

## ARTICLE 3

### PROCEDURE FOR SUBDIVISION APPROVAL

#### Section 300

##### Pre-application Meeting Encouraged

The subdivider is encouraged to meet with the Regional Planning Commission or its designated representative prior to submitting a plat. The purpose of this meeting is to discuss early and informally the purpose and effect of these regulations and the criteria and standards contained therein; and to familiarize the developer with the Comprehensive Plan, the County Highway Plan, the Parks and Public Open Space Plan, the zoning regulations, and the drainage, sewage, and water systems of Portage County. (Amended June 26, 1984)

#### Section 301

##### Pre-application Sketch Content

The subdivider is encouraged to submit to the Regional Planning Commission a sketch plan, legibly drawn at a suitable scale and containing the following information:  
(Amended June 26, 1984)

1. The proposed subdivision in relation to existing community facilities, thoroughfares, and other transportation modes, shopping centers, manufacturing establishments, residential developments, and 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 non-residential 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 storm water.
4. The scale and title of the subdivision, a north arrow, and the date.
5. Name, address and phone number of the owners and the developer.

#### Section 302

##### Optional Preliminary Plan

The subdivider is encouraged to submit to the Regional Planning Commission a preliminary plan of the proposed subdivision. However, the submission of a preliminary plan is optional. The submission of a preliminary plan shall not be considered as the filing of a plat and shall not begin the running of time within which the Commission must act on a plat. The failure of a subdivider to submit a preliminary plan shall in no way affect the Commission's decision to approve or reject the plat. (Amended June 26, 1984)

### Submission of Preliminary Plan

Eight (8) copies of the preliminary plan shall be prepared by a professional engineer and/or surveyor and shall be submitted to the Planning Commission at least fourteen (14) days before the meeting of the Planning Commission's Land Use and Environment Committee, at which time the plan will be reviewed.

### Transmission of Preliminary Plan

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

1. County Engineer
2. County Sanitary Engineer
3. County Board of Health
4. Township Trustees of the Township that the subdivision lies in.
5. Soil and Water Conservation District
6. Tax Map Office
7. Municipality adjacent to the township that the proposed subdivision lies in.

### Submission

Upon the proper submission of the preliminary plan, the plan shall be placed on the agenda of the next regular meeting of the Zoning and Subdivision Review Committee at which time the Committee shall take one of the following action:

1. Accept the plan for review purposes.
2. Not accept the plan for review purposes. In this case, the subdivider shall be notified in writing of all the reasons for refusal.

### Action

Within thirty (30) days following acceptance of the preliminary plan for review and action by the Zoning and Subdivision Committee, the Planning Commission shall do one of the following:

1. Approve the preliminary plan and notify the developer in writing.
2. Conditionally approve the preliminary plan and notify the developer in writing of the conditions of approval.
3. Disapprove the preliminary plan and notify the developer in writing of all the reasons for disapproval.

### Effect of Approval

Approval of a preliminary plan is not approval of the subdivision for record. It is an approval of a general plan as a guide for the preparation of improvement plans and a subdivision plat for final approval and recording upon fulfillment of all requirements of these regulations. Approval of a preliminary plan shall be effective for a period of three (3) years following the date of approval unless an extension of time is granted. Construction shall not begin until the improvement plans have been approved by the County Engineer and the County Sanitary Engineer where applicable.

### Changes in the Preliminary Plan

If, after having received preliminary plan approval, the developer desires substantial changes in the plan, he should resubmit a revised preliminary plan to the Commission for reapproval.

## Section 303

### Preliminary Plan Form

The preliminary plan shall be drawn at a scale not less than one hundred (100) feet to the inch and shall be on one or more sheets 24 X 36 inches in size.

