



SUBDIVISION CODE

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INTRODUCTION - SUBDIVISION CONTROL

Subdividing or platting is the usual means by which farm land or other open land is converted into building sites. It consists of laying out such land into streets and lots and the accompanying installation of the street and sanitary improvements necessary to provide for traffic access and for water, sewage disposal and other utility services. Subdividing is usually the first step in the process of urbanization and urban expansion.

Subdivisions Make Up the Urban or Urbanizing Areas

Every real estate subdivision laid out becomes a permanent feature of the urban and urbanizing areas, and its effects, good or bad, are reflected on the area for a long time. For in truth, the ground plans of communities and their environs, with few exceptions, are simply a composite of the plans of individual subdivisions. The area concerned, on the other hand, acquires an addition whose character will affect not only its future physical development but the cost of public facilities and services and general living conditions as well. It is in recognition of this vital interest of the community in subdividing or platting practices and standards, that most states, by means of statutory provisions, have conferred upon local government units the authority to control the subdividing of real estate.

Subdivision Control is a Function of the Zoning and Planning Commission

Subdivision control is the exercise by public authority of the right to withhold the privilege of public record from subdivision plats which have been poorly or inappropriately designed, or which are not properly adjusted to the existing or potential development of adjoining areas or to an officially adopted comprehensive plan.

The statutes of the State of Ohio vest the control over subdivisions within the corporation limits of an incorporated village in the village zoning and planning commission if one is in existence and, if not, in the conflict with, existing or proposed public facilities of neighborhood or area-wide importance - e.g., a thoroughfare widening or extension, a school site, a recreation area, a utility right-of-way.

Subdivisions defective in one or several of the above particulars or similar respects generally do not afford satisfactory living conditions for their residents, besides hindering the orderly and sound development of the area. In addition, they often occasion an undue burden by reason of the excessively high cost of street or utility improvements or their maintenance, unnecessarily high operating costs of public services, or expensive corrective improvements required in later years to remedy or lessen shortcomings due to defective original layout or development.

Subdivision Regulations

Broadly stated, the Subdivision Regulations are intended to serve as an aid in preventing undesirable practices in land subdividing and as a tool to be applied by the Zoning and Planning Commission in the processing and reviewing of plats for the purpose of promoting desirable modern concepts of land planning and the coordination of the layout of all new subdivisions with

long-range plans for the Village's desirable future development. They are no guarantee, however, that all subdivisions complying with them will be fully satisfactory or acceptable, as this will depend on the competence of the designer in applying the principles and standards set forth in the Regulations. Nevertheless, many defects in design will be prevented and the quality of subdivisions generally improved.

Scope and Contents of Proposed Subdivision Regulations

The main body of the Subdivision Regulations presented herein consists of the actual filing and processing procedure and prescribes the documentation to be submitted on and in support of the plat. Article I sets forth in detail principles of design and the minimum requirements for the layout of subdivision; the street and block layout; minimum right-of-way widths for highways and streets of various categories, alleys and easements for utilities; minimum pavement widths, maximum street grades, minimum site distances; the treatment of intersections; the sizes, shapes and layouts of lots; recommendations with respect to recreational and other desirable open spaces. Articles II regulates the installation of public improvements and facilities in the subdivisions. Subsequent Articles deal with the details of the platting and implementation of subdivisions.

An important requirement stipulates that the subdivision be designed so as to provide for all public facilities which directly affect the tract to be platted. These may include highways and thoroughfares, sites for schools, parks, playgrounds, and other public facilities. The subdivision layout is required to conform further with the provisions of the Zoning Regulations, as these will bear directly on the kind of street layout, lot sizes, and other features of interior design appropriate for the subdivision in a particular area.

All existing or proposed highways and thoroughfares shown on the major road plan as crossing or bordering a proposed subdivision are required to be provided for in the general location and at the width designated on the Major Thoroughfare Plan. In the event a subdivision embraces any part of a proposed park, playground or school site, as proposed by the Master Plan, the subdivider should be induced to dedicate such site, or at least reserve it, for the indicated use, thereby affording the opportunity of acquiring the needed land before it is improved.

