

## **300.00 – ADMINISTRATION AND ENFORCEMENT OF SUBDIVISIONS**

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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**

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

**300.02 — 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.

**300.03 — 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 the 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.

**300.04 — 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.

**300.05 — FEES**

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

1. Minor Subdivision \$20 plus \$5 per lot.
2. Major Subdivision
  - a. Preliminary plan fees: \$50 plus \$5 per lot.
  - b. Final plat fees: \$50 plus \$5 per lot to cover the cost of filing the approved plat with the County Recorder.
  - c. Preliminary plan time extension fee: \$10
  - d. Preliminary plan resubmittal fee: Where the approved preliminary plan has not been changed before the approval period has expired, the fee shall be one-half (1/2) of the preliminary plan fee for refiling of the preliminary plan.
3. 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.
4. 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.

B. 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 that shall be verified by the Portage County Building Department or the village engineer. The subdivider shall deposit an amount of money equal to seven percent (7%) 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.

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

- A. Find that unusual topographical or exceptional physical conditions exist.
- B. Find that strict compliance with these Ordinances would create an extraordinary hardship in the face of the exceptional conditions.
- C. Permit any modification to depart from these Ordinances only to the extent necessary to remove the extraordinary hardship.
- D. Find that any modification granted will not be detrimental to the public interest nor in conflict with the intent and purpose of these Ordinances.
- E. Require such other conditions to be met by the proposed plat as the Planning Commission may find necessary to accomplish the purposes of these Ordinances when modified.
- F. Any variance shall accompany the proposed plat with appropriate justification.

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

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

**300.09 — ACCEPTANCE ORDINANCE FOR STREETS, EASEMENTS, AND DEDICATED OPEN SPACES**

- A. 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 Village shall accept the streets, easements and dedicated open spaces as contained in the subdivision.
- B. 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.

- C. Upon the passage of the acceptance ordinance properly approved, the Village Mayor and Clerk will sign the plat.
- D. The subdivider must then have the plat recorded at his cost. The plat tracings become a part of the Planning Commission records after being recorded and shall bear a legend to that effect.

**300.10 — RELEASE OF CASH BOND** The subdivider's cash bond shall not be released until fulfillment of the following conditions:

- A. All required land improvements shall be installed within a period of two (2) 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 Chairman of the Planning Commission. In the event of failure to complete the improvements in the required period, as stated herein, the Chairman of the Planning Commission may direct that no further building permits be issued for property in such subdivision pending satisfaction of the Chairman of the Planning Commission in regard to the status of the required land improvements.
- B. 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 (1) year after the date of the acceptance by ordinance of Council of all land improvements.
- C. Final acceptance of all land improvements by ordinance of Council upon the recommendation of the Mayor.

**300.11 — CHANGES AND AMENDMENTS**

- A. The Planning Commission may from time to time recommend to Council such changes in these Ordinances as they may deem necessary. Such changes shall become effective after their adoption by Council as amendments to these Subdivision Ordinances.
- B. Council, upon the recommendation of the Planning Commission, may approve variations from the requirements of these Subdivision Ordinances in specific cases where such variations do not affect the general plat or spirit of these Subdivision Ordinances.

**300.12 — REPEAL** All prior Subdivision Ordinances and amendments thereto are hereby repealed.

**300.13 — PENALTY** Any person, firm or corporation violating any provision of these Subdivision Ordinances or who fails to comply with any order issued pursuant thereto shall be fined not more than \$500 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 Village Solicitor in the name of the Village of Sugar Bush Knolls.