

# **Article 3**

## **SUBDIVISION APPLICATION, PROCEDURES AND APPROVAL PROCESS**

### **Standards**

#### **300 Purpose**

The purpose of this article is to establish the procedure for review and approval of *land divisions*, as authorized under Chapter 711 of the Ohio Revised Code. The procedure is intended to provide orderly and expeditious processing of such applications.

#### **301 General Procedure**

Before any land is subdivided the owner of the property, or his authorized agent, shall apply for and secure approval of the proposed *division including the remnant* in accordance with the following procedures:

- a. Lot Split or Minor Subdivision: These shall be processed by an individual designated by the planning commission and require a *surveyor's sketch*, a deed with a legal description, fees, and *shall comply with sections 302-306 of these regulations*.
- b. Platted Subdivision or Major Subdivision: These involve approval actions by the planning commission. The approval process for a major development, whether a subdivision, cluster development, or planned unit development (PUD), is essentially the same, and includes three principal steps: an optional sketch plan, a preliminary plan, and a final plat.
- c. *Large Lot Division: Large Lot Divisions (LLD) include divisions of land ranging in size from not less than five (5) acres to not more than twenty (20) acres pursuant to Section 711.133 of the Ohio Revised Code and in accordance with Section 350 of these regulations and shall be processed by an individual designated by the planning commission.*

## **MINOR SUBDIVISIONS - SECTIONS 302 THROUGH 304**

#### **302 Outline of Conditions for Minor Subdivision**

Approval without a plat of a minor subdivision may be granted by a designated representative of the planning commission if the proposed *division* of the parcel of land meets all of the following conditions:

- a. The proposed division of a parcel of land involves no more than five (5) lots, after the original parcel has been completely subdivided, any one of which is under five (5) acres (inclusive of the remainder parcel).
- b. The proposed division is along an existing public street, and *not involving the* opening, widening or extension of any street or road.
- c. The proposed division is not contrary to applicable subdivision, zoning or other regulations [ particularly Articles 4 and 10 *and* sections 702 and 703 of Article 7 of these regulations.] .
- d. The proposed division is approved by the zoning inspector, Ohio Environmental Protection Agency (for special sanitary districts), local health department, the county engineer, and others as may be applicable.
- e. The property has been surveyed and a *surveyor's sketch* and a legal description of the property is submitted with the application.

### **303 Administrative Procedure and Approval**

- a. A minor subdivision or lot split application available at the planning commission office shall be filed by the landowner or designated representative. A complete application shall contain a surveyor's sketch, a deed, a legal description for each lot being created, a fee as set forth in these Regulations, and a certification of approval by the local health department, zoning inspector, tax map department and others as may be applicable.
- b. After the split has been given approval by any other departments with review responsibility, the deed, a copy of the health department approval and a copy of the surveyor's sketch is then checked by the designated representative of the planning commission for its conformity with these Regulations. The designated representative of the planning commission shall stamp and sign the same "approved by Brown County Planning Commission; no plat required *under R.C. 711.131*," if the lot in question meets all requirements as specified above, within seven (7) working days after submission.
- c. After being executed, the deed shall be taken to the Brown County Tax Map Department to establish the taxing parcel and subsequently to the county auditor for the transfer of property and then to the county recorder where it will become a legal lot of record. Lot split requests expire if not recorded within (1) year of initial fee payment.
- d. Incomplete or deficient proposals shall be disapproved and the subdivider notified of issues and reasons for the disapproval.

### **304 Submission Requirements**

The application for minor subdivision shall include the *following*:

- a. The survey shall conform to the rules adopted by the Brown County Tax Map Department *and Minimum Standards for the Boundary Surveys in the State of Ohio OAC 4733-37*.
- b. *a completed application.*
- c. *all applicable fees.*
- d. *Location and type of all existing all existing structures.*
- e. *Areas within the 100 year floodplain and within floodways, as determined from flood studies or by scaling from mapping provided by the Federal Emergency Management Agency, shall be delineated.*
- f. *Vicinity sketch.*
- g. *If average slope is less than 1%, drainage plan shall be required.*
- h. *If slopes greater than 15% exist, hillside regulations apply.*
- i. *Parcel ID No.*
- j. Other items, or provisions deemed necessary by the planning commission.

