



## **ARTICLE 3: PROCEDURES FOR SUBDIVISION APPROVAL**

### **Section 300**

This chapter identifies the procedures for planning and creating a subdivision, whether minor or major, and for platting a major subdivision.

### **Section 301**

#### **Pre-Application Meeting**

The Subdivider or Developer is strongly encouraged to meet with the Regional Planning Commission staff or its designated representative prior to submitting a plan or Plat. The purpose of this meeting is to discuss early and informally the purpose and effect of these Regulations and the criteria and standards contained therein; and to familiarize the Subdivider or Developer with applicable plans, zoning regulations, improvements not limited to roadways, drainage, sewage, and water systems of Portage County.

#### **301.1 Pre-application Sketch Content**

The Developer is encouraged to submit to the Regional Planning Commission a sketch plan, legibly drawn at a suitable scale and containing the following information:

- A. The proposed Subdivision in relation to existing community facilities, thoroughfares and other transportation modes, shopping centers, manufacturing establishments, and residential developments.
- B. Natural and man-made features such as soil types, vegetation, contours, surface water, and possible wetlands on the site of the development and immediately adjacent to it.
- C. The layout and acreage of streets, lots, and any non-residential sites such as commercial, manufacturing, school or recreational uses within the proposed Subdivision.
- D. The location of utilities in the proposed Subdivision, if available, or the locations of the nearest sources for water and public facilities for the disposal of sewage and storm water.
- E. The scale and title of the Subdivision, a north arrow, and the date.
- F. Name, address and phone number of the owners and the Subdivider or Developer.

#### **301.2 Pre-Application Committee**

A pre-application committee meeting may be held at the discretion of the Planning Commission staff or may be requested by the Developer or by the community in which the development is located. The purpose of the pre-application committee meeting will be to coordinate future

review processes and discuss applicable regulations or potential issues the development may encounter. The committee shall include agencies and departments whose input is pertinent to the review process, but decisions and opinions expressed in the meeting will not be construed as a formal review of the development as required in these or other applicable regulations.

## **Section 302**

### **Preliminary Plans**

#### **302.1 Preliminary Plans Required For Major Subdivisions**

The Developer shall submit to the Regional Planning Commission a Preliminary Plan of the proposed Subdivision. The submission of a Preliminary Plan shall not be considered as the filing of a Plat and shall not begin the running of time within which the Commission must act on a Plat. A Preliminary Plan must be submitted after Township Preliminary Plat and/or Zone Approval for review and action by the Regional Planning Commission for any major subdivision that involves new roads and/or central sanitary or water services prior to the Developer's submission of a Plat for review and action by the Regional Planning Commission.

#### **302.2 Submission of Preliminary Plan**

Thirteen (13) copies of the Preliminary Plan shall be prepared by a professional engineer and/or surveyor and shall be submitted to the Regional Planning Commission at least fourteen (14) days before the regular meeting of the Planning Commission, at which meeting the Planning Commission shall act to accept or not accept the Preliminary Plan for review. If the Planning Commission chooses to not accept the plan for review, the developer shall be notified in writing of the reasons for refusal.

#### **302.3 Transmission of Preliminary Plan**

The Regional Planning Commission, in review of the Preliminary Plan, shall send copies to the following officials and agencies for their information, review and recommendations:

- A. County Building Department or Chief Building Official
- B. Portage County Engineer
- C. Portage County Water Resources Department and/or applicable sanitary or water service providers
- D. Portage County Combined General Health District
- E. Township Trustees of the township where the subdivision is located
- F. Soil and Water Conservation District
- G. Tax Map Office
- H. Electric provider
- I. Natural gas provider(s)

- J. Portage Area Regional Transit Authority (*PARTA*)
- K. If the proposed subdivision is adjacent to a municipality, that municipality will be sent a copy of the Preliminary Plan.
- L. Portage Park District
- M. Local Fire District/Department

#### **302.4 Action on Preliminary Plans**

Pursuant to *Ohio Revised Code* Section 711.10, within thirty-five (35) days following acceptance for review of the Preliminary Plan by the Regional Planning Commission, the Planning Commission shall do one of the following:

- A. Approve the Preliminary Plan and notify the Developer in writing.
- B. Conditionally approve the Preliminary Plan and notify the Developer in writing of the conditions of approval. Conditions need to be addressed before design of the project infrastructure. Conditions must be met in order to have an approvable plat.
- C. Disapprove the Preliminary Plan and notify the Developer in writing of all the reasons for disapproval.
- D. If deemed necessary by the Regional Planning Commission, the Developer and the Planning Commission may sign an extension of time until a subsequent regularly scheduled meeting of the Planning Commission to allow more time for issues identified in the initial review to be addressed.
- E. Final approval of Preliminary Plan after all conditions must be met and shall have a stamped approval on the Preliminary Plan by the Regional Planning Commission.

