

## **CHAPTER 1222**

### **Subdivision Regulations**

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#### ***CROSS REFERENCES***

Adoption of subdivision regulations - see CHTR. Sec. 10.03C., D.

Plat and subdivision defined - see Ohio R.C. 711.001

Fee of designated public land to vest when plat recorded - see Ohio R.C. 711.01, 711.07

Plat acknowledgment and recording - see Ohio R.C. 711.06

Planning authority approval without plat - see Ohio R.C. 711.131

Zoning Inspector - see ADM. Ch. 242

#### **1222.01 TITLE; PURPOSE; JURISDICTION.**

(a) Title. These regulations shall be known and may be cited as and called the “Subdivision Regulations of the City of Northwood,” and may hereinafter be referred to as “these Regulations.”

(b) Purpose. The general purpose of these Regulations shall be to guide and regulate the planning, subdividing and development of land to promote and protect the public health, safety and general welfare. It is intended that the provisions of these Regulations shall be applied to achieve the following objectives:

- (1) Orderly development of land to obtain harmonious and stable neighborhoods;
- (2) Safe and convenient vehicular and pedestrian circulation;
- (3) Designs to allow ample public open spaces for schools, recreational purposes and other public purposes;
- (4) Accurate surveying of land and preparation and recording of plats;
- (5) The assurance that subdivision improvements are properly installed and completed according to the provisions of Section 1222.07; and
- (6) Coordination of land development according to the Zoning Code and the Comprehensive Plan.

(c) Jurisdiction and Relationship to Other Laws. These Regulations shall be applicable to all areas within the corporation limits of the City. The provisions of these Regulations shall supplement any laws of the State, other City ordinances and any other rules or regulations. Whenever the requirements of these Regulations differ from the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive, or those imposing the highest standard, shall govern.

(d) Deed Restrictions. Private deed restrictions imposed by the developer will not be enforced by the City. (Ord. 2002-45. Passed 8-22-02.)

#### **1222.02 AUTHORITY; ADMINISTRATION; AMENDMENTS.**

(a) Authority. The Planning Commission derives its authority in the matter of regulating the subdivision of land from Section 10.03 of the City Charter.

(b) Administration and Fees. These Regulations shall be administered by the Planning Commission. Council shall establish a schedule of fees, charges and expenses that shall apply to administration of these Regulations. No action shall be taken on any subdivision application or appeal unless the required fees have

been paid in full.

(c) Amendments. Amendments to these Subdivision Regulations may be made in accordance with the City Charter.

(Ord. 2002-45. Passed 8-22-02.)

### **1222.03 DEFINITIONS.**

(EDITOR'S NOTE: See Section 1240.06 of the Zoning Code for definitions relating to the Subdivision Regulations.)

### **1222.04 PRINCIPLES OF ACCEPTABLE SUBDIVISION DESIGN.**

(a) All subdivision development shall conform with the Comprehensive Plan, as adopted.

(b) The proposed subdivision and its ultimate use shall be in the best interests of the public welfare and the neighborhood development of the area. Land to be subdivided shall be of such a character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace, and land shall not be subdivided until it is shown that adequate public facilities and improvements will exist and that proper provision has been made for drainage, water supply, sewage disposal, transportation facilities and recreational facilities.

(c) The tract to be subdivided should not encroach upon an area designated in the Comprehensive Plan for future public facilities. Such area shall be incorporated in all plans or plats and such land may be required to be reserved for one year after approval thereof, or for a longer period as may be mutually agreed upon, to allow the City or other appropriate agencies time to acquire such land.

(d) In all subdivisions, due regard shall be shown for all natural features such as large trees, watercourses, historical locations and similar community assets, which, if preserved, will add attractiveness and value to the property and will preserve the resources of the community.

(Ord. 2002-45. Passed 8-22-02.)

### **1222.05 SUBDIVISION DESIGN STANDARDS.**

(a) General Statement.

(1) The regulations in this section shall control the manner in which streets, lots and other elements of a subdivision are arranged on the land. These design controls shall help insure convenient and safe streets, the creation of usable lots, the provision of space for public utilities and reservation of land for recreational uses. The planning of attractive and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned, haphazard growth.

(2) All improvements must meet the minimum requirements of the State of Ohio Department of Transportation Construction and Material Specifications, the latest edition, and of the Ohio Environmental Protection Agency.

(b) Conformity to Comprehensive Plan and Zoning. The arrangement, character, width and location of all arterial and collector thoroughfares, or extensions thereof, shall conform to the Comprehensive Plan. Thoroughfares not contained in the aforementioned Plan shall conform to the recommendation of the Planning Commission, based upon the design standards set forth herein. No plat shall be approved unless it conforms to the requirements of the Zoning Code.

(c) Suitability of Land. No land shall be subdivided which is held unsuitable for its intended use by the Planning Commission for reasons of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature harmful to the health, safety or welfare of the future residents of the proposed subdivision or community. However, the Planning Commission may approve a final plat if the subdivider improves the land consistent with the standards of these Regulations and other applicable ordinances to make the area, in the opinion of the Planning Commission, suitable for its intended use.

(d) Street Design.

(1) Relation to adjoining street system. The proposed street system shall be an extension of existing streets at the same or greater width, but not less than the required minimum width.

(2) Street widths. The minimum width of a right-of-way, measured from the lot line to the opposite side lot line, shall be based upon functional classification and as shown in Tables 1 and 2 hereof, or as shown on the Comprehensive Plan.

(3) Additional width on existing streets. Subdivisions that adjoin existing streets shall dedicate additional rights-of-way to meet the minimum street width requirements, as described herein. The entire

right-of-way shall be provided where any part of the subdivision is on both sides of the existing street. When the subdivision is located on only one side of an existing street, at least one-half of the required right-of-way, measured from the center line of the existing roadway, shall be provided. In no case shall the resulting right-of-way width be less than sixty feet.

(4) Restriction of access. When a tract fronts on an arterial street or highway, the Planning Commission may require such lots to be provided with frontage on a marginal access street.

(5) Intersections. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle less than as specified in Table 1. Multiple intersections involving junctions of more than two streets shall be avoided. Property line radii at street intersections shall not be less than twenty feet and, where the angle of the street intersection is less than seventy-five degrees, the Planning Commission may require a greater right-of-way radius. Wherever necessary to allow the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corners shall be rounded or otherwise set back sufficiently to permit such construction.

TABLE 1

INTERSECTION DESIGN STANDARDS

Minimum approach speed (m.p.h.)	25
Clear sight distance (ft.) - (length along each approach leg)	90
Maximum grade differential	3%
Minimum angle of intersection	75 degrees

Streets shall remain on tangent for at least 100 feet beyond the point of intersection	(90 degrees preferred)*
Minimum curb radius (ft.) (a) Local-local (b) Local-collector (c) Collector-collector (d) Collector, marginal access-arterial	25 - all cases 25 - all cases 30 - all cases 35 - all cases
Minimum centerline offset of adjacent intersections (ft.)# (a) Local-local (b) Local-collector (c) Collector-collector (d) Collector, marginal access-arterial	150 - all cases 200 - all cases 300 - all cases 1,320 - all cases

\*The angle between the center line shall be 90 degrees whenever possible.

#Centerline offsets shall be avoided whenever possible.

(6) Street jogs. Street jogs with centerline offsets of less than 125 feet shall not be allowed.

(7) Private streets. There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street.

(8) Alleys. Alleys may be provided to the rear of all lots used for commercial or industrial purposes and shall not be provided in residential subdivisions, except where the subdivider produces evidence, satisfactory to the Planning Commission, of the need for alleys.