The requirement of the installation of street and sanitary improvements prior to building construction is among the most important provisions of the Subdivision Regulations. These installations are essential to secure the health and safety of the future residents of the subdivision, as well as the area as a whole and to combat excessive or premature subdividing and land speculation and accompanying blight, depreciation of property value and tax defaults, among others, which usually result from such practices.

To provide that such requirements will not work a hardship on a developer in the case of a large tract, the Regulations permit the developer or subdivider to limit installation of improvements to a portion of the subdivision, no matter how small, provided this conforms with Preliminary Plat of the whole subdivision as tentatively approved.

Since there may be exceptional situations where strict application of the general standards or requirements would cause difficulty or undue hardship, the Zoning and Planning Commission would be expected in such cases to vary the rules to relieve any such hardship or difficulty, provided such relief could

be granted without detriment to the public good or without impairing the desirable general development of the area as a whole.

It should be apparent that the Subdivision Regulations, in the long run should prove one of the most effective and beneficial instruments for furthering the desirable future development of the Village of Galena. Effectively enforced, they are an important tool - not alone for coordinating all new subdivisions with long-range plans for the Village, but also for accomplishing some of its proposals. In the undeveloped areas, the right-of-ways needed for future thoroughfares or highways, or the strips necessary for the widening of existing ones, generally can be secured without cost to public, and usually at little cost, if any, to the subdivider. While not true in the same degree of parks, playgrounds or school sites, the acquisition of these, too, and in the right location, will be facilitated, and their ultimate cost to the public minimized.

ARTICLE I

100.00 GENERAL

101.00 Authority

The Village of Galena Zoning and Planning Commission, hereinafter known as Commission, and the Council of the Village of Galena, hereinafter known as Council, derive their authority by virtue of Chapter 303 and Chapter 711 of the Ohio Revised Code. The Council is authorized to adopt rules and regulations governing plats and subdivisions of land, and to approve, conditionally approve or disapprove plats or subdivisions of land falling within its jurisdiction.

102.00 Title

The official name of this document shall be "Subdivision Regulations of the Village of Galena, Ohio" hereinafter known as "Regulations."

103.00 Purpose

These Regulations are adopted to:

103.01 Secure and provide for the public health, safety, comfort and general welfare;

103.02 Provide for future growth and development of the Village, in accordance with the Master Plan, and policies and resolutions adopted by the necessary authorities;

103.03 Provide for adequate and convenient open spaces for traffic, utilities, access to service and emergency vehicles, recreation, light, air, and for the avoidance of congestion of population as it would affect the public health, safety and welfare;

103.04 Protect the public's rights of access to sunlight and wind energy, promote the conservation of non-renewable energy resources, and promote the most responsible uses of renewable energy resources;

103.05 Provide safety from fire, flood (as governed by full compliance with appropriate flood plain and zoning requirements and the requirements of Section 1910.3 of the Federal Insurance Administrations Regulations) as may be amended, and other dangers;

103.06 Provide for adequate transportation, drainage, wastewater treatment, water supply, schools, open space, and other public requirements and facilities;

103.07 Provide for the proper arrangement of streets or other highways in relation to existing or planned streets or highways;

103.08 Provide reasonable standards of design procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of the land, and to insure proper legal descriptions and monumenting of subdivided land;

103.09 Prevent the pollution of air, streams, and ponds, to assure the adequacy of drainage-facilities, and to safeguard groundwater;

103.10 Provide the most beneficial relationship between the use of land and buildings, provide for the proper location of lot lines and building setback lines, and encourage innovative forms of development;

103.11 Provide for the administration of these regulations and define the powers and duties of the Zoning and Planning Commission, the respective Village offices and other agencies having jurisdiction as they relate to these Regulations.

104.00 Jurisdiction

The Regulations shall be applicable to the following:

104.01 The subdivision of land located within the area or areas under the jurisdiction of the Commission.

105.00 Interpretation

The provisions of these Regulations shall be minimum requirements. Whenever these provisions are different from the requirements of other lawfully adopted regulations or private deed restrictions, the more restrictive rule or higher standard shall govern.

