

## CHAPTER 155: SUBDIVISION REGULATIONS

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**GENERAL PROVISIONS**

**§ 155.01 PREAMBLE.**

This chapter is enacted in accordance with R.C. Chapter 711 for the purpose of protecting the public health, safety, and general welfare; regulating the development of subdivided areas; promoting the proper arrangement of streets and layout of lots; providing for adequate and convenient open space, utilities, recreation, and access to service and emergency vehicles; providing for adequate provision of water, drainage, sewer, and other sanitary facilities; providing for the administration of these regulations and defining the powers and duties of the administration officers; and prescribing penalties for the violation of the provisions of this chapter or amendment thereto.

**§ 155.02 TITLE.**

These regulations shall be known and may be cited and referred to as the subdivision regulations of the village, and shall hereinafter be referred to as "these regulations."

**§ 155.03 JURISDICTION.**

These regulations shall be applicable to major and minor subdivisions as defined in these regulations, and partitions of land, within the village, and the territory within one and one half (1½) miles of the corporate limits thereof.

(A) Partitions. Wherever land is to be divided by the process of partition in court pursuant to R.C. § 5307.06, all petitions for the partition shall be submitted to the Village Planning Commission which shall take action thereon within 30 days or within such additional time as agreed on by the petitioners.

(B) Exemptions. The following divisions of land are not subject to the provisions of these regulations.

- (1) The division or partition of land into parcels of more than five acres not involving any new public streets or easements of access; or
- (2) The sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites as defined by zoning or these regulations -or reduce the original tract below the requirements of zoning or these regulations.

**§ 155.04 PURPOSE.**

The purpose of these regulations is to guide and control the subdivision of land in order to promote and protect the public health, safety, and general welfare and to achieve the following objectives:

- (A) To encourage the orderly development of land to obtain harmonious and stable neighborhoods;
- (B) To provide for the reservation and dedication of land for safe and convenient pedestrian and vehicular circulation, and open space for recreation and other public purposes;

(C) To provide for the construction of streets and utilities which will be adequate and economical to maintain;

(D) To assure the accurate surveying of land and preparing and recording of plats; and

(E) To provide for the coordination of land development with the objectives of the Comprehensive Plan or other village or county plans promulgated therefrom, and the zoning code.

#### § 155.05 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**VILLAGE ENGINEER** The Village's Engineer.

**COMMISSION** The Village Planning Commission.

**COUNTY** The County of Coshocton, Ohio.

**DEVELOPER** Any individual, firm, association, corporation, trust, or any other legal entity, including his agents, commencing proceedings under the regulations to effect a subdivision of land for himself or for another.

**EASEMENT** A grant by the property owner for specified use of the land to a corporation, partnership, person, or to the public.

**IMPROVEMENTS** Grading, storm sewers and other drainage facilities, streets, street pavement and curbs, sidewalks, landscaping, street signs, sanitary sewer and water systems, other public or private utility services, and any other facility or appurtenances which may be required by these regulations or other municipal, county or state law.

**LOTS** Definitions applicable to lots shall be the same as those included in the village's zoning code, or as otherwise included in the county subdivision regulations.

**OPEN SPACE** Public or common land in a subdivision which is dedicated or permanently assigned to playground, park, or outdoor recreational uses.

(1) **COMMON LAND** Land in a subdivision designated in -covenants or other conditions running with the land for permanent common use by the owners or occupants of private land therein.

(2) **PUBLIC LAND** Land in a subdivision which is offered for dedication and accepted by the village or other public body for a public use.

#### **PLANS and PLATS**

(1) **COMPREHENSIVE PLAN** A composite of the mapped and written proposals for the future development of the village, duly adopted and recorded by the Commission, indicating its recommendations for the uses of private land, public open spaces and buildings, and the general street system, including the village's officially recorded Park and Recreation Plan and Thoroughfare Plan.

(2) **IMPROVEMENT PLAN** A plan prepared by a professional engineer showing all improvements required by these regulations.

(3) **PRELIMINARY PLAN** A drawing of a subdivision prepared by a professional engineer or surveyor showing the lines of each element by accurate distances and bearings, based on available record data, which may include explanatory exhibits and text, which, if approved by the Commission, provides the basis for proceeding with the preparation of the final plat and improvement plans for the subdivision.

(4) **SKETCH PLAN** A simple sketch of the proposed layout of streets, lots, and other features of a proposed subdivision in relation to existing conditions, including topography, prepared by the developer and submitted to the Commission for the purpose of obtaining the Commission's advice and assistance before preparation of the preliminary plan.

(5) **SUBDIVISION PLAT** The final drawing of a subdivision prepared by a professional engineer and surveyor showing the lines of each element by distances and bearings based on the conditionally approved preliminary plan of a proposed subdivision which is presented to the Commission for final approval and to Council for acceptance of dedications, and thereafter to the County Recorder for recording.

(6) **REGULATIONS** The subdivision regulations of the village.

## **SUBDIVISION**

(1) A subdivision is the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners where such a sale or exchange does not create additional building sites, shall be exempted; or

(2) The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures, involving the division or allocation of land for the opening, widening, or extension of any street, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

(a) **MAJOR SUBDIVISION** Any subdivision other than a minor subdivision.

(b) **MINOR SUBDIVISION** A division of a parcel of land that does not require a plat to be approved by a planning authority according to R.C. § 711.131. Also known as lot split.

**STREETS** An avenue, highway, road, thoroughfare, boulevard, parkway, alley, or other way proposed for vehicular traffic, and any existing state, county, township or village street or way shown on a plat heretofore duly approved, filed, and recorded in the office of the Village Clerk. Included is the land between the street right-of-way lines whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, division strips, or other areas within the street lines. Streets shall be classified as follows:

(1) **ALLEY** A street providing service access to the rear or side of properties abutting also on streets or thoroughfares.

(2) **COLLECTOR STREET** A street supplementary to and connecting major streets to local streets and to district centers or neighborhoods.

(3) **CUL-DE-SAC** A street with only one permanent outlet.

(4) **LIMITED-ACCESS HIGHWAY** A strip of public land devoted to movement of traffic, not providing access to the abutting properties.

(5) **LOCAL STREET** A street primarily for access to abutting residential properties and to serve local needs.

(6) **MAJOR STREET** A street which is primarily for moving fast or heavy traffic between large or intensively developed districts.

(7) **MARGINAL ACCESS STREET** A local street providing access to lots which abut or are adjacent to a limited-access highway or major street.

(8) **RIGHT-OF-WAY** strip of land measured between property lines, dedicated for use by the public.

