

CHAPTER 1222
Administration, Enforcement and Penalty

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CROSS REFERENCES

Plat and subdivision defined - see Ohio R.C. 711.001
 Original plats - see Ohio R.C. 711.01 et seq.
 Vacating plats - see Ohio R.C. 711.17 et seq.
 Revision of plats - see Ohio R.C. 711.28 et seq.
 Planning Commission - see ADM. Ch. 242
 Administration by Planning Commission - see P. & Z. 1220.01
 Amendments - see P. & Z. 1220.01, 1220.05
 Jurisdiction - see P. & Z. 1220.02
 Subdivision types - see P. & Z. 1220.03

1222.01 ENFORCEMENT.

(a) No lot split or plat of a subdivision of land shall be transferred when such transfer is intended for transfer of ownership, now or in the future, by land contract or by any other method or instrument of conveyance until such subdivision as shown on the required plat or drawing has been approved in writing by the Planning Commission or its authorized representative and such approved plat or drawing has been recorded by the County Recorder.

(b) No County Auditor or other person shall acknowledge or participate in any transfer when such transfer is intended for transfer of ownership, now or in the future, of any parcel or tract of land in any subdivision until such subdivision as shown on the required plat or drawing has been approved in writing by the Planning Commission.

(c) No improvement of one or more existing parcels of land, as described in Type I Subdivisions, shall be started or made until such proposed improvement as shown on the required plat or drawing has been approved in writing by the Planning Commission or its authorized representatives and such approved plat or drawing has been recorded by the County Recorder.

(d) No County Recorder or other person shall admit to the records of the County or receive for record for the County a subdivision or proposed improvement, such as is described in these Regulations, until such subdivision or proposed improvement has been approved in writing by the Planning Commission or its authorized representative as required by these Subdivision Regulations.

(e) No board, public officer or authority shall accept, layout, improve or authorize utilities to be laid in any street within the Village unless the street is shown on a subdivision plat or a street plat which has been approved by the Planning Commission or its authorized representative.

(f) Inspection of street and sidewalk construction shall be made by the Planning Commission's authorized representative. Such construction shall be inspected within forty-eight hours after notice. Failure to comply with the above may result in the rejection of the work and the project. Failure to reject any defective work or material shall not in any way prevent later rejection when such defects are discovered, or obligate the Village to final acceptance.

(g) Inspection of construction of water and sewage disposal systems shall be made by the Board of Trustees of Public Affairs in accordance with Village ordinances. Failure to comply with the above may result in the rejection of the work and the project. Failure to reject any defective work or material shall not in any way prevent later rejection when such defects are discovered, or obligate the Village to final acceptance.

(Ord. 1433. Passed 2-2-76; Ord. 75-96. Passed 11-18-96.)

1222.02 FEES.

(a) The filing fee for a Type I subdivision shall be twenty-five dollars (\$25.00), plus five dollars (\$5.00) for each new lot or parcel created by the division in excess of one lot or parcel. In the event such subdivision is disapproved by the authorized representative or the Planning Commission, the fee paid shall be refunded in full.

(b) The filing fee for a Type II subdivision, when no new lots are created, and which involves any division or allocation of land for the opening, widening or extension of any public or private street, excluding private streets to industrial structures, any division or allocation of land as open spaces for common use by owners, occupants or lease holders, or any division or allocation of land as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities, shall be seventy-five dollars (\$75.00).

(c) The filing fee for a Type II subdivision involving the creation of more than five lots where any one of such lots is less than five acres, and the subdivision is for the purpose of transfer of ownership, whether immediate or future, shall be two hundred dollars (\$200.00), plus ten dollars (\$10.00) per lot or site, for the preliminary plat review, and an additional two hundred dollars (\$200.00), plus ten dollars (\$10.00) for each lot or site, for final plat review.

(d) For any Type II subdivision involving the construction of public improvements, including, but not limited to, public streets and storm sewer, sanitary sewer and water lines, which are proposed to be dedicated to the Village, the subdivider shall pay a fee for improvement plan review equal to one-half percent of the projected cost of such improvements, and shall further pay a fee for the final inspection of said improvements, prior to acceptance by the Village, equal to one-half percent of the projected cost of such improvements. To facilitate the determination of this fee, the developer shall provide the Village Planning Commission with a breakdown of the projected cost of the various public improvements to be made or constructed in the proposed subdivision.

