

**CHAPTER 1105**  
**Subdivision Approval Procedure**

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#### CROSS REFERENCES

Plat and subdivision defined - see Ohio R.C. 711.001  
Plat and contents - see Ohio R.C. 711.01 et seq.  
Engineer to approve plats - see Ohio R.C. 711.08  
Platting in unincorporated territory - see Ohio R.C. 711.10  
Definitions - see P. & Z. 1101.02  
Construction of improvements - see P. & Z. Ch. 1109  
Required statements forms - see P. & Z. Ch. 1115  
Planned unit development - see P. & Z. Ch. 1145

#### **1105.01 GENERAL PROCEDURE.**

Whenever any subdivision of land is proposed and before any sale for any part thereof or permits for construction are granted, the subdividing owner shall apply for and secure approval of the proposed subdivision in accordance with the following procedure:

- (a) Major Subdivisions.
  - (1) Preapplication meeting (Section 1105.03)
  - (2) Sketch plan (Section 1105.04)
  - (3) Preliminary plat (Sections 1105.05-1105.12)
    - A. Construction and utility plans (Chapter 1107)
    - B. A grading plan (Section 1109.13)
    - C. An erosion and sediment control plan (Section 1109.13)
    - D. Street Tree plan (Section 1140.07)
  - (4) Final plat for each development phase (Sections 1105.13-1105.21)
- (b) Minor Subdivisions (lot split). (See Sections 1105.22 and 1104.06(b))
- (c) The preliminary plat shall be submitted for the entire subdivision or development. (Ord. 18-09. Passed 5-14-09.)

### **1105.02 COORDINATION OF A PLANNED UNIT DEVELOPMENT WITH THE SUBDIVISION APPROVAL.**

The Planned Unit Development (PUD) approach to development is greatly encouraged. However, the subdivision process as outlined in Chapters 1103 through 1115 must also be followed. See Chapter 1145 for the combined PUD and subdivision procedure and requirements. The requirements of the subdivision regulations may be modified by the degree necessary to accomplish the objectives of Chapter 1145. Subdivision regulation requirements so modified must be approved by Council at the time of the legislative act of approving the PUD Zoning. (Ord. 3-06. Passed 2-9-06.)

### **1105.03 PREAPPLICATION MEETING REQUIRED.**

The subdivider shall meet with the Director of Administration and/or his/her designated representative(s) prior to submitting the sketch plan. 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 existing plans (i.e., comprehensive plan, thoroughfare plan, etc.) the capital improvements program, the zoning regulations, the drainage, sewerage, and water systems for the City and to become acquainted with the Planning Commission's requirements. At this meeting the subdivider and the Director of Administration or his/her designated representative(s) shall discuss details regarding proposed streets, parks, playgrounds, school sites and other planned developments. The schedule of fees, as set forth in Chapter 1100 will also be discussed. (Ord. 10-12. Passed 2-23-12.)

### **1105.04 SKETCH PLAN REQUIRED.**

- (a) Applications for review by the Planning Commission for Sketch Plan:
  - (1) Shall be filed with the City on forms provided by the City;
  - (2) Shall include all required supplemental information;
  - (3) Shall be submitted by the application deadline as established by the City;
  - (4) Shall be signed by the applicant and owner attesting to the truth and exactness of all information supplied on the application.

- (b) The staff shall review submitted materials for completeness and shall:
  - (1) Place the sketch plan on the next appropriate agenda; or
  - (2) Reject the application and return the fee to the subdivider with an itemization of deficiencies.
  
- (c) At the Planning Commission meeting the Planning Commission shall review the content of the sketch plan and shall:
  - (1) Approve the sketch plan in principle;
  - (2) Discuss the deficiencies with the developer and allow the developer an opportunity to return on the next regularly scheduled meeting with a revised plan to be provided to the Director of Administration or his/her designated representative by an agreed upon deadline; or
  - (3) Disapprove the sketch plan.  
(Ord. 25-14. Passed 5-22-14.)

#### **1105.041 NOTIFICATION TO THE BOARD OF EDUCATION.**

Before preparing and submitting a preliminary plat for a residential subdivision or a subdivision which contains residential living units, to the Director of Administration or his/her designated representative, the subdivider shall also give notice, by way of the City, to the Board of Education of the Marysville Exempted Village School District, of the proposed subdivision. Such notice shall contain the proposed location of the subdivision and a copy of the sketch plan, to ascertain the Board's desires as to the location of school sites within the subdivision. The Board of Education may communicate its desires to the Commission within 45 days after receipt of the proposed sketch plan described above.  
(Ord. 18-09. Passed 5-14-09.)

