

Article 3

SUBDIVISION APPLICATION, PROCEDURES, AND APPROVAL PROCESS

Standards

300 Purpose

The purpose of this article is to establish the procedure for review and approval of subdivisions, as authorized under Chapter 711 of the *Ohio Revised Code*. The procedure is intended to provide orderly and expeditious processing of such applications.

Subdivision is defined as follows:

- a. The division of any parcel of land shown as a unit, or as contiguous units, on the last preceding tax roll, into two (2) or more parcels, sites, or lots, any one of which is less than five (5) 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 (5) acres not involving any new streets or easements of access, and the sale, or exchange, of parcels between adjoining lot owners, where such sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
- b. The improvement of one (1) 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.

A land contract that contains a metes and bounds legal description that would result in land being subdivided when the deed at completion of the land contract is recorded, must comply with these Regulations. Prior to the execution of the land contract by the vendor and vendee, the vendor must submit the land contract to the Planning Commission for approval. This process is necessary to ensure that the vendee will be able to receive a deed when all payments under the land contract are completed, and to reduce the need for a variance in the future.

301 General Procedure

Before any land is subdivided, the owner of the property, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the

following procedures:

- a. Minor Subdivision or Lot Split: These shall be processed by the Planning Director, or designee, and require a survey drawing, a deed with a legal description, fees, and may include a sketch plan and other pertinent site information as recommended by the Planning Director, or designee.
- b. Major Subdivision or Platted Subdivision: These involve approval actions by the Planning Commission. The approval process for a major subdivision includes three principal steps: a sketch plan, a preliminary plan, and a final plat.

302 Minor Subdivision (Lot Split) Approval Process

Approval without a plat of a minor subdivision may be granted by the Planning Director, or designee (administrative approval), if the proposed subdivision of the parcel of land meets all of the following conditions:

- a. The proposed division of a parcel of land as shown on the last proceeding tax duplicate involves no more than five (5) lots, after the original parcel has been completely subdivided, any one of which is under five (5) acres (inclusive of the remainder parcel).
- b. The proposed subdivision is along an existing public street, and involves no opening, widening or extension of any street, road, or public utility.
- c. The proposed division is not contrary to applicable subdivision, zoning, or other regulations, or has received any necessary variances.
- d. The proposed subdivision shall be approved by the County Planning Department, County Engineer, County Water and Sewer District, County General Health District (if applicable), any other federal, state, and local departments, and agencies that may be applicable.
- e. The property shall have a professional stamped survey and a legal description of the property submitted with the application.
- f. Homestead (Family) Provision – The purpose of this provision is to provide a satisfactory method for a landowner to provide home sites on his subject land for members of his immediate family. The immediate family shall only include mother, father, son, daughter, brother, sister, grandparents, and/or grandchildren with fee simple ownership of the proposed lot by said family member. The other Homestead (Family) Provision requirements include the following:
 - Five (5) lots or less with public or private street(s) and utility(s) extension. Any more than five (5) lots shall require major subdivision approval.
 - The subject lot(s) shall only contain single family dwelling units.
 - The minor subdivision shall be approved by the County Planning Department, County Engineer, County Water and Sewer District, County General Health District (if applicable), any other federal, state, and local departments, and agencies that may be applicable.
 - A maintenance agreement for any private street(s) and/or utility(s) shall be approved by the Planning Commission. The standard maintenance

agreement may be modified by the Planning Commission as required based on the specific development proposal to achieve compliance with these Regulations as much as possible to promote professional best development practices (*See Appendix A*).

- The following statement shall be added to instruments of conveyance “Homestead site(s) shall not transfer out of the immediate family without Planning Commission approval.”

