landscaping and dirt mounding to provide for adequate buffering.
 7. Streets carrying non-residential traffic, especially truck traffic, should not normally be extended to the boundaries of existing or potential adjacent residential areas, or connected to streets intended for predominantly residential traffic.

Section 41.70 Sidewalks and Pedestrian Accesses

Where curbs and gutters are required, sidewalks shall be required on both sides of all streets in the proposed subdivision. Where sidewalks are required, these sidewalks shall be constructed to handicapped / disabled standards at street intersections.

When the proposed subdivision is located within one-half (0.5) mile of commercial or quasi-public zoned land, that designated for commercial or quasi-public use in the village comprehensive plan, and/or within one (1) mile of a school, park, playground, shopping center, transportation hub, or other community facility (measured from the nearest point of the subdivision to the nearest point of the place of activity), sidewalks may be required at the discretion of the Village of Buckeye Lake Planning Commission.

The sidewalks must be included as a requirement in the deed for each lot. These sidewalks can be installed at the time of home construction so as to minimize damage from construction.

The Village of Buckeye Lake Planning Commission may also require, in order to facilitate pedestrian access from the roads to schools, parks, playgrounds, shopping centers, transportation, or other community facilities perpetual unobstructed easements of at least 20 feet in width. Easements may be required to be paved with asphalt and must be recorded on Final Plat.

Section 41.80 Curbs and Gutters / Stormsewers

Where central sewer systems are proposed, curbs and gutters shall be required. Curbs and gutters are also required for all collector streets, for all streets in planned unit developments where density is clustered in exchange for collective open space, and in any development involving any mix of commercial, one-, two-, or multi-family residential, and/or industrial uses. All curbs & gutters must be constructed according to specifications set by the Village Engineer.

The Village of Buckeye Lake Planning Commission may also require curbs & gutters in areas of notable flash flooding, heavy rain runoff, flat topography, or other areas prone to drainage problems.

Section 42.00 Easements

Utility Easements: Public utility easements at least ten (10) feet in total width shall be required along the rear of lots where needed for the accommodation of a public utilities, drainage or any combination of the foregoing. Sanitary sewer and water line easements shall have a minimum total width of 20 feet and may be required at the end of cul-de-sacs to provide access for future utility line extensions. Where deemed necessary by the Village of Buckeye Lake Planning Commission, an additional easement width may be required.

Watercourse Easements: Thirty foot easements shall be provided along every watercourse, drainage channel, stream, or other environmentally sensitive area. See Appendix IIIa for a sample watercourse easement. Extra easements for backslopes may also be required by the LCPC where necessary.

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

Section 43.00 Lots and Blocks

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

Section 43.10 Block Standards

Block lengths and widths shall be coordinated with the development of the land and shall be designed in a manner that will allow proper traffic flow including fire and emergency vehicles,

and pedestrian use and accessways within the block to schools, parks, or other destinations as may be required by the Village of Buckeye Lake Planning Commission. In addition, the following regulations shall govern the design and layout of blocks:

- a. Irregularly shaped blocks, those intended for cul-de-sacs or loop streets, and those containing interior parks or playgrounds, may be approved by the Village of Buckeye Lake if properly designed and located and if the maintenance of interior public spaces is covered by agreements.
- b. No block shall be longer than 1,500 feet, and the block width shall accommodate lots and building sites of the size and character required for the district as set forth in these subdivision regulations or the appropriate village zoning resolution and shall be sufficient to provide for the required community facilities.
- c. Wherever blocks exceed 900 feet in length, the Village of Buckeye Lake Planning Commission may require crosswalks, or crosswalk easements of not less than 10 feet in width near the center of the block. These pedestrian accesses would be constructed to sidewalk specifications to provide proper access to schools, recreation areas, shopping centers, and other facilities.

Section 43.20 Lot Standards

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

1. Building Site: The lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development.
2. Lot Width and Frontage: In addition to local zoning, or if local zoning does not exist, all lots must meet the following minimum frontage and width requirements:
 - a. For all lots under 5 acres in size, the maximum depth of a lot measured from the building setback line shall not be greater than three times the width of the lot (see definition of lot measurement).
3. Minimum Lot Size: In addition to local zoning, or if local zoning does not exist, lots must meet the following minimum size requirements:
 - a. Where central water and/or sewer systems are not provided to the site,

the minimum lot size is 1.6 acres exclusive of any easements, rights-of-way, waterways, or 100 year floodplains. The County Health Department may require a larger lot due to slope, soil permeability, groundwater availability, number of lots in close proximity, or other conditions that could impair the proper operations of the well and septic systems.

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- b. Where both central water and central sewer is provided to the site, the minimum lot size is 8,000 square feet, unless local zoning allows smaller lots. This lot size is exclusive of any easements, right-of-ways, waterways, or 100 year floodplains.
 - c. Where either central water or sewer, but not both, is provided to the site, the Health Department or appropriate authority shall determine the minimum allowable lot size.
 4. Lots Abutting Classified Roadways: Where a proposed subdivision (major or minor) abuts or contains an existing or proposed arterial or collector (major or minor) street, the LCPC may require, without limitation, the following:
 - a. Frontage access roads
 - b. Reverse frontage lots with depth adequate to insulate the building area from the arterial.
 - c. Buffering and/or screening (per Section 44.50) to separate traffic from the proposed lot.
 - d. Driveways with turnarounds.
 - e. Shared access points to the public right-of-way.
 - f. Cross access agreements. See Appendix IIIId.
 5. Access to Arterials: The creation of lots which would have direct access from an arterial as identified in Appendix VIII - The County's Official Thoroughfare Plan, or Article 8 - Congestion Prevention, shall be discouraged and will not be allowed where the minimum spacing required by Article 8 is not met.
 6. Side Lot Lines: All side lot lines shall be at right angles to street lines and radial to curved street lines except where the Village of Buckeye Lake Planning Commission determines that a variation to this rule would provide a better layout. Corner residential lots shall have additional width to accommodate front setback requirements for orientation to both streets (i.e. the front setback requirement must be met on both sides of the lot with public road frontage).
 7. Double Frontage: Lots with double frontage shall be avoided except where the Village of Buckeye Lake Planning Commission determines that it is essential to provide separation of residential development from higher order streets. Any Access shall be to the lower order street. These lots will require adequate buffering and/or screening as per Section 44.50 of these regulations.
 8. Additional Lot Depth and Buffers: Additional lot depth will be required where a residential lot in a subdivision backs up to a railroad right-of-way, a high pressure gasoline or gas line, open drainage ditches, an industrial area, or other existing or zoned land use which may have a detrimental effect on the residential use of the property, and

where no street is provided at the rear of such lot. Where a residential lot has its side lot line adjacent to any of the aforementioned, an appropriate additional width may also be required. Buffers per Section 44.50 are to be provided by the developer.
 9. Steep Driveways: Lots and streets shall not be laid out so as to create a buildable lot that requires a driveway access with a slope greater than 40%.

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10. Lowest Order Road Address: The Village Engineer shall assign new lots their street address on the lowest order improved public roadway on which the lot has frontage. This is also the roadway where any mailbox for that lot shall be located, unless the United States Postal Service requests, in writing to the Village of Buckeye Lake Planning Commission, a different location.
 11. Remaining Land: No remnants of property shall be left after the creation of a lot that do not meet the intent of these regulations.

Section 44.00 Physical Considerations and Natural Features

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

Section 44.10 Flood Plain and Watercourses

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

1. Floodway and 100 Year Flood Hazard Area - The approval of a subdivision that is located in or partially in an area of periodic flooding, or identified as a flood hazard area on the Village of Buckeye Lake FIRM or floodway maps, shall be limited to the following:
 - a. Approval shall not be given for streets within a subdivision which would be subject to flooding. All street surfaces must be located one or more feet above the 100 year flood elevation.
 - b. Where subdivisions are proposed to be located in areas of periodic flooding or in identified 100 year flood hazard areas, such flood prone areas shall be left undeveloped as open space, recreation areas, etc. No area where natural elevation is shown as flood prone shall be used for building sites, leach fields, or well sites. Any activity within the flood prone area shall meet Village Floodplain Damage Prevention Regulations. These requirements shall be included in the covenants and deed restrictions on the final plat. If the 100 year flood hazard or floodway designation is disputed, the subdivider must demonstrate where the FIRM is inaccurate through an engineering analysis that is accepted by FEMA according to their flood map amendment procedures.

- ~~c. All sanitary sewer systems and water supply systems must either be located outside flood hazard areas or flood plain areas otherwise they must be flood-proofed. Final approval of such systems rests with the LCPC, Licking County Health Department, Village Engineer and/or local water and sewer district, and any other appropriate authority.~~
- d. Subject to Section 40.20 (Suitability of Land) of these regulations.
- e. Floodplain area and retention and/or detention basins may be counted toward the open space requirements of Section 45.20, #2-c.
2. Stream, Drainage, and Flood Easements - If a stream flows through, or is adjacent to, the proposed subdivision, the subdivider shall provide on the Preliminary Plan and Final Plat for a storm water easement along the stream(s).
- a. Access to streams or storm drainage ditches and channels shall be by means of easements. Such easements shall not be less than 30 feet in width, exclusive of the width of the ditch, or channel, or similar type facility.
- b. Underground facilities, such as tiles and storm sewers shall have easements with a minimum width of 20 feet.
- c. Whenever a stream, storm drainage ditch, or channel has a depth of three feet or more, a bank slope of two feet horizontal to one foot vertical shall be provided. For identified flood hazard areas, the subdivider shall provide that the flood hazard area (fringe and floodway) be established on the preliminary plan and the final plat. The subdivider will also incorporate into the deed restrictions and covenants that no permanent or temporary structures (e.g. yard barns, accessory buildings, bridges, etc.) will be constructed within the flood hazard area.
3. Public Access - Flood plain and storm water easements established under these regulations shall provide for public access for inspection, enforcement of these regulations and the regulations adopted by Village of Buckeye Lake. The establishment of these easements does not in itself provide for public maintenance of these facilities. See Appendix IIIa for a sample watercourse easement.

Section 44.20 Storm Drainage Channels

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

Section 44.30 Soils and Erosion Control

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

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

Section 44.31 Soils and Erosion Control Standards

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

1. Sedimentation facilities (debris basins, sedimentation traps) and other control measures such as hay bales, berms, interceptor ditches and terraces, shall be installed in conjunction with the initial grading operations and be maintained throughout the development and construction process to remove sediment from runoff waters draining land under development. These shall be maintained by the developer to assure functional operation during all phases of construction by periodic maintenance activities.

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

crossings are kept to a minimum.

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

Section 44.40 Site Protection

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

fences are examples of acceptable barriers.

4. Vegetative Enhancement - Landscaping of all cuts and fills and/or terraces shall meet the approval of the LCPC.

Section 44.50 Buffering

1. Function and Materials - Buffering shall provide visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or combinations thereof to achieve the same objectives.
2. When Required - Buffering may be required when the Village of Buckeye Lake Planning Commission determines that there is a need:
 - A) To shield neighboring properties from any adverse external effects of a development;
 - B) To shield the development from negative impacts of adjacent uses such as streets or railroads;
 - C) To screen public views of rear yards and rear facades within double frontage or reverse frontage lots.
3. Planting Specifications - Size of evergreens and deciduous trees shall be allowed to vary depending on setting and type of shrub. All trees, shrubs, and ground covers shall be planted according to accepted horticultural standards.
4. Plant Species - The plant species selected should be hardy for the particular climatic zone in which the development is located and appropriate in terms of function and size.

Section 45.00 School Land Set-Aside Requirements

Reserved for Future Use

Section 46.00 Homeowner's Associations

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

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

7. The open space must be recorded on one deed or dedicated to the homeowners association on the Final Plat.
8. The open space may never be allowed to be further subdivided.

Section 47.00 Planned Unit Developments (PUDs)

The planned unit development approach as set forth by the County or applicable village zoning ordinance is encouraged by the LCPC.

1. Coordination of flexible zoning application with subdivision approval - It is the intent of these regulations that subdivision review be carried out simulatneously with the review of PUD applications under the applicable zoning ordinance. The plans required for the PUD zoning application shall be submitted in a form to satisfy the requirements of these Subdivision Regulations.
2. Where deemed necessary by the LCPC, the design standards and improvement specifications of these Regulations may be altered to allow for flexibility for subdivisions in areas zoned for planned development, providing such alterations are in keeping with the spirit and intent of these Regulations and providing such alterations meet the requirements of the corresponding local zoning resolution as may be amended. If sufficient detail is provided during rezoning, and agency approvals are obtained, a subdivision variance may not be required.

Section 48.00 Landscaping

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

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

ARTICLE 5

REQUIREMENTS FOR CONSTRUCTION OF IMPROVEMENTS

Section 50.00 Guarantee for Installation of Improvements

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

Section 50.10 Construction Procedure and Materials

The subdivider shall design and construct improvements not less than the standards outlined in these regulations. The minimum requirements for materials shall be in accordance with the standards of the current volume of "Construction and Material Specifications" of the State of Ohio Department of Transportation, and the current requirements of the Ohio Department of Health or Ohio Environmental Protection Agency. All required improvements shall be inspected in accordance with Section 70.30 and 35.70

Section 50.20 Monuments, Markers, and Pins

Permanent markers shall be set according to the provisions of Section 711.03 of the *Ohio Revised Code*. The developer shall direct the surveyor to place and set at least four permanent markers in each plat of ten lots or less and in plats having more than ten lots as many additional permanent markers as the surveyor deems necessary to properly control his original survey. The surveyor shall place additional permanent markers in accordance with Section 711.03 of the *Ohio Revised Code*, or with the approval of the Village Engineer. When all or part of a subdivision is located within a flood plain, the developer shall direct and cause the surveyor to place and set at least one benchmark tied to U.S.G.S. elevation data.

Section 51.00 Streets

1. After the surface of the sub-grade has been prepared, shaped, and compacted to the approximate cross section grade and before any pavement, base, or sub-base material is placed thereon, it shall be inspected by the Village Engineer. When notice of approval is received by the subdivider or contractor, he may proceed with the application of the base course provided that such application is inspected by the Village Engineer while same is being accomplished.
2. Streets shall be graded, surfaced, and improved to the profiles and dimensions shown on plans, profiles, and cross sections submitted by the subdivider and approved by the Village Engineer.

3. There shall be a roadway crown of 3/16 of an inch per foot from the centerline of the road to the shoulder.
4. There shall be a shoulder slope of one inch per foot of shoulder.

Section 51.10 Pavement Design for All Roadways

Developers may choose among alternative pavement design for streets in accordance with the following guidelines. The construction materials referred to herein are described in the Construction and Materials Specification Handbook, published by the Ohio Department of Transportation (ODOT). This ODOT manual describes both composition and construction methods to be used for each material.

The design concept is based upon the publication Pavement Design Guide for Streets and Parking, distributed by the Ohio Aggregates Association and Flexible Pavements, Inc.

The use of the ODOT design procedure gives the designer a structural number (SN) for a pavement structure that is sufficient to carry the anticipated traffic for the soil type found at the construction site. Coefficients for paving materials are given and along with various combinations of materials and varying thicknesses produce different designs which satisfy the SN requirement. The designer can then compare alternate designs to determine the most economical to construct.

DESIGN PROCEDURE

1. Using the Soil Survey of Licking County, find the rating for local roads and streets in the Building Site Development Table (Table I), Appendix IV.
2. Using this rating, find the required Structural Number (SN) for pavement design from Table II, Appendix IV.
3. Using the "SN" coefficients for material types (Appendix IV), design pavement alternatives by multiplying material thicknesses by unit "SN", then sum for each layer to satisfy the total Structural Number needed.

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

Street name signs, and traffic signs (STOP, SPEED LIMIT, STOP AHEAD, etc.), shall be erected by the subdivider at all intersections at their expense. Signs shall be of a reflective nature with letters a minimum of 4" high and a color contrasting with their background. If the developer wishes, the signs can be erected by the village with their written consent, but the total cost will be charged to the developer. To avoid duplication and confusion, the proposed names of all streets shall be approved by the Commission staff prior to such names being assigned or used. Platted street names, when approved, shall be used as the official street names. See Section 41.30.

Section 52.00 Water Supply

The following requirements shall govern water supply improvements:

1. Where private wells are not feasible, or where a public water supply is required because of a water pollution problem or the lack of sufficient ground water to serve the proposed subdivision in the determination of the Ohio Environmental Protection Agency (OEPA), the Village Engineer, or the Licking County Board of Health, the subdivision shall not be approved until such time as the subdivision will be provided with an approved complete water distribution system. The water distribution system shall include a connection for each lot to the system and appropriately spaced fire hydrants.
2. Where public water supply is not available or not required, the subdivider shall submit a geologist's report, which must be submitted to the Licking County Health Department for determining the availability of a ground water supply for water wells and the groundwater recharge capability of the underlying aquifer. The Ohio Department of Natural Resources (ODNR), Division of Water, may be able to provide this information. The subdivider may be required to drill one or more test wells in the area to be platted by the Licking County Board of Health or Village of Buckeye Lake Planning Commission. Copies of well logs which are obtained shall include the name and address of the well driller and shall be submitted with the plat to the LCPC.
3. All individual private wells shall be developed in accordance with the current Licking County Health Department Regulations.

Section 52.10 Fire Protection

Fire hydrants with 2 1/2 inch outlets and one 5 inch 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. 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 eight inches in diameter and should be a looped water line.

Where central water systems are not available, the Village of Buckeye Lake Planning Commission will require Dry or Draughting Hydrants unless the local fire district requests, in writing, their preference that the site not be equipped with such facilities. These hydrants will be designed as set forth by the National Fire Protection Association (NFPA). The specifications, available from the LCPC, are detailed in the publication "Planning for Water Supply and Distribution," developed by the National Wildland / Urban Interface Initiative.