#### **1105.05 PRELIMINARY PLAT REQUIRED.**

After the sketch plan approval in principle, the subdivider shall submit a preliminary plat of the proposed subdivision which shall conform with the requirements set forth in Sections 1105.06 through 1105.12.  
(Ord. 18-09. Passed 5-14-09.)

#### **1105.06 APPLICATION FOR PRELIMINARY PLAT APPROVAL.**

Application for review by the Planning Commission for Preliminary Plat:

- (a) Shall be filed with the City on forms provided by the City;
- (b) Shall include all required supplemental information;
- (c) Shall be submitted by the application deadline as established by the City;
- (d) Shall be signed by the applicant and owner attesting to the truth and exactness of all information supplied on the application.  
(Ord. 26-14. Passed 5-22-14.)

**1105.07 PRELIMINARY PLAT FORM.**

The preliminary plat shall be drawn at a scale of not less than one inch equals one hundred feet, and shall be on one or more sheets 24 inches by 36 inches in size. If more than one sheet is needed, each sheet shall be numbered and the relation of one sheet to another clearly shown. (Ord. 18-09. Passed 5-14-09.)

**1105.08 PRELIMINARY PLAT DEVIATION.**

A request of any proposed deviations and variances from the Planning and Zoning Code must be submitted with the preliminary plat per Section 1113.06. (Ord. 27-14. Passed 5-22-14.)

**1105.09 RESERVED.**

(EDITOR'S NOTE: This section is reserved for future legislation.)

**1105.10 FILING OF PRELIMINARY PLAT.**

The preliminary plat shall be considered accepted after it is reviewed by the Director of Administration or his/her designated representative and found to be complete. The date of acceptance will be deemed to be the date of filing. A filing fee shall be collected, as indicated in Section 1113.05 at the time the application is provided to the Director of Administration or his/her designated representative. If the application is found to be incomplete, the application and fee shall be returned to the applicant with an itemization of deficiencies.

Once the application is reviewed and accepted by the Director of Administration or his/her designated representative, they shall:

- (a) Forward copies of the preliminary plat to such officials and agencies as may be necessary for the purpose of study and recommendation.
- (b) Place the preliminary plat submittal on the next appropriate Planning Commission agenda. (Ord. 18-09. Passed 5-14-09.)

**1105.11 PRELIMINARY PLAT APPROVAL.**

Within 60 days of the acceptance of the preliminary plat by the Director of Administration or his/her designated representative, the City Planning Commission shall, after receipt of reports from such officials and agencies as appropriate (see Section 1105.10(a)), determine whether the preliminary plat shall be approved, conditionally approved or disapproved. The preliminary plat shall not be approved unless the Planning Commission finds that:

- (a) All the provisions of the applicable Zoning Code, these regulations and other codes of the City are complied with;
- (b) The subdivision can be adequately served with public facilities, schools, transportation facilities and services suitable in the circumstances; and
- (c) All land intended for building sites can be used safely and without endangering the health and safety of the residents by peril from floods, erosion, bad drainage, swamp or marsh lands, inadequate water supply or transportation facilities, or adverse school impact pursuant to Section 1107.03 of the Planning and Zoning Code.

Approval or conditional approval of the preliminary plat shall not constitute approval of the final plat, nor shall it grant the subdivider the right to construct improvements, but shall be an endorsement of the layout and intent of the proposal, and shall govern the preparation of the final plat.

If disapproved, the reasons for a disapproving vote shall be stated by those members and it shall be captured in the minutes of the meeting.  
(Ord. 18-09. Passed 5-14-09.)

**1105.111 CONSTRUCTION AND UTILITY PLAN REQUIREMENTS.  
(REPEALED)**

(EDITOR'S NOTE: Former Section 1105.111 was repealed by Ordinance 18-09, passed May 14, 2009.)

**1105.12 APPROVAL PERIOD.**

(a) The approval of the preliminary plat shall be effective for a maximum period of twelve months and shall guarantee that the terms under which the approval was granted will not be affected by changes to these regulations, or changes in the Zoning Ordinance provided that a final plat is filed within this period.

