

Article 2

ADMINISTRATION

Standards

200 Administration, Enforcement and Interpretation

These Regulations shall be administered by the county or regional planning commission of Brown County. The planning commission, assisted by other government agencies, legal counsel, and through other advice it may solicit, shall administer and enforce these Regulations. Discretionary, conflicting, or disputed aspects of these Regulations shall be interpreted by the planning director or other individual designated by the county commissioners or planning commission.

201 Reservations and Repeals

Upon the adoption of these Regulations, according to law, the Subdivision Regulations of Brown County adopted December 15, 1969, as amended, are hereby repealed, except as to those sections expressly retained in these Regulations.

202 Amendments

The planning commission may amend, supplement or change these Regulations in accordance with the appropriate sections of the Ohio Revised Code. However, the planning commission may only amend, supplement or change regulations, requiring the actual construction of improvements, or posting of performance guarantees, after review and adoption by the county commissioners.

203 Variances, Exceptions and Waiver of Conditions

Where, the planning commission finds the purposes of these Regulations may be served to a greater extent by an alternative proposal, it may approve variances, exceptions, and waivers of conditions, provided that they will not be detrimental to the public health, safety, or welfare or injurious to other properties. Variances for roadway specifications and construction standards can only be made by the County Engineer. Recommendations regarding variances may be provided by the planning commission. Such variances shall not have the effect of nullifying the intent and purpose of these Regulations, the comprehensive plan, or the zoning resolution, when they exist.

In granting variances or modifications the planning commission shall require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.

An application for relief shall be denied if an owner requests it merely for his own convenience, such as when the land is not usable due to error or poor assumptions on the owner's part, or when the only supporting evidence is that compliance would add significantly to development costs.

204 Expiration or Extension

Failure to comply with stated time periods of these Regulations shall result in the expiration of the application and associated planning commission approvals. Before expiration, the subdivider may provide a letter and extension fee stating why these time periods cannot be met and requesting their extension. The subdivider is solely responsible for knowing expiration dates and meeting or extending them in accordance with these Regulations. The planning commission shall have no duty, obligation or responsibility to remind or notify subdividers of approaching expiration dates.

205 Voided Applications

An application shall become void and have no rights, standing, or status under these Regulations, upon expiration, withdrawal, or disapproval.

206 Recording of Plat

No plat of any subdivision shall be recorded by the county recorder or have any validity until said plat has received a final approval in the manner prescribed in these Regulations.

207 Revision of Plat after Approval

No change, modification, or revision shall be made in any plat of a subdivision after approval has been given by the planning commission, and endorsed in writing on the plat, unless said plat is first resubmitted to the planning commission.

208 Fees

The planning commission shall establish a schedule of fees, charges, expenses, and collection procedures for administration of these Regulations. The schedule of fees shall be posted in the office of the planning commission. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal. The subdivider shall be solely responsible for submittal of the plat and payment of fees to the local agency having jurisdiction regarding review and/or approval of proposed improvements, including water and sanitary sewage facilities.

209 Violations and Penalties

Whoever transfers, offers for sale, or leases for a period of more than five years any lot, parcel or tract of land from a plat of a subdivision before such plat has been recorded in the office of the county recorder or that violates these regulations shall forfeit and pay the sum of not less than one hundred dollars (\$100) nor more than five-hundred dollars (\$500) for each lot, parcel, or tract of land so transferred, sold, or leased. The description of such lot, parcel, or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this section.

No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these Regulations, nor shall the county have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these Regulations.

210 Appeal

Any person who believes he or she has been aggrieved by these Regulations or the actions of the planning commission has all rights to appeal as set forth in Chapter 711 of the Ohio Revised Code or any other applicable section.