#### **302.5 Effect of Approval of Preliminary Plans**

Approval of a Preliminary Plan is not approval of the Subdivision for record. It is an approval of a general plan as a guide for the preparation of Improvement Plans and a Subdivision Plat for final approval and recording upon fulfillment of all requirements of these Regulations. Construction of improvements as proposed on a Preliminary Plan shall not begin until the Improvement Plans have been approved by the Portage County Engineer, the Portage County Water Resources Department, the Portage County Combined General Health District or other agencies involved in the construction of improvements.

##### **A. Length of Validity of Preliminary Plan Approval**

Approval of a Preliminary Plan shall be effective for a period of three (3) years following the date of approval unless an extension of the 3-year approval term is granted per these regulations.

B. Application for an Extension of the Approval of a Preliminary Plan

The developer must submit a letter in writing to the Regional Planning Commission at least 30 days prior to the date of the Planning Commission's regular meeting that falls on or before the 3-year anniversary date of the original Preliminary Plan approval. The application must include:

1. The name and contact information of the applicant
2. The request for a one-year extension of the approval of the Preliminary Plan, the name of the subdivision, and the original approval date
3. The current status of the development, the reason for the requested extension and a timetable for expected progress
4. Any applicable fees

C. Action on Requests for an Extension of a Preliminary Plan Approval

At the regular Planning Commission meeting that falls at least thirty (30) days after the applicant's written request for an extension is submitted, the Planning Commission shall vote to approve or disapprove the one-year extension of the approval for the Preliminary Plan.

1. Approval or disapproval shall be based on Regional Planning Commission staff recommendations, which shall take into account changes to subdivision, zoning and other regulations applicable to the development or other changes in circumstances associated with the development.
2. The applicant shall be notified in writing of the Planning Commission's decision to approve or disapprove the extension of the approval of the Preliminary Plan.
3. If disapproved, the notification of that decision shall be accompanied by the reason for the disapproval.

D. Number of Extensions for a Preliminary Plan Approval

The initial 3-year approval term for a Preliminary Plan may be extended for up to two (2) additional years, in one (1) year increments, extending that approval to at most five (5) years. After five (5) years, the original Preliminary Plan approval will expire and the Developer must re-submit the Preliminary Plan to the Regional Planning Commission for review in the manner identified in these regulations and pay any applicable fees.

E. Extensions for Preliminary Plan Approval for Phased, Platted Subdivisions in Progress

When improvements for a platted subdivision have been started but the subdivision is not built out, extensions of the Preliminary Plan approval after the initial 3-year approval period, must be requested in writing (per Section 302.5B above) by the Developer at least 30 days before the expiration of the Preliminary Plan approval. Applicable fees must be paid.

1. The RPC staff will present the request for the extension to the Planning Commission at the next regularly scheduled meeting for consideration.
2. The above specified limit of two (2) Preliminary Plan extensions after the initial 3-year approval period (Section 302.5D) may not be imposed if substantial progress is being made on subdivision improvements and lot platting.
3. Actions of the Planning Commission shall be the same as those listed in Section 302.5C above.

### **302.6 Changes in the Preliminary Plan**

If, after having received Preliminary Plan approval, the Developer proposes substantial changes in the plan, he must submit a revised Preliminary Plan to the Planning Commission for re-approval and pay appropriate fees.

Substantial changes are changes to the number of lots, size of lots, size of lot frontage, changes to open space, to roadway configuration, drainage configuration, or location of water and sewer infrastructure.

## **Section 303**

### **Preliminary Plan Form**

#### **303.1 Preliminary Plan Size and Scale**

The Preliminary Plan shall be drawn at a scale not less than one hundred (100) feet to the inch and shall be on one or more sheets 24 X 36 inches in size. A digital copy of the plan in a format approved by the County Engineer must also be submitted.

#### **303.2 Preliminary Plan Contents**

The Preliminary Plan shall contain the following information:

- A. Proposed name of the Subdivision, which shall not duplicate or closely approximate the name of any other Subdivision in the County.
- B. Location by section, range, town, and township or other surveys.
- C. Names, addresses and phone numbers of the owners, Developer, and professional engineer and registered surveyor who prepared the plan and appropriate registration numbers and seals.
- D. Date of survey.
- E. Scale of the plan, north arrow.
- F. Boundaries of the Subdivision and its acreage.
- G. Names of adjacent Subdivisions, owners of adjoining parcels of unsubdivided land, and the location of their boundary lines.