303 Administrative Procedure and Approval

- a. A minor subdivision, or lot split, application available at the Planning Department office shall be filed by the landowner or designated representative. A complete application shall contain a survey drawing, a deed, a legal description for each lot being created, a fee as set forth by the County, and a certification of approval by the County Engineer, the County Water and Sewer District, the County General Health District (if applicable), any other federal, state, and local departments, and agencies that may be applicable.
- b. After the split has been given approval by any other departments with review responsibility, the deed and a copy of the survey drawing is then checked by the Planning Director, or designee, for its conformity with these Regulations. The Planning Director, or designee, shall stamp and sign the deed “approved-no plat required” if the lot(s) in question meets all requirements as specified above, within seven (7) working days after a complete application submission (*See Section 304*).
- c. The deed shall then be taken to the County Auditor for the transfer of property and then to the County Recorder where it will become a legal lot of record. Lot split requests expire if not recorded within (1) year of initial approval.
- d. Incomplete or deficient proposals (applications) shall be disapproved, and the developer shall be notified of issues and reasons for the disapproval. The Planning Director, or designee, shall review the application with seven (7) days of submittal to ensure a complete application has been submittal.

304 Submission Requirements

The application for minor subdivision shall include the following:

- a. A professional stamped survey shall conform to the minimum standards for boundary surveys in State of Ohio (OAC 4733-37).
- b. Survey boundaries and lot lines drawn on at least an 11”x 17” sheet and at a scale between 1”=10, and 1”=100. All dimensions shall be shown in feet and hundredths of feet. The plat shall be at a scale that is legible to the reviewing departments and agencies.
- c. Location of monuments and their descriptions.
- d. Location and size of all existing buildings.

- e. Areas within the 100-year floodplain and within floodways, as determined from flood studies or by scaling from mapping provided by the Federal Emergency Management Agency shall be delineated.
- f. Appropriate fee.
- g. Other items, or provisions deemed necessary by the Planning Director, or designee.

305 Combining Entire Existing Tax Parcels, Replat, Subdivision Vacations, Plat of Streets, Common Open Spaces, and Easements for Public Utilities

- a. Combining entire existing tax parcels can be accomplished by the County Auditor without Planning Commission approval if the existing parcels have the same deed reference, are adjacent to each other, are not separated by a public roadway, and acreage of all parcels is combined into a single tax parcel by filling out an “Application for Combination” at the County Auditor’s office listing the tax parcel numbers to be combined.
- b. A developer proposing the re-subdivision of a plat previously recorded by the County Recorder shall follow the same procedures required for a major subdivision. Other proposals for the alteration of a plat, or the vacating of a plat, shall comply with Sections 711.17-711.20 of the Revised Code. The vacation of platted lots by the Planning Commission is addressed in Section 208 of these regulations.
- c. Proposals for the platting of street openings, widenings, and extensions; platting of open spaces for common use by owners, occupants, or leaseholders; and easements for the extension and maintenance of public sewer, public water, storm drainage, or other public utilities shall follow the same procedures required for a major subdivision.

306 Transfer of Property between Adjoining Owners

- a. Where a transfer of property between adjoining owners, which is less than five (5) acres in size, results in a residual parcel, which is less than five (5) acres, said residual parcel shall be subject to the requirements of these Regulations; and the transfer of property shall be approved only if the residual meets these Regulations. The grantees’ names on the deed shall match the ownership of the adjacent parcel being enlarged by the transfer. Deeds for combining acreage shall include the notation: “Not to be used as a separate building site or transferred as an independent parcel in the future without Planning Commission approval.”
- b. If the transfer of property is within a recorded subdivision it shall be submitted as a major subdivision if it involves the creation of any subdivision lot as a separate building tract.

307 Major Subdivision Approval Process

A proposal involving any of the following shall be subject to major subdivision procedures:

- a. More than five (5) lots, any one of which is less than five (5) acres, including the original tract.
- b. Creation, widening or extension of a street, or access easement.
- c. Division, or allocation of land, as a public utility or drainage easement.
- d. Subdividing platted land to create additional building lots in a recorded subdivision.

308 Pre-Application Conference and Sketch Plan

- a. Prior to preparing a sketch plan, the subdivider may request an informal meeting with the Planning Director, or designee, and other pertinent County Departments to discuss the procedures for approval of the subdivision plan; to familiarize the developer with the Comprehensive Plan (when it exists), Zoning Resolution (if any exists), Thoroughfare Plan, the availability of existing utility services, street, water, sewer and stormwater requirements, fire prevention and any other County and development requirements.
- b. The application may combine a pre-application conference with the sketch plan. The sketch plan shall include: a completed and signed application form, the sketch plan, and the appropriate fee.