106.00 Separability

If any section, subsection, sentence, clause, or phrase of these Regulations is found to be invalid, such decision shall not affect the validity of the remaining portions of these Regulations.

108.00 Amendments

For the stated purposes of these Regulations, the Commission may from time to time amend the provisions imposed by the Regulations. Public hearings on all proposed amendments shall be held according to the procedures and requirements of Chapter 711 of the Ohio Revised Code.

109.00 Scope

These Regulations are not intended to repeal, abrogate, annul or in any way impair or interfere with the existing provisions of other laws or regulations except those specifically repealed by or in conflict with these Regulations, or with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the Village is a party.

110.00 Partitions

Whenever land is to be divided by the process of partition in court pursuant to Section 5307.06 of the Ohio Revised Code, all petitions

for the partition shall be submitted to the Commission, which shall take action thereon within thirty (30) days or within such additional time as agreed upon by the petitioners, according to the procedures and provisions of these Regulations. The resulting partition shall be subject to all applicable zoning and subdivision requirements.

111.00 Land Contracts

All land contracts affecting a present or future subdivision of land, as defined in these Regulations, shall be subject to the requirements of these Regulations.

112.00 Administration

It shall be the responsibility of the Commission to administer these Regulations except where specific authority and responsibility is given to some other office as set forth in these Regulations.

113.00 Enforcement

It shall be the duty of the Commission and its staff, together with other appropriate Village offices to enforce these Regulations within all areas under the jurisdiction of the Village.

114.00 Zoning

All proposed subdivisions shall conform to all applicable zoning requirements.

ARTICLE II

200.00 DEFINITIONS

201.00 Rules

For the purpose of these Regulations, words used in the present tense shall include the future; words used in the singular shall include the plural; and the plural the singular; and the word "shall" is mandatory and not discretionary.

202.00 Definitions

Access: A way or means of approach to provide physical entrance to a property.

Adjacent Property: A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land; also; contiguous; abutting.

Alley: A public right-of-way not less than twenty (20) feet or more than thirty (30) feet wide which affords only a secondary means of access to property abutting thereon.

Arterial Street: (see "Streets")

Average Daily Traffic: (ADT): The total traffic volume during a given time period (in whole days greater than one (1) day and less than one (1) year) divided by the number of days in that time period.

Business Day: A day of the week, excluding Saturday, Sunday or a legal holiday as defined in ORC §1.14.

Buffer: Any combination of mounds, fencing, plantings, etc. intended to separate one land use or activity from another.

CAD Subdivision: A subdivision created and approved pursuant to the regulations of Section 307.

Central Sewer System: (see Wastewater Treatment Systems)

Central Water System: (see Water Supply Systems)

Certification: Written statement by the appropriate officer or person that required constructions, inspections, tests or notices have been performed and comply with applicable requirements.

Certificate of Deposit: A certificate held on deposit by a financial institution for the benefit of the Village until such time as the subdivider has fulfilled his obligation to install required improvements.

Collector Streets: (see "Streets")

Commission: The Zoning and Planning Commission of the Village of Galena, Ohio.

Common Access Driveway (CAD): Privately constructed, owned and maintained common driveway within a platted ingress/egress easement serving not more than six (6) lots (or up to 8 on a case-by-case basis approval) and properly shown on a subdivision plat approved by the Commission in accordance with Section 304 of these Regulations. A common Access Driveway is classified as a private street, except that construction standards are generally less stringent than public street standards and the Engineer does not provide plan review, approval or construction inspection.

Community Water System: (see Water Supply System)

County: Delaware County, State of Ohio, including officials, agencies, departments, or other representatives.

County Commissioners: The Board of Delaware County Commissioners or designated representative.

County Engineer: The Delaware County Engineer and designated representatives.

County Sanitary Engineer: The Delaware County Sanitary Engineer or designated representative.

Deed: Legal document conveying ownership of real property.

Delaware County Engineering and Surveying Standards for Subdivision Development: Hereinafter referred to as "County Engineer's Standards".