(9) Street layout. The arrangement, character, extent, width, grade construction and location of all streets shall conform to the Comprehensive Plan and to the construction standards of the municipality, or subsequent amendments thereto, and shall be considered in their relation to existing and planned streets, topographical conditions and public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The street pattern shall discourage through traffic in the interior of a subdivision. The subdivider shall provide, within the boundaries of the subdivision plat, the necessary right-of-way for the widening, continuance or alignment of such streets in conformity with the Comprehensive Plan. The finished elevation of proposed streets shall be no more than one foot below the 100-year flood elevation. The Planning Commission may require, where necessary, profiles and elevations of streets to

determine compliance with this requirement. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

(10) Street design standards for local streets. The design and improvement standards contained in the following table are minimum standards for local streets in residential subdivisions. All such streets shall be designed and constructed according to the standards specified in Table 2 hereof.

TABLE 2

STREET DESIGN STANDARDS FOR LOCAL STREETS

Right-of-way (ft.)	60
Pavement width (ft.)*	29
Sidewalk width (ft.)	4
Minimum stopping sight distance (ft.)	200
Minimum grade	0.4%
Maximum grade	4%
Maximum cul-de-sac length (ft.)	500
Minimum cul-de-sac radius (ROW) (ft.)	50
Minimum cul-de-sac radius (pavement)(ft.)	50
Minimum centerline radius of streets with an angle of turn of: (a) Between 80 and 100 degrees (b) Less than 80 or more than 100 degrees	100 ft. 200 ft.

NOTE: Exceptions to the standards contained in this table may be permitted under certain conditions relating to planned development density upon recommendation of the City Engineer.

\*Pavement width is inclusive of curbs or combination curbs and gutters

(11) Collector street design standards. The design and improvement standards contained in the following table are minimum standards for all collector streets. All such streets shall be designed and constructed according to the standards specified in Table 3 hereof.

TABLE 3

COLLECTOR STREET DESIGN STANDARDS

Right-of-way (ft.)	80
Pavement width (ft.)*	41
Sidewalk width (ft.)**	4
Minimum stopping sight distance (ft.)	250
Minimum grade	0.4%
Maximum grade	4%
Minimum spacing when intersecting with an arterial (ft.)	1,320
Minimum centerline radius (ft.)	350

NOTE: Exceptions to the standards contained in this table may be permitted under certain conditions relating to planned development density upon recommendation of the City Engineer.

\*Pavement widths are inclusive of combination curbs and gutters.

\*\*Sidewalk width shall be five feet in all areas zoned commercial.

(12) Horizontal alignment. When there is an angle of deflection of more than two degrees between two centerline tangent sections of a street, a curve of adequate radius shall connect them. Between reverse curves, a minimum tangent of 100 feet shall be introduced.

(13) Vertical curves. No vertical curve shall be established unless the algebraic difference in grades is greater than two percent. On any vertical curve, the grade shall be at least 0.4 percent between adjacent points. Minimum vertical visibility shall conform to the regulations of the Ohio Department of

Transportation in effect on the date of the approval of the preliminary drawing. No street grade shall be more than three percent within 100 feet of an intersection.

(14) Special street types. The following requirements shall apply to special street types:

A. Permanent dead-end streets shall not be permitted. Temporary dead-end streets shall be permitted only as part of a continuing street plan, and only if a temporary turnaround, satisfactory to the Commission, is designed, and provisions for maintenance and removal are provided. Temporary dead-end streets longer than 700 feet shall not be permitted.

B. Dedication of new half-streets shall not be permitted. Where a dedicated or platted half-street exists adjacent to the tract being subdivided, the other half shall also be platted.

C. Where allowed, the minimum widths for alleys shall be twenty feet for the right-of-way and eighteen feet for the pavement width.

(15) Streets for commercial subdivision. Streets serving business developments and accessory parking areas shall be planned to connect with arterial streets so as not to generate traffic on local streets. The intersections of driveways from parking areas with arterial or collector streets shall be located so as to cause the least possible interference with traffic movement on those streets. The Planning Commission may require marginal access streets to provide maximum safety and convenience.

(16) Streets for industrial subdivisions. Collector streets for industrial subdivisions shall be planned to serve industrial areas exclusively and shall connect with arterial streets so that no industrial traffic will be directed into any residential streets. Streets shall be planned to be extended to the boundaries of any adjoining land planned for industry, except for severe physical conditions or if the Commission finds such extension is not in accord with the approved plan of the area. The Planning Commission reserves the right to increase any street design standard provided herein so as to adapt to an anticipated high level of heavy traffic in an industrial development.

(17) Sidewalks and pedestrian access. Sidewalks shall be required on both sides of the street in all residential subdivisions. Public sidewalks shall also be required in all commercial subdivisions and along all commercial lots. The Planning Commission may waive this requirement, on one or both sides of the street, if the requirement for curbs and gutters is waived, and if the Planning Commission also finds that the proposed residential density is such that sidewalks are not desirable. Regardless of whether sidewalks are required, the Planning Commission may also require perpetual unobstructed easements, up to twenty feet in width, to facilitate pedestrian access between a development and nearby schools, parks, playgrounds or other community facilities. Such pedestrian easements shall be shown on the plat, and a vegetated screening shall be provided as a buffer between the pedestrian easement and all adjacent lots.

At the option of the Planning Commission, the installation of sidewalks in a subdivision may be delayed until seventy-five percent of all building sites are built upon, or within two years from final plat approval, whichever comes first. Under such circumstances, the developer shall provide a bond, a letter of credit or cash escrow, which is independent from any guarantees provided in Section 1222.07, to guarantee the installation of the sidewalks. The amount of the guarantee shall be approved by the City Engineer and shall reflect the estimated cost of the improvements at the end of the two-year period. The guarantee shall be approved as to form by the City Attorney and formally accepted by Council.

When an owner of a lot or parcel in a subdivision owns a lot or parcel adjacent to a lot or parcel where a house is being constructed shall be required to install the sidewalk on that adjacent lot or parcel when the sidewalk is installed on the lot or parcel where the house is located.

(18) Blocks. The following regulations shall govern the design and layout of blocks:

A. The arrangement of blocks shall conform to the street planning criteria set forth in this section, and shall be arranged to accommodate lots and building sites of a size and character required for the district, as set forth in the Zoning Code.

B. Irregularly shaped blocks, those intended for cul-de-sacs or loop streets and those containing interior parks or playgrounds may be approved by the Commission if properly designed and located and if the maintenance of interior public spaces is covered by agreements.

C. No block shall be longer than 1,200 feet or shorter than 400 feet and the block width shall accommodate two tiers of lots, except where unusual topography or other exceptional physical circumstances exist.

(19) Street surfaces. The surface course of the street shall be constructed of either asphaltic concrete, bituminous mix or Portland cement concrete. At a minimum, three and one-half inches of asphaltic concrete

on eight inches of 304 base is required, or if concrete streets are proposed, a minimum of six inches of pavement thickness is required. Alternative materials and thicknesses may be approved or required as determined by the City Engineer.

(20) Additional pavement lanes. Additional pavement lanes and/or signalization may be required for commercial or other special developments or conditions to provide acceleration, deceleration or left turn lanes, or to handle or control excessive traffic that may be generated by a particular development.

(21) Curbs and gutters. Curbs and gutters are required in all subdivisions. The Planning Commission may waive this requirement if it finds that the proposed residential density, specific development type or hydrologic conditions are such that improvements are not necessary.

(22) Street lighting. All streets within a subdivision shall be improved by installing street lights at the sole cost of the developer, with ornamental poles and underground wiring following approved modern intensities, as recommended by the electric company.

