

## CHAPTER 1157

### Procedure for Subdivision Approval

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### CROSS REFERENCES

Plat and contents - see Ohio R. C. 711.01 et seq; P & Z. Ch. 1159

Plat approval - see Ohio R. C. 711.09

Engineer to approve plates - see Ohio R. C. 711.08, 711.091

Approval without plat - see Ohio R. C. 711.131

Improvement completion prior to final plat approval - see P & Z. 1155.06

Recording plat - see P. & Z. 1155.07

Final plat approval - see P. & Z. 1159.02

Submission of construction plans - see P. & Z. 1163.02

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#### **1157.01 PLAT REQUIRED FOR MINOR SUBDIVISIONS.**

(a) Whenever a division of land has been classified as a minor subdivision by meeting the requirements of 1153.07(a) and 1153.08, the division may be submitted to the Planning Commission for action. If the Commission, acting through a designated official, is satisfied that such proposed division is not contrary to applicable platting, subdividing or zoning regulations, it shall within forty-five (45) working days after submission approve such proposed division. On presentation of a plat of such parcel, the same shall have lot numbers assigned and be signed by the authorized official.

(b) Where the owner of a lot which has previously been platted and numbered wishes to make any changes to the boundaries of the lot, and such changes are not contrary to applicable platting, subdividing or zoning regulations, such changes shall be made by plat and the same shall have new lot numbers assigned and be signed by the authorized official.

#### **1157.02 PLAT REQUIRED FOR MAJOR SUBDIVISION.**

(a) No person, firm or corporation shall subdivide or lay out into lots any land within the territorial jurisdiction of these regulations, a major subdivision unless it is by a plat complying with the Subdivision Regulations herein contained, and no plat shall be recorded and no lot or land shall be sold from any such plat until such plat has been approved as herein required.

The design and layout of all subdivisions shall conform with the requirements of these regulations. The subdivider shall make improvements and shall submit preliminary and final plans, all in accordance with Chapters 1157 through 1163 of these subdivision regulations, and

no subdivider shall proceed with any construction work on the proposed subdivision, including grading, before obtaining from the Commission the approval of the preliminary plan of the proposed subdivision and approval of construction plans by the City's Safety-Service and Utilities Departments, based on recommendation by a registered professional engineer if the Safety-Service Director deems it necessary.

- (b) General Procedure. Major subdivisions shall be approved in four stages: preliminary discussion stage, preliminary plan stage, construction stage, and final plat stage.
  - (1) Preliminary Discussion Stage. The subdivider shall consult informally with the Planning Commission, the Safety-Service Director, the Director of Utilities, the County Health Department, the County Engineer, , or any other affected agencies in order to become familiar with subdivision requirements, existing conditions of the property, utilities and services available, any problems or unusual circumstances associated with providing utilities or services to the property, and future plans and community facilities (see Appendix B).
  - (2) Preliminary Plan Stage. The purpose of the preliminary plan stage is to present data which may enable the Planning Commission to determine whether the proposed plan layout is satisfactory and will serve the public interest.
  - (3) Construction Plan Stage. The construction plan stage requires the subdivider to present all information needed to enable the Safety-Service and Utility Departments to check the drainage areas and to determine that the storm sewers, sanitary sewers, water lines and material for street construction meet the requirements of all applicable standards and regulations. See Section 1163.02 for details.
  - (4) Final Plat Stage. After having constructed the applicable improvements as provided for in the construction plan, the final plat stage requires the subdivider to present a complete survey plat (showing all necessary easements, deed covenants for maintenance, etc.) to enable the Commission to determine that the subdivision fully complies with these regulations and conforms to the approved preliminary plan and the construction plan. See also Section 1155.06.

### **1157.03 PRELIMINARY DISCUSSION MAP.**

A map shall be submitted by the subdivider as a basis for informal discussion. The map shall show the following information:

- (a) Location (tract boundaries, township and north point);
- (b) Existing highways and proposed streets on and adjacent to the tract (several alternates if considered);
- (c) Statement of how sewage disposal and water supply will be provided;

- (d) Existing electric and telecommunication utility lines and easements;
- (e) Existing zoning districts;
- (f) Topography (U.S.G.S. or better).

**1157.04 PRELIMINARY PLAN.**

Each subdivider shall file an application in writing on a form provided for such purpose (Appendix C) to the office of the Safety-Service Director for tentative approval of the preliminary plan with the following information:

- 1) Two copies of application (Appendix C);
- 2) Two copies of protective covenants (if proposed);
- 3) Three copies of site plan indicating how electric, telecommunications, water and sanitary sewer service are proposed to be served to the total subdivision.
- 4) Appendix D when necessary;
- 5) A phasing plan if the subdivision is to be completed in phases;
- 6) Six copies of the preliminary plan;
- 7) Two copies of storm water and sedimentation control plan.