### **305 Combining Entire Existing Tax Parcels, Replat, Subdivision Vacations, Plat of Street, Common Open Spaces, and Easements for Public Utilities**

- a. Combining entire existing tax parcels can be accomplished by the county auditor without planning commission approval if the existing parcels have the same deed reference, are adjacent to each other, are not separated by a public roadway, and acreage of all parcels is combined into a single tax parcel by filling out an "Application for Combination" at the auditor's office listing the tax parcel numbers to be combined.
- b. A subdivider proposing the re-subdivision of a plat previously recorded by the county recorder shall follow the same procedures required for a major subdivision. Other proposals for the alternation of a plat or the vacating of a plat shall comply with Sections 711.17-711.20 of the Revised Code.

c. Proposals for the platting of street openings, widenings, and extensions; platting of open spaces for common use by owners, occupants, or leaseholders; and easements for the extension and maintenance of public sewer, storm drainage, or other public utilities shall follow the same procedures required for a major subdivision.

### **306 Transfer of Property between Adjoining Owners**

a. Where a transfer of property between adjoining owners occurs, the adjoining parcel and residual parcel shall be subject to the requirements of these Regulations; and, the transfer of property shall be approved only if they meet these Regulations. The grantees' names on the deed shall match the ownership of the adjacent parcel being enlarged by the transfer. Deeds for combining acreage shall include the notation: "Not to be used as a separate building site or transferred as an independent parcel in the future without planning commission approval."

b. If the transfer of property is within a recorded subdivision it shall be submitted as a major subdivision.

## **MAJOR SUBDIVISIONS - SECTIONS 307 THROUGH 332**

### **307 Outline of Conditions for Major Subdivisions**

A proposal involving any of the following shall be subject to major subdivision procedures:

- a. Division of any parcel of land into two or more parcels any one of which is less than five acres, except:
  1. *The sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites or*
  2. *A proposed division of a parcel along an existing public street involving no more than five lots after the original tract has been completely subdivided.*
  3. *A division or partition of land into parcels of more than five acres not involving any new streets or easements of access.*
- b. Creation, widening or extension of a street or access easement.
- c. *Division or allocation of land as open spaces for common use.*
- d. *Division or allocation of land as a utility or drainage easement.*
- e. *Subdividing platted land in a recorded subdivision.*

### **308 Pre-Application Conference and Sketch Plan (Optional)**

a. Prior to preparing a sketch plan, the subdivider may request an informal discussion with the designated representative of the planning commission to discuss the procedures for approval of the subdivision plan and to familiarize the developer with the comprehensive plan, thoroughfare plan, drainage and sewerage requirements, fire prevention, and the availability of existing utility services.

b. The application may combine a pre-application conference with the sketch plan. The sketch plan shall include: a completed and signed application form, (5) copies of the sketch plan, and may include a fee as set forth in the appendix.

### **309 Submission Requirements**

Sketch plans submitted to the planning commission, prepared in pen or pencil, shall be drawn to a convenient scale of not more than one hundred (100) feet to an inch and shall show the following information:

- a. Location or vicinity map.
- b. Ownership of property and adjacent properties.
- c. Existing and proposed public roads and easements.

- d. Existing structures.
- e. North arrow.
- f. Outline of areas to be subdivided.
- g. Approximation of proposed lot lines.
- h. Important natural features and drainage ways.
- i. A written statement about storm drainage, sewage disposal, water supply, and other facilities that exist in the area and the likely impacts of the development on those systems.

### **310 Preliminary Plan (Optional)**

The developer shall submit a preliminary plan for review and tentative approval prior to the formulation and submittal of detailed construction drawings. The preliminary plan is conducted for the developer's benefit and its submission does not constitute a formal subdivision review pursuant to Section 711.10 of the Ohio Revised Code. With the submission of the preliminary plan, the applicant waives any rights to an approval under Section 711.10 of the Ohio Revised Code until such time as application is made for final subdivision plat review and is submitted to the planning commission for review and approval as detailed in these Regulations.

### **311 Preliminary Plan Form**

The preliminary plan application shall contain:

- a. Complete application form available from the planning commission.
- b. Fee set forth in the appendix (if applicable).
- c. *Five copies* of the preliminary plan containing all required information.
- d. One set of conceptual subdivision improvement plans, provided that completed design drawings shall be required at a later time.

The preliminary plan shall be submitted in the following form:

- a. Drawn at a standard engineering scale between one hundred (100) feet to the inch and ten (10) feet to the inch.
- b. On one or more sheets 18" x 28" in size, clearly and legibly drawn.

