

A subdivision is 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 or streets, 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, potable water, stormwater and drainage, electricity, telephone, telecommunications or other public facilities. (Reference ORC 711.001(B) (2))

Provided the state law should be changed which would affect the definition of "Subdivision" said change shall be made a part of these Regulations the same as if adopted by the Fairfield County Regional Planning Commission and the Fairfield County Commission. Said change shall become effective on the date the revised state law becomes effective.

A lease of a portion of a tract of land or lot for a period of more than five (5) years is considered a subdivision for the purpose of these Regulations. Said lease may be exempt from these Regulations if the Commission determines the intent is not to violate said Regulations even though it may not comply with said Regulations. (Reference ORC 711.15)

1.4 DIVISIONS OF LAND WHICH DO NOT CONSTITUTE A MINOR SUBDIVISION.

1.4.1 EXEMPT LOT SPLITS

Any subdivision of land in which all lots or parcels resulting therefrom that contain 5.01 acres or more and do not involve any new street or easement of access are exempt from subdivision regulations under ORC 711.001 (B)(1)(a) and do not constitute a minor subdivision, provided no lots containing less than 5.01 acres are created prior to the parcels being shown on the next proceeding tax roll. (It is emphasized that lots or parcels resulting therefrom that contain 5.01 acres or more and involve any new street or easement of access are subject to these Regulations and shall be considered "major subdivision".) An exempt lot split must, however, comply with the following:

A metes and bounds description of parcels containing 5.01 acres or more and an approved form of conveyance meeting the requirements for property transfer by the Fairfield County Auditor's and Engineer's Offices shall be required for RPC processing. The metes and bounds description must be accompanied by a survey and legal description certified by a professional surveyor licensed in the State of Ohio. The survey must meet the Minimum Standards for Boundary Surveys, Administrative Code 4733-37 and must be approved by the County Engineer or designee.

Parcels containing 5.01 acres or more shall meet the frontage requirements of the zoning resolution affecting said parcels, however, in no case shall said parcel have less than 60 ft. of frontage.

The County Engineer or designee shall review all parcels containing 5.01 acres or more that are proposed on a county or township road ~~or within 750 feet of any intersection.~~ The Ohio Department of Transportation shall review and approve parcels containing 5.01 acres or more that are proposed on a State Highway System. ~~Townships may request by resolution that parcels containing 5.01 acres or more proposed on township roads be~~

~~submitted to the township for access review/approval.~~ These reviews will be conducted to promote health, safety, and welfare by ensuring adequate access and sight distance are available.

Tracts containing 5.01 acres or more will not be approved as residential building sites but will be processed to determine whether or not they are exempt from the Fairfield County Subdivision Regulations, to insure that a proper survey and description are presented, and to ensure that adequate access and sight distance are available. To be exempt from the regulations, a tract must have a minimum of 5.01 acres and have frontage on a public road or frontage on an easement of record, which was recorded prior to January 1, 1974. When such tracts meet the above requirements and comply with minimum frontage requirements of the respective zoning resolution, they shall be stamped as exempt from the Fairfield County Subdivision Regulations.

Parcels containing 5.01 acres or more shall be subject to the processing fee set forth in Section 14.11.1 of Appendix B.

Any rejection by the staff of the applicant's contentions is subject to appeal to the Subdivision Regulations Committee. Appeals shall be fully documented by the applicant and shall be submitted in writing within 30 days of the staff's written decision. The filing fee set forth in Section 14.6 of the Appendix B shall be required on any appeal. This fee is not in lieu of any normal processing or filing fees, which may be required. Any decision of the Subdivision Regulations Committee may be appealed to the Regional Planning Commission without an additional fee, provided the appeal is submitted in writing within 30 days of the Subdivision Regulations Committee decision.

In determining whether or not a tract containing 5.01 acres or more is fronting on an existing public street or easement, only officially recorded documents shall be utilized. If the documents involved were not recorded on or before December 31, 1973, they shall not be considered valid except for plats with recorded public streets.

When a tract of 5.01 acres or more is transferred from an original ownership of less than 10.02 acres it is not an exempt split, because a nonexempt tract of less than 5.01 acres will be created, which shall be processed according to Title II of these Regulations.

1.4.2 EXEMPT TIED LOT SPLITS

The sale or exchange of parcels of land between adjoining property owners, whereby the original parcel is not reduced below the requirements of this or any other regulations, and in the opinion of the Regional Planning Commission a new building site is not created, shall be exempt from these Regulations. However, a metes and bounds description of the exempt tied split and an approved form of conveyance meeting the requirements for property transfer by the Fairfield County Auditor's and Engineer's Offices will be required for RPC processing. The metes and bounds description must be accompanied by a survey and legal description certified by a Professional Surveyor licensed in the State of Ohio. The survey must meet the Minimum Standards for Boundary Surveys, Administrative Code 4733-37 and must be approved by the County Engineer or designee.