- H. Locations, widths, and names of existing streets, railroad rights-of-way, easements, parks, permanent buildings, and corporation and township lines for a minimum distance of fifty (50) feet.
- I. Location of wooded areas and other significant topographic and natural features, including surface water, wetlands and flood hazard areas per FEMA Flood Insurance Rate Maps (FIRM), within and adjacent to the plan for a minimum distance of fifty (50) feet.
- J. Zoning classification of the tract and adjoining properties and a description of proposed zoning changes, if any.
- K. A contour map of the area shall be submitted. This contour map shall show existing contours at an interval of not greater than two (2) feet if the slope of the ground is fifteen (15) percent or less; and not greater than five (5) feet where the slope is more than fifteen (15) percent.
- L. Existing sewers, water lines, culverts and other underground structures, and power transmission poles and lines, within and adjacent to the tract.
- M. Location, names, and widths of proposed streets and easements.
- N. Building setback lines and dimensions.
- O. Location and dimensions of all proposed utility and sewer lines, showing their connections with the existing system.
- P. Location of proposed storm water management facilities.
- Q. Layout, numbers and dimensions of each lot. When a lot is located on a curved street or when side lot lines are not ninety (90) degree angles, the width at the property line shall be shown.
- R. Parcels of land in acres to be reserved for public use or to be reserved for residents of the Subdivision.
- S. A vicinity map shall be shown on the Preliminary Plan. This map shall show all existing Subdivisions, roads, and tract lines and the connections between the roads in the proposed Subdivision and those of the neighboring areas.
- T. Phasing of subdivision plans.
- U. Geometry including segment lengths, curve data, intersection angles, and typical sections.
- V. Show existing mines (sand, gravel, etc.).

### **303.3 Additional Preliminary Plan Information**

The following information shall be supplied in addition to the requirements in Section 303.2:

- A. Statement of proposed use of lots, giving type and number of dwelling units and/or type of business or industry.
- B. Location and approximate dimensions of all existing buildings.
- C. For commercial and industrial development, the location, dimensions, and approximate grade of proposed parking and loading areas, alleys, pedestrian walks, streets, and ~~the~~ points of vehicular ingress and egress to the development.
- D. Proposed covenants and restrictions.
- E. The Developer shall state the type of sewage disposal proposed for the subdivision. The Developer shall contact Portage County Water Resources for guidance on the extension of central sanitary sewer and/or water lines or the Portage County Combined General Health District regarding the use of individual household sewage treatment systems.
- F. The developer shall contact the Portage County Soil and Water Conservation District (PCSWCD) to discuss the required Stormwater Pollution Prevention Plan (SWP3). The plan must be approved prior to any grading or disturbance of the site.
- G. Phasing should be provided in the Preliminary Plan. A Final Phasing Plan which incorporates all required conditions of approval and details infrastructure improvements and sequencing of the phases shall be submitted prior to any ground disturbing activities.
  - 1. Phasing Plans shall include the following information:
    - I. Illustrative maps for each proposed phase which clearly mark in heavy lines the boundaries of the subject phase, label the phase alphabetically (to avoid confusion with lot numbers), and depict roads, lots, easements, dedications and open space which are included within the subject phase. Previously established phases, including roads, lots, infrastructure, easements, dedications, and open space, should be shown on the map shaded or gray scaled. All phasing maps shall be drawn at the same scale.
    - II. A narrative description or table which describes each phase and its associated improvements. In addition, the narrative or table shall demonstrate that each phase would comprise a “Stand-Alone” development which, should no subsequent phases be constructed, would meet or exceed the standards of this title and all other conditions of approval. The narrative should also describe the proposed timeline for completion of the entire project and any proposals to bond for required unbuilt or yet-to-be-constructed improvements. Each phase must be platted in its entirety.

## **Section 304**

### **Plats**

#### **304.1 Plats Required for Major Subdivisions**

After the optional pre-application review and/or the required Preliminary Plan review, the Developer shall submit a Plat of the proposed Subdivision. The Plat shall substantially conform to the approved Preliminary Plan and meet requirements set forth in these regulations. The Plat shall be prepared by a qualified surveyor.

#### **304.2 Application for Approval of Plats**

An application for approval of the Plat shall be completed on forms provided by the Regional Planning Commission, and submitted with thirteen (13) copies of the Plat, additional information as specified in these regulations and the applicable fee.

#### **304.3 Submission and Transmission of Plats**

The Plat shall be considered officially submitted on the day payment for the review is received by the Regional Planning Commission and shall be so dated.

The Regional Planning Commission may transmit the Plat to those agencies and departments referenced in Section 302.3 ~~B~~ for review, comment and recommendations. Regional Planning staff must transmit a copy of the Plat to the township trustees where the Plat is located and to the Portage County Health District within 5 days or within the time specified in the *Ohio Revised Code* (Section 711.10).