(e) An owner of property zoned PD Planned Development shall be charged a filing fee of one hundred dollars (\$100.00), plus an additional fee equal to one-half percent of the projected cost of public improvements which are to be dedicated to the Village, including, but not limited to, streets and sanitary sewer, storm sewer and water lines.

(f) A subdivider or property owner submitting a subdivision application or a development plan for a planned unit development shall be assessed an amount equal to any actual cost incurred by the Village for additional plan review and inspection resulting from owner, developer or subdivider neglect, error or omission.

(Ord. 37-92. Passed 4-20-92; Ord. 75-96. Passed 11-18-96.)

1222.03 NOTICES.

(a) The enforcement officer of any appropriate agency may serve a written notice or order upon the person responsible whenever he or she is satisfied that any work is being done or any transactions are being made in violation of the provisions of these Regulations or in violation of a detailed statement or plan. Such notice shall direct the discontinuance of any illegal action and the remedying of the condition that is in violation of the provisions and requirements of these Regulations.

(b) In case notice or order is not promptly complied with, the enforcement officer of the appropriate agency shall notify other public offices, utility companies and other officials concerned therewith and shall request the same to withhold their approval and stop all services to the property where such violation is concerned and to refuse such services until these Regulations are complied with. The enforcement officer of any appropriate agency, in any case, may also request the Village Solicitor to institute the appropriate action or proceeding at law or in equity to restrain, correct, remove or prosecute such violation.

(Ord. 1433. Passed 2-2-76; Ord. 75-96. Passed 11-18-96.)

1222.04 VARIANCES.

Where the subdivider can show that a provision of these Subdivision Regulations would cause unnecessary hardship if strictly adhered to, because of topographical or other conditions peculiar to the site, and where, in the opinion of the Planning Commission, a departure may be made without destroying the intent of such provisions, the Planning Commission may authorize a variance. Any variance thus authorized is to be stated in writing in the minutes of the Planning Commission with the reasoning on which the departure was justified set forth. The Planning Commission may require additional conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.

(Ord. 1433. Passed 2-2-76; Ord. 75-96. Passed 11-18-96.)

1222.99 PENALTY.

(a) Whoever violates any rule or regulation of these Subdivision Regulations or fails to comply with any order made pursuant thereto is creating a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action or suit of the Village. Whoever violates these Regulations shall forfeit and pay not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000), provided in Ohio R.C. 711.102.

(b) A County Recorder who records a plat contrary to the provisions of these Regulations shall forfeit and pay not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), to be recovered with costs in a civil action by the Prosecuting Attorney in the name and for the use of the County as provided in Ohio R.C. 711.12.

(Ord. 1433. Passed 2-2-76.)

(c) Whoever, being the owner or agent of the owner of any land, transfers any lot, parcel or tract of such land from or in accordance with the plat of a subdivision as specifically defined in these Regulations, before such plat has been recorded in the office of the County Recorder, shall forfeit and pay not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) 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 of transfer shall not serve to exempt the

seller from the forfeiture provided in this section. Such sum may be recovered in a civil action, brought by the Village Solicitor in the name of the Village and for the use of the Street Repair Fund thereof as provided in Ohio R.C. 711.13.
(Ord. 18-83. Passed 3-21-83.)

(d) Any person who disposes of, offers for sale, or leases for a time exceeding five years, any lot, or any part of a lot, in a subdivision, with the intent to violate the provisions of these Subdivision Regulations, shall forfeit and pay not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each lot or part of lot so sold, offered for sale or leased, to be recovered, with costs, in a civil action, in the name of the County Treasurer for the use of the County as provided in Ohio R.C. 711.15.
(Ord. 1433. Passed 2-2-76; Ord. 75-96. Passed 11-18-96.)