(b) The approval of the Planning Commission shall be null and void for all undeveloped portions of a development as shown on the preliminary plat:

- (1) If a final plat has not been submitted to the Planning Commission for the first phase of development within twelve months of the preliminary plat approval or on the schedule as established in the approval of the preliminary plat.
- (2) If a final plat has not been submitted to the Planning Commission for the next phase of development within twelve months of the approval by the City of a preceding phase of development or on a schedule as established in the approval of the previous final plat, or
- (3) The City Planning Commission, upon demonstration in writing of extenuating circumstances may at their discretion grant extensions of the 12 month approval period. Granting of such extensions may result in additional bond being required.
- (4) If the time limits stated in subsections (b)(1) or (b)(2) hereof have been exceeded and no time extension has been granted per subsection (b)(3) hereof by the Planning Commission.

(c) All phases occurring after the original approval period, as described in this section, shall be in conformance with the current zoning standards in effect at the time of filing.  
(Ord. 18-09. Passed 5-14-09.)

**1105.13 FINAL PLAT REQUIRED.**

(a) The subdivider, having received approval of the preliminary plat of the proposed subdivision, shall submit a final plat of the subdivision only after:

- (1) The drawings and specifications of the improvements required in Chapter 1107 and 1109 are approved by the Director of Administration or his/her designated representative.
- (2) A developers agreement in such form and such terms as are required by the City is signed. (Ord. 18-09. Passed 5-14-09.)
- (3) The subdivider has furnished a performance bond to the City in the amount of one hundred twenty percent (120%) of the estimated construction cost of the ultimate installation of the improvements or for the amount of the estimated construction cost of the uncompleted improvements. The bond shall assure the City that the subdivider shall faithfully perform and complete the work of constructing such improvements in accordance with these regulations. Before the bond is accepted, it shall be approved by the Director of Administration or his/her designated representative. Cash deposit, letter of credit or other instrument may be provided in lieu of a bond when approved by the Director of Administration or his/her designated representative. The term of the bond shall state: "This obligation shall remain in full force and effect until termination in writing by the City of Marysville, Ohio". Release of the performance bond shall be in accordance with Section 1113.04. Inspection of Construction of Public Improvements fees shall be collected pursuant to Chapter 1100 prior to construction. (Ord. 11-12. Passed 2-23-12.)

(b) The final plat shall have incorporated all changes in the preliminary plat required by the City Planning Commission. It shall conform to the preliminary plat except for minor technical adjustments or corrections that do not significantly change the preliminary plat as approved. The final plat may constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop at the time.  
(Ord. 18-09. Passed 5-14-09.)

**1105.14 APPLICATION FOR FINAL PLAT APPROVAL.**

Application for review by the Planning Commission for Final Plat:

- (a) Shall be filed with the City on forms provided by the City;
- (b) Shall include all required supplemental information;
- (c) Shall include an original tracing (as set forth in Section 1105.16).
- (d) Shall be submitted by the application deadline as established by the City;
- (e) Shall be signed by the applicant and owner attesting to the truth and exactness of all information supplied on the application.  
(Ord. 28-14. Passed 5-22-14.)

**1105.15 REGULATIONS GOVERNING IMPROVEMENTS.**

No construction shall be permitted prior to the approval of the final plat.  
(Ord. 18-09. Passed 5-14-09.)

**1105.16 FINAL PLAT FORM.**

The final plat shall be drawn at a scale of not less than one inch equals 100 feet, and shall be on one or more sheets 24 inches by 36 inches in size. If more than one sheet is needed, each sheet shall be numbered and the relation of one sheet to another clearly shown. The subdivider shall also submit one copy of the final plat legibly drawn in India ink on Mylar or other materials of equal permanence.  
(Ord. 18-09. Passed 5-14-09.)

**1105.17 RESERVED.**

EDITOR'S NOTE: This section is reserved for future legislation.

**1105.18 RESERVED.**

(EDITOR'S NOTE: This section is reserved for future legislation.)

**1105.19 RESERVED.**

(EDITOR'S NOTE: This section is reserved for future legislation.)

**1105.20 FILING OF FINAL PLAT.**

The final plat shall be considered accepted after it is reviewed by the Director of Administration or his/her designated representative and found to be complete. The date of acceptance will be deemed to be the date of filing. A filing fee shall be collected, as indicated in Section 1113.05 at the time the application is provided to the Director of Administration or his/her designated representative. If the application is found to be incomplete, the application and fee shall be returned to the applicant with an itemization of deficiencies.

Once the application is reviewed and accepted by the Director of Administration or his/her designated representative, they shall:

- (a) Forward copies of the final plat to such officials and agencies as may be necessary for the purpose of study and recommendation;
- (b) Place the final plat submittal on the next appropriate agenda.