#### **304.4 Public Hearing**

The Regional Planning Commission may, on its own initiative or upon petition by a citizen or neighboring property owner and prior to acting on a Plat of a Subdivision, hold a public hearing thereon at such time and upon such notice as the Commission may designate.

#### **304.5 Submission to State Director of Transportation** (*Ohio Revised Code* Section 5511.01, as amended)

Before any Plat is approved affecting any land within three hundred (300) feet of the center line of a proposed new highway or a highway for which changes are proposed, as described in the certification by the State Transportation Director, or any land within a radius of five hundred (500) feet from the point of intersection of said center line with any public road or highway, the Commission shall give notice, by certified mail to the Transportation Director. The Commission shall not approve the Plat for one hundred twenty (120) days from the date the notice is received by the Transportation Director. If the Transportation Director notifies the Commission that he shall proceed to acquire any land needed, then the Commission shall refuse to approve the Plat. If the Transportation Director notifies the Commission that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Transportation Director and the property owner, the



Commission shall, if the Plat is in conformance with all provisions of these Regulations, approve the Plat.

### **304.6 Recording of Plat**

Upon approval by the Regional Planning Commission, the Developer shall record the Plat with the County Recorder within three (3) months of the Plat approval date. If not recorded within this time, the approval of the Regional Planning Commission shall be null and void.

## **Section 305**

### **Plat Form**

#### **305.1 Plat Size and Scale**

- A. The Subdivision Plat shall be clearly and legibly drawn on mylar, .003-inch minimum thickness.
- B. Where necessary, the Plat may be on several sheets accompanied by an index sheet showing the entire Subdivision.
- C. The size of the sheets shall be 24" X 36".
- D. Marginal lines shall be drawn around the entire sheet, leaving a margin of 1" from the binding edge and 1/2" from the other edges.
- E. If more than one (1) sheet is needed, each shall be numbered, the relation of one sheet to another clearly shown, and the number of sheets used shall be clearly indicated on the Plat's title page.
- F. The Subdivision shall be drawn at a scale not less than one hundred (100) feet to the inch.

#### **305.2 Plat Contents**

The Plat shall contain the following:

- A. Name of Subdivision by township and, township lot, and the date.
- B. North arrow and scale of the Plat.
- C. A vicinity map with a north arrow shall be included on the Plat. This map shall show all existing Subdivisions, roads, and tract lines, and the nearest existing thoroughfares.
- D. Name and address of the Developer and the professional engineer and/or registered surveyor who prepared the Plat and appropriate registration seals and numbers.
- E. Boundary of Plat, based on an accurate traverse with angular and lineal dimensions. The survey must close within the limit of one (1) in ten thousand (10,000).

- F. A table showing the total acreage contained in the Subdivision, the acreage in lots, blocks and in road rights-of-way. If the Subdivision is in two township lots, then the above mentioned acreage shall be shown for each township lot.
- G. Exact location, width and name of all roads within and adjoining the Plat, and the exact location, width and name of all alleys, public walkways, parks, railroad rights-of-way, and drainage courses within and adjoining the Plat.
- H. True angles and distances to the nearest established road lines or official monuments which shall be accurately described on the Plat.
- I. Municipal, township, county and lot lines accurately tied to the lines of the Subdivisions by distances and angles.
- J. Radii, internal angles, points of curvature, tangent bearings, lengths of all arcs and lengths and bearings of all chords.
- K. All easements providing right-of-way for storm water drainage pipes and conduits or surface retention, detention or drainage way facilities and sanitary sewer or central water facilities. All easements within a newly created subdivision shall be accurately dimensioned so that each easement line can be reproduced without ambiguity per *Ohio Administrative Code* (OAC) 4733-37-07.
- L. All lot numbers and lines with accurate dimensions in feet and hundredths.
- M. The location of survey monuments shall be set as follows:
  - 1. Minimum 5/8" diameter and 30-inch-long capped iron bars at the subdivision boundary corners.
  - 2. Minimum 5/8" diameter and 30-inch-long capped iron bars at all lot corners and at all angle points in lot lines.
  - 3. Minimum 1" diameter 30-inch-long capped iron bars at center line intersection of all roads.
  - 4. Minimum 1" diameter 30-inch-long capped iron bars at the point of curvature and the point of tangency of all curves on the right of way and center line of the road.
- N. Monument Boxes approved by County Engineer must be set on all centerline intersections and all centerline P.C.'s, P.T.'s
- O. The Plat shall show any or all easements of right-of-way when provided or owned by public utilities and any areas to be dedicated or reserved for public use, or any area to be reserved for the common use of all property owners. Required information for all easements must include: the purpose of the easement and whom the easement is to. All storm and drainage easements outside of road right-of-way must be to the HOA. Sanitary easements must be to Portage County Water Resources. Easement information shall be marked on the plat and shown in table format.