309 Sketch Plan Content

Sketch plans submitted to the Planning Director, or designee, shall be prepared at a minimum in pen or pencil, shall be drawn to a convenient scale of not more than one hundred (100) feet to an inch and shall show the following information:

- a. Location or vicinity map.
- b. North arrow
- c. Ownership of property and adjacent properties.
- d. Existing and proposed public and private roads, and easements.
- e. Existing structures.
- f. Outline of areas to be subdivided.
- g. Approximation of proposed lot lines.
- h. Important natural features, drainage ways, other environmental features, etc.
- i. A written statement about storm drainage, sewage disposal, water supply, and other

facilities that exist in the area, and the likely impacts of the development on those systems.

310 Preliminary Plan Procedures

The developer shall submit a preliminary plan for review and tentative approval prior to the formulation and submittal of detailed construction drawings. The preliminary plan is conducted for the developer's benefit and its submission does not constitute a formal subdivision review pursuant to Section 711.10 of the *Ohio Revised Code*. With the submission of the preliminary plan, the applicant waives any rights to an approval under Section 711.10 of the *Ohio Revised Code* until such time as application is made for final subdivision plat review and is submitted to the Planning Commission for review and approval as detailed in these Regulations. The Planning Commission with technical input from other affected County Departments (Planning, Engineer, Water and Sewer District, General Health District, etc.) of the proposed development may allow the developer to waive the preliminary plan process if the proposed development substantially complies with all the County development requirements. However, this waiver does not imply final plat approval by any of the County departments. The developer would have to agree with said waiver.

311 Preliminary Plan Form

The preliminary plan application shall contain:

- a. Complete application form available from the Planning Department.
- b. The Planning Director, or designee, shall determine the number of copies of the preliminary plan containing all required information for proper review by the appropriate County departments and agencies.
- c. One set of conceptual subdivision improvement plans maybe required per the County Engineer and/or County Water and Sewer District Director.
- d. Appropriate fee.

The preliminary plan shall be submitted in the following form:

- a. Drawn at a scale between one hundred (100) feet to the inch and ten (10) feet to the inch.
- b. On one or more sheets at a minimum 24"x 36" in size, clearly and legibly drawn.

312 Preliminary Plan Content

The preliminary plan shall contain the following information:

- a. Proposed name of the subdivision, location by section, range, township, or other survey.
- b. Boundaries and acreage.

- c. Name, address, email, and telephone number of the owner, developer, professional surveyor, and professional engineer with appropriate numbers and seals.
- d. Date of survey, scale of the plat, north point, legend, and a vicinity map of a scale not less than 2000 feet to an inch.
- e. Name of adjacent subdivisions, owners of adjoining parcels, and location of common boundary lines, extended to 200 feet beyond the boundary of the subdivision.
- f. Topographic contours with intervals no greater than 2 feet at 5% slope, no greater than 5 feet for slopes over 5% and less than or equal to 15%, and no greater than 10 feet for slopes greater than 15%.
- g. Location, width, and names of existing streets, railroad rights-of-way, easements, parks, buildings, corporation, and township lines; wooded areas, water courses, drainage patterns, and water bodies; pavement widths and right of way widths shall be shown.
- h. Topographic features within and adjacent to the plat for a minimum distance of 200 feet unless access to adjacent property has been denied to the professional surveyor.
- i. Location of floodways, floodplains, and a good faith effort to identify other potentially hazardous areas.
- j. A good faith effort to identify the location of environmentally sensitive areas.
- k. A good faith effort to identify the soil types derived from the USDA Soil Survey.
- l. The subdivision layout, number, dimensions of each lot, and setback lines (a note listing setback dimensions may be added in lieu of showing setback lines if the plan will be made more legible).
- m. Parcels of land reserved for public use, or reserved by covenant for residents of the subdivision.
- n. Point of ingress/egress, or driveway locations, and the distance to any existing driveway(s).
- o. Type of water supply and wastewater disposal proposed, approximate locations and dimensions of all proposed utilities and sewer lines, easements, drainage tiles, water mains, culverts, or other underground utilities within the tract or adjacent thereto.
- p. Known cemeteries, historical, or archeological sites.
- q. A copy of proposed covenants and restrictions, subdivision homeowners or commercial association, and a schedule outlining the order of development of each section or phase of the subdivision.

