

201 General Provisions

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201.01 Title

The official name of the Subdivision Regulations including recommendations in the Huron County Comprehensive Land Use Plan shall be the “Subdivision Regulations of Huron County, Ohio”, hereinafter known as the “Subdivision Regulations”.

201.02 Purpose and Intent

The purpose of the Subdivision Regulations is the following:

- A. To protect and provide for the public health, safety, and welfare.
- B. To ensure that land to be subdivided is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.
- C. To ensure that development subject to the Subdivision Regulations occurs in accordance with Huron County’s adopted Comprehensive Land Use Plan, as amended, and other County plans and policies.
- D. To provide for the orderly and beneficial development of Huron County through appropriate growth management techniques, assuring the timing and sequence of development and the proper design and construction of major and minor subdivisions.
- E. To ensure land is not subdivided until adequate public facilities and improvements exist and proper provisions have been made for drainage, water, sewage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.
- F. To ensure the proper arrangement of streets or other highways in relation to existing or planned streets or highways, a county or regional corridor plan, County Thoroughfare Plan and/or the County Transportation Plan.
- G. To ensure adequate and convenient traffic movement, appropriate open space for utilities, access for fire fighting apparatus, recreation, light, air, and privacy, and

- for the avoidance of congestion of population.
- H. To prevent the pollution of air, streams, and ponds, and to ensure that development subject to the Subdivision Regulations is sensitive to and compatible with environmental considerations.
 - I. To ensure the ability of the natural environment to adequately support such development without significant negative consequences, and to ensure critical natural resources including prime agricultural soils are preserved, conserved, and/or protected.
 - J. To establish reasonable standards of design and procedures for subdivisions and replats in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumentation of subdivided land.

201.03 Authority

The authority to adopt rules and regulations governing plats, subdivisions of land and site development, and to approve, conditionally approve or disapprove plats, subdivisions of land and site development within the unincorporated portion of Huron County, Ohio, shall be derived from the authority provided pursuant to Chapters 711 and 713 of the Ohio Revised Code (ORC), as amended.

The Subdivision Regulations shall apply to all divisions of land and all development of land situated within the unincorporated portion of Huron County, Ohio.

Rules and regulations may be adopted in support of the Subdivision Regulations, including but not limited to storm water management regulations, flood damage reduction regulations, access management policies, water quality regulations, health and environmental protection regulations, and erosion and sedimentation controls.

201.04 Jurisdiction

The rules and regulations governing plats and subdivisions of land and site development contained herein shall apply to all land within the unincorporated portion of Huron County, Ohio.

201.05 Enactment

The Subdivision Regulations are enacted by Resolution No.08-391, duly adopted by the Board of County Commissioners of Huron County, Ohio, on November 06, 2008, and do hereby serve as a replacement of the existing Huron County, Ohio, Subdivision Regulations. These regulations are effective January 01, 2009. **These Subdivision Regulations and Amendments enacted by Resolution No. 13-369, duly adopted by the Board of Huron County Commissioners, on October 29, 2013 do hereby serve as a replacement of the existing Huron County Subdivision Regulations. These Amended Regulations shall become effective November 01, 2013.**

201.06 Interpretation, Conflict and Severability

A. Interpretation and Conflict

In their interpretation and application, the Subdivision Regulations shall be held to be minimum requirements, unless otherwise stated, for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

1. Public Provisions

The Subdivision Regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. The provisions of the Subdivision Regulations shall supplement any and all laws of the State of Ohio, resolutions of Huron County or any and all rules and regulations promoted by authority of such law or resolution relating to the purposes and scope of the Subdivision Regulations. Whenever the requirements of the Subdivision Regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive or that imposing the higher standards shall govern, except in the case of conflicting state statutes wherein the state statutes shall govern.

2. Private Provisions

The Subdivision Regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive or standards that are higher than the requirements of these regulations or determinations of the Planning Commission or County Commissioners in approving a subdivision or in enforcing these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under these regulations.

B. Severability

Each chapter, section, paragraph, sentence, clause, phrase, or other divisible part of the Subdivision Regulation is hereby declared to be severable and if any such

chapter, section, paragraph, sentence, clause, phrase or other divisible part of the Subdivision Regulations is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining chapters, sections, paragraphs, sentences, clauses, phrases, or other divisible parts of the Subdivision Regulations since the same would have been enacted without the incorporation into the Subdivision Regulations of such, unconstitutional or invalid chapter, section, paragraph, sentence, clause, phrase, or other divisible part.

201.07 Saving Provision

The Subdivision Regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the County under any section or provision existing at the time of adoption of the Subdivision Regulations, or as vacating or annulling any rights obtained by any person, firm or corporation by lawful action of Huron County except as shall be expressly provided for in the Subdivision Regulations.

201.08 Reservations and Repeals

Upon the adoption of the Subdivision Regulations according to the Ohio Revised Code, the regulations of Huron County adopted August 30, 1973, as amended, are hereby repealed, except as to those sections expressly retained in these regulations.