(23) Street trees. Street trees shall be provided in the right-of-way by the subdivider. At least one street tree shall be provided on each residential lot in residential subdivisions. The trees shall be located in such a manner as to not block visibility along any street or affect any underground utilities or street lights. Tree species shall be approved by the Public Service Director following the Tree Commission's rules and regulations.

(e) Lots. The following regulations shall govern the design and layout of lots:

(1) The lot arrangement and design shall be such that all lots will provide satisfactory building sites which are properly related to the topography and the character of the surrounding development.

(2) All lots shall conform to or shall exceed the requirements of these Subdivision Regulations and the zoning district requirements for the district in which they are located and the use for which they are intended.

(3) Each lot shall front on a public thoroughfare. The minimum lot sizes, widths and setbacks shall be as specified in the Zoning Code.

(4) All side lot lines shall be at right angles to street lines and radial to curved street lines, except where the Commission decides that a variation to this rule would provide a better layout.

(5) Lots with double frontage shall be avoided, except where the Commission decides that it is essential to provide separation of residential development from arterial streets.

(6) No corner lot shall have a width at the building line in each direction of less than that which is consistent with the Zoning Code.

(f) Site Grading. All lots shall be graded to carry surface water away from all proposed building sites and to an approved watercourse or storm sewer. Preliminary lot grading shall be completed at the time of street and utility installation to prevent water from ponding on undeveloped lots. The finished grade at the building foundation for all structures shall be a minimum of one foot above grade at the sidewalk or front lot line and shall be shown on the site grading plan for each lot. Retaining walls shall be constructed on side or rear lot lines where the grade varies across lot lines by one foot or more, within three feet of a side lot line. All structures are to be constructed at elevations that conform to the floodplain regulations.

A grading and drainage plan shall be submitted, showing all existing and proposed storm sewers, manholes, catch basins, watercourses, culverts and other underground structures within the tract and immediately adjacent thereto, with pipe sizes and grades or waterway openings shown. Topographic contours to one foot shall be shown thereon. The plan shall show the method to be used for adequate disposal of all storm sewer water, including drainage outlets, and shall include a typical lot cross-section drawn perpendicular to the street indicating lot grading and such other data as may be required by the City Engineer. Such plans shall be drawn at a scale of not less than 50 feet to the inch.

(g) Easements. Easements at least ten feet in width centered along rear or side lot lines shall be provided, where necessary, for sanitary sewers, gas mains, water lines and electric lines. Easements thirty feet in width from the top of the bank on each side of every watercourse, drainage channel or stream shall be provided within a subdivision. This is the minimum easement; larger easements may be required for multiple utilities. Public utility companies shall be consulted for input on easement locations and widths, so as to minimize future difficulties in servicing.

(h) Storm Drainage. Storm sewer improvements are required, except where the Planning Commission decides that swales or drainage ditches are acceptable, due to specific circumstances, upon the recommendation of the City Engineer. Additionally, the following requirements apply:

(1) Access to storm drainage ditches and channels shall be by means of easements. Such easements shall

be of a width determined by the City Engineer.

(2) Storm drainage easements containing underground facilities shall have a minimum width of twenty feet. The Planning Commission may require wider easements, upon the recommendation of the City Engineer, based on the size of the storm sewer.

(3) Whenever a storm drainage ditch or channel has a depth of five feet or more and a bank slope of two feet horizontal to one foot vertical or steeper, a five-foot-high masonry wall or a five-foot-high chain link fence may be required by the Commission.

(4) In accordance with EPA regulations, a stormwater permit may be required for the discharge of stormwater. Evidence of compliance with this requirement shall be provided.

(5) Drainage laterals, which include an adequate outlet, shall be designed and constructed to provide for disposal of all surface water. Such design shall accommodate a five-year frequency storm with the sewer pipe flowing full and a ten-year frequency hydraulic grade line below the pavement low-point. The drainage system shall, in addition, provide a drainage outlet which shall be a minimum of three feet below the mean ground level for each lot. Drainage ditches shall be enclosed to accommodate the estimated ten-year storm when the enclosure is equivalent in capacity to forty-eight inches in diameter or less. Such enclosures shall be constructed, installed and paid for by the subdivider. All ditches shall be enclosed within the new street right-of-way. Such enclosures shall be adequate to handle the storm drainage and shall be constructed, installed and paid for by the subdivider. Copies of calculations illustrating estimated volumes and peak flows of runoff shall be provided for review by the City Engineer.

(6) Detention of stormwater runoff on-site may be required, if, in the opinion of the City Engineer, such detention is required to prevent downstream flooding.

(7) Where floodplains are being reduced or eliminated by the site grading of the proposed subdivision, approval shall be obtained from the applicable agency as to the adequacy of the watercourse to handle the additional water due to the altered land use collections. The 100-year floodplain elevation shall be shown on the preliminary plan as well as on the final plat. The lowest finished floor elevations shall be a minimum of one foot above the regulatory 100-year floodplain.

(8) A storm water management plan shall be required meeting the City and EPA requirements.

(i) Community Assets. In all subdivisions, due regard shall be shown for all natural features such as large trees, watercourses, historical spots and similar community assets, which, if preserved, will add attractiveness and value to the property.

(j) Large Tracts or Parcels. When land is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow for the opening of future streets and logical further resubdivision.

(k) Utilities. All utilities shall be placed underground.

(l) Water Supply. When an adequate public waterline is within 1,000 feet of a subdivision, such line shall be extended so that each lot is accessible to the public water supply. When an adequate public waterline is not available, a well may be the source of water for each lot, if such a well and the water quality thereof meet the requirements of the Health Department having jurisdiction.

(m) Sewage Disposal. When a proposed subdivision is located within 300 feet of an adequate sanitary sewer line, a connection to the line shall be provided for each lot by the developer. On-site sewage disposal may be approved if such disposal meets the requirements of the Health Department having jurisdiction.

(n) Fees for Parks and Recreation. Pursuant to Section 886.01 of these Codified Ordinances, fees are required of new residential developments for parks and recreation facilities.

(o) Dedication of Park Lands or Payments of Fees in Lieu Thereof. As a condition of approval of a final plat of a subdivision, or of a final plat of a planned development, the City shall require that land for park and recreational purposes, or cash contributions in lieu of land, or a combination of both, at the option of the City, be provided to serve said needs specifically and uniquely attributable to the residents of such subdivision or planned development. This land or cash or a combination thereof shall be provided in accordance with the following criteria and formula:

(1) Criteria for park and recreational land requirements.

A. Land requirements and population ratio. The amount of land required for dedication for park and recreational purposes shall be a direct function of the ultimate population density of a proposed development. The total requirement shall be seven acres of land per 1,000 of ultimate population. Ultimate population shall be computed on the basis of four persons per unit, unless it can be shown that a lesser number of persons can reasonably be expected as a result of the type of development proposed.

B. Location. The location and configuration of the site within the development to be dedicated shall be determined by the Planning Commission, based upon recommendations contained in the Comprehensive Plan and in consultation with any applicable municipal park and recreation committees. The Planning Commission shall also consider the suitability of the site for park purposes or development, its relationship to population concentrations and its proximity to other park or recreational lands.

C. Minimum size. The minimum size of any land to be dedicated for park and recreational purposes shall be no less than 10,000 square feet, one dimension of which cannot be less than 100 feet, except that the Planning Commission may recommend that Council accept the dedication of a smaller size, when required by the specific plans of the development, and when the usefulness of the smaller area for park and recreational purposes is demonstrated.

