

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.