(9) **ROADWAY** or **PAVEMENT** A portion of a street available for vehicular traffic, including parking lanes.

(10) **TREE LAWN** The portion of a street right-of-way between edge of pavement or curb and public sidewalk or property line.

**Cross-reference:**

Zoning code definitions, see § 152.004

**§ 155.06 ADMINISTRATION.**

It shall be the responsibility of the Village Planning Commission to administer these regulations except where specific authority is given to some other entity as set forth in these regulations.

**§ 155.07 ENFORCEMENT.**

It shall be the duty of the Commission and Village administrator to enforce these regulations.

**§ 155.08 NOTICES.**

(A) Service. The Village administrator shall serve a written notice or order on the person responsible for any work being done or any transactions being made in violation of these regulations or-in violation of a detailed statement or plan submitted and approved by the Commission or Village administrator. Such notice shall direct the discontinuance of any illegal action and the remedying of the condition that is in violation of the provisions and requirements of these regulations.

(B) Compliance. In case such notice or order is not promptly complied with, the Village administrator shall notify other public entities and utility companies the same to withhold their approval and to stop all services to the property where such violation is concerned and to refuse such services until these regulations are complied with. The Village administrator, in any case, may request the Village Solicitor to institute the appropriate action or proceedings at law or equity to restrain, correct, remove, or prosecute such violation.

**§ 155.09 APPEALS AND VARIANCES.**

Rights of appeal shall be as set forth in R.C. Chapter 711. Whenever the Commission finds that extraordinary hardship or injustice may result from strict compliance with these regulations, it may vary or modify the regulations to the extent deemed necessary and proper to grant relief from such extraordinary

hardship or injustice, provided that the variation or modification, if granted, is not detrimental to the public interest and is in keeping with the general intent and spirit of these regulations.

**§ 155.10 REVOCATION OF PLATS.**

On the effective date of these regulations, or amendments thereto, the Commission shall notify the developer of any subdivision for which a preliminary plan, or unrecorded subdivision plat, has been approved that such approval shall become void one year after the date of the notice if improvement plans which conform to the previous subdivision regulations of the village have not been approved by the Commission.

**§ 155.11 RESUBDIVISION AND VACATION.**

Application for re-subdivision and vacation of subdivisions shall be made by the developer to the Commission according to the same procedures as for an original subdivision. The original lots shall be shown by dotted lines, lot numbers, and other references made on the previously recorded subdivision. Any re-subdivision shall contain an abandonment of any claim, right title, or interest in the original subdivision and any vacation shall be approved by Council and noted in the same manner as a dedication.

**§ 155.12 AFFIRMATIVE ACTION PLAN.**

The village shall adopt an affirmative plan of action for accomplishing minority business enterprise participation requirements of the Ohio Public Works Commission and Ohio Revised Code Chapter 164.

**REGULATIONS AND STANDARDS**

**§ 155.15 CONFORMITY WITH PLANS.**

All proposed subdivisions shall conform with the Comprehensive Plan or other village or county plans promulgated therefrom.

**Statutory reference:**

Adoption of subdivision regulations by municipalities, see R. C. § 711. 101

**§ 155.16 DRAINAGE.**

(A) General. The Commission shall not approve any subdivision having inadequate storm or sanitary drainage as determined by the Village Engineer or County Board of Health.

(B) Alterations. No drainage course shall be altered, filled, or built on, unless such alterations are first approved by the Village Engineer according to improvement standards of these regulations.

Penalty, see § 155.99

**§ 155. 17 OPEN SPACE AND PUBLIC SITES.**

Provision shall be made if required by the Commission for the allocation of sites for playgrounds, parks, outdoor recreation, and other public uses including schools as indicated on the Comprehensive Plan or other village or county plans promulgated therefrom in which the subdivision is located, the same to be made available by one of the following methods as required by the Commission:

(A) Open space.

(1) The dedication to public use on the plat of the parcel proposed for subdivision of a parcel of land equal to at least 4% of the parcel proposed for subdivision;

(2) The conveyance by deed to an appropriate public body of a parcel of land equal to at least 4% of the parcel proposed for subdivision;

(3) A conveyance or reservation to the owners of land within the proposed subdivision of a parcel of land equal to at least 4% of the parcel proposed for subdivision for use of the property owners within the subdivision; or

(4) Cash equal to 4% of the raw land acquisition cost of the parcel proposed for subdivision, based on the current market value as expressed by the county tax duplicate. Payment of such cash shall be deposited in a special village fund, and used to purchase or improve public open space land which will serve the subdivision for which the payment is made.

(B) Public sites.

(1) The dedication for public use of land in such reasonable amount as may be determined by the Commission.

(2) The reservation for acquisition by the school district within which land is located within a period of 18 months, of land in such reasonable amount as may be determined by the Commission. The reservation shall be made in such a manner as to provide for a release of the land to the subdivider in the event no public agency proceeds with the purchase. The 18 months reservation shall begin with the date all or any part of the proposed subdivision is officially recorded.

(C) Designation. Each open space and public site, utility easement, and other area to be dedicated as designated on the plat, shall be so designated as to indicate the purpose of the dedication and to whom it is to be dedicated.

(D) Natural features. Due regard shall be shown for preserving outstanding natural features such as scenic spots, water courses, or exceptional groves of trees.

**§ 155.18 EASEMENTS.**

Private and public utility easements shall have a minimum width of 16 feet or such additional width as may be required by the Village Engineer for necessary access to the utility involved. Such easements shall be located along rear or side lot lines except under special circumstances where the Commission may require them in other locations. For lots facing curvilinear streets, the rear easements shall consist of straight lines with a minimum of points of deflection.

**§ 155.19 STREETS.**

The arrangement, character, extent, width, grade, and location of all streets shall conform to and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets. The developer shall provide within the boundaries of the subdivision plat the necessary right-of-way for the widening, continuance, or alignment of such streets by dedication of the necessary right-of-way for the continuation, extension, or connection of any present or planned highway or street. When subdividing land fronting on an existing street not designated on the Comprehensive Plan or other village or county plans promulgated therefrom reasonable provision shall be made by the developer for necessary right-of-way or easements from traffic, utilities, and drainage.

(A) Arrangement.

(1) Physical barriers. Where a subdivision borders on, or contains a railroad right-of-way or limited-access highway right-of-way, the Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for necessary traffic circulation.

(2) Highways and major streets. When a subdivision abuts or contains an existing limited access highway or major street as designated on the Comprehensive Plan or other village or county plans promulgated therefrom, the Commission may require any of the following:

(a) Marginal access streets.