Easement: Rights granted by a landowner to and/or for use by the public, a corporation, person, or entity, for a specific purpose of a designated portion of land.

Enforcement Measures: Enforcement measures may consist of, but shall not be limited to: stop work orders, moratorium on permits or approvals, denial or revocation of permits or approvals, forfeiture or use of funds or sureties, plat vacation, published Notice-of-Violation in newspaper, notification fo mortgage or lien holder, penalties or fines, etc.

Engineer: A registered engineer authorized to practice professional engineering by the State Board of Registration as specified in ORC §4733.14

Erosion: a) The wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep; b) Detachment and movement of soil or rock fragments by wind, water, ice, or gravity.

Escrow Fund: Cash placed by the subdivider in an account to be held by a financial institution in favor of the Village to guarantee the installation according to the provision of these Regulations.

Flood plain: The areas adjoining a water course which are expected to be flooded as a result of a severe combination of meteorological and hydrological conditions.

Flood way: The channel of the watercourse and those portions of the adjoining Flood plains which are reasonably required to carry and discharge the 100 year flood.

Flood way Fringe: That portion of the flood plain outside of the Flood way.

Grade: The degree of rise or descent of a sloping surface.

Health Department: Delaware General Health District Commissioner and designated representatives.

Hillside: An area with an average slope of more than fifteen percent (15%).

Improvements: Any man-made addition to the natural state of the land which increases its utility or value, including but not limited to: street, Common Access Driveway, Shared Access Point, grading storm water management and sanitary items.

Index Map: A map supplied with street construction plans showing the street and storm system at a 1"=200' scale.

Inspection Fee: Cost to the Village of supervising construction to be paid by the subdivider or developer.

Key (Location) Maps: A drawing at a reduced scale located on the plat which shows legibly, by dimension and/or other means, enough area beyond the bounds of the proposed subdivision to locate and orient the subdivision within Delaware County, and the relationship of the site to the community facilities which serve or influence the property.

Large Lot Development Rules: The authority to review the division of a parcel into subdivision of lots from 5 - 20 acres in size pursuant to ORC §711.133.

Letter of Credit: An irrevocable letter of credit issued by a bank in Central Ohio subject to the provisions of Chapter 1305 of the Ohio Revised Code.

Lot: A parcel of land of sufficient size to meet minimum health and zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required, and which has frontage on an improved public street, approved private street, or Common Access Driveway.

Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots, and through lots, all sides of a lot adjacent to streets shall be considered frontage. Lot frontage shall be measured as the straight line distance between the points where the side lot lines intersect the street right-of-way.

Lot, Minimum Area Of: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

Lot Measurements: A lot shall be measured as follows:

- a) Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- b) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

Lot of Record: A lot which is part of a subdivision recorded in the Office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been recorded.

Lot Types: Terminology used in these Regulations with reference to corner lots, interior lots and through lots is as follows:

- a) A corner lot is defined as a lot located at the intersection of two (2) or more streets.
- b) An interior lot is a lot other than a corner lot with only one (1) frontage on a street.
- c) A double frontage lot is a lot other than a corner lot with frontage on more than one (1) street.
- d) A reversed frontage lot is a double frontage lot located along a collector or arterial that derives access from an interior local street.

Maintenance Agreement: Document governing the responsibilities of maintenance of required subdivision improvements.

Master Plan: The plan or plans made and adopted by the Commission, and as may be amended, indicating the general locations recommended for the principal streets, parks, public buildings, zoning districts, character and extent of community development and other physical aspects of urban and rural planning, on file in the office of the Commission.

Metes and Bounds: A method of describing the boundaries of land by directions and distances from a known point of reference.

Next Appropriate Meeting: Unless otherwise required by law, the date governed by schedule prepared annually by the Commission setting filing deadline, administrative and meeting dates.

O.D.N.R.: The Ohio Department of Natural Resources.

O.D.O.T.: The Ohio Department of Transportation officials and designated representatives.

O.E.P.A.: The Ohio Environmental Protection Agency.

On-Site Sewer System: (See Wastewater Treatment Systems).