The sale or exchange of parcels of land to an adjoining property owner whereby such parcel or tracts of land does not meet subdivision requirements or other applicable regulations, and which, in the opinion of the Regional Planning Commission, creates a

2.4 MINIMUM LOT SIZE.

The minimum lot size of any minor subdivision shall be thirty thousand (30,000) square feet or as required by township zoning and/or the Fairfield County Health Department, whichever is greater.

2.5 MINIMUM DEPTH OF FRONTAGE.

The required lot frontage for any parcel subject to minor subdivision regulations shall be maintained for a minimum depth of at least 60 feet from the right-of-way line.

2.6 MINIMUM WIDTH

The minimum width of any parcel subject to minor subdivision requirements shall not be less than 60 feet from the right-of-way line to the midpoint of the overall lot depth.

2.7 SUBMISSION AND REVIEW REQUIREMENTS FOR MINOR SUBDIVISIONS**2.7.1 REVIEW AGENCY APPROVAL.**

Approval from the following review agencies may be required as indicated below in order to promote the public health, safety, and welfare when subdividing land through the minor subdivision process. These agencies may have additional requirements, in addition to these Regulations, if the agency determines such requirements are necessary to promote public health, safety, and welfare.

- A. The County Sanitary Engineer or designee shall review all proposed minor subdivisions to determine whether public water and/or sewer serve or will serve the proposed lot(s).
- B. The Fairfield County Health Department shall review/approve ~~approval~~ all minor subdivisions where existing public water and/or sewer services are not provided to determine that the proposed lot(s) are adequate for on-site water and/or sewer system(s).
- C. The County Engineer or designee shall review/approve all minor subdivisions proposed on a county or township road ~~or within 750 feet of any intersection~~. The Ohio Department of Transportation shall review and approve all minor subdivisions proposed along a State Highway System. ~~Townships may request by resolution that minor subdivisions proposed along township roads be submitted to the township for access review/approve prior to Regional Planning approval.~~
- D. The official approval of the township relative to compliance with zoning regulations shall be necessary where the minimum zoning requirements are in doubt.

2.7.2 ITEMS REQUIRED FOR SUBMISSION TO REGIONAL PLANNING

- A. All corners of the proposed lot(s) must be temporarily staked prior to submitting an application to Regional Planning so that the required review agencies can easily identify the location of the proposed lot(s).
- B. A completed application for a minor subdivision must be submitted to the Regional Planning Commission. An application is considered complete when it includes all approvals required in 2.7.1 and contains the following:

DEVELOPMENT

Any man-made change to improve or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

DEVELOPMENT AREA

An area owned by an individual, firm, or association being developed as a single phase or multiple phases (units) and used or being developed or redeveloped, for non-farm commercial, industrial, residential or other non-farm purposes upon which earth disturbing/land disturbance activities are planned or underway.

EARTH DISTURBANCE

Any grading, pushing, piling, throwing, unloading, or placing of fill material, composed of earth, soil, rock, sand, gravel, or demolition material.

EASEMENT

A grant by the owner of land for a specific use such as public utilities.

ENGINEER

An individual authorized to practice civil engineering as defined by Occupations-Professions of the State of Ohio, due to his or her registration in said state.

EROSION

- A. The wearing away of the land surface caused by running water, wind, ice or other geological agents, including such processes as gravitational creep.
- B. Detachment and movement of soil or rock fragments by wind, water, ice or gravity.

EXEMPTED

"Exempted" as utilized in Section 1.4.1 and 1.4.2 of these regulations shall mean that the parcel or tract being created does not constitute a minor subdivision as referenced in Section 2.1 of these regulations. However, said division of property shall be subject to normal processing by the Regional Planning Commission. Furthermore, the division of property must comply with all zoning requirements.

FINISHED GRADE

The grade or elevation of the ground surface conforming to the site grading plan.

FRONTAGE

~~Frontage shall mean the minimum frontage required by the appropriate zoning or subdivision regulations, whichever is greater, but in no case shall it be less than sixty (60) feet.~~ Frontage further means the portion of a lot or tract of land which directly abuts a public road, as measured in accordance with Section 2.3, and has access thereto (see Section 2.3).

GRADING

The stripping, cutting, filling, stockpiling, or any combination thereof of earth disturbing activities, including land in its cut or filled conditions.