313 Additional Information for the Preliminary Plan

The following information does not apply to all projects and may be requested during the site review or required during review and approval of applications.

- a. Statements of proposed use of lots, type and number of dwelling units, and/or type of business or industry.
- b. Conceptual plan for commercial and industrial development, showing proposed parking, loading areas, alleys, pedestrian walkways, streets, and points of vehicular ingress/egress to the development and landscape features.
- c. A drawing of all present and proposed grades and facilities for storm water drainage in cases where natural drainage is altered.
- d. A feasibility study on sewer and water facilities for land developments of two or more dwelling units.
- e. Screening, buffering and/or noise abatement measures.
- f. Typical cross-sections and centerline profiles for each proposed street, and preliminary engineering designs of any new bridges or culverts proposed in the project.
- g. Other information, studies, items, or provisions deemed necessary or prudent to create buildable sites and to promote the public health, safety, and welfare.
- h. Improvements in the right of way.

314 Submission to Ohio Department of Transportation

Any plan within three hundred (300) feet of the centerline of a state highway for which changes are proposed, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, requires the Planning Commission give notice by registered or certified mail to the Ohio Department of Transportation. If the Ohio Department of Transportation notifies the Planning Commission that it may need to acquire the land needed within the proposed subdivision boundaries for state purposes, the Planning Commission shall refuse to approve the plan.

315 Submission to Township Trustees

Within five days after the complete application submission of a preliminary plan for approval, the Planning Commission shall schedule a meeting to consider the preliminary plan. It shall send written notice by regular mail or electronic mail to the clerk of the Board of Township Trustees of the Township in which a proposed preliminary plan is located. The notice shall inform the Trustees of the submission of the proposal preliminary plan and of the date, time, and location of any meeting at which the Planning Commission will consider

or act upon the proposed preliminary plan.

316 Filing

The preliminary plan shall be considered officially filed after it is examined by the Planning Director, or designee, and the application is complete and is found to be in full compliance with the formal provisions of these Regulations. The developer shall be notified by mail within five (5) working days as to the date of official filing, which begins the thirty (30) day review period, and the meeting at which the plan shall be reviewed.

317 Public Hearing

The Planning Commission, prior to acting on a preliminary plan of a subdivision, shall hold a public hearing at such time and upon such notice as the Planning Commission may designate.

318 Review and Approval of Preliminary Plans

The Planning Commission shall forward copies of the preliminary plan to such officials and agencies as may be necessary for the purpose of study and recommendation. After receipt of reports from such officials and agencies, the Planning Commission shall determine whether the plan will be approved, approved with modifications, or disapproved. The reasons for such disapproval shall be stated in writing.

The Planning Commission shall act on the preliminary plan within thirty (30) working days after a complete application filing, unless such time is extended by agreement with the developer. Approval of the preliminary plan shall be conditioned on compliance with all other applicable resolutions and regulations.

319 Preliminary Plan Expiration

The approval of the preliminary plan by the Planning Commission shall be effective for a maximum period of one (1) year from the date of its approval. If a complete final plat application is not submitted to the Planning Commission within one (1) year of the approved preliminary plan, the preliminary plan approval shall expire and become void, unless an extension is requested by the developer and approved by the Planning Commission.

320 Preliminary Plan Recall

The Planning Director, or designee, may recall un-platted portions of the preliminary plan for consideration, and reapproval, modification, or disapproval by the Planning Commission. A recall may occur if:

- a. Incomplete, inaccurate, or fraudulent information influenced approval.
- b. The developer has failed to satisfactorily pursue platting or conditions of approval.
- c. Previously unknown or new health, safety, or environmental concerns arise.