On-Site Water System: (See Water Supply System).

O.R.C.: Ohio Revised Code.

Original Tract: A contiguous quantity of land undivided by lot lines which has not been platted and which is owned by one (1) person, or in common ownership, on the effective date of this amendment to the Regulation. For purposes of Section 207 of these Regulations and pursuant to ORC §711.131 (B), no more than five (5) lots (including the residual) may be approved under the NPA Subdivision Procedure without a plat from an original tract as that original tract exists on the effective date of the amendment to these Regulations, with the effective date being _____, 200____,

Out Lot: Property shown on a subdivision plat outside of the boundaries of the land which is to be developed and which is to be excluded from the development of the subdivision.

Package Treatment Plant: (See Wastewater Treatment Systems).

Parking Space, Off-Street: An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, located totally outside of any street or alley right-of-way.

Performance and Indemnity Bond or Surety Bond: An agreement by and between a subdivider or developer and a bonding company in favor of the Village for the amount of the estimated construction cost guaranteeing the completion of the physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

Plan, Preliminary: Drawings, plans and materials representing a proposed subdivision or development; does not constitute a subdivision plat.

Plan, Sketch: A rough sketch of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

Plat, Subdivision (Final Plat): Original subdivision plat document intended for recording, prepared and sealed by a professional surveyor in accordance with these Regulations and illustrating a subdivision or other development.

Plat, Survey (Survey Drawing): Survey plat drawn to scale prepared and sealed by a professional surveyor graphically representing a metes and bounds legal description, showing all essential data pertaining to the boundaries and subdivisions of a tract of land. The drawing may also include other information and shall be included with deeds submitted for Commission approval.

Private Street: Privately constructed, owned and maintained street, or road within a platted ingress/egress easement, serving more than one platted lot, properly shown on a subdivision plat approved by the Commission in accordance with these Regulations, for which the Engineer shall provide plan review and approval and construction inspection.

Public Utility: Any firm, corporation, governmental agency, or board having a Public utility Commission permit to furnish to the public, under Regulations, electricity, gas, sewer, telephone, transportation, water, or other similar public services.

Regulations: Village of Galena, Ohio Subdivision Regulations

Reserves: Parcels of land within a subdivision set aside for future subdivision or set aside for other purposes, as noted on the plat.

Right-of-Way: A strip of land occupied, or intended to be occupied, by a road, cross-walk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

Sediment: a) The depositing of earth or soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a product of erosion; b) In waste water treatment, the settling out of solids by gravity.

Sediment Basin: A barrier, dam, or other suitable detention facility built across an area of waterflow to settle and retain sediment carried by the runoff waters.

Setback Line, Building: A line indicating the minimum horizontal distance between the street easement or right-of-way line and buildings, as governed by the applicable Zoning Resolution and Master Plan.

Shared Access Point (SAP): Access management practice restricting two lots to a single shared vehicular access onto the public roadway, in accordance with these Regulations.

Storm Water Management: Items concerning earth-disturbing activities and storm water run-off and control, such as but not limited to: storm sewers and structures, storage basins, subsurface drainage, grading, major storm routing paths, erosion and sedimentation control, road or drive culverts, awales, ditches, watercourses, bridges, etc.

Street-Major Arterial: Serves the major activity centers, high traffic volume corridors, and the longer trip desires. With major arterials, service to the adjacent land is subordinate to the provision of travel service.

Street-Minor Arterial: Interconnects and augments the principal arterial system and provides service for trips of moderate length. This class of roadway places more emphasis on land access and less on travel mobility than the principal arterial system.

Street-Collector: Provides both land access and traffic circulation within residential, commercial, and industrial areas. It differs from the arterials in that collector streets may penetrate these areas and arterials usually do not. Collector streets distribute traffic from arterial streets and channel traffic from local streets. Further, streets which are projected to carry an average daily traffic volume of twenty-five hundred (2500) or more and of which traffic half or less originates (i.e., has one trip end located) on properties contiguous to the street shall be designated a collector street or some higher classification.

Street-Cul-de-Sac: A local street not exceeding 600' feet in length provided with a permanent bulb-type turn around facility.