(b) Reverse frontage with planting contained in a nonaccess public reservation along the rear property line or a planting strip of a minimum width of 20 feet on the rear of the lots with no vehicular access across such strip.

(c) Deep lots with rear service alleys.

(d) Such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(3) Collector and minor streets. The street layout shall make provision for the proper protection and continuance of streets into adjacent unsubdivided acreage where it is deemed appropriate and desirable by the Commission. Local streets shall be laid out in such a manner as to discourage through traffic.

(4) Continuity. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission may require a sketch of a future street system for the unsubdivided portion.

(5) Reserve strips. Land which would control the extension or access to streets shall be prohibited.

(B) Alignment.

(1) Horizontal.

(a) Intersection approaches. Approaches to street intersections shall be perpendicular for a distance of at least 100 feet from the centerline of the street intersected. The Commission may modify this requirement when an unreasonable hardship would result from its strict enforcement.

(b) Reverse curves. A tangent at least 100 feet long shall be introduced between reverse curves on all but minor and marginal access streets. The Commission may modify this requirement when an unreasonable hardship would result from its strict enforcement.

(2) Vertical. Grades at intersection. Approaches to intersections shall be reduced to grade not exceeding 3% for a distance of at least 150 feet from the centerline of the street intersected. The Commission may modify this requirement when an unreasonable hardship would result from its strict enforcement.

(C) Classifications. The Commission approving each street in a proposed subdivision, shall be governed by the standards set forth in the following table:



<b>STREET CLASSIFICATION</b>	<b>MINIMUM RIGHT-OF-WAY</b>	<b>MINIMUM DEGREE OF CURVATURE</b>	<b>MINIMUM RAD OF CURVATURE IN FEET</b>	<b>MAXIMUM GRADE PERCENT</b>
Limited-access highway	200 ft.	*	*	*
Major street	80 ft.	5	300 ft.	10
Collector street	60 ft.	10	150 ft.	14
Local street	50 ft.	10	150 ft.	14
* Requirement will be based on design				

(D) Corner radii. Property lines at street right-of-way intersections should be rounded with a radius of 20 feet or of a greater radius where the Commission may deem it necessary.

(E) Cul-de-sacs. Permanently designed cul-de-sacs shall not be longer than 1,000 feet and shall be provided at the closed end with a turn-around having a street property line diameter of at least 120 feet. The street right-of-way lines and the 120 feet diameter turn-around should be joined by tangent arcs of 50 feet minimum radius.

(F) Street terminals. Where streets are extended to the boundary of a subdivision to provide for their proper continuance at such time as the adjacent land is subdivided, the Commission n-Lay require a temporary turn-around with a minimum radius of 60 feet provided, however, that if a street extends only one lot depth past a street intersection, no turn-around is required. The type of pavement of street terminals shall be subject to approval by the Village Administrator.

(G) Half-streets. Half-streets shall be prohibited except in cases where there exists a dedicated or platted half-street adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Commission.

(H) Alleys. Alleys shall be provided in apartment, commercial, and industrial districts, except that the Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed. Alleys shall be prohibited in one and two-family districts except where it is desirable to continue an existing alley to the nearest intersection or where the lots face a street shown on the Comprehensive, Plan or other village or county plans promulgated therefrom and - provision has not or cannot be made for limited access on such street, or where special approval of the Commission is granted. The minimum width of an alley shall be 24 feet. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

(I) Sidewalks. Where the Commission determines that sidewalks are feasible, they shall be provided by the developer in accordance with improvement standards of these regulations.

(J) Street trees. Trees which have undesirable characteristics such as excessively thick foliage, low branches, unpleasant odors, susceptibility to disease or attack by insects or large root systems, such as Poplar, Willow, Cottonwood, American Elm nut and fruit trees, Ailanthus, Mountain Ash, and Oregon Maple, shall be prohibited in the tree lawn and within 25 feet of a public sewer; Poplar, Willow, or Cottonwood trees if planted on private property in the village shall be located not less than 100 feet from any public sewer.

(K) Street names. Names of new streets shall not duplicate, or be similar to, existing dedicated streets. New streets which are extensions of or in alignment with existing streets shall bear the name of the existing streets. All street names must be approved by the Commission.  
Penalty, see § 155.99

**§ 155.20 BLOCKS.**

Blocks shall not exceed 1,500 feet in length, or be less than 400 feet in width, except where topograph conditions require other dimensions. The length, width, and shape of blocks shall be designed with due regard to the provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements and the requirements contained in these regulations as to lot size and dimension; the need for convenient access, circulation, control, and safety of street traffic; and the limitations and opportunities of topography.

**§ 155.21 LOTS.**

The lot size, width, depth, shape, orientation, and the minimum setback line shall be appropriate for the location of the subdivision and for the type of development and use contemplated in order to secure and provide for the proper arrangement of existing or planned streets, adequate and convenient open space, utilities, access of fire fighting apparatus, light, air, and for the avoidance of congestion of population.

(A) Area and shape. Lots areas shall be at least as large as the minimum requirements of the village's zoning code, or as otherwise provided for in the county subdivision regulations. The Commission may limit to a maximum ratio of 3-1/2 to 1 the depth to width of lots for the most efficient use of land.

(B) Ingress and egress. The subdividing of land shall be such as to provide each lot with frontage on a public street.

(C) Double and reverse frontage. Double frontage and reverse frontage lots may be allowed where they are essential to provide separation of residential development from major streets or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 20 feet, and across which there would be no right of access should be provided along the line of lots abutting such traffic artery or other disadvantageous use.

(D) Building lines. Building setback, side rear yard lines shall be at least as large as the minimum requirements of the village zoning code, or as otherwise provided for in the county subdivision regulations.

(E) Lot identification. All lots shall be numbered by the County Recorder.

**§ 155.22 SUBDIVISION NAME.**

The subdivision name shall not duplicate, be similar to, or be in conflict with the names of any existing subdivisions in the village or county, or any previously planned subdivision under consideration by the Commission.

Penalty, see § 155.99

**§ 155.23 IMPROVEMENTS.**

Regulations and standards for the design, construction, and provision of improvements are given in Appendix A to these regulations.

**PROCEDURES**

**§ 155.30 MINOR SUBDIVISIONS.**

(A) Application. An application for a proposed minor subdivision as defined in § 155.05 may be filed with Commission for approval without a plat. The application, however, shall include a sketch plan specified in § 155.41. The Commission, acting through the Village Administrator, shall approve the application within seven working days if the proposed division of a parcel meets the following conditions:

(1) The proposed subdivision is located along an existing public road and involves no opening, widening, or extension of any street or road;

(2) No more than five lots are involved after the original parcel has been completely subdivided;

(3) The proposed subdivision is not contrary to applicable subdivision or zoning regulations; and

(4) The property has been surveyed and a sketch and legal description of the property is submitted with the application.