- P. The front building setback on subdivision lots and the project perimeter setback lines, where applicable, shall be accurately shown with dimensions.
- Q. Certification by 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 and geodetic details are correct. (*Ohio Revised Code* Section 711.04)
- R. Notarized certification by the owner or owners of the adoption of the Plat and the dedication of streets and other public areas. (*Ohio Revised Code* Section 711.04)
- S. Recorder's Instrument Number(s) of the document(s) creating the HOA must be shown on the plat.
- T. Required Approvals
  - 1. Approval of the Township Zoning Inspector or the Township Trustees' designated representative in those townships having zoning. (See Section 305.4)
  - 2. Approval of Plat by the Portage County Engineer. (See Section 305.4)
  - 3. Approval of the Plat by Portage County Water Resources or the Portage County Combined General Health District. (See Section 305.4)
  - 4. Approval of Plat by the Portage County Regional Planning Commission. (See Section 305.4)
  - 5. Approval of Plat by the County Tax Map Office. (See Section 305.4)
- U. Proper notations for transfer and recording by the County Auditor and the County Recorder. (See Section 305.4)
- V. Approval of roads by the Portage County Engineer when appropriate. (See Section 305.4)

### **305.3 Additional Plat Information**

The following information shall be supplied in addition to the requirements in Section 305.2.

- A. If a zoning change is involved, certification from the Township Zoning Inspector shall be required indicating that the change has been approved and is in effect.
- B. Certification shall be required showing that all required improvements have been installed and approved by the proper officials or agencies, or that a Performance Guarantee or other surety has been furnished assuring installation and initial maintenance of the required improvements.
- C. Locations of all existing buildings shall be shown on the topographic map or on a separate Plat sheet at the same scale as the Plat.
- D. A copy of the restrictions and covenants the Developer intends to include in the deeds of lot owners in the Subdivision.

- E. One (1) copy of Improvement Plans, including the Storm Water Pollution Prevention Plan, approved by the Portage County Engineer, the Portage County Water Resources Department and/or the Portage Soil and Water Conservation District for proposed roads, storm sewers, storm water retention ponds/detention basins, sanitary sewers, water lines and sewage treatment plants.
- F. In areas where wetlands, as determined by the U.S. Army Corps of Engineers, will be affected, a copy of the wetland impact permit must be submitted.
  - 1. Wetland delineations, done by qualified individuals or companies and reviewed by the Army Corps of Engineers, must be submitted if any wetlands are affected.
  - 2. The permit number shall be shown on the final Plat and on the Improvement Plans.
  - 3. A copy of any restrictions or permit requirements that apply to the site shall be submitted.
  - 4. If zoning or permitting requirements identify specific setbacks from wetlands, these shall be shown on the Plat and Improvement Plans. If wetlands exist, but will not be impacted, the environmental report is still needed, as well as their location on the plat to ensure all setbacks can be identified.
  - 5. The wetlands or the setbacks must have accurate descriptions on the Plat and Improvement Plans that can be replicated without ambiguity.
- G. Flood Hazard Areas, as delineated by the Federal Emergency Management Agency (FEMA) on applicable Flood Insurance Rate Maps (FIRM) or documents that amend these maps, must be shown on the Plat and Improvement Plans.
- H. A statement of proposed use of the lots giving type and number of dwelling units and/or type of business or industry proposed.
- I. On the application for Plat approval, the Developer shall indicate type of sewage disposal system to be installed.
  - 1. If other than a treatment plant or public sanitary sewer, a letter or other documentation from the Portage County Combined General Health District stating what type(s) of sewage treatment system(s) will be approved for the soil conditions encountered in the area of the proposed Subdivision must be submitted.
  - 2. Prior to Plat approval by the Regional Planning Commission, each lot must be approved by the Portage County Combined General Health District for installation of an individual sewage treatment system.

If any of the additional information has been submitted with the Preliminary Plan and this information has not changed, then re-submission of this same information is not necessary.