CHAPTER 1224
Plat Approval Procedure

1224.01 Procedure for approval of
Type I subdivisions.

1224.02 Procedure for approval of
Type II subdivisions.

CROSS REFERENCES

Plat and subdivision defined - see Ohio R.C. 711.001
Original plats - see Ohio R.C. 711.01 et seq.
Vacating plats - see Ohio R.C. 711.17 et seq.
Revision of plats - see Ohio R.C. 711.28 et seq.
Planning Commission - see ADM. Ch. 242
Subdivision types - see P. & Z. 1220.03

1224.01 PROCEDURE FOR APPROVAL OF TYPE I SUBDIVISIONS.

Whenever a division of a tract of land meets the criteria stated for Type I subdivisions in Section 1220.03, the procedure for approval of such division shall be as follows:

- (a) The owner of the tract of land and/or his or her agent shall have prepared by a registered surveyor an accurate drawing to a scale not less than one inch equals fifty feet, or to such other scale acceptable to the Planning Commission, showing the following:
- (1) The name and address of the owner(s) and the name of the registered surveyor who prepared the drawing.
 - (2) Date, approximate north point and graphic scale.
 - (3) The location of existing and platted property lines, streets, buildings, watercourses, railroads, sewers, bridges, culverts, drain pipes, water mains and any public utility easements on the land to be subdivided.
 - (4) The locations, widths and other dimensions of proposed easements, parks and other open spaces, reservations, lot lines, building lines and utilities.
 - (5) The acreage of each individual parcel being created by the division.
 - (6) Plans for any (if any) proposed individual water supply or sewage disposal system. This may be on or attached to the drawing. These plans are not required if Village water and sewer systems are to be used.
 - (7) Review statement (on or attached to required drawing), signature and date of review by the designated representative of the County Board of Health, commenting upon the adequacy of any (if any) proposed individual water supply and sewage disposal system; commenting upon the topography and soil conditions, the proposed size of lots, the number of lots in the general vicinity, and other matters which may affect the operations of individual sewage disposal systems; and commenting upon any serious health hazard that the approval of the subdivision may create. This statement is not required when Village water and sewer facilities are to be used.

In making such review, the County Board of Health may require whichever information it deems necessary to be provided by the owner, of the parcel(s) or tract(s) of land shown on the subdivision or his or her agent.

- (b) The owner or his or her agent shall provide the Planning Commission's authorized representative with the original drawing. If the authorized representative is satisfied that such proposed division is not contrary to Chapter 1226 or other applicable platting, subdividing or zoning regulations, and that approval of such subdivision will not create or lead to the creation of any serious health threat, he or she shall, within seven working days after submission, approve such division and shall stamp the original drawing of the same "Approved by the Loudonville Planning Commission; no plat required" and attach his or her signature. If such division is not approved, the reasons for such action shall be stated to the owner and/or his or her agent in writing. All applications and subsequent action taken on such subdivisions shall be reported to the Planning Commission at the following regular meeting of the Planning Commission.

If the owner of the property and/or his or her agent disagrees with the decision or requirements specified by the authorized representative, he or she may then appeal to the Planning Commission.

Once approval is granted by the authorized representative acting for the Planning Commission, or by the Planning Commission, the original drawing shall be filed with the County Recorder as the official drawing of record. Failure to file such approved drawing within one year of such approval shall void the approval.

To prevent the many development problems that occur from subdividing land along existing roadways on a piecemeal basis, the following regulations shall apply:

- (1) No owner of any parcel of land as shown on the tax maps at the time of adoption of these Subdivision Regulations shall subdivide such land into more than five lots of less than five acres as a Type I subdivision.
- (2) No frontage of any existing street shall be subdivided to the extent that less than fifty percent of the original parcel frontage, as shown on the tax maps at the time of adoption of these Subdivision Regulations, is retained as a part of such original parcel, unless exempted by the Planning Commission.

Whenever a proposed subdivision of land exceeds any of the above limitations, such subdivision of land shall follow the procedure for plat approval for Type II subdivisions. Exceptions to the above may be granted by the Planning Commission only when it can be clearly shown that platting under the procedure for Type II subdivisions would be of no value in obtaining better subdivision of the land.

(Ord. 1433. Passed 2-2-76; Ord. 75-96. Passed 11-18-96.)