(B) Recording. On Commission approval of an application for a minor subdivision, a conveyance acceptable to the Village Administrator, shall be submitted to him for review. If the conveyance conforms to the approved application and is otherwise acceptable to the Village Administrator, he shall within seven working days after receipt thereof certify the approval on the conveyance. Such approval, however, shall be void after 30 days unless the conveyance has been duly recorded with the Village Clerk or an extension has been granted by the Commission.

Penalty, see § 155.99

### **§ 155.31 MAJOR SUBDIVISIONS.**

(A) Application. An application for a proposed major subdivision as defined in § 155.05 shall be submitted to the Commission for approval according to the following procedures.

(1) Sketch plan. Prior to the preparation of a preliminary plan, the developer shall consult informally with the Commission and Village Engineer in order to familiarize himself with these regulations, applicable zoning and other codes and plans of the village. At the time of the informal consultation, the developer shall submit to the Commission a sketch plan specified in § 155.41.

(2) Preliminary plan. On reaching conclusions, informally, regarding his general program and objectives, the developer shall prepare a preliminary plan, including plans, preliminary title report, and specifications of improvements specified in §§ 155.40 through 155.44.

(a) Filing. Six copies of the preliminary plan and supplementary material shall be submitted to the Commission with written application for approval. The Commission shall review the preliminary plan and other material for conformity to these regulations applicable, zoning and other codes and plans of the village. The Village Administrator shall inform the developer as to which public offices must be contacted by him to determine the nature and extent of the improvements required in Appendix (A) to these regulations, and obtain a report by the Village Administrator on the preliminary plat which shall be given to the Commission.

(b) Commission action. The Commission shall approve, disapprove, or modify the preliminary plan within 30 days after filing, or within such further time as the developer may agree to. The Commission's action including any conditions of approval, shall be noted on two copies of the preliminary plan. One copy shall be retained by the Commission and the other returned to the developer. Commission approval of a preliminary plan shall not constitute approval of a subdivision plat. Rather, it shall be deemed an expression of approval based on the layout of streets, blocks, lots, and improvements shown on the preliminary plan and the Commission's conditions of approval, if any.

(3) Subdivision plat. The subdivision plat shall conform to the preliminary plan except where changes are agreed to by the Commission. The plat may constitute only that portion of the approved

preliminary plan which the developer proposes to record and develop at the time, provided that such portion conforms with all requirements of these regulations, applicable zoning, and other codes and plans of the village.

(a) Filing. The subdivision plat shall be filed with the Commission not later than 18 months after the date of approval of the preliminary plan, otherwise it will be considered void unless an extension is requested by the developer and granted by the Commission. The subdivision plat shall be considered officially filed with the Commission after, it has been examined by the Village Solicitor as to form and found by the Village Administrator to be in full compliance with these regulations. The official filing shall take place at least ten working days prior to the meeting at which it is to be considered by the Commission. The application shall include six copies of the subdivision plat specified in §§ 155.40 through 155.44, together with:

1. A certificate from the Village Administrator and Board of Health with a report by the Village Engineer, that all improvements required by these regulations have been installed, or that a performance agreement or bond have been duly filed to secure the construction of such improvements.
2. Cross sections and profiles of streets and all other plans and construction drawings related to the improvements to be constructed in the subdivision as required by the Village Administrator and Board of Health.

(B) Commission action. The Commission shall approve or disapprove the subdivision plat within 30 days after filing, or within such further time as the developer may agree to. The grounds for disapproval shall be stated on the record of the Commission.

(C) Recording. Commission approval shall be void after 30 days unless the subdivision plat is duly recorded with the Village Clerk, or an extension has been granted by the Commission. The developer shall within 30 days after recording furnish the Commission with a certified mylar or vellum copy of the recorded plat at no cost to the village.

#### **§ 155.32 IMPROVEMENTS.**

If the developer wishes to install his improvements before the subdivision plat is approved by the Commission or is recorded, he shall comply with the requirements of both the preliminary plan approved by the Commission and the proposed subdivision plat. Certification by an engineer that the improvements have been built to plans and specifications which have been filed with and approved by the Village administrator prior to any construction, however, shall be required.

### **PLANS AND PLATS**

#### **§ 155.40 INTENT.**

Plans, maps, data, and plats shall be prepared and furnished by the developer as required herein to assure accurate surveying, to provide adequate information for designing and preparing plans, and for reviewing and recording subdivisions.

**Statutory reference:**

Plans and plats, see R. C. §§ 711. 01 et seq.

#### **§ 155.41 SKETCH PLANS.**

The developer shall furnish with the application for approval of a minor subdivision, or review of a major subdivision, a sketch plan which includes the following:

- (A) Maps and data.

- (1) Location. A drawing or print of a village map, or a part thereof, showing the location of proposed subdivision.
- (2) Property. A drawing or print showing by scale and dimensions the parcel which is to be subdivided and all contiguous land of the same ownership.
- (3) Topography. Information on the topography and drainage of the proposed subdivision and within 50 feet thereof.
- (4) Utilities. Information on the accessibility of required utilities; and
- (5) Names of recorded owners shown on the latest county tax maps of adjoining property within 100 feet of the boundaries of the proposed subdivision.

(B) Sketch plan. The proposed division shall be clearly drawn on transparent paper or mylar at a scale of not less than 100 feet to the inch showing the proposed layout and dimensions of each lot.

#### **§ 155.42 PRELIMINARY PLANS.**

The developer shall furnish with the application for approval of a major subdivision a preliminary plan which includes the following:

(A) Maps and data.

- (1) Vicinity map. A map of the entire village showing thereon the location of the proposed subdivision and relationship to adjacent developments, streets, and all community facilities which serve or influence it.
- (2) Property line map, showing bearings and distances of the parcel to be subdivided; location, width, and purpose of easements; the name, - width, and location of abutting streets including location of pavements and sidewalks.
- (3) Utility map, showing utilities on, or within 100 feet of the boundaries of the tract, including location, size, and invert elevations of all sewers, location and size of water and gas mains, and location of fire hydrants, electric power, and telephone poles.
- (4) Topographic map, as may be required by the Commission based on the county datum plane, the approximate direction and gradient of ground slope on immediately adjacent land, subsurface condition of tract if not typical, water courses, marshes, wooded areas, isolated preservable trees, and other significant features. The topography may be compiled by photogrammetric methods.
- (5) Titles and certifications, including name of developer, name and address of owners, certification of registered surveyor, and scale and date of survey.