### **305.4 Required Statements on Plats**

The following statements shall be affixed on all Subdivision Plats or replats:

A. Surveyor's Certificate (minimum required)

*I certify that this survey was made in accordance with Chapter 4733-37 of the Ohio Administrative code governing minimum standards for boundary surveys. Dimensions on this Plat are expressed in feet and decimal parts thereof. All Monuments were found or set as required by the Portage County Regional Planning Commission.*

*Date of Survey \_\_\_\_\_ (month/year).*

(SEAL) \_\_\_\_\_  
DATE \_\_\_\_\_ (day/month/year)  
Surveyor \_\_\_\_\_  
Registered Surveyor No. \_\_\_\_\_

B. Owners' Dedication and Consent

*I or we the undersigned \_\_\_\_\_ owner/owners of the land shown on this Plat do hereby certify this Plat correctly represents \_\_\_\_\_ a subdivision of lots \_\_\_\_\_ to \_\_\_\_\_ inclusive, do hereby accept this Plat of same, authorize recording of same and dedicate to the use of the adjoining property owners and the public forever, all parts of the roads shown herein and not heretofore dedicated; except the following:*

\_\_\_\_\_.).

*(Private roads names)*

.

*The undersigned further agrees that any use of improvements made on this land shall be in conformity with all existing valid easements, zoning, platting, health, or other lawful rules and regulations including the applicable off-street parking and loading requirements of \_\_\_\_\_ (Portage County), Ohio, for the benefit of himself and all other subsequent owners or assigns taking title from, under, or through the undersigned.*

*In Witness thereof \_\_\_\_\_ day \_\_\_\_\_, 2\_\_\_\_.*

*Signed (owner(s)) \_\_\_\_\_*

*Witness \_\_\_\_\_*

*Witness \_\_\_\_\_*

C. Notarial Acknowledgement

STATE OF OHIO, \_\_\_\_\_ COUNTY

Before me, a Notary Public in and for said county and state, personally appeared the above-named \_\_\_\_\_ who acknowledged the signing of the foregoing instrument and that the same is \_\_\_\_\_ free act and deed.

In TESTIMONY WHEREOF I have set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

(SEAL) \_\_\_\_\_  
Notary Public

D. Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_  
Township Zoning Inspector

E. Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_  
Portage County Engineer

F. Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_  
Portage County Combined General Health District

Note: If public sewer and water are available, the Plat need not be signed by the Portage County Combined General Health District.

G. Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_  
Portage County Water Resources Department

Note: If public sewer or water is available from another provider, signature lines for those entities may be added to the Plat at their request.

If an individual sewage treatment system is approved for the lot(s), the Portage County Water Resources Department or other entity need not sign.

H. Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_

*Regional Planning Commission*

I. Received for record this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_

*Tax Map Department*

J. Transferred this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_

*County Auditor*

K. Filed for Record this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_ at \_\_\_\_\_ m.

Recorded this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_ in Plat No. \_\_\_\_\_.

\_\_\_\_\_

*County Recorder*

L. The following statement shall be affixed to all Subdivision Plats involving the construction of new roads;

*Roads APPROVED in Accordance with Section 711.091, Ohio Revised Code.*

*Date \_\_\_\_\_, 2\_\_\_\_.*

\_\_\_\_\_

*Portage County Engineer*

M. The following statement shall be affixed to all Subdivision Plats involving the dedication of parks or open space to townships or other public entities;

*Parks and Open Space accepted in accordance with Section 505.10, Ohio Revised Code.*

*Date \_\_\_\_\_, 2\_\_\_\_.*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Township Trustees, Portage Park District or other public body*

N. Open space reservation statement to be shown on the Plat:

*The open space areas platted as a part of this subdivision will be conveyed after platting by deed to the HOA and maintained by the HOA and will hereafter be preserved as open space for the use and enjoyment of the residents of the subdivision, unless otherwise dedicated to a governmental entity for public use, and may not be transferred thereafter for purposes that negate the intent of the open space regulations.*

\_\_\_\_\_  
*Subdivision Owner*

\_\_\_\_\_  
*Date*

O. The following statement, or a reasonable facsimile, shall be affixed to subdivision Plats when covenants and/or deed restrictions will be filed:

*Declaration of covenants and restrictions for said subdivision are as recorded in Instrument No. \_\_\_\_\_ of Portage County records and the same are incorporated herein as if fully rewritten.*

## **Section 306**

### **Regional Planning Commission Action on Plats**

#### **306.1 Approval of Plats** (Ohio Revised Code Section 711.10)

- A. Within five (5) calendar days of the submission of the Plat for approval, the Regional Planning Commission shall schedule a meeting to consider the Plat and send notice by regular mail or electronic mail to the Fiscal Officer of the board of Township Trustees of the township in which the proposed Plat is located and to the Portage County Combined General Health District in which the Plat is located.
- B. The notice shall inform the Trustees and the Portage County Combined General Health District of the submission of the proposed Plat and of the date, time and location of any meeting at which the Regional Planning Commission will consider or act upon the proposed Plat.
- C. The meeting shall take place within thirty (30) calendar days after submission of the Plat, and no meeting shall be held until at least seven (7) days have passed from the date the notice was sent by the Regional Planning Commission.
- D. The approval of the Regional Planning Commission, conditional approval as described herein, or the refusal to approve shall be endorsed on the Plat within thirty (30) days



after the submission of the Plat for approval, or within such further time as the applying party may agree in writing; otherwise such Plat is deemed approved and the certificate of the Regional Planning 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 or evidence of approval required by these regulations.