## Section 304

### Preliminary Plan Contents

The preliminary plan shall contain the following information:

1. Proposed name of the subdivision, which shall not duplicate or closely approximate the name of any other subdivision in the County.
2. Location by section, range, town, and township or other surveys.
3. Name, addresses and phone numbers of the owners, subdivider, and professional engineer and registered surveyor who prepared the plan and appropriate registration numbers and seals.
4. Date of survey.
5. Scale of the plan, north point.
6. Boundaries of the subdivision and its acreage.
7. Names of adjacent subdivisions, owners of adjoining parcels of unsubdivided land, and the location of their boundary lines.
8. Locations, widths, and names of existing streets, railroad rights-of-way, easements, parks, permanent buildings, and corporation and township lines, location of wooded areas and other significant topographic and natural features within and adjacent to the plan for a minimum distance of fifty (50) feet.
9. Zoning classification of the tract and adjoining properties and a description of proposed zoning changes, if any.

10. A contour map of the area shall be submitted. This contour map shall show existing contours at an interval of not greater than two (2) feet if the slope of the ground is fifteen (15) percent or less; and not greater than five (5) feet where the slope is more than fifteen (15) percent. (Amended June 26, 1984)
11. Existing sewers, water lines, culverts and other underground structures, and power transmission poles and lines, within and adjacent to the tract.
12. Location, names, and widths of proposed streets and easements.
13. Building setback lines and dimensions.
14. Location and dimensions of all proposed utility and sewer lines, showing their connections with the existing system.
15. Layout, numbers, and approximate dimensions of each lot. When a lot is located on a curved street or when side lot lines are not ninety (90) degree angles, the width at the property line shall be shown.
16. Parcels of land in acres to be reserved for public use or to be reserved for residents of the subdivision.
17. A vicinity map at a scale of not less than two thousand (2,000) feet to the inch shall be shown on, or accompany, the preliminary plan. This map shall show all existing subdivisions, roads, and tract lines and the connections between the roads in the proposed subdivision and those of the neighboring areas.

### Section 305

#### Supplementary Information

The following information shall be supplied in addition to the requirements in Section 304:

1. Statement of proposed use of lots, giving type and number of dwelling units and type of business or industry.
2. Location and approximate dimensions of all existing buildings.
3. For commercial and industrial development, the location, dimensions, and approximate grade of proposed parking and loading areas, alleys, pedestrian walks, streets, and the points of vehicular ingress and egress to the development.
4. Description of proposed covenants and restrictions.
5. In a letter accompanying the request for approval of the preliminary plan the subdivider shall state the type of sewage disposal he proposes to use. If other than a treatment plant, it shall be accompanied by a letter from the County Health Department stating what type of sewage disposal will be approved for the soil conditions encountered in the area of the proposed subdivision.

## Section 310

### Plat Required

After the pre-application and preliminary plan stages, which are both optional, the subdivider shall submit a plat of the proposed subdivision which shall conform with the requirements set forth in Section 311 to 319, inclusive. The plat shall be prepared by a qualified surveyor.

## Section 311

### Application for Approval of Plat

An application for approval of the plat shall be submitted on forms provided by the Regional Planning Commission, together with the subdivision plat, seven (7) copies of the plat and the supplementary information specified, and all these items shall be submitted to the Regional Planning Commission. (Amended June 26, 1984)

## Section 312

### Filing and Transmission

The plat shall be considered officially filed on the day it is received by the Regional Planning Commission and shall be so dated. A review fee shall be charged, as indicated in Section 703.

The Regional Planning Commission may transmit the plat to those agencies and departments referenced in Section 302 B for review, comment and recommendations.

## Section 313

### Public Hearing

The Regional Planning Commission on its own initiative or upon petition by a citizen or neighboring property owner may, prior to acting on a plat of a subdivision, hold a public hearing thereon at such time and upon such notice as the Commission may designate. (Amended June 26, 1984)

## Section 314

### Submission to State Director of Transportation (See Section 5511.01 of O.R.C.)

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

## Section 315

### Plat Form

The subdivision plat shall be clearly and legibly drawn in India ink on tracing cloth of good quality or on mylar, .003 inch minimum thick. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. The size of the sheets shall be 24" X 36". Marginal lines shall be drawn around the entire sheet, leaving a margin of 1" from the binding edge and 1/2" from the other edges. If more than one sheet is needed, each shall be numbered, the relation of one sheet to another clearly shown, and the number of sheets used shall be set forth in title of the plat.