Section 52.20 Sanitary Sewer Improvements

Where an adequate public sanitary sewer system is reasonably accessible, in the determination of the BPA, public sanitary sewers shall be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall in all cases meet the requirements of the OEPA. They shall also meet the approval of the Buckeye Lake Consulting Engineer, the sewer regulations approved by the Board of Public Affairs, council, and other authority established to operate and/or oversee and manage the system. Combinations of sanitary sewers and storm sewers shall be prohibited.

The owner of any lot or plot of ground which is required by law or who wishes to connect into the sewer system of the village, shall first pay a connection fee established by the Board of Public Affairs, and the Village Council.

Section 52.30 Drainage Improvements

The subdivider shall construct all necessary facilities including underground pipes, inlets, catch basins, and/or open drainage ditches, as required by Articles 4 and 6, to provide for the adequate disposal of subsurface and surface water and maintenance of natural drainage courses.

Section 52.40 Culverts and Bridges

Where natural or man-made drainage channels intersect any street right-of-way, it shall be the responsibility of the developer to have satisfactory bridges and/or culverts constructed. Where culverts are required, minimum requirements shall be observed as follows. All culvert lengths and designs shall be approved by the Village Engineer and designed to handle a minimum of a 25 year storm, unless the township requires greater capacity.

Residential driveway culverts shall have a minimum length of 20 feet, and a minimum diameter of 12 inches. The driveway culverts shall be laid so as to maintain the flow lines of the ditch or gutter. All driveway culverts shall be subject to the approval of the Village Engineer or village council. The developer shall state the minimum culvert size for all driveways crossing any drainage ditches according to the calculations of Article 6. The developer will also be required to include these minimum culvert sizes in the deed restrictions for the subdivision. This will ensure adequate storm water runoff after development.

Section 53.00 Extensions to Boundaries

The subdivider shall be required to connect to any existing access reserve, street stub, or street extension on adjacent parcels or subdivisions at the point where the improved, dedicated roadway is found. Where developable land exists on any adjacent parcel, the subdivider shall be required to provide a dedicated street right-of-way and improve said right-of-way as either a street extension or a street stub, unless, in the opinion of the Village of Buckeye Lake Planning Commission, such extension is not desirable for the coordination of the layout of the subdivision or most advantageous to future development of adjacent tracts. The rights-of-way and improvements shall be established in accordance with Article 4 of these regulations. See Sections 41.00 (D) and 41.29.

Section 53.10 Over-Size and Off-Site Improvements

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

Section 53.20 Cost of Over-Size Improvements

The subdivider shall be required to pay for only that part of the construction costs for the, trunk sewers or water lines which are serving the proposed subdivision as determined by the County Engineer. Village of Buckeye Lake, or other public and private organizations, may pay the difference between the cost of the required improvements for the proposed subdivision and those improvements required to serve the surrounding neighborhood service areas specified in Section 53.10.

Section 53.30 Off-Site Extensions

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

ARTICLE 6

URBAN SOIL AND SEDIMENT POLLUTION CONTROL

General Provisions

Section 60.00 Title

This article shall be cited as the Village of Buckeye Lake Urban Soil and Sediment Pollution Control Regulations.

Section 60.10 Statutory Authorization

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

Section 60.20 Purpose

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

Section 60.30 Scope

This article shall apply to all platted subdivisions and major developments (Section 34.00) within the jurisdiction of these subdivision regulations unless otherwise excluded within this article or unless expressly excluded by state law.

Section 60.40 Disclaimer of Liability

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

Section 60.50 Requirements

No platted subdivision or major development shall be approved, except in compliance with the standards and criteria set forth in this article.

Section 60.60 Exceptions

No sediment control plan shall be required for public road, highway, other transportation, or drainage improvement, or maintenance thereof, undertaken by a government agency or entity if such agency or entity plans to follow a statement of sediment control policy.

Section 60.70 Standards and Criteria

1. Sheet and Rill Erosion. To control pollution of public waters by soil sediment from accelerated sheet and rill erosion on development areas, the responsible person shall:
 - a. Construct and maintain sediment basins sized in accordance with the United States Soil Conservation Service handbook, Water Management and Sediment Control for Urbanizing Areas*; or,
 - b. Apply and maintain a level of management and conservation practices such that the predicted average annual soil loss, accumulative monthly in accordance with the procedure in the United States Soil Conservation Service handbook, Water Management and Sediment Control for Urbanizing Areas, is less than 15 tons per acre the first year commencing from the time of initial earth disturbance, ten tons per acre the second year, and five tons per acre for any other year of the development process. The management and conservation practices shall be designed, applied and maintained so that the entire development area and any part thereof is protected from accelerated erosion in accordance with the stated criteria; or,
 - c. Use other methods to control sediment pollution; this may include but is not limited to a combination of paragraphs (a) and (b) of this standard, provided those methods are acceptable to the Village of Buckeye Lake.
2. Concentrated Water Erosion. To control pollution of public waters by soil sediment from accelerated erosion in drainageways and grassed waterways and in streams and ditches disturbed or modified in conjunction with the development process, on a development area the responsible person shall:
 - a. Design, construct, and maintain concentrated water flow channels such that the velocity of flow does not exceed the permissible velocities listed in the Table of Permissible Velocities for Flowing Water; or,
 - b. Design, construct, and maintain sediment basins sized in accordance with the United States Soil Conservation Service handbook, Water Management and Sediment Control for Urbanizing Areas; or,
 - c. Use other methods to control sediment pollution; this may include but is not limited

to a combination of paragraphs (a) and (b) of this standard, provided those methods are acceptable to the LCPC.

3. Sloughing, Landsliding, and Dumping. To control sediment pollution of public waters caused by sloughing, landsliding, or dumping of earth material, or placing of earth material into such proximity that it may readily slough, slide, or erode into public waters by natural forces, no person shall:
 - a. Dump or place earth material into public waters or into such proximity that it may readily slough, slide, or erode into public waters unless such dumping or placing is authorized by the Village of Buckeye Lake for such purposes as, but not limited to, constructing bridges, culverts, erosion control structures and other in-stream or channel bank improvement works; or,
 - b. Grade, excavate, fill, or impose a load upon any soil or slope known to be prone to slipping or landsliding, thereby causing it to become unstable, unless qualified engineering assistance has been employed to explore the stability problems and make recommendations to correct, eliminate, or adequately address the problems. Grading, excavating, filling, or construction shall commence only after the Village of Buckeye Lake has reviewed and approved such activities in accordance with the approved recommendations.

4. Stream Channel and Flood Plain Erosion. To control pollution of public waters by soil sediment from accelerated stream channel erosion and to control flood plain erosion caused by accelerated storm water runoff from development areas, the increased peak rates and volumes of runoff shall be controlled such that:
 - a. The peak rate of runoff from the critical storm and all more frequent storms occurring on the development area does not exceed the peak rate of runoff from a one year frequency, 24 hour storm occurring on the same area under pre-development conditions.
 - b. Storms of less frequent occurrence (longer return periods) than the critical storm up to the 100 year storm have peak runoff rates no greater than the peak runoff rates from equivalent size storms under pre-development conditions. Consideration of the 1, 2, 5, 10, 25, 50, and 100 year storm will be considered adequate to designing and developing to meet this standard.

The critical storm for a specific development area is determined as follows:

1. Determine by appropriate hydrologic methods the total volume of runoff from a one year frequency, 24 hour storm occurring on the development area before and after development.
2. From the volumes determined in (1), determine the percent increase in volume of runoff due to development and using this percentage, select the 24 hour critical storm from this table:

If the percentage of increase in runoff is:		The critical storm for discharge limitation will be:
Equal to or Greater	and Less Than:	
-	10	1 year
10	20	2 years
20	50	5 years
50	100	10 years
100	250	25 years
250	500	50 years
500	-	100 years

3. The "Peak Discharge Method" of calculating peak rate and total volume of runoff as described in the U.S. Soil Conservation Service's Urban Hydrology for Small Watersheds, Technical Release #55, is well suited to provide the information necessary to comply with this standard. Technical Release #55 is available free from the U.S. Soil Conservation Service, 200 North High Street, Columbus, Ohio 43215.

Methods for controlling increases in storm water runoff peaks and volumes may include but are not limited to:

1. Retarding flow velocities by increasing friction, for example, grassed road ditches rather than paved street gutters where practical (low density development areas, access roads, etc.); discharging roof water to vegetated areas; or grass and rock lined drainage channels.
2. Grading and construction of terraces and diversions to slow runoff and use of grade control structures to provide a level of control in flow paths and stream gradients.
3. Inducted infiltration of increased storm water runoff into the soil where practical, for example, constructing special infiltration areas where soils are suitable; retaining topsoil for all areas to be re-vegetated; or providing good infiltration areas with proper emergency overflow facilities.
4. Provisions for detention and retention, for example, permanent ponds and lakes with storm water basins provided with proper drainage; multiple use areas for storm water detention and recreation, wildlife, transportation, fire protection, or aesthetics; or subsurface storage areas.

Section 61.00 Site Development Planning Procedures

Section 61.10 Required Information

Any person seeking approval of a subdivision shall:

1. Provide mapped information about the location and vicinity of the area proposed for development.
2. Furnish three types of information and maps about the proposed land development and site location:
 - a. An existing characteristics inventory;
 - b. A redevelopment conditions assessment; and,
 - c. A development plan evaluation.
3. Have the right to request the Licking County Planning Commission staff and the Village Engineer to hold pre-submission conference and site inspections, as necessary, for assistance in submitting the required site planning information.
4. Provide three copies of the above required information.

Section 61.20 Information Content Requirement

1. **Information Requirements** - All mappable information requirements, with the exception of the location and vicinity map, shall be rendered on topographic base maps at a scale of no less than 100 feet to one inch which depicts:
 - a. The proposed development site and the adjacent area within 100 feet of its border.
 - b. The relief of the site in two foot intervals.
 - c. Any natural watercourses and existing man-made improvements such as transportation thoroughfares, public utilities, transmission lines, and landmarks.
 - d. Off-site areas susceptible to sediment deposits or to erosion caused by accelerated runoff.
 - e. Off-site areas affecting potential accelerated runoff and erosion control.
2. **Location and Vicinity**
 - a. This mapped information is required to show the proposed development site in relation to its general surroundings.
 - b. The location and vicinity map shall:
 - 1) Display the area proposed for development and the surrounding area within approximately one mile from its borders.
 - 2) Be prepared from a 2,000 scale (one inch = 2,000 feet) U.S. Geological Survey (USGS) topographic base map.
 - 3) Indicate any areas adjacent to the development site which are obviously susceptible or which noticeably contribute to on-site potentials for flooding, erosion and sedimentation.
 - 4) Indicate the general direction of surface drainage around the site and show delineation of the 100 year floodplain for any natural watercourses which pass

through or are adjacent to the area to be developed

3. **Existing Characteristics Inventory**

- a. Mapped information is required in the inventory which is necessary for assessment of redevelopment site conditions; and later serves as the basis for site plan evaluation.
- b. The inventory map shall:
 - 1) Display information about the names, textures, percent slope, and erodability of surface soils on the area proposed for development according to series symbols and descriptions provided within county soil surveys prepared by and available from the U.S. Department of Agriculture. Also, the hydrologic group to which each soil series belongs may be identified from the Soil Conservation Service (SCS) technical release Urban Hydrology for Small Watersheds and indicated in the map legend.
 - 2) Depict all major and minor natural watercourses, inclusive of streams, creeks, rivers and tributaries, and indicate the general directions of flow and the 100 year floodplain where applicable. Any bodies of water, inclusive of lakes, ponds, marshes and reservoirs shall also be shown.

4. **Redevelopment Conditions Assessment**

- a. The assessment requires quantifying the inventory map information by site sub-drainage areas in order to determine and display the volume and rate of runoff and gross soil loss from the proposed development area, and shall be prepared according to methods prescribed in the SCS text cited in Section 61.10 of this article or others which yield equivalent information about rates and volumes of site surface drainage runoff and soil loss potentials. Information from the assessment is used to evaluate impacts expected to result during and from development of a proposed plan.
- b. The assessment shall:
 - 1) Show delineation and sequence of sub-drainage units which comprise the area proposed for development.
 - 2) Indicate the hydraulic length of slope per individual sub-drainage unit and the length of the natural or man-made watercourse which accommodates the surface runoff from each.
 - 3) Indicate within the legend the average percent slope, erosion factor (K) and runoff curve number (CN) per individual sub-drainage unit for a 24 hour storm of a one year frequency.
 - 4) Be accompanied by a hydrograph and all calculations pertinent to assessing site surface water runoff and gross soil erosion.

5. **Development Plan Evaluation**

- a. The evaluation of the proposed site development plan is to provide mapped and tabularized information about the changes in rates and volumes of runoff and erosion which are expected to result from its implementation and shall be prepared according to methods prescribed in the SCS text cited in Section 61.10 of this article. The LCPC staff and Village Engineer shall use this evaluation information to determine whether an additional Runoff Control and Sediment Abatement Plan is needed.
- b. The development plan evaluation map shall:
 - 1) Depict all permanently proposed structural improvements and installations to be made

on the development site, inclusive of buildings, retaining walls, sidewalks, streets, parking lots, driveways and storm drainage impoundments, channels and outlets.

- 2) Indicate all proposed earth disturbance including:
 - a) Areas of excavation, grading, and filling.
 - b) The finished grade, stated in feet horizontal to feet vertical, of cut and fill slopes.
 - c) Kinds of utilities and proposed areas of installation.
 - d) Proposed paved and covered areas in square feet or to scale on a plan map.
 - e) Makeup of proposed surface soil (upper six inches) on areas not covered by buildings, structures, or pavement. Description shall be in such terms as: original surface soil, subsoil, sandy, heavy clay, stony, etc.
 - f) Proposed kind of cover on areas not covered by buildings, structures, or pavement. Description shall be in such terms as: lawn, turf grass, shrubbery, trees, forest cover, rip-rap, mulch, etc.
 - g) Provisions for temporary erosion control.
- 3) Graphically differentiate the area to be developed from the area to be left undisturbed.
- 4) Depict all grade changes and areas to be excavated or used for stockpiling on-site during development and provide the timing for their occurrence within an attached schedule of overall construction activities.
- 5) Be accompanied by a hydrograph for a 24 hour storm of the critical frequency to be controlled as determined according to Section 60.80, #4 and all calculations made pertinent to evaluating the effects of the proposed development plan upon current runoff and erosion conditions of the site.
- 6) Provide certification by the developer/owner that all earth disturbance, construction, and development will be done pursuant to the plan.

Section 61.30 Submission, Review, and Approval

1. Submission of required site development planning information required under Section 61.10 and 61.20 to the LCPC staff by an applicant seeking approval of a proposed development and/or subdivision:
 - a. Completes the applicant's responsibilities within the initial planning phase of the development review process.
 - b. Initiates proceedings by the LCPC staff and Village Engineer to determine whether or not a Runoff Control and Sediment Abatement Plan or changes in a site development and/or subdivision development are needed before it approves the proposed development, authorizing commencement of earth-disturbing activities.
2. The LCPC staff, the Village Engineer, and a representative of the local Soil and Water Conservation District shall review the site development planning information and inspect the proposed development site to:
 - a. Verify site plan assessment information furnished by the applicant and evaluate the proposed major/minor subdivision development in relation to existing site conditions.
 - b. Assess the adequacy of the proposed site grading and drainage development plan

to control against on-site incidents of accelerated runoff, erosion, and sedimentation.

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3. Review of the site plan and development impact assessment evaluation information shall be completed by the LCPC staff:
 - a. By the time that such information, along with the subdivision proposal, is officially accepted by the Village of Buckeye Lake at its regularly scheduled meeting.
 - b. Provided the applicant has submitted all information required by Sections 61.10 and 61.20 of this resolution along with the subdivision proposal to the planning commission at least 30 days prior to a regularly scheduled meeting.
 4. The LCPC and appropriately authorized approving agent(s) shall, upon completion of the site development plan and impact assessment evaluation review within the time period specified by Section 61.30, #3 either:
 - a. Approve the site development plan as submitted by the applicant for review; or,
 - b. Disapprove the site development plan until required changes in the site plan are made and/or, if required, a Runoff Control and Sediment Abatement Plan is prepared and submitted by the applicant to the LCPC staff according to the provisions under Sections 61.40 and 61.41 of this article and area reviewed and approved by them.
 5. Action by the LCPC staff approving or disapproving the site development plan is a final order for purposes of judicial review.

Section 61.40 Abatement Control Plan Content Requirements

1. A Runoff Control and Sediment Abatement Plan shall identify how accelerated surface water runoff, increased erosion, and sediment deposition induced by site development are to be controlled to a level within the abatement standards of Sections 60.60 through 60.80 of this resolution.
2. All proposed controls are to be designed in accordance with methods and techniques set forth in the SCS texts cited above in this article or others with the prior approval of the planning commission.
3. A Runoff Control and Sediment Abatement Plan shall be comprised of, but not limited to, the following information:
 - a. A map rendered on the base prescribed by Section 61.20, #1 which indicates the number, types, dimensions, and locations of all runoff, erosion, or sediment control devices to be utilized either temporarily or permanently on a development site.
 - b. All pertinent computations made to arrive at the final dimensions of each control device. These shall be presented along with plan and section view drawings of the same rendered at an appropriate design scale to be agreed upon between the applicant and the planning department staff.
 - c. Schedules detailing the timing and cost for the installation and maintenance of each control device.