### **306.2 Extensions of Time for Plats**

The Regional Planning Commission and the Applicant may agree in writing to an Extension of Time to allow the applicant to address items that prevent approval of the Plat.

- A. Extensions of Time to address non-compliant aspects of the Plat may be granted during the 12 months after the Plat is first submitted for review.
- B. If matters cannot be resolved within the 12-month timeframe, the staff will present a report to the Planning Commission, detailing the issues that have not been resolved and providing a recommendation regarding the Planning Commission's action on the Plat.
- C. The Planning Commission will have the discretion of continuing to extend the review period or disapproving the Plat.
- D. If the Plat is disapproved, the Applicant must begin the Plat review process from the start, including paying the applicable fee, when they are ready to re-submit the Plat.

### **306.3 Disapproval of Plats**

The ground of refusal of approval of any Plat submitted, including citation of or reference to the rule(S) violated by the Plat, shall be stated upon the record of the Commission and A copy of said record shall be forwarded to the Applicant. Within sixty (60) calendar days after such refusal, the person submitting any Plat which the Regional Planning Commission refuses to approve may file a petition in the court of common pleas of Portage County and the proceedings thereon shall be governed by Section 711.09 of the *Ohio Revised Code* as in the case of the refusal of a planning authority to approve a Plat.

## **Section 307**

### **Replats**

#### **307.1 Replats**

Any person who has legal title to land that has been platted may change any of the lots, streets or alleys by having a new Plat, referred to as a Replat or Exceptional Replat.

- A. If new roads are proposed in an existing subdivision, the changes will be reviewed by the Regional Planning Commission as a Plat rather than a Replat, subject to all regulations applicable to a Plat including certification showing all required improvements have been installed and approved by the proper officials or agencies, or

that a Performance Guarantee has been furnished assuring installation and initial maintenance of the required improvements.

- B. No change shall be approved if it injuriously affects any lots on the streets or alleys, or within the Plat so changed, unless all the owners of the lots affected are parties joining in making this change; or such owners give their consent in writing on the new Plat, which is recorded therewith. (*Ohio Revised Code* Section 711.24).

### **307.2 Exceptional Replats**

Any division of land where there is an exchange of portions of lots between adjoining lot owners in a platted subdivision or where land from outside a platted subdivision is brought into the subdivision, but where no new building sites are created, is considered an Exceptional Replat.

### **307.3 Application for Approval of Replats**

All replats and exceptional replats must be submitted for review and action of the Regional Planning Commission in the same manner as any Plat and are subject to the same requirements.

### **307.4 Replat and Exceptional Replat Contents**

- A. Replat size: The size of the mylar sheets for Replats and Exceptional Replats involving no significant changes to infrastructure, shall be 18" x 24", 24" X 30", 22" X 34" or 24" x 36".
- B. Replats and Exceptional Replats follow the requirements for platting as in Sections 305.2 – 305.4, with the following exceptions:
  - 1. A topographic map is not necessary for Replats or Exceptional Replats unless such replat has impacts to existing infrastructure or to existing household sewage treatment systems.
  - 2. In areas served by sanitary sewers, the Portage County Water Resources Department and the Portage County Combined General Health District's signatures are not required on an exceptional replat. Replats shall use the same basis of bearing as the original Plat.

### **307.5 Regional Planning Commission Action on Replats**

The same actions that are applicable to Plats (Section 306) are applicable to Replats, including the limits on the number of Extensions of Time.

## **Section 308**

### **Subdivisions Exempt from Platting (Minor Subdivisions)**

#### **308.1 Criteria for Subdivisions Exempt from Platting**

A subdivision that does not require a Plat shall be known as a “Subdivision exempt from Platting” (*Ohio Revised Code* Section 711.131) or a Minor Subdivision. It must meet all of the following criteria:

- A. The proposed subdivision is located along an existing public road and involves no opening, widening, or extension of any street or road, public or private.
- B. The proposed subdivision involves no more than five (5) lots after the original tract has been completely subdivided.
- C. Lots are not in a platted subdivision.