(B) Preliminary plan. The plan shall be accurately and clearly drawn at a scale of not less than 100 feet to one inch. It may be drawn in pencil on transparent tracing paper. The drawing shall include the aforesaid topographic and property line data, the surrounding streets and lots, and the proposed plan, or alternate plans of the subdivision, including the following:

- (1) Streets, the layout, right-of-way and pavement widths, approximate grades, and names.
- (2) Other rights-of-way, location, width, and purpose.
- (3) Lot lines, approximate dimensions and number.

Planning and Zoning

- (4) Sites, to be reserved or dedicated for parks, play-grounds, or other public uses.
- (5) Sites, for multi-family, institutions, business, or industrial uses.
- (6) Building lines, if uniform or variable.
- (7) Title, graphic scale, north arrow, and date.
- (8) Protective covenants. An outline of the protective covenants, if any, proposed to regulate and protect the development.

(C) Other preliminary plans. The Commission may require additional preliminary drawings showing information such as street profiles and grades, typical cross section of proposed roadway, proposed sanitary and storm sewers, and water service or prospective street system of adjacent land owned by the developer.

(D) Ownership certificate. The Commission may require a certificate as to ownership and that proposed subdivision is satisfactory to the owner.

**§ 155.43 SUBDIVISION PLATS.**

The developer shall furnish with the application for approval of a major subdivision a subdivision plat which includes the following:

(A) The final plat shall be drawn and signed in India ink on a permanent reproducible material at a scale not less than 100 feet to one inch. Sheets shall be 24 inches by 36 inches in size, if necessary, the plat shall consist of several sheets including an index and references to adjoining sheets. The plat shall include only the portion of the subdivision proposed for immediate recording and development and show the following:

- (1) Control points to which all dimensions, angles, and bearings are to be referred, nearest street, or section line or other established point.
- (2) Lines and boundaries, center lines and right-of-way lines of streets, easements, and other rights-of-way; natural and artificial water courses, streams, and shorelines; corporation lines; and property lines of all lots and parcels with distances, radii, arcs, chords, and tangents of all curves, nearest one-hundredth of a foot; bearings, nearest second. All lines must have bearings. All lots and subdivision boundaries shall have no more than a .01 foot - mathematical error. Closures shall be checked by the Village Administrator.
- (3) Streets, the name and width of each street within proposed subdivision and those adjoining; building setback included.
- (4) Lot and block identification, number or letter, in progressive order, for each lot and block conforming with the County Recorder's procedures.
- (5) Dedication and acceptance, boundaries of and purpose for which any parcels, other than residential lots, area to be dedicated or reserved for public use; purpose of easements.
- (6) Monuments, location and description of those found, set or to be set.
- (7) Names of recorded owners of adjoining property shown on the latest tax maps within 100 feet of the boundaries of the proposed subdivision.
- (8) Reference to subdivision plats of adjoining platted land by name, volume, and page of the County Recorder's maps.

(9) Certification by owner of acceptance of plat and statement offering dedication of streets, rights-of-way, and any sites for public use or reserved by deed covenants for common use of all property owners.

(10) Certification and seal by a registered surveyor or engineer as to preparation and details of survey and plat.

(11) Protective covenants, reference to or included on plat.

(12) Title of subdivision, municipality, county, state, original township section, tract, or lot; scale (shown graphically), north arrow, and date.

(13) Approval statement for the Commission and village officials or county officials as may be required.

(B) Improvement plans. Drawings and specifications showing cross sections, profiles, elevations, construction details, and specifications for all required improvements. The drawings and specifications shall be in accordance with the requirements of Appendices - A and B to these regulations.

#### **§ 155.44 FEES.**

(A) Sketch plan. A nonreturnable fee of \$25 shall be paid to the village with each application for approval of a minor subdivision, or review of a sketch plan of a major subdivision, prior to action thereon by the Commission or Village Administrator.

(B) Preliminary plan. A nonreturnable fee of \$5 per lot shall be paid to the village with each application for approval of a preliminary plan, prior to action thereon by the Commission.

(C) Subdivision plat. A nonreturnable fee of \$5 per lot shall be paid to the village with each application for approval of a subdivision plat, prior to action thereon by the Commission.

(D) Improvement plan. At the time such plans, profiles, and specifications are submitted for review by the Village Administrator, a nonreturnable fee of \$25 per lot shall be paid to the village with each application for approval of improvement plans, prior to action by the Village Administrator.

(E) Inspection fees. On approval of improvement plans, a nonreturnable fee not exceeding \$175 per lot shall be paid to the village. Payment based on accountable monthly Village Administrator invoices approved by the village, shall be made promptly by the developer. If the fee is included in a performance agreement or bond posted by the developer, he shall guarantee its payment subject to the village's approval of Village Administrator invoices for work done, and no such posted funds shall be released until all inspections fees have been paid in full.

#### **Statutory reference:**

Fee shall vest in municipal corporation, see R. C. § 711.07

#### **§ 155.99 PENALTY.**

The following penalties shall apply to violations of these regulations.

(A) General. Whoever violates any provision of the regulations or fails to comply with any order issued pursuant thereto shall forfeit and pay not less than \$100 nor more than \$1000 to the municipality. Each violation shall constitute a separate offense.

(B) Transfer of land. Whoever transfers a lot, parcel, or tract of land within the jurisdiction of these regulations before the subdivision in which it is located has been duly approved and recorded, shall

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forfeit and pay fees as listed in R.C. Chapter 711. The municipality may enjoin such sale or agreement by a civil action in any court of competent jurisdiction.

**Statutory reference:**

Violations of rules and regulations, see R. C. § 711.102



**APPENDIX 'A'**

**CONSTRUCTION IMPROVEMENT REQUIREMENTS**

Section

1. Construction procedure and materials
2. Monuments, markers, and pins
3. Street improvements
4. Street width
5. Street subgrade
6. Street base course
7. Street surface course
8. Portland cement concrete pavement
9. Full-depth asphalt pavement
10. Street curbs and gutters
11. Sidewalks
12. Water supply improvements
13. Fire protection
14. Sanitary sewer improvements
15. Drainage improvements
16. Storm sewers and storm water drainage
17. Over-sized and off-site improvements
18. Cost of over-size improvements
19. Extensions to boundaries
20. Off-site extensions
21. Erosion and sedimentation control
22. Final inspection

**§ 1 CONSTRUCTION PROCEDURE AND MATERIALS.**

The subdivider shall design and construct improvements not less than the standards outlined in these regulations. The work shall be done under village supervision and inspection and shall be completed within the time fixed or agreed on by the Village administrator. The minimum requirements for materials shall be in accordance with the standards of the current volume of "Construction and Material Specifications" of the State of Ohio Department of Highways, and the requirements of the Ohio Department of Health.

