

Article 1

GENERAL PROVISIONS

Standards

100 Title

These rules, regulations and standards shall be officially known as the “Subdivision Regulations of the County of Brown, State of Ohio,” and shall hereinafter be referred to as “these Regulations.”

101 Policy

- a. It is declared to be the policy of Brown County to consider the subdivision of land and its subsequent development as subject to the control of Brown County, pursuant to any official comprehensive plan (when one exists) for orderly, planned, safe, efficient, and economical development.
- b. Land to be subdivided shall be of such character that it can be used safely for building purposes, and shall not be subdivided until adequate facilities and improvements such as drainage, water, sewerage, and public open space are provided, or a performance bond is filed to assure that the required improvements will be made by the subdivider.
- c. The existing and proposed public improvements shall conform with and be related to the proposals shown in the comprehensive plan, capital improvement program, and development programs of Brown County, and it is intended that these Regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building codes, housing codes, zoning resolutions, the comprehensive plan, and the capital improvement program of Brown County.

102 Purpose

These Regulations are adopted as minimum requirements for the regulation and control of land subdivision within the unincorporated area of the county. These regulations are intended to:

- a. Establish standards for logical, sound, and economical development.

- b. To provide for adequate light, air and privacy, to secure safety from fire, flood, and other danger, to prevent population congestion and overcrowding of the land, to provide orderly expansion and extension of community services and facilities at minimum cost and maximum convenience.

- c. To provide for the proper arrangement of streets and highways in relation to those existing or planned and to provide for the most beneficial relationship between use of land, buildings, traffic, and pedestrian movements.

- d. To improve the quality of life through protection of the total environment, including the prevention of air, water, light, and noise pollution, the prevention of soil erosion, and the preservation of natural beauty and topography.

- e. To ensure appropriate surveying of land, preparing and recording of plats and the equitable handling of all subdivision plats by providing uniform procedures and standards for observance by both Brown County and developers.

103 Authority

The Ohio Revised Code, Chapter 711, enables the board of county commissioners and the planning commission of Brown County to adopt regulations governing plats and subdivisions of land within the unincorporated area of the county.

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104 Public Purpose

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of public police power delegated by the state to Brown County pursuant to Chapter 711 of the Ohio Revised Code. The developer shall be in compliance with conditions established by the planning commission for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of Brown County and the health, safety, and general welfare of the future lot owners of the subdivision and of Brown County generally.

105 Jurisdiction

- a. These Regulations shall be applicable to all subdivisions of land located within the unincorporated area of Brown County, except as otherwise provided by law.
- b. Family Farm Exemptions: Conveyance of a parcel or parcels of a family farm to a family member shall be exempt from the platting requirements of these regulations. There will be no restrictions on the number of panhandle lots, however, the geometric standards and lots standards shall be per Article 4 Section 405e. All other subdivision requirements shall be met. Family farm means any farm land of 75 acres or more that has been in the same family since 1994 or twenty years, whichever is shorter, and in which one or more family members has materially participated in the growing of crops or raising of livestock on the land for the duration of said time period. Material participation shall mean the active involvement in the growing of crops and/or raising of livestock at risk. For the purpose of this exemption, family members shall mean any grandparent, parent, or child or their lineal descendants, and/or the surviving spouse of a deceased child or other deceased lineal descendant.

106 Relation to Other Laws

- a. The provision of these Regulations shall supplement the laws of the State of Ohio, other resolutions adopted by the board of county commissioners or township trustees, or the rules and regulations promulgated by authority of such law or resolution relating to the purpose and scope of these Regulations.
- b. No subdivision plat shall be approved for recording until the requirements of these Regulations have been met and certification thereof has been endorsed upon the plat by the appropriate reviewing authority.
- c. Whenever the requirements of these Regulations are at variance with the requirements of other lawfully adopted rules, regulations, or resolutions, the most restrictive or that imposing the highest standard shall govern. These Regulations shall be interpreted as minimum requirements.
- d. Whenever a township or part thereof has adopted a county or township

zoning resolution, under Chapter 303 or 519 of the Ohio Revised Code, all proposed subdivisions shall meet the requirements of said zoning resolution, as well as the provisions of these Regulations.

107 Validity and Separability

If, for any reason, any clause, provision or portion of these Regulations shall be held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect validity or legality of these Regulations as a whole, or any part thereof, other than the part so held to be invalid. These Regulations shall not abate any legal action pending under prior subdivision regulations and shall not interfere with other applicable laws and regulations or with deed restrictions. (see section 106C)

108 Saving Provision

These Regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the county under any section or provision existing at the time of adoption of these Regulations, or as vacating or annulling any rights adopted by any person, firm, or corporation by lawful action of the county except as shall be expressly provided for in these Regulations.

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109 Enactment

These Regulations shall become effective from and after the date of their approval, adoption, or amendment by the county or regional planning commission and the board of county commissioners after public hearing and certification to the county recorder as required by Chapter 711 of the Ohio Revised Code. Henceforth, any other regulations previously adopted by Brown County shall be deemed to be repealed. These Regulations shall in no way affect any subdivision having received approval prior to the effective date of these regulations or any amendment thereto, provided, however, that no changes to the plan, as approved, are introduced by the subdivider and the subdivision infrastructure is constructed within the two year

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PASSED: August 29, 2007 (Date) effective Sept. 10, 2007

SIGNED: Dale Reynolds
~~President~~ of the Board of County Commissioners
Vice Chairman

ATTEST: Beverly Gallimore
County Commissioners Clerk