

Article 2

ADMINISTRATION

Standards

200 Administration, Enforcement, and Interpretation

These Regulations shall be administered by the Belmont County Planning Commission. The Planning Commission, assisted by other government agencies, legal counsel, and through other advice, may solicit, shall administer, and enforce these Regulations. Discretionary, conflicting, or disputed aspects of these Regulations shall be interpreted by the Planning Director, or designee, designated by the Board of County Commissioners or Planning Commission. The word “shall” is mandatory; the word “should” is preferred and the word “may” is discretionary.

201 Reservations and Repeals

Upon the adoption of these Regulations, according to law, the Subdivision Regulations of Belmont County adopted December 20, 1961, as amended, are hereby repealed.

202 Amendments

The Planning Commission may amend, supplement, or change these Regulations in accordance with the appropriate sections of the *Ohio Revised Code*. However, the Planning Commission may only amend, supplement, or change regulations requiring the actual construction of improvements after review and adoption by the Board of County Commissioners.

203 Variances, Exceptions and Waiver of Conditions

Where due to exceptional topographic, or other physical or unique conditions, the Planning Commission finds that extraordinary and unnecessary hardship may result from strict application of these Regulations; or the purposes of these Regulations may be served to a greater extent by an alternative proposal it may approve at a public hearing variances, exceptions, and waivers of conditions, provided that they will not be detrimental to the public health, safety, welfare, or injurious to other properties. Variances for roadway specifications and construction standards should only be made by the Board of County Commissioners. Recommendations regarding variances may be provided by the Planning Commission. Such variances shall not have the effect of nullifying the intent and purpose of these Regulations, the Comprehensive Plan, or any Zoning Resolutions when they exist.

In granting variances or modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.

An application for relief may be denied if an owner requests it merely for his own

convenience, such as when the land is not usable due to error, or poor assumptions, on the owner's part, or when the only supporting evidence is that compliance would add significantly to development costs.

204 Expiration or Extension

Failure to comply with the stated time periods of these Regulations shall result in the expiration of the application and associated Planning Commission approvals. Before expiration, the developer may provide a letter and extension fee stating why these time periods cannot be met and requesting their extension. The developer is solely responsible for knowing expiration dates and meeting, or extending, them in accordance with these Regulations. The Planning Commission nor any other County departments shall have no duty, obligation, or responsibility to remind or notify developers of approaching expiration dates.

205 Voided Applications

An application shall become void and have no rights, standing, or status under these Regulations, upon expiration, withdrawal, or disapproval.

206 Recording of Final Plat

No final plat of any subdivision shall be recorded by the County Recorder or have any validity until said final plat has received a final approval in the manner prescribed in these Regulations.

207 Revision of Final Plat after Approval

No change, modification, or revision shall be made to the final plat of a subdivision after approval has been given by the Planning Commission, and endorsed in writing on the final plat, unless said final plat is first resubmitted to the Planning Commission.

208 Vacating Platted Lots

Any person owning, either jointly or severally, either in his or her own right or in trust and having legal title to any land laid out in platted parcels and located within the unincorporated areas of Belmont County, may vacate such lots, or group of lots, upon submitting a plat vacation application to the Planning Commission. The application shall include all materials deemed necessary for the consideration of the vacation, including a survey and legal description of the land to be vacated. The vacation request shall be considered at the next appropriate Planning Commission meeting.

The Planning Commission shall request technical input from applicable County departments, federal, state, and local agencies and/or members of the public as required pertaining to the vacation request. If approved, the survey and legal description shall be submitted to the County Auditor which shall make all necessary updates. It shall be then presented to the County Recorder, who shall mark the plat of said lot(s) as "Vacated."

209 Fees

The Board of County Commissioners shall establish a schedule of fees, charges, expenses, and collection procedures for administration of these Regulations. The schedule of fees shall be posted in the office of the Planning Department and/or other department(s) designated by the Board of County Commissioners. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal. The developer shall be solely responsible for submittal of the final plat and payment of fees to the appropriate County department(s) and/or local agency(s) having jurisdiction regarding review/inspections/testing, and/or approval of proposed construction improvements, including streets, water, sanitary sewage facilities (including septic), stormwater maintenance, etc.

210 Violations and Penalties

Whoever transfers, by deed, land contract, or other instrument of conveyance, or leases for a period of more than five years, any lot, parcel, or tract of land from a plat of a subdivision before such plat has been recorded in the office of the County Recorder, or that violates these regulations, shall forfeit and pay the sum of not less than ten dollars (\$10) nor more than five-hundred dollars (\$500) for each lot, parcel, or tract of land so transferred or leased. 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.

No building permit shall be issued for the construction of any building or structure located on a lot or plat, subdivided, or transferred in violation of the provisions of these Regulations, nor shall the County have any obligation to issue certificates of occupancy; or to extend utility services to any parcel created in violation of these Regulations.

211 Appeal

Any person who believes they have been aggrieved by these Regulations, or the actions of the Belmont County Planning Commission, has all rights to appeal as set forth in Chapter 711 of the Ohio Revised Code or any other applicable section.