201.09 Amendments

For the purposes of protecting the public health, safety, and general welfare, the Huron County Planning Commission may from time to time propose amendments to these regulations which shall then be approved or disapproved by the Huron County Commissioners at a public meeting following public notice. At a minimum, once every five years the Administrative Officer shall conduct a review of the Subdivision Regulations commencing from the effective date of the Subdivision Regulations and shall issue a report to the Planning Commission with recommendations for proposed amendments.

201.10 Public Purpose

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of the valid police power delegated to counties by the State of Ohio. The developer/subdivider has the duty of compliance with reasonable conditions required by the Planning Commission for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the County and to the health, safety, and general welfare of the future lot owners in the subdivision and the community at large.

201.11 Variances and Appeals

A. Variances

The Huron County Planning Commission may grant variances to the Subdivision Regulations following the variance procedure and criteria. Variances shall be considered to be substantive modifications to existing regulations and standards.

1. Procedure

An applicant requesting a variance to a provision of the Subdivision Regulations shall complete an application form provided by the Administrative Officer and shall submit that application form with all necessary fees and accompanying material to the Huron County Planning Department, 8 Fair Road, Norwalk, Ohio 44857, when established. Applications for variances shall be submitted at least 10 working days prior to a scheduled meeting of the Planning Commission. A total of 15 copies of the application package shall be submitted.

Upon a review of the submittal and determination that the submittal is complete and meets all requirements per this section, the Administrative Officer shall place the variance on the agenda for the next Planning Commission meeting. The Administrative Officer shall review the request and prepare a written recommendation, following review and comments from the Technical Review Committee and other appropriate offices. The recommendation shall accompany a copy of the application package that is forwarded to the Planning Commission with the meeting notice. Notice of the variance request shall be posted in the Planning Department and a second public location in the County Administration Building. Notification shall also be sent to the trustees of the township(s) where the proposed development is situated, any other relevant public agencies, and all owners of property within a 1000 foot buffer of the subject parcel. Developer will be responsible for obtaining a list of property owners and their mailing addresses and is encouraged to contact the Huron County Map Department for assistance.

The Planning Commission shall hear the request and make a decision within 30 days of its hearing of the request. In its motion, the Commission shall fully describe the variance(s) granted, including citing the appropriate sections of the Subdivision Regulations, citing the basis, conditions, and reasons for its action, including the criteria under Subsection 2 that are met by the applicant in moving for approval. The Commission may also require conditions or modifications to the application that, in its judgment, secure substantially the objective of the standards or requirements so varied or modified and which protect the public health, safety, and general welfare.

2. Criteria

The Planning Commission in consideration of a request for a variance shall use the following criteria. In order to approve a variance, the Planning Commission must cite at least one of the following criteria to justify an approval:

- a. That an extraordinary and obviously unnecessary hardship may result from the strict application of the Subdivision Regulations due to exceptional topographic or other physical conditions. Such hardship may not be considered if it was brought upon by the actions of the applicant.
- b. That truly unique circumstances are present that create a hardship with the strict application of the Subdivision Regulations. Such hardship may not be considered if it was brought upon by the actions of the applicant.

3. Policies

In approving an application for a variance, the action of the Planning Commission must not conflict with the following policies:

- a. In no instance shall a variance be granted for the sole purpose of increasing economic benefit to the applicant.
- b. In no instance shall a variance be granted which has the effect of nullifying the intent and purposes of the Subdivision Regulations, the Huron County Comprehensive Land Use Plan as amended, or a zoning resolution if such exists.
- c. In no instance shall a variance be granted that conveys to the applicant, developer, subdivider, builder, or property owner special rights or privileges, as determined by the Planning Commission.

4. Effect of Approval and Period of Validity

The approved variance and its conditions shall be noted on the Final Plat. If approved, the variance shall remain valid for 12 months from the date of approval or as long as a subdivision is being actively processed in accordance with the Subdivision Regulations. Subdivisions, which fail to meet the processing requirements, will be required to submit a new variance request.

B. Appeals

Any person who believes he or she has been aggrieved by the Subdivision Regulations or the action of the County Planning Commission, has all the rights of appeal as set forth in Chapter 711 of the Ohio Revised Code or any other applicable section of the Ohio Revised Code, as amended.

201.12 Nonconformances

Subdivisions approved prior to the adoption of these amended Subdivision Regulations shall be classified as legally nonconforming subdivisions and shall meet the regulations of the Huron County Subdivision Regulations, as amended in 01/01/2007.

Applications to create subdivisions (major, minor, large lot divisions) which have been received by the Huron County Planning Department, certified as fulfilling the submittal requirements, and which are at a stage in the approval process, shall be processed according to the regulations in place prior to the effective date of these amended regulations.

Applications to create subdivisions (major, minor, large lot divisions) submitted to the Planning Department after the effective date of these amended regulations shall be processed and approved according to these amended regulations.