Street-Frontage Road: A minor street which is generally parallel and contiguous to an expressway, freeway, parkway, major or minor street and is so designed as to intercept, collect and distribute traffic desiring to cross, enter or leave such street, and which provides access to abutting properties and protection from through traffic.

Street-Local: Includes all streets not on a higher system. The primary purpose of local streets is to provide direct access to adjacent land.

Street-Loop: A local street not exceeding 3000' in length having two intersections in close proximity on the same local or collector street.

Street-Minor: (See *Street-Local*).

Street-Public: A right-of-way, dedicated to public use, which provides vehicular and pedestrian access to adjacent properties.

Street-Private: A right-of-way, owned privately, which provides vehicular and pedestrian access to adjacent properties.

Subdivider: Landowner or their representatives proposing the subdivision of land.

Subdivider's Improvement Agreement (SIA): Agreement between a subdivider and public authority concerning the manner in which

specified subdivision improvements shall be provided. Content and format shall be determined by the applicable public authority.

Subdivision: As defined by ORC §711.001.

Subdivision Technical Review Group: The technical Advisory group for the Commission and the Village consisting of, but not limited to, representatives from the Engineer hired by the Village, the Zoning and Building Inspector of the Village, the Delaware County Soil and Water Conservation District, and the Delaware County Board of Health.

Submission Date: Date governed by schedule prepared annually by the Commission setting filing deadline, administrative and meeting dates.

Surety: A certificate of deposit, performance bond, irrevocable letter of credit or cash escrow account in favor of the Village designed to guarantee the construction of improvements required in these Regulations.

Surveyor: A registered surveyor, authorized to practice professional surveying by the State Board of Registration, as specified in ORC §4733.

Variance: A modification of the strict terms of the relevant standards where such modification will not be contrary to public interest and where owing to conditions peculiar to the subject property and not the result of the action of the applicant and a literal enforcement of the Standards would result in unnecessary and undue hardship.

Village Engineer: A registered engineer employed by the Village of Galena.

Village: The Village of Galena, Delaware County, Ohio.

Wastewater Treatment System - Central Public: A sewage system, including collection and treatment facilities, designed and operated by a division of local government intended to service a region larger than the proposed subdivision.

Wastewater Treatment Systems - Household or On-Lot: A septic facility or an aerobic facility on an individual lot servicing that lot only, for the proper and safe disposal of sewage, subject to all requirements and approvals necessitated by these Regulations and the health and sanitation officials having jurisdiction.

Wastewater Treatment System - Package System: A sewage system, including collection and treatment facilities, installed by the subdivider or developer and transferred to the Village for maintenance and operation according to the terms of these and other applicable Regulations, intended to service the proposed subdivision and/or other adjacent or nearby areas as determined by

the Ohio Environmental Protection Agency and the Delaware County Board of Health or any Village agency charged with the maintenance and operation of such systems.

Water Supply System - Central Public: A water supply system, including water collection, purification and distribution systems, installed by the subdivider or other private party and transferred to the Village for maintenance and operation, or operated as a privately owned utility, subject to all requirements of these and other applicable Regulations.

Water Supply System - On-Lot: A water collection device located on an individual lot and intended to service that lot only, subject to all requirements of these Regulations and the regulations of the health and sanitation agencies having jurisdiction.

Zoning and Building Inspector: The Zoning and Building Inspector of the Village of Galena.

Zoning Official: Administrative official designated by the Village of Galena to administer and enforce the adopted zoning ordinance and issue zoning permits and certificates.

ARTICLE III

300.00 PROCEDURES FOR SUBDIVISION APPROVAL

301.00 Approval Required

Whenever any subdivision of land is proposed (see 200.00 "Subdivision" definitions), before any contract is made for the sale of any part thereof, and before any permit for the erection of any permanent buildings in such proposed subdivision shall be granted, the subdivider or his agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedures.