The subdivision shall be drawn at a scale not less than one hundred (100) feet to the inch.

## Section 316

### Plat Contents

The plat shall contain the following:

1. Name of subdivision by township and township lot, plus the date.
2. North point and scale of the plat.
3. Name and address of the subdividers and the professional engineer and/or registered surveyor who prepared the plat and appropriate registration seals and numbers.
4. Boundary of plat, based on an accurate traverse with angular and lineal dimensions. The survey must close, within the limit of one (1) in ten thousand (10,000).
5. A table showing the total acreage contained in the subdivision, the acreage in lots and the acreage in roads. If the subdivision is in two lots, then the above mentioned acreage shall be shown for each lot.
6. Exact location, width, and name of all roads within and adjoining the plat, and the exact location, width and name of all alleys, public walkways, parks, railroad rights-of-way, and drainage courses within and adjoining the plat. (Amended June 26, 1984)
7. True angles and distances to the nearest established road lines or official monuments which shall be accurately described on the plat.
8. Municipal, township, county or lot lines accurately tied to the lines of the subdivisions by distances and angles.
9. Radii, internal angles, points of curvature, tangent bearings, lengths of all arcs, and lengths and bearings of all chords.
10. All easements providing right-of-way for storm water drainage (pipe or conduits) and sanitary sewers.
11. All lot numbers and lines with accurate dimensions in feet and hundredths.

12. Iron pipe not less than three-fourths (3/4) inch in diameter and not less than thirty (30) inches long shall be set as follows:
  - A. At all lot corners.
  - B. At center line intersection of all roads.
  - C. At the point of curvature and the point of tangent of all curves on the center line of the road and on all lot lines.

13. Monument boxes at intersections and at all points of curvature and points of tangent.

NOTE: The County Engineer will not approve a road for public use (Sec. 711.091, O.R.C.) unless pipes have been set at the points indicated above.

14. The plat shall show any or all easements of right-of-way when provided or owned by public utilities and any areas to be dedicated or reserved for public use, or any area to be dedicated or reserved for public use, or any area to be reserved for common uses of all property owners.
15. Building set-back lines accurately shown with dimensions.
16. Certification by registered surveyor to the effect that the plat represents a survey made by him and that the monuments shown thereon exist as located and that all dimensional and geodetic details are correct. (Sec. 711.04 O.R.C.)
17. A copy of any restriction and covenants the subdivider intends to include in the deeds to the lots in the subdivision.
18. Notarized certification by the owner or owners of the adoption of the plat and the dedication of streets and other public areas. (Sec. 711.04 O.R.C.)
19. Approval of plat by Portage County Regional Planning Commission. (See Section 320) (Amended June 26, 1984)
20. Approval of plat by Portage County Engineer. (See Section 320)
21. Approval of roads by Portage County Engineer. (See Section 320)
22. Approval of Township Zoning Inspector or the Township Trustees' designated representative in those townships having zoning. (See Section 320)
23. Proper notations for transfer and recording by the County Auditor and the County Recorder. (See Section 320)
24. Approval of plat by County Tax Map Office. (See Section 320)

## Section 317

### Supplementary Information

The following information shall be supplied in addition to the requirements in Section 316.

1. If a zoning change is involved, certification from the Township Zoning Inspector shall be required indicating that the change has been approved and is in effect.
2. Certification shall be required 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.
3. If no preliminary plan is filed in accordance with the provisions in Section 304 a topographic map shall be submitted on a separate plat sheet using the same scale as the plat showing the location and dimensions of each lot and the existing topographic contours of the subdivision at an interval of not greater than two (2) feet if the slope of the ground is fifteen (15) percent or less; and not greater than five (5) feet where the slope is more than fifteen (15) percent.