D. Use of detention areas for required dedications. Detention areas for stormwater control shall not qualify as land for park and recreational purposes, unless the use of the property for such purposes is clearly demonstrated.

E. Private open spaces and recreational areas. No more than forty percent of the land required for park and recreational purposes shall be privately owned and maintained. The City shall approve the detailed plans for all improvements for such park and recreational land which is privately owned and maintained, and guarantees of the permanency of the use and maintenance of such privately-owned and maintained park and recreational open space, satisfactory to and enforceable by the City, shall be entered into by the subdivider or developer, which guarantees may include covenants and/or express provisions in the articles of condominium ownership, or in the constitution and by-laws of a homeowners' association.

(2) Criteria for requiring a contribution in lieu of park sites. Where the development is small and the resulting land dedication is too small to be practical, or when the available land is inappropriate for park and recreational purposes, as determined by the Planning Commission, the subdivider or developer shall pay a cash contribution in lieu of the land required.

A. Cash contribution in lieu of park and recreational land dedications. The cash contributions in lieu of park and recreational land dedications shall be held in trust by the City, or other public body designated by the City, solely for the acquisition of park and recreational land, which will be available to serve the immediate or future needs of the residents of that subdivision or development or for the improvement of any existing local park and recreational land that already services such needs.

B. Refund of cash contribution. If any portion of a cash contribution in lieu of park and recreational land dedication is not expended for the purposes set forth herein within seven years from the date of receipt of such contribution by the City, such contribution shall be refunded to the subdivider or developer who made such contribution, along with any accrued interest earned on such funds.

C. Basis for determining cash contribution. The cash contribution in lieu of land dedication shall be based on the fair market value of the acres of undeveloped land in the area to be improved, as specified herein, that otherwise would have been dedicated as park and recreational sites. Evidence of the value of the land shall be provided by a third party and deemed acceptable by the Planning Commission.

D. Criteria for requiring dedication and a contribution. A combination of land dedication and a contribution in lieu of land shall be required, when:

1. The subdivision or development does not have sufficient or adequate land to meet the dedication requirements of this section. That portion of the land within the subdivision or development which is adequate or sufficient for the park shall be dedicated as a site as aforesaid, and a cash contribution in lieu thereof shall be required for any additional land that would have been required to be dedicated.

2. A major part of the local park or recreational site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portions shall be required by dedication, and a cash contribution in lieu thereof shall also be required.

E. Criteria for a fully developed park. A fully developed park, including appropriate lighting, grading, landscaping and recreational equipment, may be required when the availability of land for park land is limited and where the recreational needs of the residents of the subdivision can be satisfied with a smaller but fully-developed park with a more intensive activity level.

(3) Combining with adjoining developments. Park or recreational land dedications may be combined with dedications from adjoining subdivisions and developments in order to produce a usable recreational area without hardship to a particular developer.

(4) Topography and grading. The slope, topography and geology of the dedicated site, as well as its

surroundings, must be suitable for its intended purposes. Grading on sites for park and recreational uses shall not differ greatly from the grading of surrounding land.

(Ord. 2002-45. Passed 8-22-02; Ord. 2005-13. Passed 3-24-05.)

### **1222.06 PROCEDURE FOR SUBDIVISION APPROVAL.**

(a) Major Subdivisions and Minor Subdivisions. There are two types of subdivisions, major subdivisions, which require the submission and approval of a plat, and minor subdivisions, which have an abbreviated approval process. Minor subdivisions, or subdivisions that occur without a plat, involve the division of parcels along existing public roads with no more than five lots, after the original tract has been completely subdivided. Section 1222.08 defines the process for approval of a minor subdivision or approval without a plat. Major subdivisions involve more than five lots and/or the construction of new streets, new public improvements, condominium developments or other developments involving easements of access. Subsections (b) through (v) hereof, define the process for approval of a major subdivision plat.

(b) Preapplication Meeting. The subdivider is encouraged to meet with the City Engineer or his or her designated representative before submitting any subdivision 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 herein, and to familiarize the developer with the Comprehensive Plan, the Zoning Code and the drainage, sewerage and water systems for the City.

(c) Sketch Plan Content. The subdivider may submit to the Planning Commission a sketch plan legibly drawn at a suitable scale and containing the following information:

(1) The proposed subdivision in relation to existing community facilities, thoroughfares and other transportation modes, shopping centers, manufacturing establishments, residential developments and existing natural and man-made features, such as soil types, vegetation, contours and utilities in the neighboring area.

(2) The layout and acreage of streets, lots and any nonresidential sites, such as commercial, manufacturing, school or recreational uses within the proposed subdivision.

(3) 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 stormwater.

(4) The scale and title of the subdivision, a north arrow and the date.

(5) The names, addresses and telephone numbers of owners and developers.

The purpose of this sketch plan is not for approval or disapproval, but rather to provide the developer with an opportunity to discuss a proposed development with the Planning Commission at a more conceptual stage. Review of a sketch plan can provide guidance to the developer in terms of desired subdivision design and general requirements before more detailed engineering is performed.

(d) Preliminary Drawing. After the preapplication stage, the subdivider shall submit a preliminary drawing of the proposed subdivision, which shall conform to the requirements set forth in this chapter. The preliminary drawing shall be prepared by a qualified registered engineer or surveyor.

(e) Submission to State Highway Director. Before any plat is approved that affects any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed, as described in the certification to local officials by the State Department of Transportation (ODOT) of any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail, to ODOT. The Commission shall not approve such plat for 120 days from the date the notice is received by ODOT. If the Highway Director notifies the Commission that it shall proceed to acquire the land needed, the Commission shall refuse to approve the plat. If ODOT notifies the Commission that acquisition at this time is not in the public interest, or upon the expiration of the 120-day period or any extension thereof agreed upon by ODOT and the property owner, the Commission shall, if the plat is in conformance with all provisions of these Regulations, approve the plat.

(f) Application for Tentative Approval. An application, in writing, for the tentative approval of the preliminary drawing, together with fifteen copies of the preliminary drawing and the supplementary information specified in subsection (i) hereof, shall be submitted to the Planning Commission.

(g) Preliminary Drawing Form. The preliminary drawing shall be drawn at a scale of not less than 100 feet to the inch and shall be on one or more sheets twenty-four by thirty-six inches in size.

(h) Preliminary Drawing Contents. The preliminary drawing shall contain the following information:

(1) The proposed name of the subdivision, which shall not duplicate or closely approximate the name of any other subdivision in the Municipality.

(2) The location by section, range and township, or other surveys.

(3) The names, addresses and telephone numbers of the owner or owners of record, subdivider or developer, the engineer or surveyor and the person who prepared the drawing, if other than the engineer or surveyor.

(4) The date of the survey.

(5) The scale of the plat, not more than 100 feet to the inch, and the north point.

(6) The boundaries of the subdivision and its acreage.

(7) The names of adjacent subdivisions, the names of owners of adjoining parcels of unsubdivided land and the location of the boundary lines of such adjacent lands.

(8) The locations, widths and names of existing streets, railroad rights-of-way, easements, parks, permanent buildings and corporation and township lines; and the location of wooded areas and other significant topographic and natural features within and adjacent to the plat, for a minimum distance of 200 feet.

(9) The zoning classification of the tract and adjoining properties and a description of proposed zoning changes, if any.

(10) The existing contours, at an interval of not greater than two feet.

(11) The existing sewers, water lines, culverts and other underground structures and power transmission poles and lines both within and adjacent to the tract.

(12) The 100-year flood elevations and boundaries, including the floodway, if defined.

(13) The locations, names and widths of proposed streets and easements.