Fees for preliminary plan application are as follows: \$50.00 base fee, plus \$1.00 for each lot up to one hundred (100) lots and \$.25 for each lot over one hundred (100) lots. Such fees are to be paid in full upon application for preliminary plan approval by the Planning Commission. The fee shall cover the original review plus one re-review. If additional reviews are necessary, the developer shall pay any costs associated with such additional reviews.

The Commission shall inform the subdivider as to agencies to be contacted to determine the nature and extent of the improvements required, including but not limited to: the City Safety-Service and Utilities Departments, the County Planning Department, the County Health Department, the County Engineer, utility companies, and the Township Trustees.

- (1) Upon completion of the study by the Commission, the action of the Commission shall be noted on two copies of the preliminary plan referenced and attached to any conditions determined necessary for approval. One copy shall be retained by the Commission and the other returned to the subdivider.
- (2) Approval or conditional approval of the preliminary plan shall not constitute approval of the subdivision plat. Rather it shall be deemed an expression of approval to the layout as returned to the subdivider on the preliminary plan, as a guide to the preparation of the subdivision plat which will be submitted for approval of the Commission, and for recording upon fulfillment of the requirements of these Regulations and the conditions of conditional approval, if any.
- (3) If the Commission does not render a conditional approval of the preliminary plan within forty-five days stipulated in this section or such further time as they may agree to, nothing in these Regulations shall

prohibit the subdivider from officially finalizing his subdivision plat with the Commission.

- (4) Approval of the preliminary plan may be granted when the Safety-Service Director is satisfied the conditions outlined by the Planning Commission's conditional approval have been met.

#### **1157.05 CONSTRUCTION PLANS.**

After receiving notice of the approval of the preliminary plan and prior to the filing of the final plat, the subdivider shall present to the Commission six (6) sets of typical sections and complete plans and profiles of streets, utilities and other related improvements to be constructed in the proposed subdivision prepared by a registered engineer, all as is required in Chapter 1163.

If a phasing plan has been approved by the Planning Commission, such construction plans may constitute only that phase of the preliminary plan which the Planning Commission has approved and found to be in the best interests of the City, providing it conforms with all the requirements of these Subdivision Regulations however, complete construction plans for water, sewer and storm sewer shall be completed for the whole subdivision with the current phase highlighted.

After obtaining approval of such construction plans in the manner provided in Chapter 1163, the developer shall construct the improvements as required in these Subdivision Regulations.

#### **1157.06 SUBDIVISION PLAT; FINAL OR PHASED.**

(a) General. When a subdivision is constructed in phases, final plat approval as per 1155.06 and 1155.07 is required after the public improvements have been completed for each phase. The final plat, or the combination of plats when phased, for the subdivision shall conform to the preliminary plan, except where changes have been approved by the Planning Commission.

(b) Application. After receiving notice of approval of the preliminary plan and the construction of the improvements required herein, the subdivider shall apply in writing on a form provided for such purpose (Appendix F) to the Planning Commission for approval of the final plat with the following information:

- (1) Two copies of the application (Appendix F);
- (2) One tracing and six copies of the final plat that meets requirements of Chapter 1159 and Chapter 1163, including computer-generated files of drawings in an acceptable format;
- (3) One tracing and six copies of the improvement drawings, including computer-generated files of drawings in an acceptable format;
- (4) Six copies of specifications;
- (5) Two copies of the improvement and fees certification (Appendix E);
- (6) Two copies of the protective covenants (if proposed), including those required for storm water retention systems or any maintenance required of property owners.

(c) Filing. The subdivision plat shall be filed with the Commission not later than twenty-four months after the date of conditional approval of the preliminary plan, otherwise it will be considered void unless an extension is required by the developer and granted by the Commission.

The subdivision plat shall be considered officially filed (submission of the plat for approval) after it has been examined by the Commission and reports received from the City's Safety-Service and Utilities Departments, County Board of Health or any other applicable agency involved, and is found to be in full compliance with the formal provisions of these Regulations.

(d) Commission Approval. The approval of the Commission or the refusal to approve shall take place within sixty days after the submission of the plat for approval, or within such further time as the applying party may agree to; otherwise such plat is deemed approved. The certificate of the Commission as to the date of the submission of the plat for approval and the failure to take action thereon within such time shall be sufficient in lieu of the written endorsement of evidence of approval required by this section. The ground of refusal of approval of any part submitted, including citation of or reference to the rule or regulation violated by the plat, shall be stated upon the record of the Commission.

The subdivider shall be notified of the final action of the Commission and shall record the subdivision plat in the office of the Wayne County Recorder within sixty days after the date of approval, unless an extension is agreed to by the Commission; otherwise the Commission may recall the plat for its reconsideration. The subdivider shall, immediately upon recording, furnish the Commission with a minimum of six (6) eighteen-inch by twenty-four inch copies of the recorded plat.

(e) Dedication for Public Use. If the final plat indicates land for public use, the plat shall be submitted to Council for acceptance of any public land, and acceptance of any easement before it is recorded. The acceptance of any street or utility for public use and maintenance shall be by separate action of Council.

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