- d. The developer shall be notified by letter no later than 30 days before the recall is scheduled for consideration.

321 Final Plat Procedures

Having received the approval of the preliminary plan, if applicable, the developer shall submit a final plat application containing all changes required by the Planning Commission in the preliminary plan. The final plat shall be prepared by a professional surveyor, and the design for construction of improvements prepared by a professional engineer licensed to practice in the State of Ohio. Within five calendar days of submission of a complete application, staff shall accept and schedule the final plat for the next appropriate meeting of the Planning Commission and notify the Township in accordance with Section 711.10 of the ORC and this section of these Regulations. Notification shall also be given to other appropriate agencies and officials.

A complete application shall contain:

- a. Complete and signed application form available from the Planning Director, or designee, with the appropriate fee.
- b. Original plat document (parent parcel) signed by the developer and lienholder with notary and seal, and the professional surveyor with seal.
- c. If applicable, the preliminary plan approved by the Planning Commission with all conditions.
- d. The Planning Director, or designee, shall determine the number of copies of the final plat for review by the appropriate departments and agencies.
- e. The Planning Director, or designee, shall determine the number of sets of approved construction drawings and engineering specifications as required for grading, streets, stormwater management, waterline, sanitary sewer, and other improvements. Applicants are encouraged to file the application for final plat approval only after the appropriate authority approves construction drawings and engineering specifications (the final plat may be submitted if the County Engineer and County Water and Sewer District Director documents the construction drawings are close or nearly approved per their discretion). Failure to do so shall result in non-acceptance of the application.
- f. Supplementary and additional information as required by these Regulations.
- g. Appropriate fee.

322 Final Plat Form

The final plat shall be submitted in the following form:

- a. Drawn at a scale between one hundred (100) feet to the inch and ten (10) feet to the inch, inclusively.

- b. Plats shall be on one or more sheets twenty-four (24) by thirty-six (36) inches in size (at a minimum) and shall be clearly and legibly drawn. The original shall be drawn on reproducible material per the County requirements.
- c. A legend of all symbols and abbreviations used shall be included on the plat.
- d. The Planning Director, or designee, may also require the final plat to be filed in a digital or computer format.

323 Final Plat Content

The final plat shall contain the following information:

- a. Subdivision name, location by section, range, township, or other accepted survey district.
- b. The plat shall comply with the Minimum Standards for Boundary Surveys in the State of Ohio and the measurement specifications as contained in Chapter 4733-37 of the *Ohio Administrative Code*.
- c. A vicinity map showing the general location of the subdivision.
- d. Name, address, email, and telephone number of owner, subdivider, professional surveyor, and professional engineer with appropriate numbers and seals.
- e. Plat boundaries, based on accurate traverse, with angular and linear dimensions determined by an accurate control survey in the field. All lot lines shall be shown with accurate dimensions in feet and hundredths.
- f. Site layout, number, dimensions of each lot, and set back lines (a note listing setback dimensions may be added in lieu of showing setback lines if the plat will be made more legible).
- g. Outline of areas to be dedicated or reserved for public or common use of property owners within the plat, and previous lots or blocks and their numbers indicated by a contrasting line style in the case of a replat.
- h. Bearings and distances to the nearest established street lines, accurate location and description of all monuments.
- i. Names, locations, dimensions, rights-of-way of all existing and proposed streets, and railroads within and adjoining the plat. Radii, internal angles, points of curvature, tangent bearings, length of arcs, and lengths and bearing of chords of all streets.
- j. Locations and dimensions of all easements and rights-of-way, with dimensions, purposes and wording addressing the purpose of such easements or rights-of-way.
- k. Location of all streams, rivers, canals or lakes, and flood hazard boundaries of the area.

- l. Base flood elevations shall be determined by the developer's engineer in areas where such information has not been made available from other sources.
- m. A copy of proposed covenants and restrictions, subdivision homeowners, or commercial association and a schedule outlining the order of development of each section or phase of the subdivision.
- n. A statement or table showing total acreage in the subdivision and total acreage of lots, roads, open space, easements, and other types of uses.
- o. Spaces for all signatures required per Article 8.