(14) The building setback lines, with dimensions.

(15) The locations and dimensions of all proposed utility and sewer lines, showing their connections with the existing system.

(16) The layout, numbers and approximate dimensions of each lot. When a lot is located on a curved street, or when side lot lines are not at ninety degree angles, the property line shall be shown.

(17) The parcels of land, in acres, to be reserved for public use or to be reserved by covenant for residents of the subdivision.

(18) A vicinity map, at a scale of not less than 400 feet to the inch, shown on or accompanying the preliminary drawing. This map shall show all existing subdivisions, roads and tract lines and the nearest existing thoroughfares.

(i) Supplementary Information. The following information shall be supplied in addition to the above described requirements:

(1) A statement of the proposed use of lots, giving the type and number of dwelling units and the type of business or industry.

(2) The locations and approximate dimensions of all existing buildings.

(3) For commercial and industrial developments, the locations, dimensions and approximate grades of proposed parking and loading areas, alleys, pedestrian walkways, streets and the points of vehicular ingress and egress to the development.

(4) A description of any proposed covenants and restrictions.

(5) The names and addresses of all property owners who adjoin the proposed subdivision, including those across the street from the site.

(j) Filing. The preliminary drawing shall be considered officially filed when all required information is submitted to the authorized representative of the Planning Commission, along with the applicable filing fee.

(k) Public Meeting and Consideration of Preliminary Drawing. Upon receipt of a formal and complete application for preliminary drawing approval, the Planning Commission shall consider such preliminary drawing at a public meeting to be held not less than twenty nor more than fifty days following such submission. A notice of such public meeting shall be sent by regular mail to all adjoining property owners at least fifteen calendar days before such meeting.

(l) Approval of Preliminary Drawing. The Planning Commission shall forward copies of the preliminary drawing to such officials and agencies as are deemed necessary, for study and recommendation. After the receipt of reports, if any, from such officials and agencies, the Planning Commission shall decide whether the preliminary drawing shall be approved, approved with modifications or disapproved. If a drawing is disapproved, the reasons for such disapproval shall be stated in writing. The Planning Commission shall act on the preliminary drawing within fifty days after filing, unless such time is extended by agreement with the subdivider. When a preliminary drawing has been approved by the Planning Commission, the Chairperson

shall sign all copies and return one to the subdivider for compliance with final approval requirements. Approval of the preliminary drawing shall be conditional upon compliance with all other applicable statutes, ordinances and regulations of the Municipality, but shall not constitute acceptance of the final plat.

(m) Approval Period. The approval of the preliminary drawing shall be effective for a maximum period of twelve months and shall guarantee that the terms under which the approval was granted will not be affected by changes to these Regulations, unless such changes are mandated by Federal or State law.

(n) Final Plat Required. The subdivider must submit a final plat, including detailed construction plans and specifications of the improvements required therein. The final plat shall have incorporated all changes in any plan previously reviewed by the Planning Commission. The final plat and the supplementary information shall be prepared by a qualified, registered engineer or surveyor.

(o) Application for Approval of the Final Plat. An application for approval of the final plat shall be submitted on forms provided by the Planning Commission, together with five copies of the plat and the supplementary information specified.

(p) Regulations Governing Improvements. The final detailed plans and specifications of improvements shall be prepared and submitted two weeks before a regularly scheduled meeting of the Planning Commission by a registered professional engineer. The plans shall be drawn on tracing cloth or other material of equal permanence and shall be on one or more sheets twenty-four by thirty-six inches in size. The plans shall include typical sections, plans and profile views, cross sections, a site grading plan, construction details and estimates of quantities. All final detailed plans and specifications of the improvements shall meet the approval of the City Engineer and applicable State and County agencies, before commencement of the installation of the required improvements. Before the granting of approval of the final plat, the subdivider shall have installed the required improvements or shall have furnished a surety or certified check for the estimated construction cost of the ultimate installation and the initial maintenance of the improvements. Before the surety is accepted, it shall be approved by the City Attorney.

(q) Final Plat Form. The final plat shall be prepared by a registered professional surveyor and shall be legibly drawn in waterproof ink on tracing cloth or other material of equal permanence. It shall be drawn at a scale not less than 100 feet to the inch and shall be on one or more sheets twenty by thirty inches in size.

When possible, a scale of one inch equals fifty feet should be used. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision, with the sheets lettered in alphabetical order as a key.

(r) Final Plat Contents. The final plat shall contain the following information:

(1) Identification.

A. The name of the subdivision.

B. The location of the subdivision, by section, town and range, and any other legal description, as necessary.

C. The names of owners and the signature and seal of a registered surveyor, to be lettered and signed in black opaque ink.

D. The scale, shown graphically.

E. The date.

F. The north point.

G. If applicable, a subdivision or development plat sign.

1. Not more than two ground-mounted/low profile signs at any entrance identifying the residential subdivision or multi-family subdivision and shall contain only the name of the subdivision.

2. The subdivision plat sign can be installed at any public road or street entrance to the subdivision at the following locations:

a. The subdivision plat sign can be located within a proposed public right-of-way boulevard island of the public road or street entrance of the subdivision. The sign shall be set back a minimum of ten feet from the existing right-of-way of the existing intersecting road or street. The sign location shall be located in a manner so as to not create a traffic hazard from the standpoint of adequate sight distance.

b. The subdivision plat sign can be located within a sign easement area a minimum of ten feet behind the right-of-way of both the proposed public road or street entrance of the subdivision and the existing intersecting road or street. The sign location shall be located in a manner so as to not create a traffic hazard from the standpoint of adequate sight distance.

c. The Planning Commission shall have final approval of the location of the subdivision plat sign.

3. The subdivision plat sign shall be constructed of at least 40% stone or brick. The Planning Commission shall have final approval of the design of the sign.

4. The total sign area including all faces of the sign shall not exceed 50 square feet of a single sign located at a proposed public road or street entrance of a subdivision.

5. The subdivision plat sign shall not exceed 42 inches in height.

6. It shall be the responsibility of the homeowner's association of the subdivision and/or the developer of the subdivision to construct and maintain all subdivision plat signs per the applicable building code regulations, City regulations and Planning Commission requirements.

(2) Delineation.

A. All delineation in black opaque ink on the tracing, including signatures.

B. The boundary of the plat will be shown as a heavy line to indicate the limits of the plat. All plat boundary lines shall be shown with the lengths and bearings of course. The boundaries shall be determined by an accurate survey in the field, which will be balanced and closed with an error of closure not to exceed one to 10,000. A computation sheet may be submitted with the plat, upon request.

C. The true bearings and distances tied to the nearest established street lines and/or official monuments, which shall be accurately described on the plat.

D. The municipal, township, county and/or section lines accurately tied to the lines of the subdivision by distances and bearings.

E. The accurate locations of all monuments. One Type A monument shall be placed at each change in direction of the boundary of the plat. One Type B monument shall be placed at the points of intersection of the centerline of streets and on the centerline of streets at the points of curvature.

F. The exact locations, widths and names of all streets within and adjoining the plat and the exact locations and widths of all alleys and crosswalkways. The name of a street shall not duplicate that of any existing street. Proposed street names shall be checked with the proper municipal and county officials.

G. The exact locations and widths of all easements and rights of way provided for public services or utilities, with any limitation of the easement rights definitely stated on the plat.

H. All lot or parcel numbers and lines, with accurate dimensions in feet and hundredths.

I. The accurate designation of any areas to be dedicated or reserved for public use, with the purpose indicated thereon.

J. The radii, internal angles, points of curvature, the point of tangency and the lengths of all arcs.

K. The elevation for the 100-Year floodplain.

L. The building setback lines, accurately shown with dimensions.

M. In case the subdivision is traversed by a watercourse, channel, stream or creek, the existing or prior location, and/or the proposed location, of such watercourses with the top of the bank shown.