### **312 Preliminary Plan Content**

The preliminary plans should contain the following information:

- a. Proposed name *of* subdivision, *and* location by *Military Survey Name and number*.
- b. Boundaries and acreage.
- c. Name, address and telephone number of the owner, subdivider, professional surveyor and professional engineer with appropriate numbers and seals.
- d. Date of survey, scale of the plat, north point, legend and a vicinity map of a scale not less than 2000 feet to an inch.
- e. Name of adjacent subdivisions, owners of adjoining parcels, and location of common boundary lines, extended to 200 feet beyond the boundary of the subdivision.

f. *Existing and proposed* topographic contours with intervals no greater than 1 foot at 5% slope, no greater than 2 feet for slopes over 5% and less than or equal to 15%, and no greater than 5 feet for slopes greater than 15%.

g. Location, *dimensions*, and names of existing *and proposed* streets *and other access points*, railroad rights-of-way, easements, parks, buildings, corporation and township lines; wooded areas, water courses, drainage patterns, and water bodies. *Drainage improvements shall be in compliance with Section 605b of these regulations.*

h. Topographic features within and adjacent to the plat for a minimum distance of 200 feet unless access to adjacent property has been denied the professional surveyor.

i. Location of floodways, floodplains, and a good faith effort to identify other potentially hazardous areas.

j. A good faith effort to identify the location of environmentally sensitive areas.

k. *A good faith effort to identify the soil types, derived from USDA Soil Survey.*

l. A good faith effort to identify the layout, number, dimensions of each lot, and setback lines (a note listing setback dimensions may be added in lieu of showing setback lines if the plan will be made more legible).

m. Parcels of land reserved for public use or reserved by covenant for residents of the subdivision.

n. *Written endorsement by twp., co., or state when access management standards are adopted in accordance with ORC.*

o. Type of water supply and wastewater disposal proposed, approximate locations and dimensions of all proposed *and existing* utilities and sewer lines, easements, drainage tiles, water mains, culverts, or other underground utilities within the tract or adjacent thereto. *Written endorsements by applicable authority (Board of Health, zoning authority, county engineer, etc.) indicating compliance with regulations regarding these facilities if and when they are adopted in accordance with the Ohio Revised Code.*

p. Known cemeteries, historical or archeological sites.

q. Copy of proposed covenants and restrictions, and a schedule outlining the order of development of each section or phase of the subdivision.

### **313 Additional Information for the Preliminary Plan**

The following information does not apply to all projects and may be requested during the site review or required during review and approval of applications.

a. Statements of proposed use of lots, giving type and number of dwelling units and/or type of business or industry.

b. Conceptual plan for commercial and industrial development, showing proposed parking, loading areas, alleys, pedestrian walkways, streets, points of vehicular ingress/egress to the development and landscape features.

c. A drawing of all present and proposed grades and facilities for storm water drainage in cases where natural drainage is altered.

d. A feasibility study on sewer and water facilities for land developments of two or more dwelling units.

e. Screening, buffering and/or noise abatement measures.

f. Typical cross-sections and centerline profiles for each proposed street, and preliminary engineering designs of any new bridges or culverts proposed in the project.

g. Other information, studies, items, or provisions deemed necessary or prudent to create buildable sites and to promote the public health, safety, and welfare.

### **314 Public Hearing**

The planning commission, prior to acting on a preliminary plan of a subdivision, may hold a public hearing at such time and upon such notice as the planning commission may designate.

### **315 Filing**

The preliminary plan shall be considered officially filed after it is examined by the designated representative of the planning commission and is found to be in full compliance with the formal provisions of these Regulations. The subdivider shall be notified by mail within five (5) working days as to the date of official filing, which begins the thirty (30) day review period, and the meeting at which the plan shall be reviewed.

### **316 Review and Approval of Preliminary Plans**

A review team consisting of a representative of the planning commission, board of health, county engineer, and soil and water conservation district shall view the property to assess the proposed development. The planning commission shall forward copies of the preliminary plan to such officials and agencies as may be necessary for the purpose of study and recommendation. After receipt of reports from such officials and agencies, the planning commission shall determine whether the plan will be approved, approved with modifications, or disapproved. The reasons for such disapproval shall be stated in writing. The planning commission shall act on the preliminary plan within (30) working days after filing unless such time is extended by agreement with the subdivider. Approval of the preliminary plan shall be conditioned on compliance with all other applicable resolutions and regulations.

