

CHAPTER 1181

Administration and Enforcement

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CROSS REFERENCES

Violations of rules and regulations—See Ohio Revised Code 711.102

Plat acknowledgment and recording—See Ohio Revised Code 711.06

1180.01 ADMINISTRATION

The Mayor shall administer these Subdivision Regulations except where specific authority is given to other officials as set forth in these Regulations.

1181.02 RECORDING OF PLAT

No plat of any subdivision shall be recorded in the office of the Recorder or have any validity until it has been approved in the manner prescribed herein. In the event any such unapproved plat is recorded, it shall be considered invalid; and the Planning Commission shall institute proceedings to have the plat stricken from the County records.

1181.03 SALE OF LAND

No owner or agent of the owner of any land located within a subdivision shall transfer or agree to transfer ownership in the future by reference to, exhibition of, or by the use of a plan or plat of a subdivision before such plan or plat has been approved and recorded in the manner prescribed herein. Any sale or transfer contrary to the provision of this section shall invalidate plat plan. The description of such subplot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction

from the provisions of these Regulations.

1181.04 REVISION OF PLAT AFTER APPROVAL

No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the Planning Commission and an endorsement is made in writing on a plat, unless the plat is first resubmitted and the changes approved by the Planning commission.

1181.05 FEES

Filing Fees: Filing fees in the amount fixed as follows shall be paid when the application for a schedule is submitted.

Minor Subdivision: \$20.00 plus \$5.00 per lot.

Major Subdivision:

Preliminary Plan Fees: \$50.00 plus \$5.00 per lot.

Final Plat Fees: \$50.00 plus \$5.00 per lot to cover the cost of filing the approved plat with the County Recorder.

Preliminary Plan Time Extension Fee: \$10.00

Preliminary Plan Resubmittal Fee: Where the approved preliminary plan has not been changed by the approval period has expired, the fee shall be one-half (1/2) of the preliminary plan fee for refiling of the preliminary plan.

Payment: The filing fee shall be paid in legal tender or by check or money order made payable to the Village of Sugar Bush Knolls, Ohio, and deposited with the Village Clerk.

Refunds: In the event that a plat is withdrawn by the subdivider before any physical inspection of the site has been made, then the Planning Commission may order that the subdivider be refunded an amount not to exceed one-half (1/2) the fee paid.

Plan Checking and Field Inspection Fees: At the time such plans, profiles and specifications are submitted for review, the subdivider shall prepare an estimate of cost of all improvements which shall be verified by the Portage County Development Officer or the Village Engineer. The subdivider shall deposit an amount of money equal to seven percent of the estimated cost at the time the subdivider posts their cash bond. This shall cover the cost of all plan review, checking, and field inspections made by the Village or on the Village's behalf for the project.

1181.06 VARIANCES

The Planning Commission may recommend variances to these Subdivision Regulations as specified herein where unusual or exceptional factors or conditions require such modification provided that the Planning Commission shall:

Find that unusual topographical or exceptional physical conditions exist.

Find that strict compliance with these Regulations would create an extraordinary hardship in the face of the exceptional conditions.

Permit any modification to depart from these Regulations only to the extent necessary to remove the extraordinary hardship.

Find that any modification granted will not be detrimental to the public interest nor in conflict with the intent and purpose of these Regulations.

Require such other conditions to be met by the proposed plat as the Planning Commission may find necessary to accomplish the purposes of these Regulations when modified.

Any variance shall accompany the proposed plat with appropriate justification.

1181.07 APPEALS

Rights of appeal shall be as set forth in Ohio Revised Code Chapter 711 or other applicable sections of the Ohio Revised Code.

1181.08 SEVERABILITY

If any article, section, paragraph, clause or part of these Regulations is held invalid by a court, such judgment shall not affect the validity of the remaining provisions of these Regulations.

1181.09 ACCEPTANCE ORDINANCE FOR STREETS, EASEMENTS AND DEDICATED OPEN SPACES

A review shall be held by a committee of Council when all requirements have been complied with. The committee shall submit their recommendation to Council as to whether or not the City shall accept the streets, easements and dedicated open spaces as contained in the subdivision.

When all requirements as contained herein have been complied with to the satisfaction of Council, an ordinance accepting the streets, easements and dedicated open spaces of the subdivision may be enacted.

Upon the passage of the acceptance ordinance properly approved, the Council President and Clerk will sign the plat.

The subdivider must then have the plat recorded at their cost. The plat tracings become a part of the Planning Commission records after being recorded and shall bear a legend to that effect, (Ord. 1971-110. Passed 9-8-71).

1181.10 RELEASE OF CASH BOND

The subdivider's cash bond shall not be released until fulfillment of the following conditions:

All required land improvements shall be installed within a period of two years after the recording of the plat. Failure of the subdivider to complete all of the improvements within this two year period shall result in forfeiture of the cash bond unless an extension of time is requested by the subdivider and granted by the Mayor. In the event of failure to complete the improvements in the required period, as stated herein, the Mayor may direct that no further building permits be issued for property in such subdivision pending satisfaction of the Mayor in regard to the status of the required land improvements.

An affidavit to the effect that all materials, labor and other costs have been paid so as to hold the Village free from an obligation for payments of any costs of the land improvements; that the subdivider accepts responsibility for the maintenance and repair of all land improvements for one year after the date of the acceptance by ordinance of Council of all land improvements.

Final acceptance of all land improvements by ordinance of Council upon recommendation of the Mayor.

1181.12 CHANGES AND AMENDMENTS

The Planning Commission may from time to time recommend to Council such changes in these Regulations as they may deem necessary. Such changes shall become effective after their adoption by Council as amendments to these Subdivision Regulations.

Council, upon the recommendation of the Planning Commission, may approve variations from the requirements of these Subdivision Regulations in specific cases where such variations do not affect the general plat or spirit of these Subdivision Regulations.

1181.13 REPEAL

All prior subdivision regulations and amendments thereto are hereby repealed.

1181.99 PENALTY

Any person, firm or corporation violating any provision of these Subdivision Regulations or who fails to comply with any order issued pursuant thereto shall be fined not more than five hundred dollars (\$500.00) for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Such sum may be recovered in a civil action brought in the Court of Common Pleas in this County by the Solicitor in the name of the Village of Sugar Bush Knolls.