N. A legal description of the boundaries of the plat.

O. The total acreage in the plat, the total acreage in the street rights of way and the total acreage in lots.

P. A certification by a registered surveyor to the effect that the plat represents a true and accurate survey made by him or her shall be included. (See sample wording for the certification.)

Q. A space for approval by signature of the owner and City and County officials, according to the following:

1. Owner's Certification

I/We, the undersigned, owners of the property hereon described, do hereby adopt this subdivision into lots as shown, establish setback lines as shown and dedicate to public use rights of way as shown, and we do further grant easements as shown hereon and designated as utility reservations, roadway easements and drainage easements.

WITNESSES:      OWNERS:

\_\_\_\_\_  
Private restrictions, if any, will be noted:

(1) Boundaries of each type of use restriction; and

(2) Other private restrictions for each definitely restricted section of the subdivision.

2. Notary.

State of Ohio    )

                  ) ss

County of Wood )

On this \_\_\_\_\_ day of 200\_\_\_\_, before me personally appeared and acknowledged the signing of this plat to be his (their) free act and deed for the purposes mentioned.

Witness my hand and seal the day and year first above written.

Notary Public in and for \_\_\_\_\_, Ohio

My commission expires: \_\_\_\_\_

3. Surveyor.

I hereby certify this is a true and accurate plat of survey made by me on \_\_\_\_\_, 200\_\_\_\_, of the hereinbefore described property, subdividing the same into lots numbered \_\_\_\_\_ through \_\_\_\_\_ inclusive. I also hereby certify that all other lot corners are set, or will be set, upon completion of the improvements.

Registered Surveyor Number: \_\_\_\_\_

4. Engineer.

I hereby certify that pavements, utilities, and other required land improvements for the subdivision herein approved have been designed in accordance with the regulations and standards in effect, and that I have inspected the installation of the same and find that all improvements have been installed in accordance with the drawing and specifications therefor, and that the utilities and pavements (including sidewalks) are in good repair.

\_\_\_\_\_, 200\_\_\_\_\_

\_\_\_\_\_

City Engineer

(OR)

I hereby certify that the pavements, utilities and other required improvements for the subdivision herein approved have been designed in accordance with the regulations and standards in effect, that I have estimated the cost of materials and construction and performance guarantees in the amount of \$\_\_\_\_\_, and that this amount has been posted with the \_\_\_\_\_ to assure completion of all improvements in case of default.

\_\_\_\_\_, 200\_\_\_\_\_

\_\_\_\_\_

City Engineer

5. Planning Commission.

We hereby approve and accept this plat according to the subdivision rules and regulations for \_\_\_\_\_, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_.

\_\_\_\_\_

Chairperson          Secretary

6. Office of the Wood County Auditor.

Transferred this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_.

\_\_\_\_\_

Wood County Auditor

7. Office of the Wood County Recorder.

This plat filed for Record this \_\_\_\_\_ day of, 200\_\_\_\_\_, at \_\_\_\_m.

Recorded this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, in Plat Book \_\_\_\_\_, Page \_\_\_\_\_.

\_\_\_\_\_

Wood County Recorder

(s) Supplementary Information. The following information shall be supplied in addition to the above requirements:

- (1) If a zoning change is involved, certification from the Zoning Inspector, indicating that the change has been approved and is in effect;
- (2) Certification showing that the final detailed plans and specifications for the improvements have been approved by the City Engineer and other proper State and County agencies;
- (3) Certification showing that all required improvements have been either installed and approved by the proper officials or agencies, or that a bond or other surety has been furnished assuring installation and initial

maintenance of the required improvements;

(4) The names and addresses of all property owners who adjoin the proposed subdivision, including those across the street from the site.

(t) Filing. The final plat shall be considered officially filed when all required information is submitted to the authorized representative of the Planning Commission, along with the applicable filing fee.

(u) Approval of Final Plat. The Planning Commission shall approve or disapprove the final plat within thirty days after it has been filed. The plat will not be considered to be filed until it is found to be complete by the Commission at a public meeting. Failure of the Commission to act upon the final plat within such time shall be deemed approval of the plat. If the plat is disapproved, the grounds for disapproval shall be stated in the records of the Commission and a copy of said record shall be forwarded to the subdivider. The Commission shall not disapprove the final plat if the developer has complied with all applicable regulations and has proceeded in accordance with the conditions and standards specified in the approved preliminary drawing. If disapproved, the subdivider shall make the necessary corrections and resubmit the final plat within sixty days to the Commission for its final approval. If a plat is refused by the Commission, the person submitting the plat shall be entitled to such appeal as is provided in the Ohio Revised Code.

(v) Signing and Recording of Final Plat. When a subdivision improvement agreement and security are involved, the Chairperson of the Planning Commission and the Secretary shall endorse the approval on the final plat only after the subdivision improvement agreement has been approved by Council and the security has been approved by the City Attorney. When the installation of improvements is required prior to the recording of the final plat, the Chairperson of the Planning Commission and the Secretary shall endorse approval on the plat only after all improvements have been satisfactorily completed. Written evidence shall be provided from the City Engineer that all improvements have been installed in a manner satisfactory to the City. The City Attorney shall review the proper dedication of the improvements and the land.

~~—(w) Minor Subdivisions (Lot Splits). Approval, without a plat, of a minor subdivision may be granted by the Planning Commission if the proposed division of a parcel of land meets all of the following conditions:~~

~~—(1) The proposed subdivision is located along an existing public road and involves no opening, widening or extension of any street or road.~~

~~—(2) No more than five minor subdivisions under five acres in size are created from an original tract. An original tract is a parcel, or contiguous parcels, of land that exists in single or common ownership at the effective date of this chapter.~~

~~—(3) The proposed subdivision is not contrary to applicable subdivision or zoning regulations, such as lot size or lot frontage.~~

~~—(4) The property has been surveyed and a drawing and legal description of the property are submitted with the application.~~

~~—If an authorized representative of the Planning Commission is satisfied that the proposed minor subdivision meets all of the above requirements, such representative shall, within seven working days after submission thereof, approve such proposed subdivision and, upon presentation of a conveyance for said parcel, shall stamp “Approved by the Northwood Planning Commission. No plat required.” The authorized representative of the Commission shall sign the conveyance.~~

~~—(x) Requirements for Submission of Minor Subdivision. An application form must be submitted along with ten sets of all legal descriptions and survey drawings of original, new and remaining parcels, and all must be prepared by a Professional Surveyor. Shown on the drawing will be the original parcel of land that is proposed for subdividing, with all proposed lots or parcels, along with all property lines of the original and proposed parcels, including easements, angles, bearings, pins and other applicable survey information.~~

(w) Resubdivision of Land. Whenever a developer or property owner desires to resubdivide an already approved final subdivision plat, the developer or property owner shall first obtain approval by the same procedures and according to the same requirements described for new subdivisions. Resubdivision includes any change in street layout or other public improvement, any change in lot lines, changes in any land used for public purposes or any change in easements. Whenever the Planning Commission, in its sole discretion, finds that, due to the minor nature of the proposed change to the existing subdivision, waivers of specific procedural requirements contained herein would not be contrary to the purpose and intent of this chapter, then such requirements may be waived.