#### **308.2 Approval of Subdivisions Exempt from Platting**

- A. A subdivision exempt from platting must be approved by the Portage County Regional Planning Commission staff and shall only be approved if it meets all of the following conditions:
  - 1. The proposed subdivision is not contrary to applicable zoning regulations. The zoning inspector must sign the survey drawing.
  - 2. All Subdivision regulations are satisfied, including Section 604.
  - 3. The property has been surveyed, and the survey drawing, township zoning approval, subdivision fee, and legal description of the property are submitted with the Administrative Approval application form (See Appendix 3A).
- B. If the Portage County Regional Planning Commission staff is satisfied the proposed subdivision meets all the above conditions it shall, within seven (7) working days after submission of an application for approval of a subdivision exempt from platting, approve such proposed subdivision and, on presentation of a conveyance of said subdivision, stamp the same “**Approved by Portage County Regional Planning Commission; No Plat Required**” and the authorized representative of the Regional Planning Commission shall sign and date the conveyance.

Proposed lots along existing private easements or streets (not public roads used for access by property owners) do not qualify as subdivisions exempt from platting. All subdividing situations that do not come under this section shall require record Plats. Actions of the Administrator on an application for approval of a subdivision exempt from platting may be appealed to the full Regional Planning Commission when submitted to them in writing, provided such appeal does not contradict regulations in the *Ohio Revised Code* (*Ohio Revised Code* Section 711.131) regarding subdivisions exempt from platting.

## **Section 309**

### **Divisions of Land Five (5) Acres and Larger (Exempt from Subdivision Regulations)**

#### **309.1 Criteria for Divisions of Land Five (5) Acres and Larger**

The division of a parcel of land into any number of lots, each of which is five (5) acres or larger in size, is exempt if all of the following criteria are met:

- A. The division does not involve the opening, widening, or extension of any street or road, public or private.
- B. The division does not require an easement for access. Landlocked parcels are considered to be parcels that require an easement of access and are not considered exemptions.
- C. The division does not meet the definition of a subdivision in Section 711.001.B1 OR .B2 of the *Ohio Revised Code*.
- D. The original tract of land has not been previously subdivided by the owner into a parcel of land less than five (5) acres in size.

#### **309.2 Submittal Requirements for Divisions of Land Five (5) Acres or Larger**

- A. A copy of the survey drawing that meets the Standards for Boundary Surveys, *Ohio Administrative Code* 4733-37.
- B. The conveyance document for the parcels of land being created, signed by the property owner(s).

#### **309.3 Endorsement of Divisions of Land Five (5) Acres or Larger**

- A. If the Regional Planning Commission staff is satisfied that the proposed division of land meets all of the criteria for divisions of land five (5) acres and larger as listed in this section, on presentation of a conveyance of said division, the conveyance shall be stamped as follows, "***Exempt from Portage County Subdivision Regulations,***" and signed and dated by the authorized representative of the Regional Planning Commission.
- B. If the division cannot be endorsed because the division does not meet the criteria for a division of land five (5) acres or larger, the Regional Planning Commission shall provide the applicant the reasons for not endorsing the conveyance document.

## **Section 310**

### **Transfers of Land Between Adjoining Property Owners (Exempt from Subdivision Regulations)**

#### **310.1 Criteria for Transfers of Land Between Adjoining Property Owners**

Pursuant to *Ohio Revised Code* Section 711.001.B1b, the sale or exchange of parcels between adjoining property owners, where that sale or exchange does not create additional building sites, as defined in these regulations, is considered exempt. However:

- A. None of the properties involved in the transfer can be located within a platted subdivision. If they are within a platted subdivision, replatting procedures must be followed.
- B. The property being transferred must be combined with the adjacent parcel of land into a single parcel with one legal description.
- C. **Building Site**: for purposes of administering these regulations and in determining what constitutes a subdivision per *Ohio Revised Code* Section 711.001(B1), a lot shall be considered a potential building site if it is forty-eight hundred (4,800) square feet or more in area where sanitary sewer is available and forty-three thousand five hundred sixty (43,560) square feet (1 acre) in area where central sanitary is not available.

#### **310.2 Submittal Requirements for Transfers of Land Between Adjoining Property Owners**

- A. A copy of the survey drawing that meets the Standards for Boundary Surveys, *Ohio Administrative Code* 4733-37.
- B. The conveyance document for the parcels of land being created, signed by the property owner(s).

#### **310.3 Endorsement of Transfers of Land Between Adjoining Property Owners**

- A. If the Regional Planning Commission is satisfied that the proposed transfer of land meets all of the criteria for transfers of land between adjoining property owners as listed in this section, on presentation of a conveyance of said transfer, the conveyance shall be stamped as follows, "***Exempt from Portage County Subdivision Regulations; Not reviewed for septic tank use or replacement area,***" and signed and dated by the authorized representative of the Regional Planning Commission.
- B. If the division cannot be endorsed because the division does not meet the criteria for a transfer of land between adjoining property owners, the Regional Planning Commission shall provide the Applicant the reasons for not endorsing the conveyance document