Section 61.41 Abatement Control Plan Submission, Review, & Approval

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1. Submission of a Runoff Control and Sediment Abatement Plan to the LCPC staff completes all site development planning information and impact control planning responsibilities required of an applicant under provisions of this article and initiates final site development plan approval proceedings.
 2. Review of the Runoff Control and Sediment Abatement Plan required of the applicant shall:
 - a. Be made by the LCPC staff, the Village Engineer, and a representative of the local Soil and Water Conservation District, provided the applicant has prepared and submitted all necessary information according to Section 61.40 of this resolution.
 - b. Be completed within a period of 30 days before the plan is approved or disapproved by the Village of Buckeye Lake Planning Commission at a regularly scheduled meeting.
 3. The Village of Buckeye Lake Planning Commission shall, upon completing its review of the Runoff Control and Sediment Abatement Plan, either:
 - a. Approve the Runoff Control and Sediment Abatement Plan as submitted by the applicant provided it is in compliance with provisions of this article and initial site plan review recommendations; or,
 - b. Disapprove the Runoff Control and Sediment Abatement Plan until the applicant makes revisions which comply with provisions of this article.
 4. Revisions to a disapproved Runoff Control and Sediment Abatement Plan shall be prepared and submitted by an applicant to the LCPC staff for review and approval according to the same procedures specified by provisions within the above paragraphs of this section.
 5. Action by the Village of Buckeye Lake Planning Commission approving or disapproving a Runoff Control and Sediment Abatement Plan is a final order for purposes of judicial review.
 6. Notwithstanding anything to the contrary in Sections 61.10 through 61.90, any applicant for a site development permit for a subdivision (1) shall submit its initial application (Section 61.30) together with the preliminary plan submissions required by Articles 3 and 4 (initial submissions for both major and minor subdivision) of the subdivision regulations for Village of Buckeye Lake, Ohio, and (2) shall submit its Runoff Control and Sediment Abatement Plan together with the preliminary plan or final plat submissions required by Articles 3 and 4 of the subdivision regulations for Licking County, Ohio, and all such submissions shall be reviewed pursuant to the subdivision regulations.

Section 61.50 Off-Site Abatement Control Facilities

Exceptions to requiring permanent control of accelerated runoff and/or soil loss on the development site in all cases shall be considered by the Village of Buckeye Lake Planning Commission provided the applicant can prove that:

1. Performance objectives and standards of this article for runoff control and sediment abatement can be best achieved by installations of off-site abatement control facilities.

2. Accelerated and/or sediment runoff from the development site can be conveyed to off-site abatement control facilities in a manner which satisfies or surpasses performance objectives of this resolution.

Section 61.60 Guarantees for Completion of Work

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

Section 61.70 Inspection to Ensure Compliance

All inspections of the required improvements of this article shall be done in accordance with Article 3, Section 34.10; Article 7, Section 70.30; and Article 9, Section 90.40.

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

Section 61.80 Appeals

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

Section 61.90 Ownership and Maintenance

1. The Village of Buckeye Lake Planning Commission may require the owner and/or the developer to follow the maintenance procedure outlined in Chapter 6131.63 of the *Ohio Revised Code*. The planning commission may require of the owner and/or developer any one or all of the following prerequisites. That the facilities:
 - a. Benefit two or more property owners.
 - b. Are designed for cost-effective maintenance.
 - c. Are determined by the Village of Buckeye Lake Planning Commission to be appropriate additions to this jurisdiction's existing storm drainage system.
 - d. Are not better suited for private maintenance by an individual or group of property owner(s), with ultimate responsibility for maintenance in the event of default on the part of the owner(s) remaining with jurisdiction.
2. Permanent runoff control and sediment abatement installations which are to be privately owned and maintained by an individual or group of property owner(s) shall be:
 - a. Designed and constructed by the permittee (developer/owner) with easements sufficient to allow adequate access for inspections and corrective actions, if necessary, by the Village of Buckeye Lake Engineer (see Article 4, Section 408).

- b. ~~Regularly inspected by the Village Engineer's office to ensure privately-owned~~ installations are being properly maintained and, if not, shall be repaired by them at the expense of the responsible owner(s).
- c. Maintained as installed by the permittee (developer/owner) according to the approved design and not be altered unless approved by the Village Engineer. This covenant shall be enforceable by injunction procedures by the grantors (property owners), their heirs, assignees and Village of Buckeye Lake.

TABLE OF PERMISSIBLE VELOCITIES FOR FLOWING WATER			
Maximum Velocities for Grassed Waterways			
Cover	Range ² (Percent)	Permissible Velocity ¹ Erosion Resistant Soils (Ft. Per Second)	Easily Eroded Soils (Ft. Per Second)
Kentucky Bluegrass	0-5	7	5
Tall Fescue	5-10	6	4
Small Brome	Over 10	5	3
Grass Mixtures	0-5 ²	5	4
Reed Canary	5-10	6	3
Redtop	³		
Red Fescue	0-5	3.5	2.5

- ¹ Use velocities exceeding five feet per second only where good cover and proper maintenance can be obtained.
- ² Do not use slopes steeper than 10 percent except for vegetated side slopes in combination with a stone, concrete, or highly resistant vegetative center section.
- ³ Do not use on slopes steeper than 5 percent except for vegetated side slopes in combination with a stone, concrete, or highly resistant vegetative center section.

Section 62.00 Drainage Field Ditches

Drainage field ditches are shallow graded ditches with flat side slopes which do not interfere with tillage operations. Generally, the side slopes range from 8:1 to 15:1. The purpose of drainage field ditches is to collect water from depressional or nearly flat areas within a field and remove it to a stable outlet.

Generally, erosive velocities will not be a problem because of the low gradient of fields in which drainage field ditches are used and because of the shallow side slopes. Maximum velocities shall be limited to 2.5 feet/second unless on-site studies show that higher velocities will not result in erosive conditions.

Section 63.00 Maximum Velocities for Stream Channels

Drainage Areas Less Than One Square Mile. The maximum permissible design velocity shall

be based on site conditions and shall be such as to result in stability of the ditch bottoms and side slopes. Maximum permissible velocities will be computed using bank-full stage or ten-year frequency stage whichever is lower. The following table will be used as maximum velocity for all drainage main or lateral design. Vegetation will be established immediately after construction.

SUBSOIL TEXTURE	MAXIMUM VELOCITY ⁴ (Ft. Per Second)
Sand and Sandy Loam (non-colloidal)	2.5
Silt Loam (also high lime clay)	3.0
Sandy Clay Loam	3.5
Clay Loam	4.0
Stiff Clay, Fine Gravel, and Graded Loam to Gravel	5.0
Graded Silt to Cobbles (colloidal)	5.5
Shale, Hardpan, Coarse Gravel	6.0

- ⁴ Channels that cannot be designed to meet the maximum velocity limitation must be stabilized with materials other than vegetation. Such materials include crushed rock, concrete, gabion, etc.

Drainage Areas Greater Than One Square Mile - Channel velocities for newly constructed channels with drainage areas in excess of one square mile shall meet special stability requirements contained in U.S. Soil Conservation Service Technical Guide (Technical Release 25, Planning and Design of Open Channels).

ARTICLE 7

ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

Section 70.00 Improvements and Performance Bond

Before the final plat is signed by the secretary of the Village of Buckeye Lake Planning Commission, all applicants shall be required to complete, in accordance with the Village of Buckeye Lake Planning Commission's decision and to the satisfaction of the Village Engineer, and the Board of Public Affairs, all the street, sanitary, and other improvements required in these regulations and specified in the Final Plat. The Village Council have approval of the final subdivision plat to be recorded.

The Village of Buckeye Lake Planning Commission, at its discretion, may waive the requirements that the applicant complete and dedicate all public improvements prior to signing of the plat, provided that one of the following procedures is agreed to:

1. A performance bond for 100 percent of the estimated cost of all improvements and monuments shall be deposited with the Village Council. The amount of said bond shall be an amount sufficient to cover all construction cost of improvements required in these regulations plus 10 percent of construction costs for initial maintenance. The bond amount shall be set by the Village Engineer and/or Board of Public Affairs, either of whom may seek the advice and recommendations of other qualified individuals, based on estimates provided to them by the developer, and as agreed upon by the Village Council.
2. A certified check for 100 percent of the cost of improvements and monuments shall be deposited with the Village Council. The amount of said certified check shall be an amount sufficient to cover all construction cost plus ten percent for initial maintenance. The check amount shall be specified by the Village Engineer and/or Board of Public Affairs, based on estimates provided to them by the developer, and as agreed upon by the Village Council. The certified check shall be accompanied by a contract between the subdivider and the payee which contract shall state the terms and conditions under which the check may be cashed if the subdivider fails to complete the required improvements within the time limit as specified in Sections 70.10 and 90.40.
3. A developer may make arrangements to have an amount equal to 100 percent of the cost of improvements and monuments held in escrow. The amount held in escrow may be in the form of a Certificate of Deposit with a two year maturity time limit. The amount of said escrow agreement shall be an amount sufficient to cover all construction cost of improvements required in these regulations plus 10 percent of construction cost for initial maintenance. The escrow amount shall be set by the Village Engineer and/or Board of Public Affairs, based on estimates provided to them by the developer, and as agreed upon by the Village Council. Said escrow agreement will state the terms and conditions under which the funds will be distributed if the subdivider fails to complete the required improvements within the time limit as specified in Sections 70.10 and 90.40.

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4. A subdivider may make arrangements to have an amount equal to 100 percent of the cost of improvements and monuments secured by a Letter of Credit. The amount of said Letter of Credit agreement shall be an amount sufficient to cover all construction cost of improvements required in these regulations. The Letter of Credit amount shall be set by the Village Engineer, based on estimates provided to them by the developer, and as agreed upon by the Village Council. Said Letter of Credit agreement will state the terms and conditions under which the funds will be distributed if the developer fails to complete the required improvements within the time limit as specified in Sections 70.10 and 90.40.

The performance bond, cash deposit, letter of credit, or escrow account shall be payable to the Village of Buckeye Lake and shall provide that the subdivider, his/her heirs, successors and assigns, their agent or servant will comply with all applicable terms, conditions, provisions, and requirements. A copy of the bond or cash receipt shall be transmitted to the Village of Buckeye Lake Planning Commission for its record. A final plat will not be approved unless all improvements are installed as required herein, inspected and approved, or unless an approved bond or surety agreement is provided to the Village of Buckeye Lake Planning Commission. Proof of the bond or surety shall be furnished to the Village of Buckeye Lake Planning Commission and the Village Council before signatures are placed on the plat prior to it being recorded.

Section 70.10 Extension of Time

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

Section 70.20 Inspections

During construction, the Village Engineer and/or Board of Public Affairs or their respective designee will provide all inspections. The subdivider shall give a written notice to the Village Engineer, LCPC staff, and/or the Board of Public Affairs or engineer representing the appropriate water or sewer authority 48 working hours prior to the date construction is to begin. The subdivider shall be required to pay for any and all inspections during and after construction as required by the Village Engineer and/or the engineer representing the appropriate water or sewer authority. The developer shall be billed for the amount of inspection services. Upon completion of all improvements, the subdivider shall request, in writing, a final inspection by the Village Engineer and/or Board of Public Affairs and/or the engineer representing the appropriate water and sewer authority.

All inspections shall be required according to the schedule in Appendix X.

Section 70.30 Release or Reduction of Performance Bond

1. The Village of Buckeye Lake will not accept dedication of required improvements, nor release nor reduce a performance bond, until the Village Engineer and/or Board of Public Affairs has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the Village Engineer and/or Board of Public Affairs through submission of detailed as-built survey plat of the subdivision that the requirements of this ordinance, and any conditions attached to final plat approval, have been complied with. This survey shall contain the location, dimensions, material, and other information required by the Village of Buckeye Lake Planning Commission, Village Engineer, and Board of Public Affairs.
2. A Title Option shall be furnished to and approved by the Village of Buckeye Lake (or their attorney) indicating that the improvements shall have been completed, are ready for dedication to the Village Council and are free and clear of all liens and encumbrances. Upon such approval and recommendation, the Village of Buckeye Lake shall thereafter accept the improvements for dedication in accordance with the established procedure.
3. A performance bond may be reduced upon actual dedication of public improvements. When a portion of the improvements has, upon inspection by the Village Engineer and/or Board of Public Affairs, been satisfactorily completed, a reduction in the bond or partial withdrawal of funds may be authorized, provided, however, that such reduction shall not reduce the balance of the bond below the re-estimated completion cost as of the date of reduction, and provided further that all other requirements of this section have been properly executed.

Section 70.40 Maintenance of Improvements

1. The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks, if required, until such improvements are accepted for public maintenance (See Appendix V).

Section 70.50 Deferral or Waiver of Required Improvements

1. The Village of Buckeye Lake Planning Commission may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in the Commission's judgement, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.
2. Whenever it is deemed necessary by the Village of Buckeye Lake Planning Commission to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his share of the costs of the future improvements to the Village Council prior to signing the final subdivision plat, or the developer may post a bond or other guarantee insuring completion of said improvements upon demand of the Village Council.

ARTICLE 8

CONGESTION PREVENTION

and

THE VILLAGE OF Buckeye Lake THOROUGHFARE PLAN

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

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

Section 80.00 Intent and Purpose

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

To achieve this policy intent, state and local thoroughfares have been categorized by function and classified for access purposes based upon their level of importance, with highest priority on the Ohio Highway System and secondary priority on the primary network of regional and intra-regional arterials and collectors. Regulations have been applied to these thoroughfares for the purpose of reducing traffic accidents, personal injury, and property damage attributable to poorly designed access systems, and to thereby improve the safety, operation, and reduce the overall improvement cost of the roadway network. In addition, these regulations attempt to

mitigate the congestion of existing roadways resulting from continued growth in the county and the increased air pollution caused by resulting traffic jams. This will protect the substantial public investment in the existing transportation system and reduce the need for expensive, remedial measures. These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems that prevent congestion and discourage the unplanned subdivision of land.

Section 80.10 Applicability

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

Section 81.00 Definitions

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

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

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

Access Management - The process of providing and managing access to land development while preserving the flow of traffic in terms of safety, capacity, speed, and the prevention of congestion while reducing the rate of increase in public expenditures for additional road capacity. See *Congestion Prevention*.

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

Classified Roadway - A roadway categorized by the amount of traffic it can or will carry and the amount of congestion prevention and access management it should receive. They are "Major Arterial," "Minor Arterial," "Major Collector," and/or "Minor Collector" as designated by the Licking County Thoroughfare Plan and Appendix VIII.

Congestion Prevention - The process of providing and managing access to land development while preserving the flow of traffic in terms of safety, capacity, speed, and the prevention of congestion while reducing the rate of increase in public expenditures for additional road capacity.

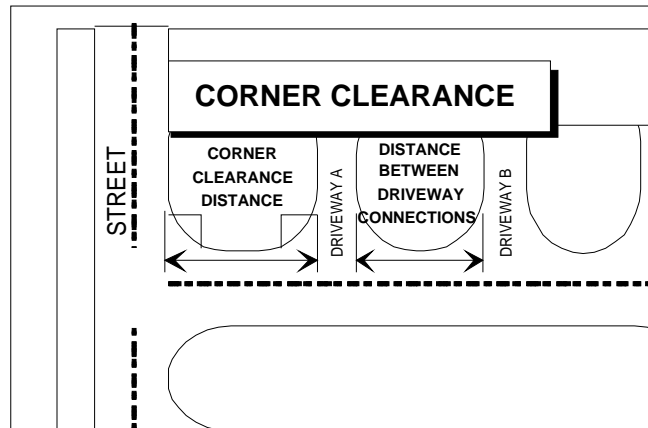
Congestion Prevention Plan (Corridor) - A plan illustrating the design of access for lots on a highway, arterial, or collector segment and/or an interchange area.

Connection Spacing - The distance between connections, measured from the closest edge of

_____pavement of the first connection to the closest edge of pavement of the second connection along the edge of the traveled way.

Corner Clearance - The distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way (see Figure 1).

Figure 1: Corner Clearance and Connection Spacing



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

Cross Access - A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public roadway system. (see Figure 4)

Deed - A legal document conveying ownership of real property.

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

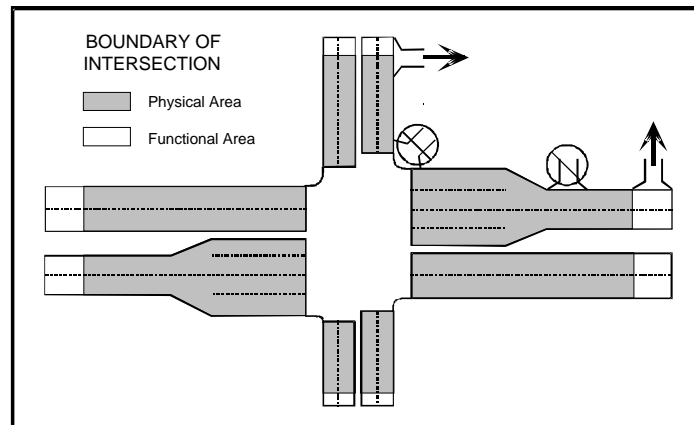
Driveway - a private road that connects a parcel with a street.

Easement - A grant of one or more property rights for a specific purpose by a property owner to or for use by the public, or another person or entity.

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

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

Functional Area (Intersection) - That area beyond the physical intersection of two roadway facilities that comprises decision and maneuver distance, plus any required vehicle storage length, and is protected through corner clearance standards and driveway connection spacing standards (see Figure 2).



**Figure 2:
Functional Area
of Intersection**

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

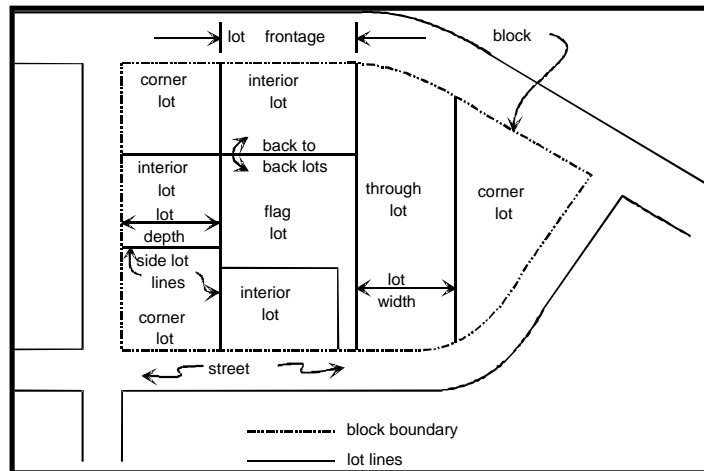
Joint Access (or Shared Access) - The point where vehicles enter or leave the public roadway to or from a private lot which is shared by two or more contiguous sites.