1224.02 PROCEDURE FOR APPROVAL OF TYPE II SUBDIVISIONS.

The procedure for review and approval of Type II subdivisions consists of two separate steps. The initial step is the preparation and submission to the Planning Commission of a preliminary plat of the proposed subdivision. The second step is the preparation and submission to the Planning Commission of a final plat together with required certificates. This final plat becomes the instrument to be recorded in the office of the Recorder of the County when duly signed by the Chairperson of the Planning Commission.

The subdivider and/or his or her agent should consult early and informally with the Planning Commission or its authorized representative for advice and assistance before the preparation of the preliminary plat and its formal application for approval. This will enable him or her to become thoroughly familiar with these Regulations and other official plans or public improvements which might affect the area. Such informal review should prevent unnecessary and costly revisions.

- (a) Preliminary Plat.
- (1) At least ten days prior to the meeting at which it is to be considered, the subdivider shall submit to the Planning Commission eight copies of a preliminary plat of the proposed subdivision drawn to a scale of not less than one inch equals 100 feet along with complete existing topographic information of the site.
- Upon receipt of the copies of the preliminary plat, the Planning Commission shall forward copies of the preliminary plat to the County Board of Health, the Ashland Soil Conservation District, the Fire Department, the Board of Trustees of Public Affairs and the Street Commissioner, for the purpose of study and recommendation. These officials shall be informed of the meeting date at which the preliminary subdivision plat is to be considered and requested to make a report on such subdivision to the Planning Commission by or on such date. (Ord. 06-2007. Passed 2-19-07.)
- (2) The preliminary plat, which shall meet the minimum standards of design and the general requirements for the construction of improvements as set forth in Chapters 1226 and 1228, shall give the following information insofar as possible:
- A. The proposed subdivision name and location, the name and address of the owner or owners, and the name of the registered surveyor who prepared the plat.
 - B. Date, approximate north point and graphic scale.
 - C. The location of existing and platted property lines, streets, buildings, watercourses, railroads, sewers, bridges, culverts, drain pipes, water mains, any public utility easements, and the present zoning classification on the land to be subdivided.
 - D. Plans of proposed utility layouts such as sewers and water, and easements for all others, showing feasible connections to the existing utility systems. When such connections are not practicable, any proposed individual water supply and/or sewage disposal system site must be approved by the County Board of Health, and any non-Village central water supply and/or sewage disposal system site shall be approved by the State Health Department prior to approval of the preliminary plat.
 - E. The names, locations, widths and other dimensions of proposed streets, alleys, easements, parks and other open spaces, reservations, lot lines, building lines and utilities.
 - F. Contours at vertical intervals of not more than five feet.
 - G. Plans for minimizing erosion and sediment on the land to be developed, unless exempted by the Planning Commission.
 - H. Location sketch maps showing relationship of subdivision site to area.
- (3) In addition to the preliminary plat the subdivider shall submit any proposed covenants and restrictions; plans or written statements regarding street trees or planted areas, parks and playgrounds where applicable; plans and any written statements regarding location and construction plans of water supply, sewage disposal, surface drainage, sedimentation and erosion control and flood control; and profiles of streets as required by the Planning Commission. The subdivider shall also submit an area plan, except when not deemed necessary by the Planning Commission, showing how the adjacent land area can be subdivided in subsequent development phases and how it could relate to the proposed subdivision.
- (4) Within thirty days after submission of the preliminary plat to the Planning Commission or its representative or within such further time as the applicant may agree to, the Planning Commission will review it and indicate its approval, disapproval, or approval subject to modifications, as a basis for the preparation of the final plat. If a plat is disapproved, reasons for such disapproval will be stated in writing. The grounds for disapproval, including citation of or reference to the rule or regulation violated by the plat, shall be entered in the minutes of the Commission and the refusal endorsed on at least one of the plats. If approved subject to modifications, the nature of the required modification will be indicated.
- (5) After acceptance of the preliminary plat for review by the Planning Commission or its authorized representative, failure of the Planning Commission to act on the preliminary plat within thirty

days or within such further time as the applicant may agree to will be deemed approval of this plat.