### **317 Preliminary Plan Expiration**

The approval of the preliminary plan by the planning commission shall be effective for a maximum period of one (1) year from the date of its approval unless an extension of the approval has been granted in writing by the planning commission. If the final plat application is not accepted within one (1) year, the preliminary plan approval shall expire and become void.

### **318 Preliminary Plan Recall**

The designated representative of the planning commission may recall unplatted portions of the preliminary plan for consideration, and reapproval, modification, or disapproval by the planning commission. The subdivider shall be notified by letter no later than 30 days before the recall is scheduled for consideration. A recall may occur if:

- a. Incomplete, inaccurate or fraudulent information influenced approval.
- b. The subdivider has failed to satisfactorily pursue platting or conditions of approval.
- c. Previously unknown or new health, safety or environmental concerns arise.

### **319 Submission to Ohio Department of Transportation**

Any plan within (300) feet of the centerline of a state highway for which changes are proposed, or any land within a radius of (500) feet from the point of intersection of said centerline with any public road or highway requires the planning commission give notice by registered or certified mail to the Ohio Department of Transportation. If the Ohio Department of Transportation notifies the planning commission that it shall proceed to acquire the land needed, the planning commission shall refuse to approve the plan.

### **320 Submission to Township Trustees**

Within five days after the submission of a plat for approval, the planning commission shall schedule a meeting to consider the plat. It shall send written notice by regular mail to the clerk of the board of township trustees of the township in which a proposed plat is located. The notice shall inform the trustees of the submission of the proposal plat and of the date, time, and location of any meeting at which the planning commission will consider or act upon the proposed plat.

### **321 Grading of Site Prior to Final Approval**

Subsequent to preliminary plan approval the developer may receive approval from the planning commission to begin earth excavation and construction to the grades and elevations required by the approved preliminary plan.

### **322 Model Homes**

For the purpose of allowing the early construction of model homes in a subdivision, the planning commission, in its sole discretion, may permit a portion of a major subdivision involving no more than (2) lots to be created in accordance with the procedures for minor subdivision, provided the portion has access from an existing township, county, or state highway, and provided no future road or other improvements are anticipated where the lots are proposed. An application for minor subdivision or lot split shall be submitted to the planning commission simultaneously with the preliminary plan for the entire major subdivision. Subsequent to preliminary approval, the model homes may be constructed, subject to such additional requirements as the planning commission may require.

### **323 Final Plat Procedures**

Having received the approval of the preliminary plan, if applicable, the subdivider shall submit a final plat application containing all changes required by the planning commission in the preliminary plan. The final plat shall be prepared by a professional surveyor, and the design for construction of improvements prepared by a professional engineer licensed to practice in the State of Ohio. Within five calendar days of submission, staff shall accept and schedule the plat for the next appropriate meeting of the planning commission and notify the township in accordance with Section 711.10 of the ORC and this Section of these Regulations. Notification shall also be given to other appropriate agencies and officials.

A complete application shall contain:

- a. Complete and signed application form available from the planning commission with the fee as set forth in the appendix.
- b. Original plat document signed by the subdivider and lienholder with notary and seal and the professional surveyor with seal.
- c. Plat, signed by applicable zoning, health, sanitary and other government authorities.
- d. *Six (6)* sets of copies of the final plat and *two (2)* reproducible tracings of the plat.
- e. (2) sets of approved construction drawings (1 copy, 1 reproducible tracing) and engineering specifications as required for grading, streets, stormwater management, waterline, sanitary sewer, and other improvements. Applicants are encouraged to file the application for final plat approval only after the appropriate authority approves construction drawings and engineering specifications. Failure to do so shall result in non-acceptance of the application.
- f. Supplementary and additional information as required by these Regulations.

### **324 Final Plat Form**

The final plat shall be submitted in the following form:

- a. Drawn at a standard engineering scale between one hundred (100) feet to the inch and ten (10) feet to the inch, inclusively.

- b. Plats shall be on one or more sheets eighteen (18) by twenty-eight (28) inches in size and shall be clearly and legibly drawn. The original shall be drawn on reproducible material capable of producing blue or black line paper prints.
- c. No ditto marks shall be used on the final plat and a legend of all symbols and abbreviations used shall be included on the plat.
- d. The planning commission may also require the final plat to be filed in a digital or computer format.