Limited Access Highway / Freeway: A highway especially designed for through traffic and over which abutting property owners have no easement or right of access by reason of the fact that their property abuts upon such highway (ORC 5511.02) **except as granted by these regulations.** Major and Minor Arterials, as identified in the Village Thoroughfare Plan for Congestion Prevention and these regulations, are Limited Access Highways/Freeways. (See also ORC 5535.03.)

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

Lot - A parcel, tract, or area of land whose boundaries have been established by some legal instrument, which is recognized as a separate legal entity for purposes of transfer of title, has frontage upon a public or private street, and complies with the dimensional requirements of this code.

Figure 3: Types of Lots



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

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

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

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

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

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

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

Nonrestrictive Median - A median or painted centerline that does not provide a physical barrier between traffic traveling in opposite directions or turning left, including continuous

center turn lanes and undivided roads.

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

Parcel - A division of land comprised of one or more contiguous lots under the same ownership.

Plat - An exact and detailed map of the subdivision of land.

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

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

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

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

Right-of-Way - Land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility, or other public purpose.

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

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

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

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

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

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

Section 82.00 Congestion System/Standards	Prevention	Classification
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Section 82.10 Classifications

All roadways in Village of Buckeye Lake have been classified for congestion prevention and access management (see Appendix VIII). These classes are “Major Arterial,” “Minor Arterial,” “Major Collector,” “Minor Collector,” and lower order. These Congestion Prevention requirements only apply to the first four roadway classes. Those roads not listed are considered lower order and do not need to meet the requirements of Article 8. Within the first four classifications, each has different degrees of access standards, with the most strict applying to major arterials and the least strict to minor collectors. Of major importance to congestion prevention and access management is driveway and roadway spacing; in other words the distance between access points onto a roadway. The requirement for spacing between any access points and/or roads for a lot on any of these classified roadways is the LESS STRICT of the safe stopping distance required for either 1) the speed limit on that road segment, or 2) the designed speed limit for that road segment’s classification. What follows is a more detailed description of the requirements for each particular road classification.

Section 82.11 Major Arterial

1. In accordance with ORC 5535.03, Licking County and the Licking County Area Transportation Study (LCATS) have designated certain roadways in the county as Major Arterials based on Ohio Department of Transportation classifications (see Appendix IX, Map 9-B). These Major Arterial roadways are specifically designed for the movement of through traffic and therefore only four (4) minor land divisions (lot splits) gaining access from a Major Arterial shall be permitted in total from an original tract of land as it is recorded on the effective date of these Subdivision Regulations. Land divisions that meet the Major Subdivision or Major Development processes outlined in these regulations (see Sections 33.00 & 34.00) are permitted on Major Arterials.
2. No additional access points are permitted on a Major Arterial, other than for new roads (existing access points may be relocated or closed to improve safety and/or traffic flow on a roadway). Large scale developments may be required to provide additional access points when a Traffic Impact Study¹ indicates such provision will enhance safety and/or traffic flow on the arterial. When a major change in use or trip (traffic) generation occurs, such development shall be required to meet the standards of this article (see definition: “Significant Change in Trip Generation”).
3. New roads / access points requiring (or that may require in the future) traffic signals shall be spaced at ½ mile intervals. Whenever feasible, new roads shall be a minimum of 550 feet apart and directly across from (not offset from) other streets and drives.

¹ Review of commercial and residential developments for purposes of these regulations shall conform to the latest edition of the Traffic Access and Impact Studies for Site Development, by the Institute of Transportation Engineers.

4. New roads that are constructed intersecting a Major Arterial shall construct left turn lanes and right turn deceleration lanes on the Major Arterial; this includes the dedication of right-of-way sufficient for turn lanes along the entire frontage.
5. For all land division or access improvement, half (½) of the right-of-way necessary to improve the R.O.W. of the Major Arterial to 120 feet, or that necessary for a four lane divided road section, shall be pinned, marked on the survey or plat, and recorded on the deed or plat as "Future Road Right-of-Way Setback" along the entire parcel or development. Major Subdivisions and Major Developments are required to dedicate this right-of-way to the county (see Section 41.10).
6. All developments -- residential, commercial, and industrial, shall be reviewed to ensure that ingress/egress, including on-site circulation, shall not interfere with roadway traffic; this review may require, but is not limited to, the addition of left and right turn lanes, minimum turning radii for driveways, minimum "throat" lengths between entrance and parking areas (see Table 5), and restricting ingress and egress to Right In / Right Out only.
7. Wherever the creation of a new access point or a significant change in trip generation of an access point is permitted, the property owner(s) must record an easement with the deed allowing access to and from other properties in the area. The property owner shall enter an agreement to dedicate remaining access rights along the arterial to the county, and enter into another agreement to be recorded with the deed that any pre-existing driveways on the arterial will be closed and eliminated after the construction of joint use driveways / access roads / or alternative means of access.
8. Where a proposed subdivision or development abuts and, through internal roadways, connects to an existing subdivision or development which has access to a Major Arterial, the proposed subdivision shall be required, where necessary, to upgrade the intersection of the Major Arterial and the existing subdivision's roadway access.
9. No increase in access will be granted on roadways where the access rights have been purchased by any governmental body.

Section 82.12 Minor Arterial

The criteria for Major Arterial shall apply with the exception of the following:

1. In accordance with ORC 5535.03, Village of Buckeye Lake and the Licking County Area Transportation Study (LCATS) have designated certain roadways in the county as Minor Arterials based on Ohio Department of Transportation classifications (see Appendix IX, Map 9-B). These Minor Arterial roadways are specifically designed for the movement of through traffic and therefore only four (4) minor land divisions (lot splits) gaining access from a Minor Arterial shall be permitted in total from an original tract of land as it is recorded on the effective date of these Subdivision Regulations. Land divisions that meet the Major Subdivision or Major Development processes outlined in these regulations (see Sections 33.00 & 34.00) are permitted on Minor Arterials.
2. New driveway access points and new roadways shall be located on a Minor Arterial in

accordance with the less restrictive requirement of either AASHTO SAFE STOPPING SIGHT DISTANCE criteria based upon the existing speed limit of the arterial (Table 1) or 55 miles per hour (550 feet).

3. For other than single family residential developments, joint use driveways and cross access and/or through access easements must be established wherever possible and the building site must incorporate a unified access and circulation system. Wherever the creation of a new access point or the increased use of an access point is permitted, the property owner(s) must record an easement with the deed allowing access to and from other properties in the area. The property owner shall enter an agreement to dedicate remaining access rights along the arterial to the county, and enter into another agreement to be recorded with the deed that any pre-existing driveways will be closed and eliminated after the construction of joint use driveways / access roads / or alternative means of access.
4. For all land division or access improvement, half (½) of the right-of-way necessary to improve the R.O.W. of the Minor Arterial to 120 feet, or that necessary for a four lane divided road section, shall be pinned, marked on the survey or plat, and recorded on the deed or plat as "Future Road Right-of-Way Setback" along the entire parcel or development. Major Subdivisions and Major Developments are required to dedicate this right-of-way to the county (see Section 41.10).
5. Any lot permitted to create a new access point(s) shall be required to have deed restrictions allowing travel through that access to any contiguous lots of record.
6. Where a proposed subdivision or development abuts and, through internal roadways, connects to an existing subdivision or development which has access to a Minor Arterial, the proposed subdivision shall be required, where necessary, to upgrade the intersection of the Minor Arterial and the existing subdivision's roadway access.
7. No increase in access will be granted on roadways where the access rights have been purchased by any governmental body.

**Table 1:
AASHTO SAFE STOPPING SIGHT DISTANCE
CONNECTION SPACING STANDARDS**

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

Section 82.13 Major Collector

1. No new direct access (driveway) other than for a new road is permitted from any lot to a

Major Collector, except for minor lot splits in residential or agricultural zoning districts.

For other than single family residential developments, joint use driveways and cross access and/or through access easements must be established wherever possible and the building site must incorporate a unified access and circulation system. Wherever the creation of a new access point or the increased use of an access point is permitted, the property owner(s) must record an easement with the deed allowing access to and from other properties in the area. The property owner shall enter an agreement to dedicate remaining access rights along the Major Collector to the county, and enter into another agreement to be recorded with the deed that any pre-existing driveways will be closed and eliminated after the construction of joint use driveways / access roads / or alternative means of access.

2. Any new driveway access points and new roadways shall be located on a Major Collector in accordance with either AASHTO SAFE STOPPING SIGHT DISTANCE criteria based upon the existing speed limit of the Major Collector (Table 1) or 45 miles per hour (400 feet), whichever is less restrictive.
3. When new streets access a Major Collector, left turn lanes shall be constructed on the collector and flared right turn "lanes" shall be constructed according to the requirements of Section 83 (esp. 83.30 & 83.40). Right-of-way shall be dedicated along the full frontage to the depth required by the turn lanes and/or other turn improvements.
4. For all land division or access improvement, half (½) of the right-of-way necessary to improve the R.O.W. of the Major Collector to 100 feet, or that necessary for a four lane road section, shall be pinned, marked on the survey or plat, and recorded on the deed or plat as "Future Road Right-of-Way Setback" along the entire parcel or development. Major Subdivisions and Major Developments are required to dedicate this right-of-way to the county (see Section 41.10).
5. Commercial and industrial subdivisions/developments shall construct left and right turn lanes and dedicate right-of-way as per above and meet the requirements of Section 83.
6. All developments -- residential, commercial, and industrial shall be reviewed to ensure ingress/egress, including on-site circulation, shall not interfere with roadway traffic; this review may require, but is not limited to, the addition of left and right turn lanes, minimum turning radii for driveways, minimum "throat" lengths between entrance and parking areas, and restricting ingress and egress to Right In / Right Out only.
7. Where a proposed subdivision or development abuts and, through internal roadways, connects to an existing subdivision or development which has access to a Major Collector, the proposed subdivision shall be required, where necessary, to upgrade the intersection of the Major Collector and the existing subdivision's roadway access.
8. No increase in access will be granted on roadways where the access rights have been purchased by any governmental body.

Section 82.14 Minor Collector

1. New streets intersecting the Minor Collector shall meet the requirements of Section 83.

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2. New driveway access points and new roadways shall be located on a Minor Collector in accordance with either AASHTO SAFE STOPPING SIGHT DISTANCE criteria based upon the existing speed limit of the Minor Collector (Table 1) or 35 miles per hour (400 feet), whichever is less restrictive.
 3. For all land division or access improvement, half (½) of the right-of-way necessary to improve the R.O.W. of the Minor Collector to 72 feet, or that necessary for a three lane road section, shall be pinned, marked on the survey or plat, and recorded on the deed or plat as "Future Road Right-of-Way Setback" along the entire parcel or development. Major Subdivisions and Major Developments are required to dedicate this right-of-way to the county (see Section 41.10).
 4. Minimum turning radii for roadways where no right turn lane exists shall be 50 feet for a development creating less than or equal to 50 peak hour trips, otherwise a right turn deceleration lane shall be constructed (see Section 83.40).
 5. Where a proposed subdivision or development abuts and, through internal roadways, connects to an existing subdivision or development which has access to a minor collector, the proposed subdivision shall be required, where necessary, to upgrade the intersection of the minor collector and the existing subdivision's roadway access.
 6. No increase in access will be granted on roadways where the access rights have been purchased by any governmental body.

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

1. Minor land divisions are permitted along all roadways except Major and Minor Arterials provided that the proposed driveway spacing meets the requirements of Table 1: AASHTO Safe Stopping Sight Distance Connection Spacing Standards and this article and the proposed minor land division(s) meet the requirements of Section 31.00.
2. Minor Arterials are limited access highways, so in order to increase safety and prevent congestion of the public roadways, minor land divisions gaining access from Minor Arterials are restricted to a total of five (5) lots, including the remainder of the original tract. Thus five lots may be created as minor land divisions from the original tract as it exists on the Licking County tax maps as of the effective date of these regulations, provided the proposed minor land division(s) meet the requirements of Section 31.00.
3. Major Arterials are also limited access highways, so minor land divisions gaining access from Major Arterials will be permitted provided that they meet the same requirements as 82.15, #2 above and no new access points are created. A copy of the official driveway permit must be submitted with the application.

Section 82.20 General Roadway Standards

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

~~shall meet or exceed the minimum connection spacing requirements of that access classification as specified in Table 1.~~

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

Section 83.00 GENERAL CONGESTION PREVENTION STANDARDS

Section 83.10 Corner Clearance

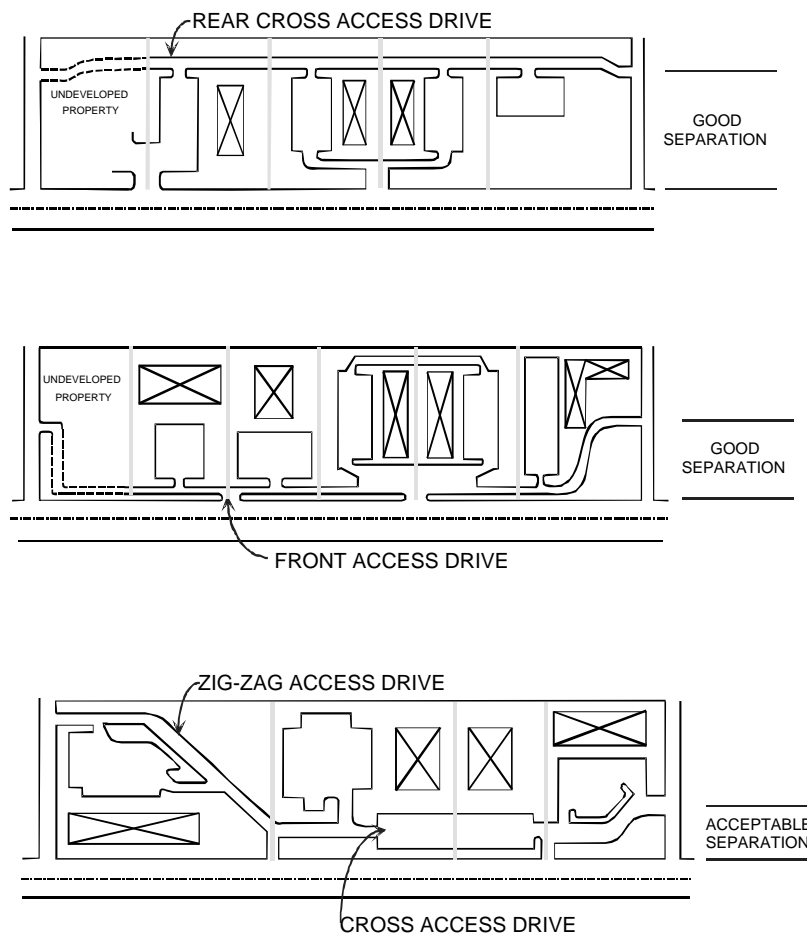
1. Corner clearance for connections shall meet or exceed the minimum connection spacing requirements for that roadway.
2. New connections shall not be permitted within the functional area of an intersection or interchange as defined by the connection spacing standards of this code (see Table 1), unless:
 - a) No other reasonable access to the property is available, and
 - b) The LCPC staff determines that the connection does not create a safety or operational problem upon review of a site specific study of the proposed connection prepared by a registered engineer and submitted by the applicant.

3. Where no other alternatives exist, the Village of Buckeye Lake Planning Commission may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e. right in/out, right in only, or right out only) may be required.
4. In addition to the required minimum lot size, all corner lots shall be of adequate size to provide for required front yard setbacks and corner clearance on street frontage.

Section 83.20 Joint and Cross Access

1. Adjacent commercial or office properties shall provide a cross access drive and pedestrian access to allow circulation between sites.
2. A system of joint use driveways and cross access easements as shown in Figure 4 shall be established wherever feasible along arterials and collectors and the building site shall

Figure 4: Examples of Cross Access Corridor Design



incorporate the following:

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

Section 83.30 Left Turn Lane Improvements and Requirements

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

TABLE 2: Conditions Requiring Left Turn Lane Improvements

Licking County Road Classification	Residential: Required When Number of Lots Exceed	Non-Residential: Required When Peak Hour Trips Exceed
Minor Collector	50 lots or dwelling units	60 Peak hour trips
Major Collector	50 lots or dwelling units	50 Peak hour trips
Minor Arterial	25 lots or dwelling units	40 peak hour trips
Major Arterial	10 lots or dwelling units	30 peak hour trips

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

Section 83.40 Right Deceleration Lane Improvements and Requirements

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

TABLE 3: Conditions Requiring Right Turn Improvements

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

Thus if the design right turn volume is less than or equal to 50 vehicles per hour, a 50 foot radius must be provided. If the design right turn volume is over 50 vehicles per hour, a full right turn lane must be constructed.²

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

²National Cooperative Research Program standards.

When the adjacent property has its own access, 25% of the peak hour trips shall count toward the total for the proposed site. If the adjacent site to be connected with a future access road is currently undeveloped or contains only one structure, the total number of peak hour trips for that parcel shall be calculated by projecting the same density development as proposed on the current site.

Section 83.50 General Access Connection and Driveway Design

1. Driveway width shall meet the following guidelines:
 - a) If the driveway is a one-way in or one-way out drive, then the driveway shall be a minimum width of 16 feet and shall have appropriate signage designating the driveway as a one way connection.
 - b) For two-way access, each lane shall have a width of 12 feet and a maximum of four lanes shall be allowed. Whenever more than two lanes are proposed, entrance and exit lanes shall be divided by a median. The median shall be 10 feet wide if three lanes are being proposed or 16 feet wide if four lanes are proposed.
 - c) Driveways that enter the major thoroughfare at traffic signals must have at least two outbound lanes (one for each turning direction) of at least 12 feet in width, and one inbound lane with a 14 feet of width.