Locations of all existing buildings shall be shown on the topographic map or on a separate plat sheet at the same scale as the plat. (Amended June 26, 1984)

4. A vicinity map at a scale of one inch equals one thousand feet, or a scale of one inch equals two thousand feet with a north arrow shall accompany the plat. This map shall show all existing subdivisions, roads, and tract lines, and the nearest existing thoroughfares.
5. One (1) copy of any approved improvement plans, (Including Storm Water Pollution Prevention Plans) submitted to the County Engineer and/or Sanitary Engineer for proposed roads, storm sewers, storm water retention ponds/detention basins, sanitary sewers, water lines and sewage treatment plants.
6. In areas where wetlands, as defined by the U.S. Army Corps of Engineers, will be affected, a copy of the application permit must be submitted. The permit number shall be shown on the final plat prior to filing, as well as a copy of any restrictions that may apply to the site.
7. A statement of proposed use of the lots giving type and number of dwelling units and/or type of business or industry proposed. (Amended June 26, 1984)
8. In a letter accompanying the application for plat approval, the subdivider shall indicate type of sewage disposal system proposed. If other than a treatment plant or public sanitary sewer, it shall be accompanied by a letter from the County Health Department stating what type of sewage disposal will be approved for the soil conditions encountered in the area of the proposed subdivision.

If any of the supplementary information has been submitted with preliminary plans, and this information has not changed, then re-submission of this same information is not necessary. (Amended June 26, 1984)



## Section 318

### Approval of Plat

Within five days of the submission of plat for approval, the Regional Planning Commission shall schedule a meeting to consider the plat and send a written notice by certified mail, return receipt requested, to the clerk of the board of township trustees of the township in which the proposed plat is located. (Amended June 26, 1984)

The notice shall inform the trustees of the submission of the proposed plat and of the date, time, and location of any meeting at which the Regional Planning Commission will consider or act upon the proposed plat. The meeting shall take place within thirty days of submission of the plat, and no meeting shall take place within thirty days of submission of the plat, and no meeting shall be held until at least seven days have passed from the date the notice was sent by the Planning Commission. The approval of the Planning Commission or the refusal to approve shall be endorsed on the plat within thirty days after the submission of the plat for approval, or within such further time as the applying party may agree in writing; otherwise such plat is deemed approved and the certificate of the Planning Commission as to the date of the submission of the plat for approval and the failure to take action thereon within such time shall be sufficient in lieu of the written endorsement or evidence of approval required by this section. The ground of refusal of approval of any plat submitted, including citation of or reference to the rule violated by the plat, shall be stated upon the record of the Commission and copy of said record shall be forwarded to the subdivider. Within sixty days after such refusal the person submitting any plat which the County Planning Commission refuses to approve may file a petition in the court of common pleas of Portage County and the proceedings thereon shall be governed by section 711.09 of the Ohio Revised Code as in the case of the refusal of a planning authority to approve a plat. (Amended June 26, 1984)

## Section 319

### Recording of Plat

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

## Section 320

### Required Statements on Plat

The following statements shall be affixed on all subdivision plats:

#### 1. Surveyor's Certificate

I hereby certify that I have surveyed the accompanying tract of land and that the plat is a correct representation of the same. Iron pipes have been set at all places prescribed by the Portage County Subdivision Regulations.

(SEAL)

Registered Surveyor No. \_\_\_\_\_

## 2. Dedication

I or we the undersigned \_\_\_\_\_ owner/owners of the land shown on this plat do hereby certify that the attached plat correctly represents

\_\_\_\_\_ (name of subdivision) a subdivision of lots \_\_\_\_\_ to \_\_\_\_\_ inclusive, do hereby accept this plat of same, authorize recording of same, and dedicate to the use of the adjoining property owners and the public forever, all parts of the roads, boulevards, cul-de-sacs, parks, planting strips, etc., shown herein and not heretofore dedicated.

