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## **SUBDIVISION CODE**

**EFFECTIVE AUGUST 28, 2006**

Replaces All Earlier Editions

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## INTRODUCTION - SUBDIVISION CONTROL

Subdividing or platting is the usual means by which farm land or other open land is converted into building sites. It consists of laying out such land into streets and lots and the accompanying installation of the street and sanitary improvements necessary to provide for traffic access and for water, sewage disposal and other utility services. Subdividing is usually the first step in the process of urbanization and urban expansion.

### Subdivisions Make Up the Urban or Urbanizing Areas

Every real estate subdivision laid out becomes a permanent feature of the urban and urbanizing areas, and its effects, good or bad, are reflected on the area for a long time. For in truth, the ground plans of communities and their environs, with few exceptions, are simply a composite of the plans of individual subdivisions. The area concerned, on the other hand, acquires an addition whose character will affect not only its future physical development but the cost of public facilities and services and general living conditions as well. It is in recognition of this vital interest of the community in subdividing or platting practices and standards, that most states, by means of statutory provisions, have conferred upon local government units the authority to control the subdividing of real estate.

### Subdivision Control is a Function of the Zoning and Planning Commission

Subdivision control is the exercise by public authority of the right to withhold the privilege of public record from subdivision plats which have been poorly or inappropriately designed, or which are not properly adjusted to the existing or potential development of adjoining areas or to an officially adopted comprehensive plan.

The statutes of the State of Ohio vest the control over subdivisions within the corporation limits of an incorporated village in the village zoning and planning commission if one is in existence and, if not, in the conflict with, existing or proposed public facilities of neighborhood or area-wide importance - e.g., a thoroughfare widening or extension, a school site, a recreation area, a utility right-of-way.

Subdivisions defective in one or several of the above particulars or similar respects generally do not afford satisfactory living conditions for their residents, besides hindering the orderly and sound development of the area. In addition, they often occasion an undue burden by reason of the excessively high cost of street or utility improvements or their maintenance, unnecessarily high operating costs of public services, or expensive corrective improvements required in later years to remedy or lessen shortcomings due to defective original layout or development.

### Subdivision Regulations

Broadly stated, the Subdivision Regulations are intended to serve as an aid in preventing undesirable practices in land subdividing and as a tool to be applied by the Zoning and Planning Commission in the processing and reviewing of plats for the purpose of promoting desirable modern concepts of land planning and the coordination of the layout of all new subdivisions with

long-range plans for the Village's desirable future development. They are no guarantee, however, that all subdivisions complying with them will be fully satisfactory or acceptable, as this will depend on the competence of the designer in applying the principles and standards set forth in the Regulations. Nevertheless, many defects in design will be prevented and the quality of subdivisions generally improved.

### **Scope and Contents of Proposed Subdivision Regulations**

The main body of the Subdivision Regulations presented herein consists of the actual filing and processing procedure and prescribes the documentation to be submitted on and in support of the plat. Article I sets forth in detail principles of design and the minimum requirements for the layout of subdivision; the street and block layout; minimum right-of-way widths for highways and streets of various categories, alleys and easements for utilities; minimum pavement widths, maximum street grades, minimum site distances; the treatment of intersections; the sizes, shapes and layouts of lots; recommendations with respect to recreational and other desirable open spaces. Articles II regulates the installation of public improvements and facilities in the subdivisions. Subsequent Articles deal with the details of the platting and implementation of subdivisions.

An important requirement stipulates that the subdivision be designed so as to provide for all public facilities which directly affect the tract to be platted. These may include highways and thoroughfares, sites for schools, parks, playgrounds, and other public facilities. The subdivision layout is required to conform further with the provisions of the Zoning Regulations, as these will bear directly on the kind of street layout, lot sizes, and other features of interior design appropriate for the subdivision in a particular area.

All existing or proposed highways and thoroughfares shown on the major road plan as crossing or bordering a proposed subdivision are required to be provided for in the general location and at the width designated on the Major Thoroughfare Plan. In the event a subdivision embraces any part of a proposed park, playground or school site, as proposed by the Master Plan, the subdivider should be induced to dedicate such site, or at least reserve it, for the indicated use, thereby affording the opportunity of acquiring the needed land before it is improved.

The requirement of the installation of street and sanitary improvements prior to building construction is among the most important provisions of the Subdivision Regulations. These installations are essential to secure the health and safety of the future residents of the subdivision, as well as the area as a whole and to combat excessive or premature subdividing and land speculation and accompanying blight, depreciation of property value and tax defaults, among others, which usually result from such practices.

To provide that such requirements will not work a hardship on a developer in the case of a large tract, the Regulations permit the developer or subdivider to limit installation of improvements to a portion of the subdivision, no matter how small, provided this conforms with Preliminary Plat of the whole subdivision as tentatively approved.

Since there may be exceptional situations where strict application of the general standards or requirements would cause difficulty or undue hardship, the Zoning and Planning Commission would be expected in such cases to vary the rules to relieve any such hardship or difficulty, provided such relief could

be granted without detriment to the public good or without impairing the desirable general development of the area as a whole.

It should be apparent that the Subdivision Regulations, in the long run should prove one of the most effective and beneficial instruments for furthering the desirable future development of the Village of Galena. Effectively enforced, they are an important tool - not alone for coordinating all new subdivisions with long-range plans for the Village, but also for accomplishing some of its proposals. In the undeveloped areas, the right-of-ways needed for future thoroughfares or highways, or the strips necessary for the widening of existing ones, generally can be secured without cost to public, and usually at little cost, if any, to the subdivider. While not true in the same degree of parks, playgrounds or school sites, the acquisition of these, too, and in the right location, will be facilitated, and their ultimate cost to the public minimized.