## 325 Final Plat Contents

The final plat shall contain the following information:

- a. Subdivision name, location by section, range, township or other accepted survey district.
- b. The plat shall comply with the Minimum Standards for Boundary Surveys in the State of Ohio and the measurement specifications as contained in Chapter 4733-37 of the Ohio Administrative Code.
- c. A vicinity map showing general location of subdivision.
- d. Name, address and telephone number of owner, subdivider, professional surveyor and professional engineer with appropriate numbers and seals.
- e. Plat boundaries, based on accurate traverse, with angular and linear dimensions determined by an accurate control survey in the field. All lot lines shall be shown with accurate dimensions in feet and hundredths.
- f. Layout, number, dimensions of each lot, and set back lines (a note listing setback dimensions may be added in lieu of showing setback lines of the plat will be made more legible).
- g. Outline of areas to be dedicated or reserved for public or common use of property owners within the plat, and previous lots or blocks and their numbers indicated by a contrasting line style in the case of a replat.
- h. Bearings and distances to the nearest established street lines, and accurate location and description of all monuments.
- i. Names, locations, dimensions, rights-of-way of all existing and proposed streets and railroads within and adjoining the plat. Radii, internal angles, points of curvature, tangent bearings, length of arcs, and lengths and bearing of chords of all streets.
- j. Locations and dimensions of all easements and rights-of-way, with dimensions, purposes and wording addressing the purpose of such easements or rights-of-way.
- k. Location of all streams, rivers, canals or lakes, and flood hazard boundaries of the area.
- l. Base flood elevations shall be determined by the developer's engineer in areas where such information has not been made available from other sources.
- m. A copy of any restrictive covenants, and other notes, items, restrictions, or provisions required by these Regulations, the planning commission or its designated representative, or other plat-signing authority.
- n. A statement or table showing total acreage in the subdivision and total acreage of lots, roads, open space, easements and other types of uses.
- o. Spaces for all signatures required by Article 11.
- p. All pertinent information required on the Preliminary Plan.

## **326 Additional Information for Final Plat**

The following information shall be supplied in addition to the above required data:

- a. If a zoning change is involved, certification from the appropriate township or county zoning inspector shall be required indicating that the change has been approved and is in accordance with the requirements of the zoning resolution.
- b. A letter from the permitting agency indicating that a driveway permit has been issued or will be issued by the office of the county engineer or Ohio Department of Transportation on existing roads.

## **327 Filing**

The final plat shall be filed with the planning commission not later than one (1) year after the date of approval of the preliminary plan; otherwise it will be considered void unless an extension is requested by the subdivider and granted in writing by the planning commission. The final plat shall be filed at least thirty (30) days prior to the meeting at which it is to be considered.

## **328 Planning Commission Action**

Before any final plat is approved, the Ohio Department of Transportation must be notified as required by Section 319 of these Regulations. Staff shall provide a final plat report to the planning commission. The planning commission shall act on the final plat within thirty (30) days after filing, unless such time is extended by agreement with the subdivider, the final plat is withdrawn or a delay-of-action is requested and granted. Conditional approval of a final plat shall be limited to minor clerical and other nonsubstantive errors as determined by the planning commission. If disapproved, the reason shall be stated in the record of the planning commission. Failure of the planning commission to act upon the final plat within such time shall be deemed an approval of the plat. If disapproved, the subdivider shall make the necessary corrections and resubmit the final plat, within thirty (30) days, to the planning commission for its final approval. If a final plat is refused by the planning commission, the person resubmitting the plat, which the planning commission refused to approve, may file a petition within sixty (60) days after such refusal in the court of common pleas of the county in which the land described in said plat is situated.

## **329 Public Improvements**

Prior to the granting of approval of the final plat, the planning commission may require that all public improvements be installed prior to the signing of the final plat. If the planning commission does not require that all public improvements be installed and dedicated prior to signing of the final plat, the planning commission shall require that the applicant furnish a performance guarantee for the ultimate installation of said improvements. The requirements, approval and length of term for the performance guarantee shall be determined by the planning commission.

## **330 Final Plat Expiration**

The subdivider shall record the final plat within 60 days of final approval, otherwise the final plat approval shall expire and become void.