**§ 2 MONUMENTS, MARKERS, AND PINS.**

Permanent concrete monuments shall be accurately set and established at the intersections of all outside boundary lines of the subdivision, at the intersections of those boundary lines with all street lines; at the beginning and end of all curves, at points on curves where the radius or direction changes, and at such other points as are necessary to establish definitely all lines of the plat, including all lot corners. Stone or concrete monuments shall be at least 36 inches long and at least six inches in diameter, and shall be provided with an appropriate center point. Solid iron pins or iron pipe monuments at least ½ inch in diameter and at least 30 inches long may be used at all other points.

**§ 3 STREET IMPROVEMENTS.**

All streets shall be graded to their full width including side slopes, and improved in- conformance with the standards given or referred to in these regulations.

**§ 4 STREET WIDTH.**

Minimum street pavement widths shall conform to the standards given in Standards for Construction Details & Specifications for West Lafayette, Ohio. Where pavement widths greater than those specified are deemed

necessary by the Village administrator and approved by the Village Council, the village shall bear the extra cost of providing a greater than the minimum pavement width required by these regulations.

**§ 5 STREET SUBGRADE.**

The subgrade shall be free of sod, vegetative or organic matter, soft clay, and other objectional materials for a depth of at least two feet below the finished surface. The subgrade shall be properly rolled, shaped, and compacted, and shall be subject to the approval of the Village Engineer and Service.

**§ 6 STREET BASE COURSE.**

The developer has the option of using any of the following base courses, based on recommendations of the Village administrator as to soil and traffic conditions aggregate, bituminous aggregate, asphaltic concrete, water bound macadam, portland cement concrete, or equally suitable base course. Thickness shall be determined by the Village Administrator, based on the physical properties of the base course used and the physical properties of the roadbed.

**§ 7 STREET SURFACE COURSE.**

On the expiration of the established maintenance period for the base course, the surface course shall be constructed using either asphaltic concrete, bituminous mix, or portland cement concrete. Specific material and thickness recommendations shall be determined by the Village administrator based on traffic conditions.

**§ 8 PORTLAND CEMENT CONCRETE PAVEMENT.**

If the subdivider elects to construct streets totally out of portland cement concrete or if such pavement is required by the Village administrator, thickness of seven inches for all streets shall be required. The Village Planning Commission may require pavement of greater thickness, on the recommendation of the Village administrator, based on his evaluation of the subgrade, traffic, and wheel load conditions.

**§ 9 FULL-DEPTH ASPHALT PAVEMENT.**

If streets are to be constructed out of full-depth asphalt an asphalt pavement in which asphalt aggregate mixtures are used for all courses above the subgrade, careful inspection of the subgrade may be necessary, to determine pavement thickness. In no case shall the thickness be less than that specified in Standards for Construction Details & Specifications for West Lafayette, Ohio.

**§ 10 STREET CURBS AND GUTTERS.**

The requirements for curbs and gutters will vary according to the character of the area and the density of development. In areas of notable flash flooding or heavy rain run-off, curbs shall be required to channel the flow of water. Curbs shall be required on all streets designed for areas where the existing or anticipated residential density of the area surrounding the proposed subdivision equals or exceeds three dwelling units per net acre. In commercial developments, or where other similar intensive urban uses exist or are anticipated, curbs shall be required. Where curbs exist on abutting properties, their extension shall be required throughout the proposed subdivision. Curbs, combined curbs, and gutters shall be constructed in conformance with the current "Construction and Material Specifications of the State of Ohio Department of Highways, and Standards for Construction Details & Specifications for West Lafayette, Ohio.

**§ 11 SIDEWALKS.**

All sidewalks shall be constructed of portland cement concrete or other acceptable material to the minimum width of three feet and a minimum depth of four inches.

**§ 12 WATER SUPPLY IMPROVEMENTS.**

(A) The following requirements shall govern water supply improvements.

(1) Where a public water supply is reasonably accessible or required because of pollution problems, in the determination of the Commission, the subdivision shall be provided with a complete water distribution system, including a connection for each lot and appropriately spaced fire hydrants. Public water distribution and public wells systems shall meet the requirements of the Ohio Department of Health and cited in R.C. §§ 3701.18 through 3701.21.

(2) Where public water supply is not available or not required, the subdivider shall supply acceptable evidence of the availability of water. The subdivider may be required to make one or more test wells in the area to be platted if such evidence is deemed not acceptable. Copies of well logs which are obtained shall include the name and address of the well driller and shall be submitted with the plat to the Commission.

(B) Individual private wells shall be located at least 25 feet from property lines; 100 feet from all septic tanks; 100 feet from all tile fields and other sewage disposal facilities; 40 feet from streams, lakes, ponds, and ditches; 20 feet from all cast iron sewer lines; and 100 feet from any vitrified sewer tile lines, and shall not be located within any areas of flooding. As a precaution against seepage, a watertight seal shall be provided around the well casing. Minimum lot sizes shall be in accordance with the requirements of the zoning district in which the subdivision is located. In all cases where it has been determined that individual water supplies from private wells are not feasible, a public water distribution system shall be required.

#### **§ 13 FIRE PROTECTION.**

(A) Fire hydrants with 2-1/2-inch outlets and one large pumping connection shall be provided by the subdivider in all subdivisions with public water supplies. The hydrants should be located between property lines and curbs with all outlets facing or parallel to the street. Hydrants shall be placed at the corners of all blocks and at midblock for blocks exceeding 800 feet in length. Hydrants shall also be required at the entrance and end of all cul-de-sacs exceeding 400 feet in length.

(B) The type of hydrants and control valves and the location of the hydrant shall be approved by the Fire Chief. Water lines serving any hydrant shall be circulating and shall be not less than eight inches in diameter. The size and location of water lines shall be approved by the Village Engineer, the Fire Chief, and the Ohio Inspection Bureau.

#### **§ 14 SANITARY SEWER IMPROVEMENTS.**

The following requirements shall govern sanitary sewer improvements:

(A) Where an adequate public sanitary sewer system is reasonably accessible, in the determination of the Commission, public sanitary sewers shall be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the Ohio Department of Health and Village standards. Combinations of sanitary sewers and storm sewers shall be prohibited.

(B) Where a public sanitary sewer system is not reasonably accessible, the subdivider may provide a central treatment plant for the group, provided that such central treatment plant is installed in accordance with State and Village Board of Health requirements.