324 Additional Information for Final Plat

The following information shall be supplied in addition to the above required data:

- a. If a zoning change is involved, certification from the appropriate Township or County zoning representative shall be required indicating that the change has been approved and is in accordance with the requirements of the zoning resolution.
- b. A letter from the permitting agency indicating that a driveway permit has been issued, or will be issued, by the office of the County Engineer or Ohio Department of Transportation on existing roads.

325 Filing

The final plat shall be filed with the Planning Commission not later than one (1) year after the date of approval of the preliminary plan. If a complete final plat application is not submitted to the Planning Commission within one (1) year of the approved preliminary plan, the preliminary plan approval shall expire and become void unless an extension is requested by the developer and approved by the Planning Commission. The final plat shall be filed at least twenty (30) days prior to the meeting at which it is to be considered.

326 Planning Commission Action

Before any final plat is approved, the Ohio Department of Transportation must be notified as required by Section 314 of these Regulations. County planning staff shall provide a final plat report to the Planning Commission. The Planning Commission shall act on the final plat within thirty (30) days after filing of a complete application, unless such time is extended by agreement with the developer, the final plat is withdrawn, or a delay-of-action is requested and granted. Conditional approval of a final plat shall be limited to minor clerical and other non-substantive errors as determined by the Planning Commission. If disapproved, the reason shall be stated in the record of the Planning Commission. Failure of the Planning Commission to act upon the final plat within such time shall be deemed an approval of the plat. If disapproved, the developer may make the necessary corrections and resubmit the final plat to the Planning Commission for its final approval. If a final plat is refused by the Planning Commission, the person resubmitting the plat, which the Planning Commission refused to approve, may file a petition within sixty (60) days after such refusal in the Belmont County Court of Common Pleas.

327 Public Improvements

All public improvements shall be constructed, inspected, and accepted by the Board of County Commissioners per Article 7 of these Regulations.

328 Final Plat Expiration

The developer shall commence construction of the subdivision improvements within one year (1) of final plat approval (pre-development plat), otherwise the final plat approval shall expire and become void, unless an extension is requested by the developer and approved by the Planning Commission.

329 Signing, Recordation, and Transmittal of Copies of Final Plat

When a final plat (post-development) has received conditional acceptance of the public improvements by the Board of County Commissioners, the Planning Director, or designee, shall sign the certificate of approval on the original mylar and return the same to the developer. The developer shall, within 60 days, submit a copy of the approved final plat for processing by the County Tax Map Department, County Auditor, and filing with the County Recorder. It shall be the responsibility of the developer to gain all necessary certifications before filing the final plat with the County Recorder. The developer shall provide the Planning Commission with a paper copy of the approved final plat. After the final plat is recorded, the original final plat, or an archival quality reproducible reproduction, shall be filed with the County Recorder. Any County office may require the submission of the final plat in digital or computer format.

330 Final Plat Amendments

Procedures and requirements for changing a Planning Commission-approved final plat (signed, unsigned, recorded, or unrecorded) shall be specified by the Planning Commission in keeping with the spirit, intent and purpose of these Regulations. Amendment of the preliminary plan (if one was submitted) may be required before, or concurrent, with amendment of the final plat. Amendment fees are set forth per the fee schedule.

331 Grading of Site Prior To Final Plat Approval

Subsequent to final plat approval (pre-development) but not before final engineering approval, the developer may receive approval from the Planning Commission with explicit approval from the County Engineer to begin earth excavation and construction to the grades and elevations required by the approved construction drawings.

332 Model Homes

For the purpose of allowing the early construction of model homes in a subdivision, the Planning Commission, in its sole discretion, may permit a portion of the major subdivision involving no more than two (2) lots be allowed for model homes to be constructed after the approval of construction drawings but prior to the conditional acceptance of public improvements by the Board of County Commissioners per Article 7. The request may be included in the major subdivision application and reviewed by all County departments during the final plat approval process.