

**ARTICLE I  
AUTHORIZATION AND PURPOSE**

**Section 1.01 Title**

These regulations shall be known and may be cited as the

***SUBDIVISION REGULATIONS FOR THE CITY OF GREENVILLE,  
OHIO***

**Section 1.02 Authority**

The authority for the preparation, adoption and implementation of these regulations is derived from Section 711.101 of the Ohio Revised Code, which enables the City to adopt uniform rules and regulations governing plats and subdivisions of land, and to establish standards and specifications for the construction of streets and improvements to lands being platted within its jurisdiction.

**Section 1.03 Purpose**

The purpose of these regulations shall be to promote and protect the public health, safety and general welfare by providing uniform standards and procedures for subdivision of lands within the City of Greenville. These standards and procedures are established to provide for the orderly expansion of community services and facilities at minimal long term cost and maximum effectiveness, to provide for safe, convenient and efficient traffic circulation, to ensure accurate surveying of land, and to coordinate land development in accordance with present or future land use and/or comprehensive development plans of the City of Greenville.

**Section 1.04 Scope and Jurisdiction**

It shall be unlawful for any person, organization or entity to subdivide any land within the City of Greenville, unless said subdivision complies with the regulations herein contained. No plat shall be recorded and no land or lot shall be sold until said plat has been approved as herein required. All land contracts and/or long term leases affecting a present or future subdivision of land, as defined in Article II, shall be subject to these regulations.

**Section 1.05 Relation to Other Restrictions**

These regulations shall be minimum requirements. Whenever these provisions are at variance with any and all laws of the State of Ohio, or other lawfully adopted rules or regulations, the provisions of the most restrictive of such rules or laws shall govern.

**Section 1.06****Severability**

Each Article, Section, or other divisible part of these regulations is hereby declared severable, and if such Article, Section or part is declared invalid by a court of competent jurisdiction in a valid judgment or decree, such invalidity shall not affect any of the remaining portions thereof.

## **ARTICLE III**

### **ADMINISTRATION AND ENFORCEMENT**

#### **Section 3.01 Enforcement Authority**

Pursuant to Chapters 711 and 713 of the Ohio Revised Code, the Planning and Zoning Commission is hereby designated as the platting authority of and for the City of Greenville. It shall be the duty of the Planning and Zoning Commission, together with the City Engineer and other City agencies and/or designated staff as appropriate, to approve, conditionally approve or disapprove proposed subdivisions, to make investigations and recommendations on the design and construction of public improvements in such subdivisions, and to take other actions as deemed appropriate to enforce these regulations.

#### **Section 3.02 Violations and Penalties**

Any person who violates any provision of this Code shall be served by the Director of Public Safety/Service, or his/her designated agent, with written notice, stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any person who shall continue any such violation beyond the time limit stated in such notice shall be guilty of a separate misdemeanor for each day during which said violation continues, with the penalty therefore being set forth in Section 408.01 of the Codified Ordinances of the City of Greenville. A separate offense shall be deemed committed each day or part thereof, during or on which an offense occurs or continues beyond the time limit stated in the notice required hereinunder. Nothing herein contained shall prevent the City, or any owner of contiguous property who would be especially damaged by such violation from such other lawful action as is necessary to prevent or remedy such violation, including, but not limited to, initiating legal action for the immediate termination of such activity, through injunction or other means.

This penalty shall be in addition to and not in substitution for the penalties for violation set forth the ORC Section 711.102 as may be subsequently amended.

#### **Section 3.03 County Responsibility**

The Darke County Auditor and/or Darke County Recorder shall not transfer property or record deeds, leases or contracts that seek to convey property, contrary to the provisions of these regulations. In cases of doubt, the County Auditor or County Recorder may require the person(s) presenting the deed, lease or other document to give evidence that such action is in compliance with these regulations, or is exempt from the provisions of Chapter 711 of the Ohio Revised Code.

#### **Section 3.04 Appeal**

Any person who believes he/she has been aggrieved by these regulations or the action(s) of the Planning and Zoning Commission, has all the rights of appeal as set forth in Chapter 711 and/or other applicable sections of the Ohio Revised Code.