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

In Witness thereof \_\_\_\_\_ day \_\_\_\_\_, 20 \_\_\_\_.

Witness \_\_\_\_\_ Signed \_\_\_\_\_  
\_\_\_\_\_

## 3. Notarial Acknowledgement

STATE OF OHIO, PORTAGE COUNTY

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

In TESTIMONY WHEREOF I have set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

(SEAL)

\_\_\_\_\_  
Notary Public

4. Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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

5. Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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

6. Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
County Board of Health

7. Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
County Sanitary Engineer

8. Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

(Amended June 26, 1984)

\_\_\_\_\_  
Regional Planning Commission

9. Received for record this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
Assistant Tax Map Draftsman

10. Transferred this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
County Auditor

11. Filed for Record this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ at \_\_\_\_\_ m.  
Recorded this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ in Plat No. \_\_\_\_\_.

\_\_\_\_\_  
County Recorder

Note: If public sewer and water are available, the plat need not be signed by the County Board of Health.

12. The following statement shall be affixed (in addition to provisions 1 - 3 of this section) to all subdivision plats involving the construction of new roads;

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

Date \_\_\_\_\_, 20 \_\_\_\_.

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

13. The following statement shall be affixed (in addition to provisions 1 - 3 of this section) to all subdivision plats involving the dedication to townships of parks and open space;

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

Date \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Township Trustees

## Section 321

### Replats

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

No change shall be approved if it injuriously affects any lots on the streets or alleys, or within the plat that is changed unless all the owners of the lots affected are parties joining in making this change, or such owners give their consent in writing on the new plat, which is recorded therewith. Ohio Revised Code Section 711.24). (Amended June 26, 1984)

## Section 322

### Procedures for Replatting

All replats and exceptional replats must be filed with the Regional Planning Commission. (Amended June 26, 1984)

## Section 323

### Exceptional Replat

Any division of land where there is a sale of exchange or parcels between adjoining lot owners and no new building sites are created, is exempt from subdivision regulations unless this type of land division is within or involves a platted subdivision, then an exceptional replat must be filed with the Regional Planning Commission. (Ohio Revised Code Section 711.001 and 711.24)

All subdivision regulations applicable to platting apply to exceptional replats with the following exceptions:

1. Plat Form:

The size of the mylar plat sheets for exceptional replats only, shall be 8 1/2" X 14", 18" X 24", 24" X 30", or 24" X 36".

2. Plat Contents

Topographic map is not necessary for exceptional replat.

3. Required Statements on Plat

Sanitary Engineer's signature is not required on an exceptional replat.

## Section 330

### Subdivisions Exempt From Platting

The following subdivision does not require a plat, and shall be known as a subdivision exempt from platting:

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

2. The proposed subdivision involves no more than five (5) lots after the original tract has been completely subdivided.

A subdivision exempt from platting must still be approved by the Portage County Regional Planning Commission, and shall only be approved if it meets all of the following conditions:

1. The proposed subdivision is not contrary to applicable zoning regulations.
2. All subdivision regulations are satisfied, including Section 630.
3. The property has been surveyed, and the survey drawing, township zoning approval, subdivision fee, and legal description of the property are submitted with the application for administrative approval form (See Appendix A).

If the Regional Planning Commission is satisfied that the proposed subdivision meets all the above conditions it shall, within seven (7) working days after submission of an application for approval as subdivision exempt from platting, approve such proposed subdivision and, on presentation of a conveyance of said subdivision, stamp the same "Approved by Portage County Regional Planning Commission; No Plat Required" and the authorized representative of the Commission shall sign the conveyance.

Lots along existing private easements or streets, dedicated to the use of owners (not public roads) do not qualify as a subdivision exempt from platting. All subdividing situations that do not come under this section shall require record plats. Actions of the Administrator on an application for approval of a subdivision exempt from platting may be appealed to the full Regional Planning Commission when submitted to them in writing. (See Application for Subdivision Variance Form).