- (6) The approval of the preliminary plat by the Planning Commission will not constitute acceptance of the final plat and will not be indicated on the preliminary plat.
- (7) One copy of the preliminary plat will be retained in the Planning Commission files, and one copy will be returned to the subdivider with any notations at the time of approval or disapproval and the specific changes, if any, required.
- (8) The approval of the preliminary plat shall lapse unless a final plat based thereon is submitted within one year from the date of such approval unless an extension of time is applied for and granted by the Planning Commission.

(b) Final Plat.

- (1) The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he or she proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these Regulations.

- (2) At least ten days prior to the meeting at which it is to be considered the subdivider shall submit the original drawing and three copies (blackline or blue-line prints), together with any street profiles or other plans that may be required by the Planning Commission.

The plat shall be drawn to a scale of one inch equals 100 feet and preferably fifty feet to the inch where possible, unless otherwise approved by the Planning Commission or its authorized representative. Drawings must be drawn in India or permanent ink on tracing cloth or permanent reproducible material.

When the plat has been approved by the Planning Commission, one copy will be returned to the subdivider and one copy will be sent to the County Recorder, both with the approval of the Planning Commission certified thereon. One copy shall be retained in the Planning Commission files. The original tracing containing the certification of the Planning Commission will be filed with the County Engineer. If the subdivider wishes to retain the original tracing, he or she must provide a duplicate permanent transparency acceptable to the County Engineer.

- (3) The Planning Commission shall approve or disapprove this final plat within thirty days after its submission to the Planning Commission or its authorized representative. Failure of the Planning Commission to act on this final plat within these thirty days shall be deemed approval of it. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the Planning Commission.
- (4) Approval of the final plat by the Planning Commission shall not constitute the acceptance by the public of the dedication of any street or other public way or ground.
- (5) The final plat shall show:
 - A. The line of all streets and roads, alley lines, lot lines, building setback lines, lots numbered in numerical order, reservations, easements, and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
 - B. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line, whether curved or straight, and including the north point. This shall include complete curve data on all curve lines.
 - C. All dimensions to the nearest one hundredth of a foot and angles to the nearest minute.
 - D. Location and description of monuments.
 - E. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining un-subdivided property.

- F. A list of agreements and appropriate guarantees, if required by the Planning Commission, stating provisions that will be made for sedimentation and erosion control.
- G. A list of all restrictions and covenants, if any, the developer intends to include in the deeds to the lots in the subdivision.
- H. Date, title, name and location of the subdivision, graphic scale and north point.
- I. Location sketch map showing site in relation to the area.
- J. Certification showing that applicant is the land owner and dedicates streets, rights of way and any sites for public use.
- K. Certification by registered surveyor to accuracy of survey and plat and placement of monuments.
- L. Certification of approval by the County Board of Health when individual sewage disposal or water systems are to be installed or by the State Health Department or other appropriate agency when non-Village central sewage disposal or water systems are to be installed.
- M. Certification of approval by the Planning Commission's authorized representative approving the plat and engineering details of the proposed roads and other improvements.
- N. Certification by the Board of Trustees of Public Affairs that the subdivider has complied with one of the following alternatives:
 - 1. All water and sanitary sewer systems have been installed in accordance with the requirements of the ordinances of the Village.
 - 2. A security bond has been posted in sufficient amount to assure completion of all required water and sewer improvements.
- O. Certification by the Planning Commission's authorized representative that the subdivider has complied with one of the following alternatives:
 - 1. All street and other improvements have been installed in accordance with the requirements of these Regulations or the required maintenance bond has been received by the Village.
 - 2. A security bond has been posted in sufficient amount to assure completion of all required street and other improvements.
- P. Certification of approval to be signed by the Chairperson of the Planning Commission.
- Q. Place for statement of no tax delinquencies and transfer by County Auditor to be signed immediately prior to recording and signing by County Recorder.
- R. Place for statement of recording by County Recorder to be signed after signed approval of the Planning Commission.
(Ord. 1433. Passed 2-2-76; Ord. 18-83. Passed 3-21-83;
Ord. 75-96. Passed 11-18-96.)