### **Section 3.05 Fees**

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for preliminary and final plats, and other matters pertaining to these regulations. The schedule of fees shall be posted in the Office of the City Engineer, and may be altered or amended by separate ordinance. In addition to the payment of fees so established, the Owner/Developer shall also be responsible for costs associated with inspections, testing and other similar activities required by these regulations. Until all applicable fees, charges, and expenses have been paid in full, no final action shall be taken on any preliminary or final plan or plat.

## ARTICLE IV SUBDIVISION PROCEDURES

### Section 4.01                    **Pre-Application Meeting**

Prior to preparation of a preliminary plan, an Owner/Developer is encouraged to meet with the City Engineer and/or the Planning and Zoning Commission to familiarize himself/herself with the provisions of this Code, the zoning ordinance and other applicable regulations. The submittal of a concept or sketch plan for the proposed development, incorporating existing aerial photographs and topographic information, and plans for adjacent areas, is strongly recommended.

### Section 4.02                    **Submittal of Minor Subdivisions ("Lot Splits")**

If the City Engineer determines that the proposed subdivision of land meets the following criteria, then it shall be classified as a *minor subdivision*:

- A.                    adjoins an existing public street and does not involve opening, widening, extension or improvement of any roadway or the installation of any public utilities, and
- B                    creates no more than five (5) lots including the remainder, and
- C.                    complies with the requirements of Chapter 711 of the Ohio Revised Code and applicable zoning regulations of the City.

If the subdivision is considered as a minor subdivision, only such drawings and information as is determined necessary by the City Engineer to determine compliance with pertinent subdivision, zoning and other regulations need to be submitted for approval. At a minimum, the submitted material shall include a survey of the property by a Registered Surveyor, along with a completed application form as provided for such purpose by the City Engineer.

After determination that such action meets the criteria for a minor subdivision and within ten (10) working days after it has been submitted, the City Engineer may approve or disapprove said minor subdivision by indicating upon the preliminary plan or instrument of conveyance "*Approved (Disapproved) Greenville Planning and Zoning Commission / No Plat Required*", or he/she may refer such submittal to the full Planning and Zoning Commission. In cases of approval or disapproval, one (1) copy of the preliminary plan or instrument of conveyance, with such notation thereon, shall be retained for the files of the Planning and Zoning Commission. The decision of the City Engineer may be appealed in writing to the full Planning and Zoning Commission within thirty (30) days from the date of the approval or disapproval.

If no action on the proposed minor subdivision is taken within thirty (30) days from submittal, then the minor subdivision shall be considered as approved by the Planning and Zoning Commission

### **Section 4.03**

### **Application for Preliminary Plan**

Upon determining to proceed with a preliminary plan, the Owner/ Developer shall submit six (6) complete sets of drawings at 24" X 36" in size, along with ten (10) reduced and legible (11"X17" or smaller) copies of the drawings and one (1) copy of the application for a preliminary plan to the City Engineer, along with applicable fees as established by City Council in separate Ordinance.

Within ten (10) working days from receipt, the City Engineer shall review the submitted materials to determine completeness. If the application meets the submittal requirements as specified in Section 4.04 below, the City Engineer shall certify such application to the Planning and Zoning Commission, and proceed with review. If the application is found to be incomplete, the Owner/Developer shall be notified, and the submitted materials shall be so marked.

### **Section 4.04**

### **Contents of Application for Preliminary Plan**

The application for preliminary plan shall, at a minimum, include the following information:

- A. Proposed name of the subdivision and its location;
- B. Names, addresses and telephone numbers of owners and/or developers;
- C. Name, address and registration number of the Professional Engineer or Professional Surveyor preparing the plan.
- D. Date, north arrow and plan scale;
- E. Boundary lines of the proposed development and the total tract owned or controlled by Owner /Developer, along with the acreage of both;
- F. Existing physical features, including any existing structures, with contour lines at not more than two foot (2') intervals if slope of the site is fifteen percent (15%) or less, and five feet (5') feet if slope of the site is more than fifteen percent (15%). Contours shall be based on USGS topographic information, recent aerial photography and/or ground surveys;
- G. Portions of the site identified by the Federal Emergency Management Agency (FEMA) as within the Official Flood Hazard Area for the 100-Year Flood, as specified on Flood Hazard Boundary Map(s) for Greenville, as may be amended.
- H. Portions of the site subject to federal wetlands requirements.
- I. Existing sewers, water mains, transmission lines, culverts and other underground structures within the tract, adjacent to the tract or that will be used in developing the tract, indicating pipe sizes, grades and locations;
- J. Proposed lot or parcel dimensions, street rights-of-way widths, water, sanitary sewer and storm sewer layout, along with grades and elevation of proposed streets, storm sewers and sanitary sewers;
- K. Other utility system layouts and requirements;

- L. Proposed methods for addressing storm runoff;
- M. Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the conditions proposed for such covenant, and for the dedications;
- N. For commercial and/or industrial development, the location, dimensions and grades of proposed parking and loading areas, alleys, streets and points of vehicular ingress and egress to the site.

**Section 4.05 Submittal of Preliminary Plan to Planning and Zoning Commission**

Upon certification to the Planning and Zoning Commission pursuant to Section 4.03 above, the City Engineer shall review the preliminary plan application and submit said application to other City departments and/or other entities as deemed appropriate for input. In addition, the City Engineer may seek the input of special consultants for the express purpose of providing input on particular issues. After review, the City Engineer shall submit the preliminary plan to the Planning and Zoning Commission, along with a compilation of comments, recommendations and input received from other sources and his/her recommendations for action. The date of submittal of the preliminary plan shall be deemed the date of the first Planning and Zoning Commission meeting following completion of review by the City Engineer.

**Section 4.06 Action on Preliminary Plan by Planning and Zoning Commission**

The Planning and Zoning Commission shall review and take action on the preliminary plan not later than thirty (30) days from submittal of the preliminary plan to the Commission by the City Engineer pursuant to Section 4.05 above, or within such further time as is agreed upon by the Owner/Developer. In reviewing the preliminary plan, the Planning and Zoning Commission shall consider the input received from the City Engineer.

A preliminary plan shall not be approved unless the Planning and Zoning Commission finds that:

- A. The provisions of the Ohio Revised Code, the Zoning Ordinance, these regulations and other codes of the City are complied with, and
- B. The subdivision can be adequately served with public facilities and services suitable under the specific circumstances, and
- C. Land intended for building sites appears suitable for development and is not likely to be subject to peril from floods, erosion, continuously high water table, poor soil conditions or other menace; however, preliminary approval shall not be construed to imply or infer any warranty or assurance by the City that such hazards do not exist, or any liability thereof.

The Planning and Zoning Commission may approve, disapprove, or approve with modification the submitted plan. The grounds for the action, including citation or reference for rules violated by the plan, shall be stated in the written record of the Commission. Any approval of a preliminary plan shall be effective for a period of

two (2) years.

In the event that modifications are required, a copy of the revised preliminary plan incorporating such modifications shall be completed by the Owner/Developer and submitted to the Commission for the permanent file.

Approval of the preliminary plan shall confer upon the applicant the right for a two (2) year period from the date of approval that the general terms and conditions under which approval was granted will not be changed, and that within such two (2) year period, the whole, part or parts of the preliminary plan may be submitted for final approval, pursuant to Section 4.07 below, unless and extension of such time is granted by the Planning and Zoning Commission.

#### **Section 4.07                      Application for Final Plat**

Upon approval of the preliminary plan, an application for a final plat for land being subdivided shall be submitted by the Owner/Developer to the City Engineer. It shall incorporate all modifications required by the Planning and Zoning Commission during approval of the preliminary plan, and otherwise conform to the preliminary plan as approved. The Owner/Developer may apply for a final plat covering that portion of an approved preliminary plan which he/she proposes to develop and record at the time, provided that such portion conforms to all provisions of these regulations.