(x) Lot Combinations. Any existing lot may be combined with an adjoining existing lot to form a single new lot, provided that no lot combination results in an adjoining lot or lots being reduced in size or

dimension so as to conflict with the applicable zoning regulations, such as minimum lot size or minimum front, side or rear yard requirements and must be recorded in Wood County records.

(Ord. 2002-45. Passed 8-22-02; Ord. 2005-15. Passed 4-14-05.)

### **1222.07 REQUIREMENTS FOR CONSTRUCTION OF IMPROVEMENTS.**

#### **(a) Guarantee for Installation of Improvements and Subdivision Improvement Agreements.**

(1) Completion of improvements. Before the final subdivision plat is signed by the Chairperson of the Planning Commission, all developers shall be required to complete, in accordance with decisions of the Planning Commission, and to the satisfaction of the City Engineer, all street, sanitary and other public improvements, including lot improvements on the individual lots, as required in these Regulations, as specified in the final subdivision plat and as approved by the Planning Commission, and to dedicate those public improvements to the City, free and clear of all liens and encumbrances on the dedicated property and public improvements. At the time that the plans are approved, the developer shall be required to submit a construction time schedule, an estimate of construction costs and a material specification list itemizing the material type, the supplier and the manufacturer. The applicant shall covenant to maintain each required public improvement, until acceptance by Council of the dedication of that completed public improvement, and shall warrant that all required public improvements will be free from defect for a period of two years following acceptance by Council of the dedication of the last completed public improvement. The warrant shall consist of a maintenance bond, or the equivalent, equal to fifty percent of the construction cost.

#### **(2) Subdivision improvement agreements and guarantees.**

A. Agreement. The Planning Commission, at its sole discretion, may waive the requirement that the applicant shall complete and dedicate all public improvements before approval of the final subdivision plat and, as an alternative, allow the applicant to enter into a subdivision improvement agreement by which the subdivider covenants to complete all required public improvements no later than one year following the date on which the Chairperson of the Planning Commission signs the final subdivision plat. The applicant shall covenant to maintain each required public improvement until acceptance by Council of the dedication of that completed public improvement and shall warrant that all required public improvements will be free from defect for a period of two years following acceptance by Council of the dedication of the last completed public improvement. The subdivision improvement agreement shall contain other terms and conditions agreed to by the applicant and the Planning Commission. The warrant shall consist of a maintenance bond, or the equivalent, equal to fifty percent of the construction cost.

B. Covenants to run. The subdivision improvement agreement shall provide that the covenants contained in the agreement shall run with the land and bind all successors, heirs and assignees of the subdivider. The subdivision improvement agreement will be approved by the Planning Commission and Council, and shall be recorded in the Wood County Recorder's Office.

(3) Security. Whenever the Planning Commission permits an applicant to enter into a subdivision improvement agreement, the Commission shall require the applicant to provide a letter of credit, cash escrow or a bond as security for the promises contained in the subdivision improvement agreement. Any security shall be in an amount equal to 100 percent of the estimated cost of completion of the required public improvements, including lot improvements. The issuer of the letter of credit or the escrow agent, as applicable, shall be acceptable to the Planning Commission.

A. Letter of credit. If the applicant posts a letter of credit as security for the promises contained in the subdivision improvement agreement, the credit shall be irrevocable; shall be for a term sufficient to cover the completion, maintenance and warranty periods; and shall require only that the City present an affidavit signed by the City Attorney attesting to the City's right to draw funds under the credit.

B. Cash escrow. If the applicant posts a cash escrow as security for the promises contained in the subdivision improvement agreement, the escrow instructions shall provide that the subdivider will have no right to a return of any of the funds, except as provided herein, and that the escrow agent shall have a legal duty to deliver the funds to the City whenever the City Attorney presents an affidavit to the agent attesting to the Municipality's right to receive such funds whether or not the subdivider protests that right.

C. Waiver. If the City accepts the offer of dedication for the last completed required public improvement, the City shall execute a waiver of its right to receive all but ten percent of the funds represented by the letter of credit or cash escrow, if the subdivider is not in breach of the subdivision improvement agreement. The residual funds shall be security for the subdivider's covenant to maintain the required public improvements and the subdivider's warranty that the improvements are free from defect.

D. Bond. The applicant may post a bond as security for promises contained in the subdivision improvement agreement, subject to the approval of the City Attorney.

(4) Temporary improvements. The applicant shall build and pay for all costs of temporary improvements required by the Planning Commission and shall maintain those temporary improvements for the period specified by the Commission.

(5) Costs of improvements. All required improvements shall be made by the developer, at his or her expense, without reimbursement by the local government.

(6) Failure to complete improvements. For subdivisions for which no subdivision improvement agreement has been executed and no security has been posted, if the improvements are not completed within the period specified by the Planning Commission in the resolution approving the preliminary drawing, approval shall be deemed to have expired. In those cases where a subdivision improvement agreement has been executed and security has been posted and the required public improvements have not been installed according to the terms of the agreement, the City may then declare the agreement to be in default and may require that all the improvements be installed regardless of the extent of the building development at the time the agreement is declared to be in default. The City then may:

A. Suspend final subdivision plat approval until the improvements are completed and record a document to that effect for the purpose of public notice;

B. Obtain funds under the security and complete improvements itself or through a third party;

C. Assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision for which improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete improvements in the subdivision; or

D. Exercise any other rights available under the law.

(7) Acceptance of dedication offers. Acceptance of formal offers of dedication of streets, public areas, easements and parks shall be by ordinance of Council. The approval of a subdivision plat by the Planning Commission, whether sketch, preliminary or final, shall not be deemed to constitute or imply the acceptance by the City of any street, easement or park shown on the plat. The Planning Commission may require the plat to be endorsed with appropriate notes to this effect.

(b) Inspection of Improvements.

(1) General procedure and fees. The City Engineer shall provide for the inspection of required improvements during construction and shall ensure their satisfactory completion. The developer shall pay to the City an inspection fee based on the estimated cost of an inspection and engineering review, and where the improvements are completed before final plat approval, the subdivision plat shall not be signed by the Chairperson of the Planning Commission unless the inspection fee has been paid at the time of application. These fees shall be due and payable upon demand of the City and no building permits or certificates of occupancy shall be issued until all fees are paid. If the City Engineer finds, upon inspection, that anyone or more of the required improvements have not been constructed according to the City's construction standards and specifications, the applicant shall be responsible for properly completing the improvements. The developer shall notify the City Engineer at least forty-eight hours prior to the date on which construction is to commence so that an inspection may be appropriately scheduled.

(2) Release or reduction of security.

A. Certificate of satisfactory completion. Council will not accept the dedication of required improvements, nor release nor reduce the amount of any security posted by the subdivider, until the City Engineer has submitted a statement showing that all required improvements have been satisfactorily completed and until:

1. The developer has certified to the City Engineer, through submission of detailed "as-built" drawings of the subdivision, indicating location, dimensions, materials and other information required by the Planning Commission or the City Engineer, that the layout of the lines and grades of all public improvements is in accordance with construction plans for the subdivision; and

2. Evidence, satisfactory to the City Attorney, is furnished showing that the improvements have been completed, are ready for dedication to the City and are free and clear of any liens and encumbrances.

Upon such approval and recommendation by the Planning Commission, the City Engineer and the City Attorney, Council shall thereafter accept the improvements for dedication according to established procedure and State Law.

