

CHAPTER 1183
Procedures

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CROSS REFERENCES

Plat approval; minimum lot area—See Ohio Revised Code 711.09

Subdividing by an instrument of conveyance—See Ohio Revised Code 711.40

1183.01 PURPOSE

The purpose of this chapter is to specify the procedures that shall be followed to subdivide land.

1183.02 SUBDIVISION TYPES

There are two basic types of subdivisions:

Minor Subdivision: The Portage County Development Officer or the Village Engineer may determine that a proposed subdivision of land is a minor subdivision if the proposed division of a parcel of land is along an existing public street, does not involve the opening, widening or extension of any street or road and does not involve more than five lots after the original tract has been completely subdivided.

Major Subdivision: Any subdivision that does not meet the requirements of a minor subdivision.

1183.03 MINOR SUBDIVISION PROCEDURE

Authority of Review and Approval: The Portage County Development Officer or the Village Engineer is authorized to represent the Planning Commission in the review and approval of a minor subdivision, and to endorse the conveyance of a parcel or parcels of land in a minor subdivision for transfer without plat.

Submission Requirements: Any person proposing to create a minor subdivision shall submit the following to the Village for submission to the Portage County Development Officer or the Village Engineer:

A legal description of the parcel or parcels sought to be transferred on a conveyance of the parcel or parcels.

Two copies of a private survey by a registered surveyor of the parcel or parcels sought to be transferred. (See Appendix A).

Minor subdivision fees of \$100.00 per lot (See Section 1181.05).

Action by the Portage County Development Officer or the Village Engineer: Within seven working days after submission of a minor subdivision or within a mutually agreed upon extension, the Portage County Development Officer shall either approve or disapprove the application for transfer without plat.

If the Portage County Development Officer does not approve the transfer without plat, the applicant shall be notified in writing of the reason for disapproval. If the Portage County Development Officer approves the transfer without plat, the conveyance shall be stamped; "Approved by the Village of Sugar Bush Knolls Planning Commission; no plat required," and the signature of the Portage County Development Officer affixed along with the date of such approval. The approval shall expire within sixty days, unless the conveyances are recorded in the office of the County Recorder during such period.

Action by Health Commissioner: The Portage County Development Officer shall, within seven days after submission of a minor subdivision, submit the proposed subdivision to the Portage County Health Commissioner who shall approve or disapprove building sites for individual sewer systems. If disapproved, the Village Clerk or the Portage County Health Commissioner shall notify the owner of the reasons for disapproval.

1183.04 MAJOR SUBDIVISION PROCEDURE

General Procedure: Major subdivisions shall be approved in four stages: preliminary discussion stage, preliminary plan stage, improvement plan stage, and the final plat stage.

The preliminary discussion stage requires the subdivider to discuss the proposed subdivision with the appropriate agencies so that he/she can become familiar with subdivision requirements, existing conditions, and future plans.

The preliminary plan stage requires the subdivider to present all information needed to enable the Commission to determine that the proposed layout is satisfactory and will serve the public interest. This stage also insures that the subdivider will not be required to expend excessive monies without some assurance that his/her plat will be finally approved.

The improvement plan stage requires the subdivider to present all the information needed to enable the Portage County Development Officer or the Village Engineer to check the drainage areas and to determine that the storm sewers, sanitary sewers, water lines and material proposed for street construction meets the requirements of these Regulations and the specifications of the Portage County Development Officer or the

Village Engineer.

The final plat stage requires the subdivider to present a complete survey plat to enable the Commission to determine that the subdivision fully complies with these Regulations and conforms to the approved preliminary plan and the improvement plans.

Preliminary Discussion: The subdivider shall consult with Planning Commission. He/she shall submit a preliminary discussion map including all items required by Section 1185.02 and shall also obtain a preliminary steps certification form (see Appendix B) from the Portage County Development Officer or the Village Engineer, which shall be signed by the agencies listed on the certification form.

Preliminary Plan Procedure

Submission of Preliminary Plan: The subdivider shall make application to the Commission for approval of a preliminary plan. All information required by Section 1185.03 shall be submitted to the Portage County Development Officer or the Village Engineer at least two weeks before the meeting of the Planning Commission or the Village Engineer at which the plat is to be acted upon.

Two copies of application. (See Appendix B).

One copy of the preliminary steps certification form. (See Appendix C).

Eight copies of the preliminary plan including a vicinity map (See Appendix D).

Any other date that the Portage County Development Officer or the Village Engineer deems necessary.

Transmission of Preliminary Plan: The Mayor shall transmit a copy of the preliminary plan to the following officials and agencies for their review and recommendations. Prior to the Planning Commission meeting, a date on which the site will be viewed shall be established by the Service Director. The officials and agencies listed below shall be requested to attend this viewing along with the developer and his/her engineer.

The Portage County Development Officer or the Village Engineer.

The Planning Commission.

The School Board.

Portage County Board of Health and/or Ohio Department of Health.