2. Driveways shall be located on the lowest order improved public roadway on which the lot has frontage or a shared access point, unless ODOT and/or the LCPC staff determines that public safety would be better served through access on a higher order roadway. For major subdivisions with private roadways, driveway location will be determined during the LCPC staff review process.

3. Driveway grades shall conform to the requirements of ODOT's Location and Design Manual, latest edition.

4. Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers is discouraged due to the potential for vehicular weaving conflicts (see [Figure 6](#)).

5. Driveway width and flair shall be adequate to serve the volume of traffic and provide for rapid movement of vehicles off of the major thoroughfare, but standards shall not be so excessive as to pose safety hazards for pedestrians, bicycles, or other vehicles.

6. The length of driveways or "Throat Length" (see Figure 7) shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. General standards appear in Table 5 but these requirements will vary according to the projected volume of the individual driveway. These measures generally are acceptable for the principle access to a property and are not intended for minor driveways. Variation from these shall be permitted for good cause upon approval of the Village of Buckeye Lake Planning Commission.

FIGURE 6 Driveway Locations

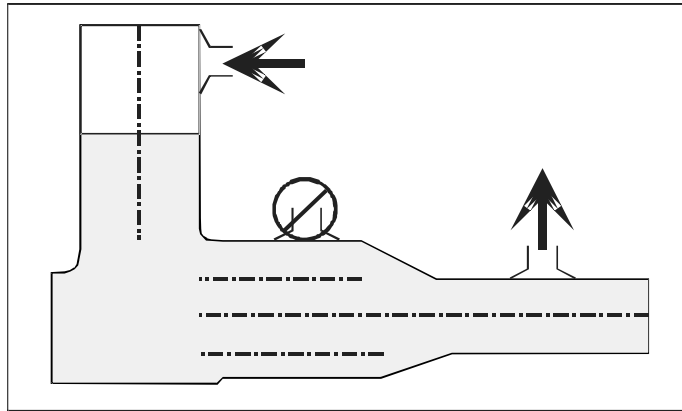


FIGURE 7: Driveway Throat Length

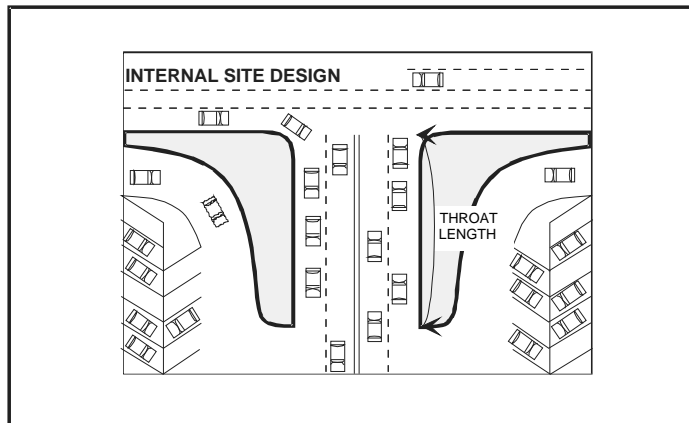


TABLE 5: Generally Adequate Driveway Throat Lengths

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

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

³Assumes 60 second red cycle (90 second cycle).

⁴Assumes 50 second red cycle (90 second cycle).

⁵Requires multiple lanes or access points.

⁶Requires multiple lanes and access points.

Section 83.60 Requirements for Outparcels and Phased Development Plans

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

Section 83.70 Nonconforming Access Features

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

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

Section 84.10 Corridor Congestion Prevention Overlay

1. The minimum lot frontage for all parcels with frontage on all arterials shall not be less than the minimum connection spacing standards of that thoroughfare, except as otherwise provided in this section. Flag lots shall not be permitted direct access to the thoroughfare and interior parcels shall be required to obtain access via a public road in accordance with the requirements of this code.
2. The following requirements shall apply to segments of thoroughfares that are planned for commercial or intensive development. All land in a parcel having a single description number, as of the effective date of these regulations fronting on major thoroughfares, shall be entitled one (1) driveway/connection per parcel as of right on said public thoroughfare(s). When subsequently subdivided, parcels designated herein shall provide access to all newly created lots via the permitted access connection. This may be achieved through subdivision roads, joint and cross access, service drives, and other reasonable means of ingress and egress in accordance with the requirements of these regulations. The following standards shall also apply:
 - a) Parcels with large frontages may be permitted additional driveways at the time of adoption of these requirements provided they are consistent with the applicable driveway spacing standards.
 - b) Existing parcels with frontage less than the minimum connection spacing for that corridor may not be permitted a direct connection to the thoroughfare under this section where the Planning Commission determines alternative reasonable access is available to the site. [Note.- The Planning Commission could allow for a temporary driveway as provided in Section 82.40 with the stipulation that joint and cross access be established as adjacent properties develop.]
 - c) Additional access connections may be allowed where the property owner demonstrates that safety and efficiency of travel on the thoroughfare will be improved by providing more than one access to the site.
 - d) No parking or structure other than signs shall be permitted within 25 feet of the roadway right-of-way. The 25 foot buffer shall be landscaped with plants suitable to the soil and in a manner that provides adequate sight visibility for vehicles exiting the site. Property owners shall be permitted to landscape the right-of-way, pursuant to an approved landscaping plan.

Section 84.20 Reverse Frontage

1. Access to double frontage lots shall be required on the street with the lower functional classification.
2. When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road. Access rights of these lots to the arterial shall be denied and

~~recorded with the deed. A berm or buffer yard may be required at the rear of through~~
lots to buffer residences from traffic on the arterial. The berm or buffer yard shall not be located within the public right-of-way.

Section 84.30 Shared Access

1. Lot created with frontage on a classified roadway may be required to be designed with a shared access point to and from the roadway. Normally a maximum of two accesses shall be allowed when the number of lots or businesses served is greater than 3 (see Figure 12).
2. Cul-de-sacs shall not serve more than 25 lots. (Minimum design elements are specified in Section 41.21 of these regulations.)

Section 84.40 Connectivity

1. The street system of a proposed subdivision shall be designed to coordinate with existing, proposed, and planned streets outside of the subdivision as provided in this section.
2. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided as deemed necessary by the Planning Commission to provide access to abutting properties or to logically extend the street system into the surrounding area. For these purposes either a street extension or street stub shall be used as provided in Section 41.29. The restoration and extension of the street shall be the responsibility of any future developer of the abutting land.
3. Collector streets shall intersect with collector or arterial streets at safe and convenient locations.
4. Minor collector and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation, but such connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.

Section 84.50 Private Roads

1. Private roads may be permitted in accordance with the requirements of this section and the following general standards shall apply:
 - a) All roadways shall be constructed to public specifications and have an easement of a minimum of sixty-six feet in width.
 - b) Private roads that by their existence invite the public in shall have all traffic control features, such as striping or markers, in conformance with the *Manual of Uniform Traffic Control Devices*.
 - c) The minimum distance between private road outlets on a single side of a public road shall be 550 feet, or less where provided by access classification and standards for state roads and local thoroughfares.

- d) ~~All properties served by the private road shall provide adequate access for emergency vehicles and shall conform to the approved local street numbering system.~~
- e) All private roads shall be designated as such and will be required to have a sign and name meeting Village standards and shall include the following notice: "Private Road - not publicly maintained."
 - f) All private roads shall have a posted speed limit not to exceed twenty miles an hour.
 - g) A second access connection to a public road shall be required for private roads greater than 2,000 feet in length.
2. Applications for subdivision approval that include private roads shall meet all of the requirement of these regulations.
 3. No private road shall be incorporated into the public road system unless it is built to public road specifications of the LCPC. The property owners shall be responsible for bringing the road into conformance.
 4. Any plat served by a private road shall note that the property receives access from a private road that shall be maintained collectively by all property owners along that road; that the county and/or township shall not be held responsible for maintaining or improving the private road; and that a right-of-way easement to provide the only access to that property has been recorded in the deed for that property.

Section 84.60 Site Plan Review Procedures

1. Applicants shall submit a preliminary site plan for review by the LCPC staff and Village of Buckeye Lake Planning Commission, as required in Article 3 of these regulations.
2. The site plan review shall address the following access considerations:
 - a) The road system must be designed to meet the projected traffic demand and the road network should consist of a hierarchy of roads designed according to function.
 - b) The road network should follow the natural topography and preserve natural features of the site as much as possible. In addition, the road alignments should be planned so as to minimize grading requirements.
 - c) All access points must be properly placed in relation to sight distance, driveway spacing, and other related considerations. Where opportunities exist for joint and cross access, they should be given primary consideration. Entry roads must be clearly visible from the connecting thoroughfare.
 - d) All residential dwellings must front on residential access streets (local street, minor collector, marginal access street, or cul-de-sac) rather than major roadways (major collector, minor and major arterials). This is also preferable for commercial and industrial buildings.
 - e) Automobile movement within the site should be designed to prevent vehicles accessing the site from having to use the peripheral road network.
 - f) The road system must provide adequate access to the buildings for residents,

visitors, deliveries, emergency vehicles, and garbage collection.

- g) If sidewalks are provided alongside the road, they must be set back sufficiently from the road and a planting strip between the road and the sidewalk must be provided.
 - h) A pedestrian path system should link buildings with parking areas, entrances to the development, open space, and recreational and other community facilities.
3. The Village of Buckeye Lake Planning Commission reserves the right to require the developer to undertake a traffic impact analysis in accordance with Section 82.00 where safety is an issue or where significant problems already exist.
4. After 30 days from filing the application, applicants must be notified by the Village of Buckeye Lake Planning Commission if any additional information is needed to complete the application.
5. Any application that involves access to the State Highway System shall be reviewed by the Ohio Department of Transportation for conformance with state standards. Where the applicant requires access to the State Highway System, and a zoning change, or subdivision or site plan review is also required, development review may be coordinated with the Ohio Department of Transportation, as follows:
 - a) An congestion prevention/site plan review committee that includes representatives of ODOT traffic operations, access permitting, and the local government may review the application. The committee shall inform the developer what information will be required for access review. Information required of the applicant may vary depending upon the size and timing of the development, but shall at a minimum meet the requirements of this article.
 - b) Upon review of the application, the congestion prevention review committee shall advise the Village of Buckeye Lake Planning Commission whether to approve the access application, approve with conditions, or deny the application.
6. If the application is approved with conditions, the applicant shall resubmit the plan with the conditional changes made. The plan, with submitted changes, will be reviewed within 10 working days and approved or rejected.
7. If the access permit is denied, the Village of Buckeye Lake Planning Commission shall provide an itemized letter detailing why the application has been rejected.

Section 85.00 Variance Standards

1. The granting of the variation shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.
2. Applicants for a variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical. This shall include proof that:
 - a) indirect or restricted access cannot be obtained;
 - b) no engineering or construction solutions can be applied to mitigate the

condition; and

- c) no alternative access is available from a street with a lower functional classification than the primary roadway.
3. Under no circumstances shall a variance be granted, unless not granting the variance would deny all reasonable access, endanger public health, welfare or safety, or cause an exceptional and undue hardship on the applicant. No variance shall be granted where such hardship is self-created.

ARTICLE 9

REVISIONS AND ENFORCEMENT

Section 90.00 Sale of Land Within Subdivision

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

Section 91.00 Schedule of Fees, Charges, and Expenses

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

Section 92.00 Recording of Plat

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

Section 93.00 Revision of Plat After Approval

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

Section 94.00 Penalties

1. a. Whoever violates any rule or regulation adopted by the Village of Buckeye Lake 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 Village of Buckeye Lake or any citizen of Licking County.
- b. Whoever violates the Licking County Urban Soil Sediment Pollution Control Regulations (Article 6) as notified by the Village Engineers Office, Licking County Planning Commission, or Soil and Water Conservation Service, shall be fined up to \$300 per day if said violations are not remedied within three (3) days after

receipt of a certified letter notification to said violator from the LCPC after approval of said penalty at the regular monthly meeting of the Village of Buckeye Lake Planning Commission. The Final Plat shall not be recorded unless the fine

_____ is paid and the provisions of Article 6 have been met as agreed when full Village of Buckeye Lake Planning Commission approval was granted to the Preliminary Plan.

- c. Whoever violates these regulations shall forfeit and pay not less than \$100 nor more than \$1,000 per other articles of offense per day. The Village of Buckeye Lake Planning Commission may refuse Final Plat approval until all fees and fines are paid. Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas of Licking County.
 - d. Each such person shall be deemed guilty of a separate offense for every day during which any violation of any provisions of these regulations, including any physical condition created in violation hereof, continues or is committed by such person and shall be punished as provided herein.
2. A County Recorder who records a plat contrary to the provisions of these regulations shall forfeit and pay not less than \$100 nor more than \$500, to be recovered with costs in a civil action by the Village Attorney in the name and for the use of Village of Buckeye Lake.
 3. 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 of the 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. If such land is within a municipal corporation, such sum may be recovered in a civil action brought in the Court of Common Pleas of Licking County.

Section 95.00 Variances

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

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

Section 96.00 Appeal

Any person who believes he has been aggrieved by these regulations or the action of the

Village of Buckeye Lake Planning Commission has all the rights of appeal as set forth in Chapter 711 of the *Ohio Revised Code* or any other applicable section of the *Ohio Revised Code*.

Section 97.00 De-platting or Vacating of Plats

Any person wishing to de-plat or vacate any recorded subdivision, shall follow requirements of the *Ohio Revised Code*, Chapter 711.25. If the de-platting or vacating of the plat creates dead-end streets, the developer shall install cul-de-sacs or turn-arounds suitable to the Village Engineer and the Village of Buckeye Lake Planning Commission..

ARTICLE 10 ENACTMENT

Section 100.00 Effective Date

These regulations shall become effective from and after the date of their approval and adoption by the Village of Buckeye Lake Planning Commission and Village Council after a public hearing and certification to the Licking County Recorder. Henceforth, any other regulations previously adopted by the Village of Buckeye Lake Planning Commission shall be deemed to be repealed. These regulations shall in no way affect any subdivision having received preliminary approval prior to the effective date provided that no changes to the preliminary plan, as approved, are introduced by the subdivider.

President of the Council

Chairman of the Village of
Buckeye Lake Planning Commission

Mayor of Buckeye Lake

Adopted - (MONTH) (DAY) , 199(YEAR)

Attested

Village Clerk

The Village of Buckeye Lake Subdivision Regulations were certified to the Licking County Recorder on the (DAY)th day of (MONTH), 199(YEAR).

Effective Date - (MONTH) (DAY), 199(YEAR)

APPENDIX I

PROCEDURE FOR SUBDIVISION EVALUATION FOR VILLAGE OF BUCKEYE LAKE, OHIO (For On-Lot Septic and Wells)

- ~~1. A. The owner or agent should contact the Licking County Planning Commission to determine the land use plan for the area proposed for subdivision development. This information will provide direction to the developer and engineer relative to long-range plans for the area proposed.~~
- ~~— B. Zoning requirements, if applicable, should be confirmed by local zoning departments regarding residential building requirements.~~
- ~~— C. Contact the Licking County Planning Commission (349-6555) for information regarding flood plain areas in Licking County.~~
- ~~2. The feasibility of a central sewage system should be the first consideration for all new subdivisions.~~

~~Before procuring land for subdivision development, and before preparation of subdivision plan or plans for water supply and sewage systems, a developer should be referred to the district office of the Ohio Environmental Protection Agency to request a site investigation. As a matter of procedure in implementing Rule 3701-29-03 (B), the OEPA district engineer shall be contacted on all new subdivisions of ten lots or more. Contact EPA at 1-771-7505, and ask for the district engineer serving Licking County.~~

~~If the OEPA and the local Board of Health recommend central sewer and water for the proposed subdivision, the developer should proceed with plans and specifications and submit them to OEPA.~~

- ~~3. If central sewer and water are not recommended by OEPA and the local health department and individual sewage systems are to be considered, the owner must contact the Licking County Soil and Water Conservation Service and request a complete soils evaluation for the tract with copies forwarded to the Licking County Health Department and the Licking County Planning Commission. The Licking County Soils and Water Conservation phone number is 349-6920~~
- ~~4. If individual water wells are proposed for the subdivision, a geologist's report must be submitted to the Licking County Health Department with recommendations regarding feasibility for developing individual water wells for the number of residential building sites proposed. Copies of well logs for existing wells in the area should be requested if available. The Ohio Department of Natural Resources, Division of Ground Water, may be able to provide this information (1-265-6745).~~

~~5. When the above referenced information has been acquired, the owner or his agent may submit a Pre-Engineering Plan application along with the above required information to the Licking County Planning Commission and the Licking County Health Department for Technical Review Committee evaluation.~~

~~6. **NOTE:** Pre-Engineering Plans submitted for Technical Review Committee evaluation may be drawn on contour maps prepared by interpolation from enlarged U.S. Geological Survey Maps. The dimensions in feet and acreage must be shown for each proposed lot. Topography that contains slopes exceeding 15% will not be considered suitable for the installation of on lot sewage disposal systems. Information for Items 2, 3, and 4 of the procedural pamphlet must be received by the Health Department prior to the Technical Review Committee Meeting.~~

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

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

~~a. The Licking County Health Department minimum lot size requirement for lots in major subdivisions (more than 4 lots), is 1.6 acres of useable ground excluding easements and right of ways.~~

~~b. Show the proposed dwelling location and driveway to scale on the contour map for each lot.~~

~~c. Show proposed location of each individual water well including radius measurements showing the required 50 foot separation from all primary and secondary sewage system locations.~~

~~d. Show the minimum ten foot separation between the dwelling and the water well. For other required water well dimensions, refer to the Private Water System Rules 3701-28-10, Items G and H.~~

~~e. Proposed locations for septic tanks must show a ten foot minimum separation from the dwelling and must be designed for gravity flow from dwelling to sewage system.~~

~~f. Draw to scale, the location and configuration of the primary and secondary leach trench systems. Minimum leach trench requirements shall be specified by the Health Department. Leach trenches must be designed to follow the contour lines, and must not exceed 150 feet in length.~~

~~g. When curtain drains are required for leaching systems, an additional square foot of area will be required for to accommodate the eight foot separation between curtain drains and leach trenches.. Approved gravity flow discharge points are required for all curtain drains. The invert elevation of the curtain drain discharge points must be lower than the curtain drain elevation where it leaves the leach system.~~

~~h. Sewage sytem specifications provided to the owner / engineer by the Health~~

- ~~Department shall be based on the requirements for a three (3) bedroom floor plan the Health Department will provide specifications to exceed three bedroom floor plan when requested by the owner / agent. The Health Department shall require the owner / agent to provide deed restriction language noting the number of bedrooms per dwelling that will be permitted for all lots in the subdivision.~~
- ~~i. The owner / engineer shall place language on the Preliminary Plan requiring site investigations prior to any excavating of lots in the subdivision. This language will be provided by the Health Department prior to approval.~~
 - ~~j. The Health Department shall receive the following material prior to the Preliminary Plan Review:
 - ~~1)The application for evaluation and all applicable fees~~
 - ~~2)The Subdivision Plan Review packet with all appropriate entries completed.~~~~
 - ~~k. The Licking County Health Department staff will complete its plan review and provide written comments or instructions within 30 days from date of receipt of all items in Section 7j.~~
 - ~~l. Board of Health meetings are scheduled for the first Tuesday of each month. Board member review and recommendations for proposed subdivision are conducted at that time.~~

Licking County Health Department
1994

APPENDIX II

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

REQUIRED STATEMENTS

The following statements shall be affixed on the subdivision plat:

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

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

The undersigned further agrees that any use of improvements made on this land shall be in conformity with all existing valid zoning, platting, health, or other lawful rules and regulations including the applicable off-street parking and loading requirements of Village of Buckeye Lake, 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 _____, 19____.