(Ord. 18-09. Passed 5-14-09.)

**1105.21 FINAL PLAT APPROVAL.**

Within 60 days of the acceptance of the final plat by the Director of Administration or his/her designated representative, the City Planning Commission shall, after receipt of reports from such officials and agencies as appropriate (See Section 1105.20(a)), determine whether the final plat shall be approved, conditionally approved or disapproved. Failure of the Commission to act upon the final plat within such time shall be deemed as approval of the plat.

If disapproved, the reasons for a disapproving vote shall be stated by those members and it shall be captured in the minutes of the meeting. Disapproval shall also be endorsed on the final plat as "Disapproved: Marysville Planning Commission; Date; Signature of Commission Chairman".

If a development is phased, reference Section 1105.12 for expiration time frames.  
(Ord. 18-09. Passed 5-14-09.)

#### **1105.211 CONSTRUCTION OF IMPROVEMENTS.**

In no event shall the completion of the final plat improvements exceed two years from the date of the final plat approval.  
(Ord. 18-09. Passed 5-14-09.)

#### **1105.22 TRANSMITTAL OF ORIGINAL TRACINGS AND COPIES.**

When the final plat has been approved by the City Planning Commission, the following steps shall be followed in subsequent order:

- (a) Prior to beginning of any construction, the original signed tracings shall be returned to the subdivider, for filing with the County Recorder.
- (b) After original tracings are recorded, return recorded tracing to the City Engineer.
- (c) Upon completion of construction of all public infrastructure, the subdivider shall have transmitted to the City Engineer the construction and utility plans prepared under Chapters 1107 and 1109. The original tracings shall be revised to reflect as-built conditions upon the completion of the infrastructure for the project or each of its phases. A maintenance bond shall also be required as set forth in Section 1113.04. After the one year maintenance period, the final original tracing of the final plat shall be forwarded to City Council for dedication of public infrastructure.
- (d) Once City Council accepts the public infrastructure for dedication, the final original tracings shall be returned to the subdivider for filing with the County Recorder.  
(Ord. 18-09. Passed 5-14-09.)

#### **1105.23 MINOR SUBDIVISIONS (LOT SPLITS).**

(a) The Director of Administration or his/her designated representative should be consulted as to the purpose and effects of Minor Subdivisions (Lot Splits). An application to proceed with a minor subdivision must be obtained. Approval without a plat of the proposed minor subdivision may be granted by the Director of Administration for those subdivisions within the corporation limits if the proposed division of a parcel of land meets all of the following conditions:

- (1) The proposed subdivision is located along an existing public street or road and involves no opening, widening or extension of any street or road; and
- (2) No more than five lots are involved after the original parcel has been completely subdivided; and
- (3) The proposed subdivision is not contrary to applicable subdivision or zoning regulations including frontage on a public road; and
- (4) The property has been surveyed and a sketch and legal description of the property is submitted with the application; and
- (5) The property has been approved by the Board of Health for sewage disposal if a public sewer is not available.

(b) If approval is given under these provisions, the Director of Administration, shall within seven days after submission approve such proposed division and, upon presentation of a conveyance for such parcel, shall stamp “Approved by the City of Marysville Director of Administration: no plat required” and the Director of Administration shall sign the conveyance. (Ord. 23-13. Passed 6-27-13.)

**1105.24 LOT LINE ADJUSTMENT.**

(a) The Director of Administration or his/her designated representative should be consulted as to the purpose and effects of Lot Line Adjustments. An application to proceed with Lot Line Adjustments must be obtained. Approval without a plat of the proposed adjustment may be granted by the Director of Administration for those subdivisions within the corporation limits if the proposed division of a parcel of land meets all of the following conditions:

- (1) The proposed adjustment does not create any additional lots; and
- (2) The proposed adjustment does not create a non-conforming lot; and
- (3) The proposed adjustment does not cause any structures, driveways, etc., to become non-conforming; and
- (4) The property has been surveyed and a copy of the survey and legal description of the property is submitted with the application, including area map showing adjacent properties.

(b) If approval is given under these provisions, the Director of Administration, shall within seven days after submission approve such proposed division and, upon presentation of a conveyance for such parcel, shall stamp “Approved by the City of Marysville Director of Administration: no plat required” and the Director of Administration shall sign the conveyance. (Ord. 24-13. Passed 6-27-13.)