#### **Section 4.08                      Plans and Specifications for Site Improvements**

Prior to action on a final plat by the Planning and Zoning Commission, the applicant shall prepare Construction and Grading Plans, specifications and cost estimates of the required site improvements. Such cost estimates shall reflect current prevailing wage rates, and be prepared and certified by a Professional Engineer. A minimum of seven (7) copies of such material shall be submitted to the City Engineer, who shall provide copies of the plans and estimates to local utilities, as applicable.

The estimates shall be grouped according to the following:

- A. Street improvements, including curb, gutter, pavement, sidewalks, street lighting, storm drainage and signage;
- B. Water mains, including lines, valves and hydrants;
- C. Sanitary sewers, including lines, manholes, lift stations and service taps if located within the public street right-of-way;
- D. Storm drainage improvements, including pipes, drainage structures, and grading and earthwork for detention/retention areas and open channels.
- E. Site improvements, including seeding, sodding, and erosion control.
- F. Other site improvements as required by the City Engineer.

**Section 4.09                      Review by City Engineer**

The City Engineer shall review the plans submitted pursuant to Section 4.08 above, and, subject to his review, they shall be approved or returned with comments. The City Engineer may submit the plans for review by special consultants selected by the City for that purpose, if it is determined by the Engineer that such review is warranted. The costs associated with such reviews shall be paid for by the Owner/Developer.

**Section 4.10                      Construction of Improvements and Performance Guarantees**

The Owner/Developer shall furnish satisfactory performance guarantees pursuant to Article VII of this Ordinance, for the construction of such improvements.

No lot, parcel or tract shall be transferred from the proposed development nor shall any construction work on such development, including street grading, be started until the Owner/Developer has obtained approval of the final plat, approval of the Construction and Grading Plans from the City Engineer, approval of necessary bonds and/or letters of credit, payment of all applicable inspection and other development fees, execution of any development agreement, and recording of such plat by the Edarke County Recorder.

**Section 4.11                      Application for Approval of Final Plat**

Upon determining to proceed with a final plat, the Owner/ Developer shall submit six (6) complete sets of drawings at 24" X 36" in size, along with ten (10) reduced and legible (11"X17" or smaller) copies of the drawings and one (1) copy of the application for a final plat to the City Engineer. The applicant shall submit all fees as applicable for a final plat, as established by City Council. The application shall be submitted within two (2) years after approval of the preliminary plan; otherwise, approval of the preliminary plan shall become null and void unless an extension is granted by the Commission. Within ten (10) working days, the City Engineer shall review the application, and determine if such application is complete and if all applicable requirements of this Ordinance have been met. If he/she determines that all applicable requirements have been met, the City Engineer shall transmit the application to the Planning and Zoning Commission at its next regularly scheduled meeting, which shall be deemed the date of submission of the final plat.

**Section 4.12                      Contents of Application for Final Plat**

A final plat shall be drawn to a scale of one (1) inch to one-hundred feet, on a sheet or sheets 18"X24" in size, or other size(s) and scale(s) as determined appropriate by the City Engineer. The final plat shall contain the following items:

- A.                      Name of the subdivision and the section number, if it is a portion of the total

- subdivision.
- B. A legal description giving the number of acres, City, township, section, range, parcel identification number and property owner's name.
- C. All required certifications and approvals
- D. Requested covenants
- E. Sheet and total number for each sheet, including covenant sheet and construction plan
- F. Scale and north indicator
- G. The bearings and distances of the boundary lines of the subdivision
- H. The bearings and distances of all lot lines or areas dedicated to public uses within the subdivision. In case of curved sides of lots, the tangent deflection angle, the length of the tangent, the length of radius, the length of arc and the length and bearing of the chord shall be given
- I. Lot numbers
- J. The bearing and distances of all straight sections of street center lines. Curved sections of street center lines shall show the same information as curved lot lines
- K. Street names
- L. Street, alley and easement widths. Any easements not parallel to property lines shall show the bearings and distances of the lines
- M. In the case of plats not located wholly within the City, the corporation line shall be accurately shown and measurements given to the nearest corners of the boundary lines
- N. The location of all permanent markers or monuments
- O. Building setback lines with their distance from the right-of-way lines
- P. The proposed location of all utilities and easements
- Q. All of the above, including any additional requirements as may be cited by Darke County.