## **331 Signing, Recordation and Transmittal of Copies of Final Plat**

When a final plat has been approved and all conditions for approval have been satisfied, the designated representative of the planning commission shall sign the certificate of approval on the original tracing and return the same to the subdivider. The subdivider shall, within 60 days, submit a copy of the approved plat for processing by the county tax map department, county auditor, and filing with the county recorder. It shall be the responsibility of the subdivider to gain all necessary certifications before filing the plat with the county recorder. The subdivider shall provide the planning commission with a paper copy of the approved plat. After the plat is recorded, the original plat or an archival quality reproducible reproduction shall be filed with the county recorder. Any office may require the submission of the final plat in digital or computer format.

## 332 Final Plat Amendments

Procedures and requirements for changing a planning commission-approved final plat (signed, unsigned, recorded or unrecorded) shall follow the procedures for final plat approval as set forth in these Regulations. Amendment of the preliminary plan (if one was submitted) may be required before or concurrent with amendment of the final plat. Amendment fees are set forth in the appendix.

## 350 Large Lot Divisions.

### 350.01 General.

The purpose of this Section 350 is to establish the procedure for review and approval of large lot divisions as authorized under Section 711.133 of the Ohio Revised Code.

The approval procedure for Large Lot Divisions (LLD) shall be used to request a proposed division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road, and involving the establishment of any lot ranging in size from not less than five (5) acres to not more than twenty (20) acres. A proposed division of land under and in compliance with this Section 350 shall not be considered a subdivision for purposes of division (B)(1) of Section 711.001 of the Revised Code and need only be approved under the provisions of this Section 350.

A LLD application shall be filed by the landowner or designated representative. In addition to the submittal requirements set forth below, the application shall include the proposed deed(s) for the new lots identifying Grantor and Grantee with survey drawing and legal description, the signed and completed application form, and required fee.

### 350.02 Pre-Application Conference and Sketch Plan.

Prior to filing a formal LLD application, an applicant is encouraged to request an informal discussion with the County Planning Commission *technical review committee (TRC)* to discuss the procedure for approval and to familiarize the applicant with applicable requirements. A request for pre-application conference shall require the submission of a sketch plan no larger than 11" x 17". The sketch plan shall be drawn to a convenient scale of not more than one hundred (100) feet to an inch and shall show the following information:

- A. Location or vicinity map.
- B. Ownership of property.
- C. Existing public roads and existing and proposed easements.
- D. Existing structures.
- E. North arrow.
- F. Outline of areas to be divided.
- G. Approximation of proposed lot lines and dimension.
- H. Important natural features and drainage ways.
- I. Information concerning storm drainage, sewage disposal, water supply, and other facilities that impact on the development.

Within a reasonable period of time following submittal of the sketch plan, *TRC* will meet with the applicant to discuss the proposed subdivision. Staff may request a site visit prior to such discussion, in which case, the applicant shall accompany the staff to the site visit. Within two (2) weeks following the site visit (or, if none, following the conference with the applicant), staff shall provide comments to the applicant on the proposed division.

### 350.03 Survey Requirement.

No division of land involving a metes and bounds description shall be approved or exempted unless it is accompanied by a survey and legal description certified by a Professional Surveyor licensed by the State of Ohio. The survey must meet the Minimum Standard For Boundary Surveys, Administrative Code 4733-37, and the survey and description must be approved by the County Engineer or designee.

### **350.04 Lot Frontage Requirement.**

*a. Unless the applicable zoning regulations specifically provide otherwise, all lots created under this Section 350 shall have a minimum of two hundred thirty-four (234) feet of continuous frontage on an existing and improved public road measured at the right-of-way line.*

*b. Panhandles for Large Lots shall be subject to Brown County Planning Commission approval, variance fees, and all other regulations that apply to panhandle lots.*

### **350.05 Lot Width to Depth Ratio.**

*Unless the applicable zoning regulations specifically provide otherwise the maximum depth of a lot shall not exceed four (4) times the width of the lot, unless the applicable zoning regulations are more stringent.*

### **350.06 Applicable Submittal Requirements.**

LLD application shall include the following information:

- a. An approved survey and legal description prepared by a professional surveyor in accordance with :
  - i. Minimum Standards for Boundary Surveys in the State of Ohio*
  - ii. Measurement specifications as contained in chapter 4733.37 of the Ohio Administrative Code.*
  - iii. Rules adopted by the Brown County Auditor's and Engineer's Offices.**
- b. a completed application.*
- c. all applicable fees.*
- d. Location and type of all existing all existing structures.*
- e. Areas within the 100 year floodplain and within floodways, as determined from flood studies or by scaling from mapping provided by the Federal Emergency Management Agency, shall be delineated.*
- f. Vicinity sketch.*
- g. If average slope is less than 1%, drainage plan shall be required.*
- h. If slopes greater than 15% exist, hillside regulations apply.*
- i. Parcel ID No.*
- j. Any other material or information the Brown County Planning Commission finds necessary for the review of the LLD.*

In addition, all corners of the proposed lots shall be marked with stakes and colored flagging prior to or at the time of filing the LLD application.

### **350.07 Review and Approval.**

If the Commission, acting through the Executive Secretary and *technical* review committee (*TRC*), finds that the proposed division is not contrary to any applicable zoning, health, sanitary, or access management regulations, regulations adopted under division (B)(3) of section 307.37 of the Revised Code regarding existing surface or subsurface drainage, including, but not limited to, rules governing household sewage disposal systems or the regulations set forth in this Section 350, it shall be approved in accordance with the following schedule:

- a. For proposed division into not more than six (6) separate parcels, approval shall be within seven (7) calendar days after its submission;*

- b. For proposed divisions into more than six separate parcels but less than fifteen (15) parcels, approval shall be within fourteen (14) calendar days after its submission;
- c. For proposed divisions into more than fifteen (15) parcels, approval shall be within twenty-one (21) days after its submission.

The burden is upon the applicant to demonstrate compliance with these Regulations. Incomplete or deficient proposals shall be disapproved and the applicant notified of issues and reasons for disapproval. Upon presentation of an approved conveyance of said parcel, the conveyance shall be stamped "Approved by Brown County Planning Commission, No Plat Required under R.C. 711.133" and signed and dated by the Executive Secretary or his designated representative. LLD deeds shall be recorded within one hundred eighty (180) days from the date of approval, or the approval expires. Upon the expiration of the approval, any proposed division of the subject tract shall be filed and processed as a new application under Section 350.

### **350.08 Agricultural and Personal Recreational Purposes Exemption.**

A proposed division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road, and which meets the acreage requirements set forth in Section 350.01 but which is to be used only for agricultural or personal recreational purposes (as hereinafter defined) shall be exempt from the LLD approval requirements. Upon presentation of a conveyance of such a parcel, the conveyance shall be stamped "Approved or No Plat Required under R.C. 711.133; **FOR AGRICULTURAL AND PERSONAL RECREATIONAL USE ONLY,**" and signed and dated by the Executive Secretary or his designated representative.

Nothing in this Section 350 shall be construed as excluding parcels that are exempt under this procedure that are currently being used only for agricultural or personal recreational purposes from the provisions of these Regulations for any future division or partitions of those parcels.

When parcels that are exempt from the approval requirements under this section 350.08 are subsequently to be used for other than agricultural or personal recreational purposes, the Executive *Secretary* or a designed representative shall first determine that such a parcel complies with the regulations set forth in Section 350.

An exemption under this section 350.08 shall require a statement, be placed on the surveyor's sketch and deed stating in bold type "**Pursuant to ORC 711.133 FOR AGRICULTURAL AND PERSONAL RECREATIONAL USE ONLY** subsequent use shall require compliance with Brown County Subdivision Regulations," that certifies that the proposed parcel will only be used for agricultural or personal recreational purposes, and that any subsequent change in use shall require that the Executive Secretary first determine that the parcel complies with the then current provisions of Section 350.

For purposes of Section 350 the terms "agricultural purposes" and "personal recreational purposes" shall be defined as follows:

- Agricultural Purposes - a parcel or parcels that are devoted exclusively to commercial animal or poultry husbandry, aquiculture, apiculture, the production for a commercial use of field crops, tobacco, fruits, vegetables, nursery stock, ornamental trees, sod, or flowers, or other similar agricultural uses.
- Personal Recreational Purposes - a parcel or parcels that are devoted exclusively to personal recreational use of a private type and nature that is conducted by the owner(s) of such parcel(s) or the individual(s) entitled to exclusive use and possession of such parcel(s), without fee or consideration of any kind, excluding any commercial or membership recreational type of use whether or not for fee or profit.