B. Reduction of escrow funds and security. If the security posted by the subdivider is a cash escrow,

the amount of that escrow shall be reduced upon actual acceptance of the dedication of public improvements and then only by the ratio that the cost of the public improvement for which the dedication was accepted bears to the total cost of public improvements for the subdivision. Funds held in the escrow account shall not be released to the subdivider, in whole or in part, except upon express written instruction of the City Attorney. At the end of the warranty period, all escrow funds shall be released to the subdivider. If the security provided by the subdivider is a letter of credit, the City Attorney shall execute waivers of the City's right to draw funds under the credit upon actual acceptance of the dedication of public improvements and then only by the ratio that the cost of the public improvement for which dedication was accepted bears to the total cost of public improvements for the subdivision.

(c) Maintenance of improvements. The developer shall be required to maintain all required public improvements on the individual subdivided lots and to provide for snow removal on streets and sidewalks, if required by the Planning Commission, until acceptance of the improvements by the governing body. (Ord. 2002-45. Passed 8-22-02.)

#### 1222.08 APPROVAL WITHOUT PLAT (LOT SPLIT)

(a) Submission Without Plat.

(1) A subdivision along an existing public street which:

A. Contains no more than five (5) minor lot splits under five acres in size after the original tract has been completely subdivided, and

B. The proposed lot split is not contrary to applicable subdivision or zoning regulations, such as lot size or front, rear and side setback or lot frontage width and

C. The property has been surveyed and a drawing and legal description of the property are submitted with the application and

D. Does not involve the opening, widening or extension of any street or road, may be submitted to the Planning Commission for review by its Chair or an authorized representative without requiring a plat.

**E. Parcels 5 acres or more used for purposes other than single family residential development and located in the Central Business District (CBD) defined in Section 1275.13, Northwood Commons / Enclave Overlay District may be approved without a plat upon approval of the Architectural Review Committee and City Engineer.**

(2) As used in this Chapter, "original tract" means a parcel which existed as a separate parcel on December 2, 1962.

(3) An application form must be submitted along with ten sets of all legal descriptions and survey drawings of original, new and remaining parcels, and all must be prepared by a Professional Surveyor. Shown on the drawing will be the original parcel of land that is proposed for subdividing, with all proposed lots and parcels, along with all property lines of the original and proposed parcels, including easements, angles, bearings, distances, pins and other applicable survey information.

(b) Endorsed Approval Or Disapproval. The Chair of the Planning Commission or the Planning and Zoning Coordinator, to the satisfaction of the City Engineer shall, within fourteen (14 ) working days, either approve or disapprove a subdivision without plat.

Such approval may include conditions relative to land uses, vehicular and pedestrian traffic, the location of specific points of ingress and egress to individual parcels, the size and shape of the parcels and other requirements for the protection of the health, safety and welfare of the owners and occupants of surrounding parcels or the public. If the subdivision is approved, "Approved by the Planning Commission of the City of Northwood, no plat required" shall be stamped on a conveyance of the parcel or parcels involved. The stamped approval shall be signed by the Chair of the Planning Commission, or the Planning and Zoning Coordinator. Such subdivision shall be disapproved if the subdivision does not meet the minimum requirements of these subdivision regulations and the Zoning Code.

(c) Appeal By Subdivider. The subdivider may appeal such withholding of approval to the Planning Commission. The Planning Commission may also include conditions as described in this Zoning Code in its approval, if granted.

(d) Before recording the lot split in the Wood County Records, the lot split drawings and legal descriptions shall be submitted to the Wood County Engineer's office for review.

#### 1222.09 RECORDING OF PLAT; REVISION AFTER APPROVAL.

(a) Recording of Plat. No plat of any subdivision shall be recorded by the Wood County Recorder, or have

any validity, until said plat has received final approval in the manner prescribed in these Regulations.

(b) Revision 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 endorsed in writing on the plat, unless said plat is first resubmitted to the Commission.

(Ord. 2002-45. Passed 8-22-02.)

#### **1222.010 SALE OF LAND WITHIN SUBDIVISIONS.**

No owner or agent of the owner of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of or use of a plat of the subdivision, before such plat has been approved and recorded in the manner prescribed in these Regulations. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the provisions of these Regulations.

(Ord. 2002-45. Passed 8-22-02.)

#### **1222.11 SCHEDULE OF FEES, CHARGES AND EXPENSES.**

Council shall establish a schedule of fees, charges and expenses, and a collection procedure for the same, and for other matters pertaining to these Regulations. The schedule of fees shall be posted in the office of the Clerk and may be altered or amended only by Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

(Ord. 2002-45. Passed 8-22-02.)

#### **1222.12 VARIANCES.**

The following regulations shall govern the granting of variances:

(a) Where the Planning Commission finds that extraordinary and unnecessary hardship may result from strict compliance with these regulations, due to exceptional topographic or other physical conditions, the Commission may vary the regulations to relieve such hardship, provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these regulations, or the desirable development of the neighborhood and community, and provided there is no increase in the flood hazard or flood damage potential. Such variations shall not have the effect of nullifying the intent and purpose of these regulations, the Comprehensive Plan or the Zoning Code.

(b) In granting variances or modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.

(Ord. 2002-45. Passed 8-22-02.)

#### **1222.13 APPEALS.**

Any person who believes he or she has been aggrieved by the regulations or actions of the Planning Commission has all the rights of appeal as set forth in Ohio R.C. Chapter 711, or any other applicable section of the Ohio Revised Code.

(Ord. 2002-45. Passed 8-22-02.)

#### **1222.14 SEPARABILITY.**

Each section and part of this chapter is declared to be a separate and distinct enactment, and should any section or part thereof of this chapter be found or declared to be ineffective or invalid for any reason at all, the other sections and parts thereof shall not thereby be impaired.

(Ord. 2002-45. Passed 8-22-02.)

#### **1222.15 EFFECTIVE PERIOD; EFFECT ON EXISTING SUBDIVISIONS.**

These Regulations shall become effective from and after the date of their approval and adoption by the Planning Commission and Council, after public hearings and certification to the Wood County Recorder. Henceforth, any other regulations previously adopted by Council or the Planning Commission shall be deemed to be repealed. These Regulations shall in no way affect any subdivision having received preliminary approval before the effective date of this chapter, provided, however, that no changes to the preliminary plat, as approved, are introduced by the subdivider.

(Ord. 2002-45. Passed 8-22-02.)

#### **1222.99 PENALTY.**

The following penalties shall apply to violations of these Regulations:

(a) Whoever violates any rule or regulation adopted by Council for the purpose of setting standards and requiring and securing the construction of improvements within a subdivision, or fails to comply with any order pursuant thereto, is creating a public nuisance. The creation of such nuisance may be enjoined and the maintenance thereof may be abated by action at suit of the Municipality or any citizen thereof. Whoever

violates these Regulations shall be fined not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00). Such sum may be recovered, with costs, in a civil action brought in the Court of Common Pleas.

(b) A Wood 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 brought by the Wood County Prosecuting Attorney.

(c) Whoever, being the owner or the agent of the owner of any land within or without a municipal corporation, transfers any lot, parcel or tract of such land from, or in accordance with, a plat of a subdivision, before such plat has been recorded in the office of the Wood County Recorder, shall forfeit and pay the sum of not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00), for each lot, parcel or tract of land so transferred. The description of such lot, parcel or tract of land so transferred by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this section. If such land is within a municipal corporation, such sum may be recovered in a civil action brought in the Court of Common Pleas by the legal representative of the Municipality, in the name of the Municipality.

(d) Any person who disposes of or offers for sale or lease, for a time exceeding five years, any lot or any part of a lot in a subdivision, before the provisions of these Regulations are complied with, shall forfeit and pay the sum of not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00), for each lot or part of a lot so sold, offered for sale or leased, to be recovered with costs in a civil action brought in the name of the Municipality.

(Ord. 2002-45. Passed 8-22-02.)