(C) Where a public sanitary sewer system is not reasonably accessible and a central treatment plant for the group is also not feasible, individual on-site septic tank systems may be utilized upon approval of the Village Health Department and Village Planning Commission.

**§ 15 DRAINAGE IMPROVEMENTS.**

The subdivider shall construct all necessary facilities including underground pipe, inlets, catch basins, or open drainage ditches, as determined by the Village Administrator, to provide for the adequate disposal of subsurface and surface water and maintenance of natural drainage courses. The velocity of flow in an open ditch shall not exceed four feet per second in soil ditches or six feet per second in turf gutters. Paved gutters will be required if velocities of flow are greater than those specified or if it is otherwise likely that destructive erosion will result. Drainage ditches shall not be permitted to discharge into any sanitary sewer facility.

**§ 16 STORM SEWERS AND STORM WATER DRAINAGE.**

Where an adequate public storm sewer is available at the plat boundary, the sub-divider shall construct a storm sewer system and connect with such storm sewer line. If such a storm sewer is not accessible, natural drainage channels with easements of adequate width shall be predetermined by the Village Engineer and approved by the Commission. Paved gutters and/or storm sewer will be required if velocities of flow are greater than specified in § 15 above or causes destructive erosion. Storm drainage, including drain tile around basements, shall not be permitted to discharge into sanitary sewer facility, but shall be connected to an adequate drainage outlet.

**§ 17 OVER-SIZED AND OFF-SITE IMPROVEMENTS.**

The utilities, pavements, and other land improvements required for the proposed subdivision shall be designed over-sized and/or with extensions provided to serve nearby land which is an integral part of the neighborhood service or drainage area as determined by the Village Administrator.

**§ 18 COST OF OVER-SIZE IMPROVEMENTS.**

The subdivider shall be required to pay for only that part of the construction costs for the arterial streets, trunk sewers, or water lines which are serving the proposed subdivision as determined by the Village Administrator. The village shall pay the difference between the cost of required improvements for the proposed subdivision and improvements required to service the surrounding areas specified in § 17 above.

**§ 19 EXTENSIONS TO BOUNDARIES.**

The subdivider may be required to extend the necessary improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land as determined by the Commission.

**§ 20 OFF-SITE EXTENSIONS.**

If streets or utilities are available at the boundary of a proposed subdivision, and if the Commission finds the extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a municipal expense until some future time, the subdivider may be required, prior to approval of the final plat, to obtain necessary easements or rights-of-way and construct and pay for such extensions. Such improvements shall be available for connections by subdividers of adjoining land.

**§ 21 EROSION AND SEDIMENTATION CONTROL.**

Effective erosion and sediment controls shall be planned and applied according to the following principles:

- (A) The smallest practical area of land should be exposed at any one time during development.
- (B) When land is exposed during development, the exposure should be kept to the shortest practical period of time.
- (C) Temporary vegetation, such as rye grass seeding, or mulching shall be used to protect high erosion potential or other critical areas exposed during development.
- (D) Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and

maintained to remove sediment from run-off waters from land undergoing development.

(E) Provisions shall be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development.

(F) The permanent final vegetation cover and storm water management structures shall be installed as soon as practical.

(G) The development plan shall be fitted to the topography and soils so as to create the least erosion potential.

(H) Wherever feasible, natural vegetation should be retained and protected.

**§ 22 FINAL INSPECTION.**

On completion of all the improvements, the subdivider shall request, in writing, a final inspection by the Village Administrator as required under R.C. § 711.091.

**APPENDIX 'B'**

**APPLICATION FORMS**

Section

- 1. Minor subdivision approval
- 2. Preliminary plan approval
- 3. Subdivision plat approval

**§ 1 MINOR SUBDIVISION APPROVAL.**

APPLICATION FOR  
MINOR SUBDIVISION  
APPROVAL

APPLICATION NO:  
  
FORM A

VILLAGE OF  
WEST LAFAYETTE, OHIO

APPLICANT hereby certifies that this application and all data submitted herewith is true and correct.

Address:

Signature:

Phone:

Date:

VILLAGE ADMINISTRATOR, finding the application complete and the required fee paid, hereby schedules the following filing date.

Filing Date  
(Next Regular Commission meeting):

Signature:

NOTE: Village Administrator shall act within seven working days after filing date, Saturdays, Sundays, and legal holidays excluded.

VILLAGE ADMINISTRATOR hereby certifies the following action.

Action (Note if conditions are attached):

Signature:

Date:

NOTE: Approval shall become void after 30 days if plat is not certified by Village Administrator and recorded.

**§ 2 PRELIMINARY PLAN APPROVAL.**

APPLICATION FOR  
PRELIMINARY PLAN  
APPROVAL

APPLICATION NO:  
  
FORM B

VILLAGE OF  
WEST LAFAYETTE, OHIO

APPLICANT hereby certifies that this application and all data submitted herewith is true and correct.

Address:

Signature:

Phone:

Date:

PLANNING COMMISSION SECRETARY, finding the application complete and the required fee paid, hereby schedules the following filing date:

Filing Date

(Next Regular Commission meeting):      Signature:

NOTE: Commission shall act within 30 days after filing date.

VILLAGE ADMINISTRATOR hereby recommends the following action:

Action (Note if report is attached):

Signature:

Date:

PLANNING COMMISSION SECRETARY hereby certifies the following Commission action:

Action (Note if conditions are attached):

Signature:

Date:

NOTE: Commission approval does not authorize recording of subdivision or indicate acceptance of dedication, and shall become void after 18 months if a subdivision plat is not filed with the Commission.

**§ 3 SUBDIVISION PLAT APPROVAL.**

APPLICATION FOR  
SUBDIVISION  
PLAT APPROVAL

APPLICATION NO:  
FORM C

VILLAGE OF  
WEST LAFAYETTE, OHIO

APPLICANT hereby certifies that this application and all data submitted herewith is true and correct.

Address:

Signature:

Phone:

Date:

VILLAGE ADMINISTRATOR, finding that the Final Plat complies with the Subdivision Regulations of West Lafayette, Ohio, hereby approves said Plat.

Signature:

Date:

SOLICITOR, finding that the Final Plat complies with the Subdivision Regulations of West Lafayette, Ohio, hereby approves said Plat.

Signature:

Date:

PLANNING COMMISSION SECRETARY, finding the application complete, hereby schedules the following filing date:

Filing Date  
(Next Regular Commission meeting):

Signature:

NOTE: Commission shall act within 30 days after filing date.