The Mayor may transmit additional copies of the preliminary plan documents to utility companies, and others as deemed necessary. The officials and agencies shall

be requested to make their review and recommendations to the Portage County Development Officer or the Village Engineer within seven days from the date of transmission.

Official Filing of Preliminary Plan: Upon determination by the Portage County Development Officer or the Village Engineer that the preliminary plan has been properly submitted, the preliminary plan shall be accepted as being officially filed.

Planning Commission Action: The Planning Commission, within thirty days of the date of official filing shall approve, approve conditionally or disapprove the preliminary plan. The action shall be noted on both the preliminary plan and the preliminary plan application form and a copy of each returned to the subdivider. The action shall also be entered on the official records of the Planning Commission and a copy of the preliminary plan with action noted.

Effect of Approval: Approval of a preliminary plan by the Planning Commission is not an acceptance 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. Approval of a preliminary plan shall be effective for a period of one year following the date of the approval by the Planning Commission unless an extension of time is granted. Upon expiration of a preliminary plan approval, no approval of a final plat shall be given until the preliminary plan has been resubmitted and approved. Construction of improvements shall not begin until action on the final plat has been taken.

Improvement Plan Procedure: The developer's engineer shall prepare improvement plans which include all phases of work to be performed to make the land suitable for development into the use proposed. These plans shall be complete and precise in all details and be submitted to and approved by the Portage County Development Engineer or the Village Engineer before any improvements are constructed.

Final Plat Procedure:

Submission of Final Plat: The subdivider shall make application to the Planning Commission for approval of a final plat. The final plat submitted shall conform to the approved preliminary plan. Subdivisions may be submitted for final approval in consecutive sections provided that preliminary plan and improvement plan approval has been given for the entire subdivision. All items as required by section 1185.04 shall be submitted to the Portage county Development Officer or the Village Engineer as follows:

Two Copies of the application for final plat approval. (See Appendix E).

Original tracing and two copies of final plat and vicinity map. (See Appendix F).

Original tracing and four copies of approved improvement plans.

Final plat fees. (See Section 1181.05).

One copy of financial guarantees approved by the Village Solicitor in an amount state by the Portage County Development Officer or the Village Engineer.

The Portage County Development Officer or the Village Engineer may request additional copies of any of the above items and any other additional information deemed necessary. Within five working days of the date of submission, the Portage County Development Officer or the Village Engineer shall determine if all the items as required by Section 1185.04 have been submitted. If all the required items have not been submitted, the Portage County Development Officer or the Village Engineer shall notify the subdivider of such omissions.

Official Filing of Final Plat: The Portage County Development Officer or the Village Engineer shall present to the Planning Commission the final plat documents, which meet the requirements of Section 1185.04 at the next meeting after all required documents have been submitted. Upon determination by the Planning Commission that the final plat has been properly submitted, the Planning Commission shall accept the final plat as being officially filed and shall certify on the copies the date of acceptance.

Planning Commission Action: The Planning Commission shall approve or disapprove the plat within thirty days from the date of official filing or within a mutually agreed upon time extension; otherwise the final plat shall be deemed to have been approved. One of the following actions shall be taken by the Planning Commission.

Final Approval: The Planning Commission may give final approval before all required improvements are installed, authorizing its chairman to sign the plat at such time as a construction agreement and a cash bond, acceptable to the Village Solicitor and in the amount state by the Portage County Development Officer or the Village Engineer, are provided for the purpose of assuring installation of such improvements. The amount of such cash bond shall be sufficient to cover the cost of all improvements, based upon an estimate by the Portage County Development Officer or the Village Engineer. Upon receipt of the Portage County Development Officer's or the Village Engineer's certification and determination that all the requirements of these Regulations have been met, the Planning Commission may give final approval and shall indicate such approval and date on the tracing of the final plat.

Disapproval: Should the Planning Commission determine to disapprove the final plat, written notice of such action, including reference to the regulations or regulation violated by the plat, shall be mailed to the subdivider. The action shall also be entered on the official records of the Planning Commission.

Approval without Board Action: In the event the Planning commission fails to approve or disapprove the final plat within sixty days from the date of its official filing, or within a mutually agreed upon time extension, the final plat shall be deemed to have been approved.

Effect of Approval: Final approval of a plat by the Planning Commission shall not be an acceptance by the public of the offer of dedication of any street, highway or other public ways or open space upon the plat unless such acceptance is also endorsed by Council upon the tracing of the final plat.

Recording of Final Plat: After final approval of a plat by the Planning Commission, the subdivider shall deliver the tracing of such plat to the township trustees of any unincorporated area for their signature if the proposed subdivision is outside the corporate limits of Sugar Bush Knolls. He/she shall then return the tracing to the Portage county Development Officer or the Village Engineer, who after rechecking, shall secure approval of the County Engineer. The Portage County Development Officer or the Village Engineer shall then present the plat to the County Auditor for transfer and to the County Recorder for recording. All fees required in connection with the above process as well as costs of reproductions of such plat shall be paid by the subdivider. Upon recording of the final plat, the tracing of the plat shall be permanently retained by the Planning Commission and filed with the Portage County Development Officer or the Village Engineer.