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

STATE OF OHIO
COUNTY OF LICKING

Before me, a Notary Public in and for said State personally appeared , who acknowledged the signing of the foregoing instrument to be their voluntary act and deed for use and purposes therein expressed.

In witness whereof, I have hereunto set hand and affixed by official seal this _____ day of , 19____.

By
My Commission Expires

Village Zoning Approval this ___ day of _____, 19____.

Approved this ___ day of _____, 19____.

(NOTE: One or more of the next three must be on the plat, depending on the jurisdiction of the site: Licking County Board of Health, Southwest Licking Community Water and Sewer District, and Licking County Sanitary Engineer. If public sewer and water 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 _____, 19____.

Approved this ___ day of _____, 19____.

Approved this ___ day of _____, 19____.

Approved this ___ day of _____, 19__.

Village of Buckeye Lake:

_____ Council President

_____ Mayor

Clerk

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

Transferred this ___ day of _____, 19__.

Filed for record this ___ day of _____, 19__, at _____ (AM - PM).

Recorded this ___ day of _____, 19__, in Plat Book _____, page number ____.

APPENDIX IIIa

SAMPLE WATERCOURSE EASEMENT

The following restrictions shall apply specifically to lots number _____ and _____.
Watercourse means storm flow above and below ground level.

1. No structure or improvements of any kind, including sheds, fences, flower beds, rock gardens and trees (but excluding grass and approved bank protection), shall be erected or planted within the easement provided for the watercourse.
2. No owner shall take any action or permit any action to be taken that might change or divert the flow of the watercourse, nor shall he/she, within the easement provided, alter the ground level or the course of the stream as shown on this plat. An owner may provide rip-rap, walls or other bank protection upon securing written approval from the Village Engineer's Office or the Village Flood Plain 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 Licking County.
5. Said restrictions and agreements may be enforced by Licking 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 IIIb

SAMPLE SHARED ACCESS AGREEMENT

Wording for Deed Requiring Shared Access Point

The following wording is to be placed in the deeds of the parcels that will share an access point. One set of wording goes in the first lot, and the second goes in the second lot.

For Lot #[X]:

Access from **[ROAD NAME]** Road to this lot shall only be gained from a driveway entrance with a center point at the intersection of the **[COMPASS DIRECTION OF ADJACENT LOT THAT WILL SHARE THE ACCESS]** lot line and pavement. This shared access point extends from the road pavement to the edge of the road right-of-way with a width of 14 feet, 7 feet on each side of the shared lot line. The access point shall be shared for purposes of ingress and egress with **[LOT NUMBER, OR OTHER LEGAL REFERENCE TO LOT, OF ADJACENT LOT TO SHARE ACCESS]** as found in O.R. **[OFFICIAL RECORD #]**. Maintenance for this Shared Access Point is the joint responsibility of the property owners of both Lot # **[X]** and Lot # **[Y]**. However, each lot shall have and maintain their own individual driveway that extends from this shared access point onto the individual lot.

For Lot #[Y]:

Access from **[ROAD NAME]** Road to this lot shall only be gained from a driveway entrance with a center point at the intersection of the **[COMPASS DIRECTION OF THE ADJACENT LOT THAT WILL SHARE ACCESS]** lot line and pavement. This shared access point extends from the road pavement to the edge of the road right-of-way with a width of 14 feet, 7 feet on each side of the shared lot line. The access point shall be shared for purposes of ingress and egress with **LOT NUMBER, OR OTHER LEGAL REFERENCE TO LOT, OF ADJACENT LOT TO SHARE ACCESS]** as found in O.R. **[OFFICIAL RECORD #]**. Maintenance for this Shared Access Point is the joint responsibility of the property owners of both Lot # **[X]** and Lot # **[Y]**. However, each lot shall have and maintain their own individual driveway that extends from this shared access point on the individual lot.

APPENDIX IIIc

SAMPLE HOMEOWNERS ASSOCIATION AGREEMENT

(SUBDIVISION NAME) SECTION (NUMBER(s)) DECLARATION OF COVENANTS, EASEMENTS, RESTRICTIONS, ASSESSMENT LIENS AND (SUBDIVISION NAME) ASSOCIATION

This is a Declaration of Covenants, Easements, Restrictions and Assessment Liens made on this _____ day of _____, 199__ by (Developer Name), an Ohio Corporation, of (COUNTY NAME) County, Ohio ("Declarant").

BACKGROUND

A. Declarant is the owner in fee simple of the following REAL PROPERTY: Situated in the State of Ohio in the County of Licking and in (NAME OF JURISDICTION):

Being Lots Numbered One through (NUMBER OF LOTS), inclusive, of (NAME OF SUBDIVISION) SECTION (SECTION NUMBER), as said lots are plat numbered and delineated upon the recorded plat thereof, of record in Plat Book ____, Pages____, Recorder's Office, Licking County, Ohio.

Last Transfer: Volume ____; page____, Official Records, Recorder's Office, Licking County, Ohio

Each of these lots is referred to herein as a "Lot", and collectively they are referred to herein as the "Lots". A "Lot Owner" is each owner of a fee simple interest in a Lot. (SUBDIVISION NAME) Section (SECTION NUMBER) subdivision is referred to herein as the "Subdivision".

B. Declarant intends, during the course of development of the Subdivision, to construct a certain entranceway(s) to the Subdivision at (STREET ADDRESS), as noted and described in the recorded Subdivision plat and to install fencing, signage, and landscaping at said entranceway and provide for the servicing and maintenance of the improvements, landscaping and grass at the entranceway for the benefit of Declarant as well as the Lot Owners in the Subdivision.

In addition, Declarant intends to utilize in the future, Reserve(s) for storm water Management, open space, retention ponds for the benefit of the Subdivision and adjacent land (the "Drainage Reserve"). While the Drainage Reserve is designed to provide an area to temporarily retain storm waters, Declarant may install signage, grass and/or landscaping on the Drainage Reserve and desires to retain the right but not the obligation, to provide for the continued servicing and maintenance of any improvements made to the Drainage Reserve.

~~C. Simultaneously with its execution hereof, Declarant has caused an Ohio unincorporated association of Lot Owners to be formed, named the (SUBDIVISION NAME) Association (the "Association"), to administer the maintenance of the entranceways and the Drainage Reserve. The members of the Association are and shall be Lot Owners, and the Association's purposes are and will be to maintain the entranceways and the Drainage Reserve as well as to enforce restrictions and conditions under which the maintenance will be carried out, all as set forth herein. The Association may, by a majority vote, adopt a set of bylaws and promulgate rules and regulations concerning maintenance of the entranceways and the establishment and collection of assessments. The Association may also by a majority vote, elect to incorporate, under statues set forth in tile Ohio Revised Code, as an Ohio corporation, not-for-profit. Further, land adjacent to the Subdivision may added to the plan created by this Declaration to take advantage of economies of scale and reduce per lot association costs and accomplish similar objectives.~~

D. Declarant desires to create a plan of restrictions, easements and covenants concerning the Lots in the Subdivision and to retain in Declarant plan approval of the dwelling units to be constructed on said Lots and said easements and covenants shall also relate to the entranceways and Drainage Reserve for the benefit of and to protect the interest of the public, Declarant, each Lot Owner, and their respective personal representative, heirs, successors and assigns.

Now therefore, Declarant hereby declares that the Lots shall be held, sold, conveyed and occupied subject to the following covenants, easements and restrictions which are for the purpose of protecting the values and desirability of, and which shall run with the Lots, and each part thereof, and be binding on all parties having any right, title or interest in the same, and each part thereof, and their respective personal representatives, heirs, successors and assigns, and shall inure to the benefit of and be enforceable by Declarant and each Lot Owner, and their respective personal representatives, heirs, successors and assigns, and the Association.

ARTICLE I

A. LAND USE: All of the Lots in the Subdivision shall be used for single-family residential purposes only. No building shall be erected, altered, placed or permitted to remain on any Lot that would exceed two and one-half (2 1/2) stories in height and in no event shall any building be erected to a height exceeding thirty-five (35) feet from the finish grade at the front of the building, together with necessary accessory buildings and structures, including a garage, an uncovered or covered and/or enclosed patio, wood or decorative metal fencing, an in-ground swimming pool and a bath house No other structure shall be constructed, erected, placed or permitted to remain upon any Lot without the express mitten consent of Declarant. The word "structure" as used herein includes any thing or object the placement of which upon any Lot may affect the appearance of such Lot, including, but not limited to, an above-ground swimming pool, barn, greenhouse, coop, cage, animal run, house trailer or any other temporary or permanent improvement on such Lot.

B. PLAN APPROVAL: For the purpose of maintaining specific architectural guidelines and standards for the development of all said Lots within the Subdivision, each Lot Owner shall be required to submit two (2) sets of complete building and site plans with specifications for the building(s) and structure(s) intended to be erected on a Lot to the Declarant, or its assignee,

~~setting for the general arrangements of the interior and exterior of the building(s) and/or structures including the color and texture of the building materials, the type and character of all windows doors, exterior light fixtures and appurtenant elements such as decorative walls chimneys, driveways and walkways and detailing the location of the building(s) and/or structure(s) on the Lot including setbacks, driveway locations, garage openings, orientation or the buildings and/or structures to the topography and conformance with the grading and drainage plan. Each Lot Owner covenants that no excavation shall be made, no building and/or structure shall be erected and no materials shall be stored upon a Lot by said Lot Owner of his agents, heirs successors or assigns until the Declarant shall have approved said plans and specifications in writing. If the Declarant fails within twenty (20) days after receipt of said plans and specifications to either approve or disapprove said plans and specifications, they shall be deemed to have been approved and the requirements herein fulfilled. If the Declarant disapproves said plans and specifications, the lot Owner may revise and resubmit said plans and specifications until approval is received. If satisfactory plans and specifications are not received and approved by Declarant within one (1) year following conveyance of title to said Lot Owner (or such extension of time as Declarant may at its sole option, extend), Declarant reserves and each Lot Owner by acceptance of a deed to a Lot, hereby acknowledges the right of Declarant, at its option, to repurchase the Lot at the original purchase price thereof as evidenced by the closing statement executed at time of purchase.~~

If Declarant ceases to exist as an entity and this right of approval has not been specifically assigned to a successor in interest (which assignment shall be in Writing and filed With the Recorder of Licking County, Ohio) then the approval required hereunder shall be unnecessary and the provisions of the above paragraph shall be inoperative.

Each Lot Owner by his acceptance of a deed to a Lot, further acknowledges that in considering plans and specifications submitted, Declarant Will take into consideration plans and specifications already approved or in the process of being reviewed for approval of proposed improvements on adjacent Lots and the effect of said proposed improvements on the Lot With reference to its effect upon the neighboring properties and the overall development of the Subdivision and acknowledges that the Declarant may require submission of samples of materials to be used in the construction of said single-family residence as a condition of the approval of said plans and specifications. Each Lot Owner further acknowledges that the Declarant shall not be responsible or liable to said Lot Owner or to any other owner of Lots in the Subdivision by reason of the exercise of its judgment in approving or disapproving plans submitted nor shall it be liable for any expenses entailed to any Lot Owner in the preparation, submission and, if necessary' resubmission of proposed plans and specifications.

Each Lot Owner further agrees that no tree removal, excavation, construction or other site Work Which would in any way alter a Lot from its present state shall be commenced until the plans and specifications shall first have been approved in writing by Declarant in accordance herewith. All construction on any Lot shall be completed Within a reasonable time after the start thereof.

Within the stone water management easement areas designated on the recorded plat of the

~~Subdivision, no structure, planting or other material shall be placed or permitted to remain which~~ may damage or interfere with the installation and the direction of the flow of the drainage channels or water over said easement areas. The easement areas of each Lot and all surface improvements thereon shall be maintained continuously by the owner of said Lot, except for those improvements for which a public authority or public utility company is responsible.

Easements for the installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat.

C. **BUILDING LOCATION**: No building shall be located on any Lot nearer to the front line or nearer to a side street line than the minimum building setback lines shown on the recorded plat. No dwelling shall be located nearer to an interior lot line than permitted by code. Fireplaces may project into required side or rear yards up to the permitted amount per code. For this purpose, eaves, steps, decks and open porches shall not be considered. However, general set-backs may be modified in individual cases upon receipt of a variance from the **(NAME OF JURISDICTION)**. No portion of any Lot nearer to any street than the building setback lines shall be used for any purposes other than that of a lawn nor shall any fence or wall of any kind for any purpose, be erected, placed or suffered to remain on any Lot nearer to any street now existing, or any hereafter created, than the front building lines of the building thereon, excepting ornamental railing, or fences not exceeding three (3) feet in height located on or adjacent to entrance platforms or steps. Nothing herein contained, however, shall be construed as preventing the use of such portion of the Lots for walks driveways, the planting of trees or shrubbery the growing of flowers or other ornamental plants, or for small statuary entranceways fountains or similar ornamentation for the purpose of beautifying said premises. No weed underbrush or other unsightly growth shall be permitted to grow or remain anywhere on said Lots and no unsightly object shall be allowed to be placed or suffered to re-explain anywhere thereon. Nothing herein contained shall be construed so as to permit a violation of any applicable law, ordinance or governmental regulations.

No swimming pool measuring more than one hundred (100) square feet shall be constructed or shown maintained above the finish grade at its location as shown on the master grading plan for the Subdivision

D. **DWELLING REQUIREMENTS**: All dwellings shall conform to the following building requirements:

1. All mailboxes within the Subdivision shall be of a coordinated design and construction as determined by Declarant.
2. All landscaping requirements set forth for the Subdivision must meet or exceed the Landscaping Ordinance.

E. **LOT SPLIT**: No Lot shall be split, divided, or subdivided for sale, resale, gift, transfer or otherwise, so as to create a new Lot.

F. TRADE OR COMMERCIAL ACTIVITY BARRED: ~~No trade or commercial activity shall be conducted upon any Lot, nor shall anything be done thereon which may become an annoyance or nuisance to any other owners of any of said Lots in the Subdivision. Notwithstanding the foregoing, Declarant, its successors and assignees, may perform its development and lot sales activities within the Subdivision and one or more single-family builders may maintain home sales models within the Subdivision and may conduct sales activities from such models~~

G. TEMPORARY RESIDENCE: No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any Lot at any time as a residence, either temporarily or permanently.

H. TEMPORARY STRUCTURE: No temporary building, trailer, garage, storage building or structure shall be placed upon any Lot for storage without the express written consent of Declarant.

I. ANIMALS: No animals, birds, insects, livestock, or poultry of any kind shall be raised, bred, or kept on any Lot except dog, cats, or other household pets which are kept for domestic purposes only, and are not kept, bred or maintained for any commercial purpose No more than two (2) dogs and/or two (2) cats may be kept on any Lot except such dogs or cats in excess of such numbers that are less than three (3) months of age.

J. WASTE DISPOSAL: No Lot shall be used or maintained as a dumping ground for rubbish. Trash garbage or other waste shall not be kept except in sanitary containers. All equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition and removed from view from the street and abutting properties.

K. SOIL REMOVAL: No soil shall be removed for any commercial purpose.

L. CLOTHES LINES: No clothing or any other household fabrics shall be hung in the open on any Lot and no outside clothes drying or airing facilities shall be permitted.

M. NUISANCES: No obnoxious or offensive activity shall be permitted on any Lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

N. VEHICLES NOT IN USE: No automobile or motor driven vehicle shall be left upon any Lot for a period longer than thirty (30) days in a condition wherein it is not able to be operated upon the public highway After such period the vehicle shall be considered a nuisance and detrimental to the welfare of the Subdivision and shall be removed therefrom.