302.00 Minor Subdivisions Approval Procedures (Lot Splits

302.01 Conditions Requiring Minor Subdivisions Approval

Whenever a division of a parcel of land shown as a unit on the preceding tax roll (duplicate) is proposed along an existing public street, not involving the opening, widening or extension of any street or road, and involving no more than five (5) lots after the original tract has been completely subdivided, the said division may be submitted to the Commission for a minor subdivision approval. A subdivision involving more than five (5) lots, including the original tract of record, or the opening, widening or extension of any street or road shall be required to file for subdivision approval under the procedures and requirements for major subdivisions. (See 304.00).

302.02 Authority

Section 711.09 of the Ohio Revised Code gives zoning and planning commissions the authority to abbreviate approval procedures for minor subdivisions. The Commission, acting through its staff, shall implement the following procedures:

302.03 Application and Review Process

302.031 Preliminary Discussion Phase

The subdivider is encouraged to meet with the Commission prior to developing any surveys or legal descriptions effecting a minor subdivision or combination of land in order to discuss the procedures involved and become familiar with any subdivision and zoning regulations pertaining to the property and the proposed action. It is helpful to provide a sketch plan showing approximations of the existing property lines and proposed property lines. The sketch plan may be a rough drawing and need not be detailed. It may also be helpful to meet with the Commission and/or its staff at the site of the proposed subdivision prior to developing the minor subdivision plan.

302.032 Minor Subdivision Plan

Prior to receiving consideration for a minor subdivision, the subdivider should prepare and submit a minor subdivision plan consisting of the following elements which shall conform to the minimum requirements for a "Plat of Survey," (Sec. 4733-37-85 (Adm.Code) based on an actual property survey, "and such other information as is pertinent" to determine that "such proposed division is not contrary to applicable platting, subdividing, or zoning regulations:

- a) A survey drawn by a registered professional surveyor, and
- b) Deeds for the proposed minor subdivision with legal descriptions approved by the County Engineer's Office.

Approval of the proposal must be granted by the Commission before a conveyance of said parcel(s) may be approved by the Delaware County Engineering Office for recording. The conveyance must conform to the intent of the approved proposal and contain any requirements or restrictions as specified by the approving authority.

302.033 Review and Approval

Upon receipt of the "Application for a Minor Subdivision", the minor subdivision plan and the required fee for a minor subdivision approval, the Commission shall forward the proposed subdivision plans to those governmental and subdivision technical review agencies having jurisdiction or interest in the proposed subdivision.

If the Commission is satisfied that the proposed subdivision is not contrary to applicable platting, zoning and subdivision regulations, it shall, within sixty (60) working days, after notice of approval by the Technical Review Agencies, approve such proposed division. If the proposed subdivision does not meet the requirements of these Regulations and applicable Zoning Regulations, the Commission shall not approve the proposed minor subdivision. The burden shall be upon the subdivider to amend the proposed subdivision to meet all applicable requirements.

Note: If the footer is being constructed at a different elevation than the elevation approved by the Commission, the Contractor, prior to requesting the foundation inspection from the County, shall notify the Village and the Village Engineer about the difference and detail why the footer will not comply with the approved plans. The Village may request a letter in writing from the Contractor detailing the difference and addressing adverse effects the constructed improvements may have on the site or adjacent properties.

302.034 Fees Required

The Council of the Village shall establish fees to be deposited with each application.

303.00 Minor Subdivision Plan Requirements (Lot Splits)

303.01 The plan for a minor subdivision shall be subject to the following requirements:

The plan shall be drawn in ink on durable paper no smaller than 8 ½" x 11". Cloth or vellum is not required. Scale should be no smaller than 1" = 100'. Submission of the original copy is not required.