PLANNING COMMISSION SECRETARY hereby certifies the following Commission action:

Action:

Signature:

Date:

NOTE: Commission approval for record purposes only shall be certified by Chairman on the plat, and shall thereafter become void after 30 days if the plat is not recorded.

WEST LAFAYETTE VILLAGE CLERK hereby certifies the following recording of the Subdivision Plat:

Volume & Page:

Signature:

Date:



## CHAPTER 156: COMMUNITY DEVELOPMENT BLOCK GRANT RELOCATION ASSISTANCE PLAN

### Section

- 156.01 Purpose
- 156.02 Definitions
- 156.03 Minimum standards

#### § 156.01 PURPOSE.

(A) This plan covers all Community Development Block Grant-related displacement activities by other than a state agency or housing authority, whether the displacement is by a private for-profit or nonprofit entity. The only exception to this requirement is the displacement of persons by reason of substantial noncompliance with their lease agreements.

(B) This plan provides that all persons who are involuntarily and permanently displaced by Community Development Block Grant activities must be provided with re-housing that is affordable, decent, safe, and sanitary as defined by village housing codes and standards.

#### § 156.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AFFORDABLE HOUSING** Housing where the gross-contract rent plus the cost of basic utilities, rent, or monthly housing payment does not exceed 30% of the family's combined gross income.

**INVOLUNTARY DISPLACEMENT** Occupants who are issued a 60 days notice to move; and occupants who are required to move as the direct result of the acquisition or substantial rehabilitation of the property in which they are residing.

**PERMANENT DISPLACEMENT** Any relocation that would exceed 12 months in duration.

#### § 156.03 MINIMUM STANDARDS.

The following outlines the village's threshold requirements to assist involuntary displacements that are not protected under the provisions of the Uniform Act.

(A) Minimum notices. This plan provides each displace with at least 60 days' notice in advance of the date the displace will be required to permanently move from the site.

(B) Technical assistance. Technical assistance shall be provided to the extent needed by the displace, including, but not limited to, the following:

(1) Social services designed to mitigate adverse effects of displacement on low- and moderate income persons.

(2) Determination of family housing needs and referrals (private; public-assisted private housing).

(3) Assist low-income marginal businesses in finding suitable alternative locations or facilities.

(C) Financial assistance. This plan provides for basic financial relocation assistance to mitigate financial hardships on low- and moderate-income households, and small and marginal businesses.

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(1) Source of funds. Funds to cover costs under this plan may be derived from any or a combination of the following sources:

- (a) Community Development Block Grant formula funds or competitive grant proceeds for the activity affected.
- (b) Local government or CIC funds.
- (c) Private developer or beneficiary of Community Development Block Grant financial assistance.
- (d) Other.

(2) Moving expenses. Reimbursements of moving expenses and other services may not be less than that provided under the following schedule:

(a) Residential-tenants.

- 1. When the relocatee owns the furnishings, payment will be \$100 for the first room, and \$50 for each additional room, to \$300 maximum.
- 2. Relocatee in a furnished dwelling receives \$100.
- 3. Owner-occupant assistance at village's discretion.
- 4. All schedules shall receive an additional \$200 for dislocation allowance.

(b) Nonresidential-tenants.

- 1. Documented actual moving expenses not to exceed \$2,500.
- 2. Owner-occupant assistance at village's discretion.

(3) Replacement housing payments.

(a) Homeowner: Payments and services at village's discretion.

(b) Tenants: The village must provide a written referral to affordable, decent, safe, and sanitary housing. If such housing cannot be made available, the village shall provide financial assistance to make the referred housing affordable for a 24-month period.

Example:

Family income = \$9,600 year/800 per month  
Maximum can pay = \$240/month for rent and utilities

- 1. Find and refer housing unit at \$240/month - no payment.
- 2. Find and refer housing unit at \$300/month -\$60/month x 24 months = \$1,400.

(4) All payments to owners or tenants can be waived if the parties involved agree in writing to voluntarily waive such assistance.

**SAMPLE VOLUNTARY ACQUISITION FORM – THIRD PARTY**

**NOTE:** This is a sample form to be used on your letterhead.

NAME  
ADDRESS  
CITY, STATE, ZIP

Dear (Name):

Financial assistance through the Ohio Department of Development’s Office of Housing and Community Partnerships (OHCP) is being sought for this proposed transaction which includes the purchase of real estate known as \_\_\_\_\_. **Federal funds used in this project require my informing you of the following:**

1. As a private sector entity proposing acquisition of your property, we have no legal means to acquire your property except a mutla agreement between the buyer and the seller. This is a voluntary, arm’s length transaction and there is no threat of Eminent Domain.
2. We have established the fair market value of your property to be \$ \_\_\_\_\_. This amount was established by **(check one)**:
  - The value derived by the County Auditor’s most recent records
  - A third party who is familiar with property values in the area (such as a Realtor)
  - An appraisal of the property conducted by \_\_\_\_\_, copy attached

The URA regulation states: “Whenever feasible, this information shall be provided before making the purchase offer. In those cases where there is an existing option or contract, the seller must be provided the opportunity to withdraw from the agreement after this information is provided.” Therefore, if federal funds remain in the project and this information is being provided to you prior to closing, but after an option or purchase agreement exists, you have the choice of continuing with the contract, renegotiating the contract or declaring it null and void.

In addition, since this is a voluntary sale, you will not be eligible for relocation assistance as a consequence of this transaction. Also, if tenants have been displaced for this sale to occur or if tenants currently rent or occupy space on the property, please provide us with that information at this time so we can plan accordingly.

If you have any questions, please contact \_\_\_\_\_ at \_\_\_\_\_.  
(name) (phone)

Sincerely,

\_\_\_\_\_

Received by \_\_\_\_\_  
Seller(s)

Date \_\_\_\_\_

**(Obtain seller’s signature or send certified mail with return receipt placed in the file)**

**Ohio Regional Development Corp.  
120 1/2 South Fourth Street  
Coshocton, Ohio 43812  
(740) 622-8577**

OWNER'S CERTIFICATION OF NO DISPLACEMENT

Name of Project:

Type of Project:

Property Owner(s):

Property Address:

Being the owner(s) of the above property that is to be developed with Federal financial assistance, we hereby certify that no tenant or client that currently or previously occupied this property was required to move from the site as a DIRECT result of the property being either acquired or developed for the project.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Unit was Owner occupied.

Unit was Tenant occupied. If tenant occupied, please complete the following:

Previous Tenant(s): \_\_\_\_\_

Current Address (if known): \_\_\_\_\_

Date Moved: \_\_\_\_\_

Reason for move (if known):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_