O. HOBBIES: Hobbies or other activities which tend to detract from the aesthetic character of the Subdivision and any improvements used in connection with such hobbies or activities shall not be permitted unless canted out or conducted within the building erected upon the Lot and not visible from either the street or adjoining properties. This restriction refers specifically but not exclusively to such activities as automobile bicycle moped motorboat and sailboat repair.

P. PLEASURE AND UTILITY' VEHICLE AND EQUIPMENT PARKING AND STORAGE:

No truck trailer boat camper or other recreational vehicles commercial vehicles or utility vehicles and equipment including mowers tractors and other lawn or garden equipment shall be parked or stored on any Lot unless it is in a garage or other vehicles and/or equipment enclosure out of view from the street and abutting properties provided however that nothing herein shall prohibit the occasional nonrecurring temporary parking of such truck trailer boat camper recreational vehicle or commercial vehicle on the premises for the period not to exceed seventy-two (72) hours in any period of thirty (30) days. The word "truck" shall include and mean every type of motor vehicles other than passenger cars and other than any pickup truck which is used as an automobile vehicle by an owner of a Lot and his family

Q. GARAGE: No dwelling may be constructed on any Lot unless an enclosed garage for at least two (2) automobiles is also constructed thereon and no more than three (3).

R. SIGNS: No signs of any kind shall be displayed to the public view on any Lot except one (I) temporary sign of not more than six (6) square feet advertising tile property for sale or rent and signs used by a builder or Declarant to advertise the property during the construction/sales period and/or signage utilized by Declarant at the entranceways to the Subdivision denoting the name of tile Subdivision and builder participants. Signs used by builders and Declarant larger than six (6) square feet must meet the **(NAME OF JURISDICTION)** Ohio zoning resolution requirements.

S. ANTENNAS: Unless provided below no television and radio antennas including dish-type satellite signal receiving earth stations shall be prohibited on the exterior of any house or building. No towers of any kind including but not limited to television radio and/or microwave towers shall be erected placed or maintained on any Lot in the Subdivision. No television satellite receiver ("dish") in excess of two (2) feet in diameter shall be placed outside on any Lot. No solar panels or collectors extending more than twelve inches (12") above the finished grade of the roof shall be placed upon any dwelling

T. FUEL STORAGE: Any tank for the storage of fuel placed or maintained on any Lot in the Subdivisions shall be located below the surface of the ground or within the confines of the dwelling. However no storage tank(s) larger than ten (10) cubic feet including but not limited to those used for storage of water gasoline oil or other liquid or any gas shall be permitted on any Lot. All fuel tanks installed on any Lot must satisfy State of Ohio Environmental Protection Agency requirements

U. FENCING LOTS: No chain link cyclone wire or other similar type metal fencing shall be constructed on any Lot. However a transparent wire screen shall be allowed behind a split rail fence or other wood fence.

V. PERMANENT OUTSIDE STORAGE BUILDINGS: No metal storage building shall be erected placed or suffered to remain upon any Lot. However permanent outside buildings or sheds may be constructed only with the approval of the Declarant as required by Article I and in

~~any event may only be constructed with the same building materials and colors as the residence~~ on the Lot. If approved by the Declarant Owner must also obtain a building permit from the **(NAME OF JURISDICTION)** for such construction.

W. GRADING AND DRAINAGE: No construction grading or other improvements shall be made to any Lot if such improvement would interfere with or otherwise alter the general grading and drainage plan of the Subdivision or any existing swales floodways or other drainage configurations

X. ENTRANCEWAY EASEMENTS: Easements are herein reserved over the recorded easement and set-back (or building line) areas as shown on the recorded plat of the Subdivision for the installation of improvements repairs and maintenance of the entranceway facilities. The portions of the easements containing such entranceway facilities shall at all times be kept accessible for maintaining and repairing the entranceway facilities.

Y. DRAINAGE RESERVE EASEMENT: An easement is herein reserved over tile areas designated as Reserve(s) on tile Subdivision plat for the installation of improvements and the repair and maintenance of facilities installed by Declarant including but not necessarily limited to fencing signage and grass.

Z. SIGHT DISTANCE AT INTERSECTIONS: No fence' wall hedge or shrub planting which obstructs sight lines at elevations between two (2') and six (6') feet above the roadways shall be placed or permitted to remain on any comer Lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five feet (25') from tile intersection of the street line or in the case of a rounded property corner fro no the intersection of the street property lines extended. The same sight line limitations shall apply on any lot within ten feet (10') from the intersection of a street property line with the edge of a driveway. No tree shall be permitted to remain within such distance of such intersections unless the foliage line is maintained at sufficient heights to prevent obstruction of such sight lines.

AA. WATERCOURSE EASEMENT: The following restrictions shall apply specifically to lots numbered five through nine (5 - 9) and thirty-one through forty-one (31 - 41). Watercourse means storm flow above and below ground level.

1. No structure or improvements of any kind including sheds, fences, flower beds, rock gardens and trees (but excluding grass and approved bank protection) shall be erected or planted within the easement provided for the watercourse.
2. No owner shall take any action or permit any action to be taken that might change or divert the flow of the watercourse nor shall he within the easement provided alter the ground level or the course of the stream as shown on this plat. An owner may provide lip-rap walls or other bank protection upon securing written approval from the Licking County Engineer's Office or the Licking County Flood Plain Administrator or other authority or entity which control this jurisdiction.
3. Every owner of property along the watercourse shall maintain the portion of said watercourse in his property and keep the same free of debris and obstruction of all kinds. The County or

- ~~— other authority or entity which control this jurisdiction 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 successors and assigns unless and until a modification or change thereto is agreed to and approved by Licking County or other authority or entity which control this jurisdiction.
 5. Said restrictions and agreements may be enforced by Licking 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 restrictions and agreements would adversely affect the value of such property or the enjoyment of the use thereof.
 6. The failure of said County or other authority or entity which control this jurisdiction 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.

ARTICLE II

A. **TERM**: These covenants are to run with the Lots and shall be binding on all Owners of the above described real estate until (**DATE OF EXPIRATION**) after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a Majority of the Lot Owners is recorded agreeing to change said covenants in whole or in part.

B. **ENFORCEMENT**: Enforcement shall be proceedings by law or in equity or both by any owner of any part of the above described real estate or by Declarant against any person or persons violating or attempting to violate any covenant either to restrain violation or recover damages. No failure to object to any violations of any restrictions or to enforce any restrictions shall be deemed a waiver of tile right to do so thereafter either as to the same violations or as one occurring prior or subsequent thereto.

C. **SEVERABILITY**: Each of these covenants contained herein is independent and separate and in the event any one or more such covenants shall for any reason be held invalid or unenforceable all remaining covenants shall nevertheless remain in full force and effect.

ARTICLE III

A. **ACCEPTANCE**: By accepting a deed to any of the above described real estate a grantee accepts the same subject to the forgoing covenants and agrees for himself his heirs successors and assigns to be bound by each of such covenants jointly.

ARTICLE IV

A. MAINTENANCE OF ENTRANCEWAY AND DRAINAGE RESERVE BY DECLARANT AND ASSOCIATION: Until the completion and sale of not less than seventy-five percent (75%) of the dwellings in the Subdivision Declarant shall be responsible for the installation and reasonable and proper maintenance of the Entranceway and Drainage Reserve. On the January 1st immediately following the date upon which seventy-five percent (75%) of the Lots with residential dwellings thereon have been conveyed to bona fide purchasers the Declarant covenants and agrees to turn over the Association and the Association shall accept the responsibility for maintaining the Entranceway and Drainage Reserve. Until such turnover date all improvements and maintenance costs in connection with the Entranceway and Drainage Reserve shall be complete and paid for by Declarant. improvements shall include such fencing walls, landscaping and signage as Declarant in its sole discretion deems necessary and desirable complying at all times with applicable governmental restrictions. Declarant by an instrument in writing in the nature of an assignment will vest the Association with the rights privileges and powers regarding such maintenance responsibility to be assumed by the Association.

B. ASSOCIATION MEMBERS: Every owner of a Lot in the Subdivision shall become a member of the Association and each such owner including Declarant shall be entitled to one vote on each matter submitted to vote of the members for each Lot owned by him or it; provided however that where title to a Lot is in more than on person much co-owners acting jointly shall be entitled to but one vote.

C. ALTERATIONS TO ENTRANCEWAY(S): Once the Association has assumed the responsibility for maintaining entranceway and Drainage Reserve, no building, wall, fence, other structure or landscaping shall be added to or removed from the entranceways improvements installed by Declarant without the consent, expressed in writing, of the Association. Such consent shall be provided for by tile Association according to its rules and regulations established for maintenance of the Entranceway(s).

D. ASSESSMENTS: The Association shall be empowered to collect assessments for the maintenance of the Entranceway and Drainage Reserve as hereinafter provided. Any assessments established by the Association, from time to time shall be levied in equal amounts as to each of the Lots. As soon as shall be practicable after determination that an assessment is needed, the Association shall send a written statement to each Lot Owner setting forth the amount and method of calculation of the amount assessed against each Lot, and the time when the same is due. The assessment may be billed in a lump sum or in installments, as the Association shall in its sole discretion determine. No assessment shall become due and payable unless written notice has been sent or delivered to the Lot Owner obligated to pay the same at least ten (10) days prior to the due date thereof, or if payable in installments the due date of the first installment.

In the event any amount so assessed or levied is not paid when due and remains in an-ears for more than thirty (30) days, the Association may charge interest on the entire unpaid balance at the highest rate of interest then permitted by law or such lower rate as the Association may from time to time determine, and cause to be filed with the Licking County, Ohio Recorder, a notice

~~of lien describing the Lot, the assessment amount and interest due and executed in accordance~~ with the formalities then required to record a lien against real estate. All assessments, together with interest and costs, shall be a charge and a continuing lien in favor of the Association upon the Lot against which each such assessment is made. Each assessment, together with interest and costs, shall also be the joint and several personal obligation of the Lot Owners who owned the Lot at the time when the assessment fell due.

Upon written demand by a Lot Owner the Association shall, within a reasonable period of time, issue and furnish to each Lot Owner a certificate stating that all assessments or installments thereof (including interest and costs, if any) have been paid with respect to any specified Lot as of the date of such certificate, or, if all assessments and installments thereof have not been paid, setting forth the amount (including interest and costs, if any) due and payable as of such date. The Association may make a reasonable charge for the issuance of such certificates, which must be paid at the time that the request for such certificate is made. Any such certificate, when duly issued as herein provided, shall be conclusive and binding with regard to any matter therein stated as between the Association and any bona fide purchaser of, or lender on, the Lot in question.

Notwithstanding the foregoing, the lien of the assessments provided for herein shall be subject and subordinate to tile lien of any duly executed first mortgage on a Lot recorded prior to the date on which such lien of the Association arises, and any holder of such first mortgage which comes into possession of a Lot pursuant to the remedies provided in the mortgage, foreclosure of the mortgage, or deed or assignment in lieu of foreclosure, and any purchaser at a foreclosure sale, shall take the Lot free of any claims for unpaid installments of assessments or charges against the mortgaged Lot which became due and payable prior to tile time such holder or purchaser took title to that Lot.

E. AUTHORITY TO ASSIGN OR ENTER IN CONTRACTS: Any of the rights, powers, duties and obligations of the Association, which in this instrument are to be assumed by the Association, may after such assumption, be assigned or transferred by the Association to any one or more corporation, associations or entities which will agree to assume said rights, powers, duties and obligations and carry out and perform the same. Further the Association shall have the power and authority to contract with any person, corporation, firm or other entity for tile exercise of any one or more of the various powers and authority granted to and duties to be performed by the Association hereunder.

F. MAINTENANCE OF THE DRAINAGE RESERVE: While it is the intention of Declarant that the **(NAME OF JURISDICTION)** will maintain the area designated herein as the Drainage Reserve, Declarant herein provides that the Association shall have the right, but not the duty or obligation, to assist in the maintenance of the Drainage Reserve. Such maintenance by the Association, if any, will be performed in a manner deemed appropriate by the Association and may include but not necessarily be limited to, tile mowing of grass, weeding and trimming along the roadway, the planting of shrubs, trees and flowers, the removal of dead or diseased trees from the area, cleaning up debris and trash, and the servicing of any improvements to the Drainage Reserve installed by Declarant and/or the **(NAME OF JURISDICTION)**.

ARTICLE V

A. **GENERAL**: The plan of covenants, maintenance and assessments set forth herein, has been established with respect to Lots. Declarant presently intends to develop all or a portion of other land adjacent to and/or contiguous to the Subdivision and located to the north, east and west of the Subdivision (the "other land") into similar Lots as those in the Subdivision and with improvements comparable to arid of a similar nature to those constructed in the Subdivision. Notwithstanding the foregoing, a portion of this other land is part of the development. In tile event that the other land is so developed, Declarant believes that it would be in the best interest of all Lot Owners that the other land, or so much of it as is so developed, be added to the plan created by this Declaration, in order to affect economies of scale and accomplish similar objectives.

B. **RIGHT TO EXPAND**: Consonant with the foregoing, if within six (6) years of the date of the recording of this Declaration, Declarant or its successors or assigns shall plat all or any portion of the other land into lots substantially similar to the layout of tile Subdivisions and if the same is developed with single-family residential homes on the Lots, all or some of those Lots may, at Declarant's sole discretion, be subjected to the provisions hereof, and those Lots made a part of the plan created hereby, by the execution and recording by Declarant, or its designated successors or assigns, of a Supplemental Declaration describing tile property to be subjected to this plan and reciting that the provisions hereof shall be applicable thereto and to tile owners thereof.

C. **EFFECTS OF ANNEXATION**: Upon subjection of additional property to the terms hereof:

1. The added portion shall thereafter be subject to all of the terms and provisions hereof, to the same extent and with the same effect as if the added portion had been provided herein as constituting part of the property subjected hereto, that is, the rights, easements covenants, restrictions and assessment plan set forth herein shall run with and bind the added portion in the same manner to the same extent all with the same force and effect as the terms of this Declaration apply to tile property in tile Subdivision;
2. The owner or owners of the added portion shall thereupon become Lot Owners and members of tile Association to the same extent with the same effect subject to the same obligations and imbued with the same rights as all other Lot Owners and
3. In all other respects all of the provisions of this Declaration shall include and apply to all additional property included in such Supplemental Declaration and to the owners mortgagees and lessees thereof with equal meaning and of like force and effect.

WITNESS his hand this ____ day of _____, 1995.

Signed and acknowledged in the presence of:
an Ohio Corporation, its authorized General Partner

(NAME OF DEVELOPER)

by: _____

(NAME OF OFFICER)

BE IT REMEMBERED that on the ____ day of _____, 19____, before me, the subscriber, a Notary Public in and for said County and State, personally appeared the above named **(NAME OF OFFICER)**, of **(NAME OF DEVELOPER)**, an Ohio Corporation, its authorized General Partner by its President, the Declarant in the foregoing instrument, who acknowledged the signing thereof to be his voluntary act and deed, for and on behalf of said partnership and corporation.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid.

Notary Public

APPENDIX III d

SAMPLE CROSS ACCESS AGREEMENT

Reciprocal Easement Agreement

This Reciprocal Easement Agreement (hereinafter the "Agreement") made this ____ day of _____, 19 ____, by and between _____ [Party 1 (full name)] _____, an [individual(s), corporation/company] _____ of _____ [address of Party 1 (if company

add "with offices at" [address]] _____ (hereinafter "[Party 1] ") and _____ [Party 2 (full name)] _____, an _____ [individual(s), corporation/company] _____ of _____ [address of Party 2 (if company add "with offices at" [address]] _____ (hereinafter "[Party 2] ").

RECITALS

A. Party 1 is/are the fee owner(s) of the real property (hereinafter the "Party 1 Property") situated in the State of Ohio, County of Licking, Township of _____, and more fully described in Exhibit A, attached hereto and made a part of hereof.

B. The Party 2 is/are the fee owner(s) of the real property (hereinafter the "Party 2 Property") situated in the State of Ohio, County of Licking, Township of _____, and more fully described in Exhibit B, attached hereto and made a part of hereof.

C. The Party 1 Property and the Party 2 Property are adjacent to each other and are located and configured generally as shown in Exhibit C, attached hereto and made a part hereof.

D. Party 1 owns and is developing on his/her/their property a _____ [what is proposed - example: single family residential home] _____.

E. Party 2 owns and [(add "operates" if existing business or "resides" if existing residence) [if the land is being developed add "and is developing"] a _____ [what is exists or is proposed - example: building for retail commercial use] _____ on his/her/their property.

F. Party 1 and Party 2 desire to grant certain reciprocal easements with respect to the Party 1 Property and Party 2 Property to permit reciprocal, mutual access from the Party 2 Property to the Party 1 Property and from the Party 1 Property to the Party 2 Property through a curb cut (the "Access Point") to be installed at a point approximately distance feet direction of the direction 2

boundary of the Party 1 or 2 Property.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto, intending to be legally bond, do hereby agree as follows:

1. Identification and Installation of Access Point. The "Access Point" shall be a curb cut made in the direction 2 property line of the Party 1 or 2 Property (which property line is the opposite direction 2 property line of the Party 2 or 1 Property), with the intention of aligning the Access Point with the direction 2 most

drive lane on the [Party 2] Property. This curb cut shall not be less than **25 feet** and not more than **35 feet wide**, and it shall begin at the point located approximately [distance] feet [Party 2] from the boundary line of [Road Name] Road. Subject to the foregoing parameters, the final location and width of the Access Point shall be agreed upon by the parties in conjunction with the review of plans provided for in the next following sentence, which agreement neither party shall unreasonably withhold. The curb cut for the Access Point shall be constructed by [Party 1] subject to [Party 2] approval of the plans therefore, which approval shall not be unreasonably withheld. In constructing the curb cut for the Access Point, [Party 1] shall have the right to remove any concrete or asphalt dividers [Party 2] may have installed along the line of or which would obstruct the Access Point and shall join the pavement on the [Party 2] Property and on the [Party 1] Property such that the two pavements are smoothly connected. [Party 1] shall have a right of entry onto the [Party 2] Property during its construction of the Access Point in the immediate vicinity reasonably needed for the construction thereof, only during working hours [or otherwise agreed upon time] (i.e. no equipment to be stored on the [Party 2] Property overnight), and only in such manner as does not materially detract from [Party 2] [residence or business]. All damage to the [Party 2] Property outside of the Access Point area shall be promptly repaired and best efforts shall be utilized not to cause any such damage. The plans for the curb cut shall include such traffic safety and directional signs (e.g. "stop" signs) as may, in the opinion of a professional engineer, be necessary in the vicinity of the Access Point to promote traffic safety, which signs [Party 1] shall and may install on either property, as such engineer may direct, subject to the [Party 2] approval which shall not be unreasonably withheld.