The plan shall show:

- a) A title such that the general location of the survey can be identified (i.e. - State, County, Township and Range, Township, Section and Lot or V.M.S. #, etc.).
- b) North arrow and scale.
- c) An accurate control station and its relation (bearing and distance) to the subject property. The beginning point must be referenced to something identifiable on the tax map (i.e. road intersection, lot line, subdivision corner, etc.). A simple Deed Book and Page or Highway Station reference alone is not acceptable.
- d) Length and direction (bearing or interior angle) of each line for all metes and bounds descriptions.
- e) Subject owners name, Deed Book and Page wherein the deed by which he acquired the property may be found, and the total acreage.
- f) Adjacent owners names, Deed Book and Page, and acreage and/or subdivision name and Deed Book and Page if applicable.
- g) Original tract number and original acreage.
- h) If the tract(s) or lot(s), as surveyed, fall within two or more existing parcels, as currently shown on the County Auditor's Tax Duplicate, or within two or more general areas (e.g., quarter-townships, sections within quarter-townships, farm lots, Virginia Military Surveys, city lots, etc.), then the plat and/or written description shall include the areas broken down accordingly.
- i) When a division of any parcel of land into two or more parcels is created, the plat shall graphically show the relationship of the newly created parcel(s) to the parent parcel and shall show the acreage and the recording reference of the parent parcel.

- j) Current road names and route numbers. For railroads it shall show current name of the railroad and the right-of-way width.
- k) A list of all references to ascertain property lines, i.e. survey volume, Deed Book and Page, old surveys, etc.
- l) All corner markers identified with iron pin located, railroad spike set, etc.
- m) Certification statement, seal, registration number and signature of the registered surveyor.
- n) Date of survey.
- o) If the boundary closure is questionable, the survey will be calculator checked for flat closure. An error of no more than 1:10,000 will be acceptable.
- p) Plat copies must be legible and if any information is hard to read, the plat will not be accepted.
- q) Area of survey. When a tract is split by anything such as a Farm Lot Line, Corporation Line, Township Line, Tract Line, etc., the acreage must be broken down accordingly and shown on the plat.

303.02

Any of the following optional requirements may be required by the Commission on the basis of the characteristics of the subject property.

- a) Topographical contours in 1 foot or 2 foot intervals, per the requirements 305.023 "Existing and Natural Features, Topographical Contours."
- b) A lot grading and drainage plan, illustrating a plan for the handling of surface and sub-surface drainage, showing proposed finished grade elevations, the type, size, location, and outlet of all drainage improvements, swales, easements, and the proposed ground cover.
- c) Spot elevations, when topographical conditions warrant.
- d) Soil borings, if on-site systems are proposed.
- e) Minimum ground floor building elevations in conjunction with the required lot grading plan.
- f) 100 year flood plain and Flood way fringe elevations and delineations.
- g) A complete erosion and sediment control plan, as per 306.00.
- h) Screening and buffering provisions, as per 407.00.

i) A development staging plan showing future subdivision and resubdivision potentials, as per 406.00.

j) A surety for the construction of improvements.

k) A subdivider's agreement.

l) Other provisions as seen necessary by the Commission in order to create buildable sites and promote the public's health, safety and welfare.

303.03 When a proposed minor subdivision abuts upon a public road right-of-way, additional right-of-way for road purposes may be required within the area encompassed by the said minor subdivision proposal bring about conformance with the minimum public road rights-of-way requirements as set forth by these Regulations.

303.04 The Commission may require the use of private deed restrictions to make provisions for the use, maintenance, building requirements or improvements within a proposed minor subdivision. Such restrictions shall be placed upon the deed(s) for the proposed minor subdivision prior to approval.

304.00 Major Subdivision Approval Procedures

304.01 Conditions Requiring Major Subdivision Approval

Any subdivision involving:

1) More than five (5) lots, inclusive, after the tract of record has been completely subdivided, or

2) The opening, widening or extension of a street or streets, or

3) The division or allocation of land as open spaces for common use by owners, occupants, or leaseholders, or

4) The division of land as easements for the extension maintenance of public sewer, water, storm drainage or other public facilities, shall be subject to the procedures and requirements set forth by these Regulations for major subdivision approval.

304.02 Application and Review Procedure

304.021 Pre-Application Meeting (Optional)

Prior to developing a preliminary plan for a proposed subdivision, the subdivider should contact the Commission and arrange for an informal meeting with the Commission in order to discuss the procedures and requirements for subdivision approval. A sketch plan may be submitted to the Commission prior to or at the meeting. (Reference 304.025 for sketch plan requirements).