#### **Section 4.13**

#### **Action by Planning and Zoning Commission**

If the final plat as submitted to the Commission pursuant to Section 4.11 above conforms to the provisions of the Ohio Revised Code and this Ordinance, and is consistent with the preliminary plan with such changes as required by the Planning and Zoning Commission, and if satisfactory provision is made regarding site improvements, and costs pursuant to Section 4.08 of this Ordinance, the Commission shall take action on the final plat within thirty (30) days from the date that the final plat is submitted, or within such further time as the Owner/Developer may agree to. The approval of the final plat shall be indicated in writing on the original tracing by the signature of the Chairman of the Planning and Zoning Commission. Reasons for disapproval of a final plat shall be stated in the records of the Commission, including citations or references to the requirements or provisions of the applicable Ordinance(s) that are inconsistent with the final plat.

If the Commission fails to act upon the final plat within the time allotted, the plat shall be considered as approved, and the certificate of the Planning and Zoning 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 issued on demand and shall be

sufficient in lieu of the written endorsement or other evidence of approval.

#### **Section 4.14                      Appeal of Plat Refusal**

Within sixty (60) days after final plat denial, the Owner/Developer may file a petition in the Court of Common Pleas, in which he/she shall be named Plaintiff. The petition shall contain a copy of the plat sought to be recorded, a statement of facts justifying the propriety and reasonableness of the proposed subdivision, and a prayer for an order directed to the Darke County Recorder to record such plat. Such petition may include a statement of facts to support the claim that the rules and regulations of the Planning and Zoning Commission are unreasonable and/or unlawful. The Planning and Zoning Commission of the City of Greenville and the Darke County Recorder shall be joined as Defendants, and summons shall be issued upon such Defendants as in civil action. This appeal shall proceed in accordance with the terms and conditions set forth in ORC Section 711.09.

#### **Section 4.15                      Recording of Plat**

Upon approval of the final plat, a copy thereof shall be properly recorded in the Office of the Darke County Recorder, at the sole expense of the Owner/Developer. The Final Plat shall be so recorded within sixty (60) days after such plat is approved by the Planning and Zoning Commission, unless such period for recording is extended by approval of the Planning and Zoning Commission. At such time as the final plat is submitted for recording, the final plat shall contain the City lot number designations, as well as a statement that the public improvements associated with the plat shall be completed within twenty-four (24) months from final plat approval, pursuant to Section 4.13 above. Subsequent to the recording required hereby, one copy shall be returned to the City Engineer, along with the assurances for completion of improvements as required in Article VII of this Ordinance.

In the event that the Final Plat is not recorded within sixty (60) days, the approval of such Final Plat shall thereupon become null and void, unless an extension of such time is granted by the Planning and Zoning Commission.

**ARTICLE V  
VARIANCES AND APPEALS**

**Section 5.01                      Variances**

Where the Planning and Zoning Commission finds that special conditions, involving *physical conditions of the land* exist, whereby strict application of these requirements would result in *practical difficulty* and *unnecessary hardship* that would deprive the owner of the reasonable use of the land and buildings involved, it may modify these regulations so as 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. No such variance shall have the effect of nullifying the intent or purpose of these regulations or the Zoning Ordinance of the City of Greenville. In addition, the Planning and Zoning Commission shall find that the variance is necessary to enable the reasonable use of the property and will represent the least modification possible of the regulation at issue.

**Section 5.02                      Additional Variance Standards**

- A.                      One or more variance(s) may be requested by the applicant at the time of submission of the preliminary plan or final plat. Such variances will be addressed in the normal processing of the proposed plan or plat.
- 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.
- C.                      Any variance granted by the Planning Commission shall be noted in writing on the final subdivision plat.

**Section 5.03                      Appeals**

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

**ARTICLE VI**

***RESERVED FOR FUTURE USE***