2.Grants of Easements.

a)*Easement to [Party 1]*. The [Party 2] hereby grant to [Party 1], his/her/their successors and assigns, for his/her/their benefit and that of any and all tenants or occupants of all or any part of the [Party 1] Property and their respective licensees, invitees, customers, agents and employees, during the term of this Agreement, the non-exclusive, irrevocable easement and right of way for pedestrian and vehicular traffic through the Access Point and over and upon such driveways and parking areas as may exist from time to time on the [Party 2] Property (including without limitation the drive lanes thereon), together with the easement and right to use such areas for pedestrian

and vehicular passage, for access and ingress to, from and across the [Party 2] Property and to and from the streets, highways, and alleys adjacent to and abutting the [Party 2] Property. Notwithstanding anything in the foregoing to the contrary, the easement in the [Party 2] Property herein granted is limited to the use of passenger vehicles, and the use of such easement for transit by trucks or vehicles making deliveries or service calls to the [Party 1] Property or any occupant or tenant of the [Party 1] Property is prohibited. The [Party 2] warrant that he/she/they have fee simple title to the [Party 2] Property, free of all liens and encumbrances except real estate taxes and matters of record which would not prevent the granting nor use of this easement.

b)*Easement to [Party 2]*. The [Party 1] hereby grant to [Party 2], his/her/their

~~successors and assigns, for his/her/their benefit and that of any and all tenants or occupants of all or any part of the [Party 2] Property and their respective licensees, invitees, customers, agents and employees, during the term of this Agreement, the non-exclusive, irrevocable easement and right of way for pedestrian and vehicular traffic through the Access Point and over and upon such driveways and parking areas as may exist from time to time on the [Party 1] Property (including without limitation the drive lanes thereon), together with the easement and right to use such areas for pedestrian and vehicular passage, for access and ingress to, from and across the [Party 1] Property and to and from the streets, highways, and alleys adjacent to and abutting the [Party 1] Property. Notwithstanding anything in the foregoing to the contrary, the easement in the [Party 1] Property herein granted is limited to the use of passenger vehicles, and the use of such easement for transit by trucks or vehicles making deliveries or service calls to the [Party 2] Property or any occupant or tenant of the [Party 2] Property is prohibited. The [Party 1] hereby warrant(s) that he/she/they have fee simple title to the [Party 1] Property, free of all liens and encumbrances except real estate taxes and matters of record which would not prevent the granting nor use of this easement.~~

3.Maintenance. After initial construction of the Access Point is complete, [Party 1] shall be responsible for all pavement maintenance, traffic and directional signage maintenance, repaving/resurfacing, striping maintenance, landscape maintenance, trash and litter pickup, and snow and ice removal on the [Party 1] Property, and [Party 2] shall be responsible for all pavement maintenance, traffic and directional signage maintenance, repaving/resurfacing, striping maintenance, landscape maintenance, trash and litter pickup, and snow and ice removal on the [Party 2] Property.

4. Insurance and Indemnity.

a) During Construction. [Party 1] shall indemnify, defend and hold harmless the [Party 2] and all tenants or occupants of the [Party 2] Property from all loss, liability, suits, judgements, costs, or expenses (including reasonable attorney fees) for incidents occurring on either party's property during the period of time between the date of

commencement and the date of completion of construction of the Access Point and arising out of any act or omission of [Party 1], its tenants, contractors, agents, or employees. During such construction [Party 2] shall carry public liability insurance against such occurrences in the amount of at least [one million or other sum] dollars combined single limit coverage, with the [Party 2] as additional insured, and shall assure that any contractor performing work on the Access Point shall likewise carry public liability insurance in such amount or greater, together with worker's compensation coverage in accordance with Ohio law.

b) After the initial construction of the Access Point is complete, [Party 1] shall indemnify, defend, and hold harmless the [Party 2] and all tenants or occupants of the

~~[Party 2] Property from all loss, liability, suits, judgements, costs, or expenses (including reasonable attorney fees) arising out of any and all occurrences taking place on the [Party 1] Property. The [Party 2] shall indemnify, defend, and hold harmless [Party 1] and all tenants or occupants of the [Party 1] Property from all loss, liability, suits, judgements, costs, or expenses (including reasonable attorney fees) arising out of any and all occurrences taking place on the [Party 2] Property. Each party shall add the other, and, upon request, any tenant or occupant of the other, as an additional insured to its public liability insurance policy, and shall provide the other, upon written request, with a certificate attesting thereto. The insurance certificate shall provide that the insurers shall give the additional insured at least thirty (30) days prior written notice of any intended cancellation of coverage. Each party's public liability insurance coverage shall be in the amount of at least [one million or other amount] dollars, combined single limit coverage. Each party hereby waives, for itself and any insurer providing it with liability insurance coverage, the right of subrogation against the other party hereto and against any tenant or occupant of such other party, for any and all claims paid for occurrences arising directly or indirectly out of the use of the easement created in this Agreement.~~

5.No Public Dedication. It is mutually agreed that the grants contained in this Agreement are not intended and shall not be construed as a dedication of the respective premises for public use, and the parties hereto will take whatever steps may be necessary to avoid such dedication.

6.Running with the Land. All of the easements, covenants, agreements, conditions, and restrictions set forth in this Agreement shall be construed as covenants running with the land, binding upon, inuring to benefit of and enforceable by the parties and their respective successors and assigns, ~~for so long as each of the [Party 1] Property and the [Party 2] Property are put to [residential/commercial] use, but if the use of more than 30% by area of such property should change from [residential/commercial] use (the "Changed Property"), the owner of such property shall have the option on 30 days proper written notice to the owner of the Changed Property t~~ To terminate this Agreement and all easements, covenants, restrictions, and conditions hereunder **requires approval of the Licking County Planning**

Commission or , if annexed, its municipal equivalent.

7.Limited Recourse. Recourse by either party hereto against the other party for any claim or liability arising in connection herewith shall be limited to such other party's interest in its respective parcel of real property with which this Agreement runs.

8.Notice. Any notice required or permitted to be given by or to either of the parties under this Agreement shall be in writing and shall be deemed to have been given when deposited in the United States mail, certified or registered mail, return receipt requested and addressed as follows:

If to [Party 1] : _____
[Party 1 address]

If to [Party 2] :
[Party 2 address]

Either party may, at any time, change its address for the purposes of mailing, as aforesaid, a notice stating this change and setting forth the new address.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the day and year first above written.

WITNESS:

_____ **BY:**
_____ **ITS:**

STATE OF OHIO)

)SS:

COUNTY OF LICKING)

Before me, a Notary Public in and for said County, personally appeared , [if individual: "an individual," or if a company: "of _____, an ,"] who acknowledged the signing and attestation of the foregoing ***Reciprocal Easement Agreement*** to be his/her free act and deed, and as such ["officer" if a company] on behalf of _____ for the uses and purposes set forth therein.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed my official seal on the ____ day of _____, 19 ____.

NOTARY PUBLIC

STATE OF OHIO)

)SS:

COUNTY OF LICKING)

Before me, a Notary Public in and for said County, personally appeared , [if individual: "an individual," or if a company: "of _____, an ,"] who acknowledged the signing and attestation of the foregoing ***Reciprocal Easement Agreement*** to be his/her free act and deed, and as such ["officer" if a company] on behalf of _____ for the uses and purposes set forth therein.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed my official seal on the ____ day of _____, 19 ____.

NOTARY PUBLIC

STATE OF OHIO)

)SS:

COUNTY OF LICKING)

Before me, a Notary Public in and for said County, personally appeared , [if individual: "an individual," or if a company: "of _____, an ,"] who acknowledged the signing and attestation of the foregoing **Reciprocal Easement Agreement** to be his/her free act and deed, and as such ["officer" if a company] on behalf of _____ for the uses and purposes set forth therein.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed my official seal on the ____ day of _____, 19 ____.

NOTARY PUBLIC

APPENDIX IV
PAVEMENT DESIGN GUIDE

Table IV-A

REQUIRED STRUCTURAL NUMBER'S (SN) FOR GIVEN SOIL RATINGS			
Road Class/Type	Soil Rating	Required "SN"	Inches of full depth asphalt
Local Residential, Cul-de-Sac:	Severe	2.40	6 ⁷ / ₈ "
	Moderate	2.00	5 ³ / ₄ "
	Light	1.75	5"
Marginal Access, SubCollector:	Severe	3.50	10"
	Moderate	3.00	8 ¹ / ₂ "
	Light	2.60	7 ³ / ₈ "
Collector (minor/major), Arterial (minor/major):	Severe	3.85	11"
	Moderate	3.40	9 ³ / ₄ "
	Light	3.15	9"

Source: County Soil Survey, Table 12: Building Site Development.

Table IV-B on next page...

Table IV-B

STRUCTURAL NUMBER (SN) COEFFICIENTS	
MATERIAL	(SN / in.)
<u>404</u>	<u>0.35</u>
<u>402</u>	<u>0.35</u>
<u>304</u>	<u>0.14</u>
<u>301</u>	<u>0.35</u>
<u>310</u>	<u>0.11</u>
<u>452</u>	<u>0.35</u>

MATERIALS KEY

- 301 Bituminous aggregate base - the minimum thickness of a 301 course shall be three inches, where 301 is used the minimum thickness of 404 may be reduced to 1 - 1/4".
- 304 Aggregate base.
- 310 Sub-base - the maximum thickness should be four inches and should be covered by a minimum of three inches of material with a higher structural coefficient.
- 404 Asphalt-Concrete - A minimum of two inches of 404 should be used as a final course.
- 452 Plain Portland Cement Concrete - full depth 452 may be used in lieu of other designs.

APPENDIX V

**SUMMARY OF PROCESS FOR ESTABLISHING A ROAD
& PUBLIC MAINTENANCE**

APPENDIX VI

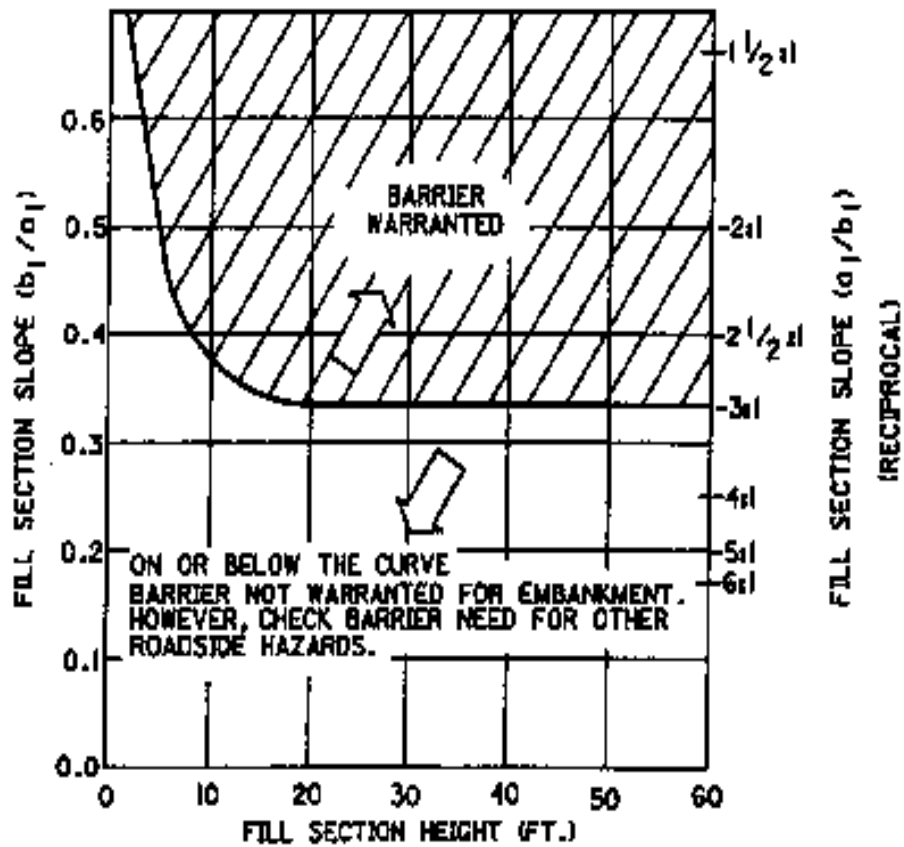
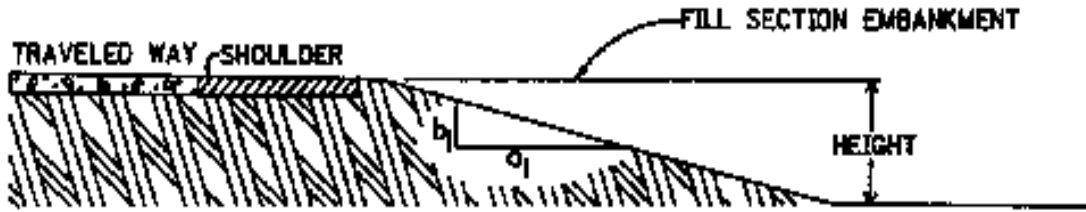
**VILLAGE OF BUCKEYE LAKE
SUBDIVISION FEE SCHEDULE**

APPLICATION TYPE	FEE
LOT SPLIT: from the same original tract <i>(see Minor Subdivision - Sect. 31.00)</i>	\$30.00 for first lot split; \$10.00 each for second, third, and fourth submitted at the same time as first.
EXEMPTED LOT SPLIT: transfer between adjoining property owners <i>(see "Exempted Minor Land Division" - Sect. 32.00)</i>	\$30.00 for first exempted split; \$10.00 each for second, third, and fourth submitted at the same time as first.
MAJOR SUBDIVISION: Major Subdivision review consists of completing the following four (4) steps in order	This process involves submittal to other agencies, in addition to fees below, see "Major Subdivision Timeline"
1) SKETCH PLAN & CONFERENCE: <i>(see "Sketch Plan" - Sect. 33.30)</i>	\$50.00
2) PRE-ENGINEERING PLAN & CONFERENCE: <i>(see "Pre-Engineering Plan" - Sect. 33.40)</i>	\$200.00
3) a) PRELIMINARY PLAN REVIEW: <i>(see "Preliminary Plan" - Sect. 33.50)</i> And b) DRAINAGE PLAN REVIEW: <i>(see "Urban Soil & Sediment Pollution Control" - Article 6)</i>	\$200.00 plus + \$10.00 per proposed lot And For 3-6 proposed lots: \$50.00 , otherwise For 7+ proposed lots: \$100.00
4) FINAL PLAT REVIEW: <i>(see "Final Plat" - Sect. 33.60)</i>	\$100.00 plus + \$10.00 per proposed lot
VARIANCE REQUEST: to request an exception from these regulations due to extraordinary or unnecessary hardship <i>(see "Variances" - Sect. 90.50)</i>	\$100.00 for each application

NOTE: These fees may be amended by the Village of Buckeye Lake according to Section 91.00.

APPENDIX VII

GUARD RAIL WARRANT STUDY



APPENDIX VIII

COUNTY ROADWAY CLASSIFICATIONS FOR CONGESTION PREVENTION

The following tables identify the Classified Roadways in the Village of Buckeye Lake. There are four classifications: Major Arterials (Table VIII-A), Minor Arterials (Table VIII-B), Major Collectors (Table VIII-C), and Minor Collectors (Table VIII-D). In addition, Map 8-A depicts these classified roads. Details about the design standards for each can be found in Section 41.20. Article 8, Congestion Prevention, deals with specific requirements for all types of subdivision (Section 30.00) of a parcel(s) that have road frontage on one of these classified roadways.

TABLE VIII-A: CLASSIFIED ROADWAYS				
ROAD #	ROAD NAME	CLASSIFICATION	MILEAGE	TERMINI (from North to South, East to West)*
I-70	Interstate 70	Major Arterial	? miles	Village limits
US 40	National Road	Major Collector	? miles	Village limits
SR 158	Baltimore Rd.	Major Collector	? miles	Village limits
T-40	Outville Rd.	Major Collector	? miles	Village limits
T-36	Palmer Rd.	Minor Collector	? miles	Village limits

* Note: Buckeye Lake Subdivision Regulations apply only to the segments of those roads classified above that lie in the incorporated area of the Village of Buckeye Lake.

APPENDIX IX

MAP 8-A: COUNTY ROADWAY CLASSIFICATION MAP

APPENDIX X

MAJOR SUBDIVISION INSPECTION SCHEDULE

There will be an inspection of the following:

1. Final Grade
2. Curb & Gutter (or edge of pavement and culverts)
3. Proof-roll Subbase
4. Asphalt Paving
5. Stormwater Drainage
6. Road Culverts
7. Bridges
8. Seeding & Mulching (Right-of-way)
9. Guardrail (if required)
10. Detention Basins
11. Final Subdivision Inspection

APPENDIX XI

EROSION CONTROL MEASURES

This section will be completed and available from the Licking County Engineer by the 15th of December, 1995.

APPENDIX XII

“ENHANCED DITCH” DESIGN CRITERIA

This section will be completed and available by the 15th of December, 1995.