201.13 Enforcement, Violations and Penalties

Whoever violates any rule or regulation adopted by the Huron County Commissioners for the purpose of setting standards, and requiring and securing the construction of improvements within a subdivision or fails to comply with any order pursuant thereto is creating a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the County or any citizen thereof. Whoever violates the Subdivision Regulations shall forfeit and pay not less than one hundred (\$100.00) nor more than one thousand dollars (\$1,000.00). Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas of Huron County. (Ohio Revised Code 711.10)

A County Recorder who records a plat contrary to the provisions of the Subdivision Regulations shall forfeit and pay not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), to be recovered with costs in a civil action by the Prosecuting Attorney in the name and for the use of Huron County (Ohio Revised Code 711.12).

Whoever, being the owner or agent of the owner of any land within or without a municipal corporation, willfully transfers any lot, parcel, or tract of such land from or in accordance with a plat of a subdivision before such plat has been recorded in the office of the County Recorder, shall forfeit and pay the sum of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each lot, parcel, or tract of land so sold. The description of such lot, parcel, or tract by metes and bounds in the deed of transfer shall not serve to exempt the seller from the forfeiture provided in this section.

If such land is within an appropriate jurisdiction, such sum may be recovered in a civil action brought in the Court of Common Pleas of Huron County by the legal representative of the appropriate jurisdiction in the name of the appropriate jurisdiction (Ohio Revised Code 711.13).

Any person who disposes of, offers for sale or lease for a time exceeding five years any lot or any part of a lot in a subdivision before provisions of the Subdivision Regulations are complied with shall forfeit and pay the sum of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each lot or part of a lot so sold, offered for sale or leased, to be recovered with costs in a civil action, in the name of the County Treasurer for the use of the County. (Ohio Revised Code 711.15).

201.14 Prohibitions

A. Recording of Plat

No plat for any subdivision shall be recorded by the Huron County Recorder or have any validity until said plat has received final approval in the manner prescribed in these Subdivision Regulations and other County regulations.

B. Revision of Plat after Approval

No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after approval has been given by the Huron County Planning Commission and endorsed in writing on the plat unless said plat is first submitted to the Commission for revision per the Subdivision Regulations. Once recorded a plat cannot be revised without replatting.

C. Sale of Land within Subdivisions

No owner or agent of the owner of any land located within a subdivision shall transfer or sell any lot, parcel, or tract of land by reference to, exhibition of, or by the use of a plat of subdivision before such plat has been approved and recorded in the manner prescribed in the Subdivision Regulations. The description of such lot, parcel or tract by metes and bounds or the Requirements for All Instruments of Conveyance in Huron County, Ohio in the deed of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of the Subdivision Regulations.

D. One Dwelling Per Parcel

To properly ensure and provide for the best planned use of land in Huron County pursuant to Section 711.10 of the Ohio Revised Code, it is the policy of the County Commissioners to require that, without an officially approved variance from the Huron County Planning Commission, no more than one permanent dwelling (single family, two-family, or multiple family) be permitted on any individual land parcel as officially recorded in the County Tax Map Department.

It shall be the responsibility of all County agencies and departments to enforce this policy. In those instances where such a variance is requested by the County Health Department, the County Sanitarian should consult with the County Planning Department in reviewing and commenting on the proposal to avoid approving such a variance if it would constitute a clear violation of the intent of these regulations.

E. Easements

No buildings or other improvements shall be placed within a recorded easement.

201.15 Administration

A. Planning Department

The Subdivision Regulations shall be administered and enforced by the Administrative Officer, who will be the Director of Planning of Huron County, Ohio, or his/her designated representative and is hereby empowered therein. The Administrative Officer is responsible for the following actions:

1. Administration and interpretation of the Subdivision Regulations.
2. Processing all applications under the Subdivision Regulations, including major subdivisions, minor subdivisions, large lot divisions, commercial and industrial subdivisions, and variances.
3. Review all applications to insure that they meet the requirements of the Subdivision Regulations.
4. Coordinating and submitting recommendations from the Technical Review Committee to the Planning Commission.
5. Maintain all records related to the Subdivision Regulations and Technical Review Committee.

B. Planning Commission

The Planning Commission is responsible for the following actions:

1. Final approval of Concept Plans.
2. Final approval of Preliminary Plats.
3. Final approval of Final Plats.
4. Final approval of applications for variances to Subdivision Regulations.
5. To hear appeals of decisions of the Administrative Officer.
6. Initiation and/or recommendation of amendments to the Subdivision Regulations.
7. Adopting bylaws for the conduct of Planning Commission meetings.

C. County Commissioners

The County Commissioners are responsible for the following actions:

1. Adopting the Subdivision Regulations and any amendments thereof.
2. Adopting the fee schedule for the Subdivision Regulations.
3. Approval of Major Subdivision Final Plats .
4. Accepting public improvements for public use and releasing said improvements for maintenance by the appropriate public entity.

D. Technical Review Committee

The Technical Review Committee will be comprised at a minimum of staff from the County Planning Department, County Engineer's Office, County Health Department, Soil and Water Conservation District, County Tax Map Office, and Emergency Management Agency. Additional agencies may be invited to meet with the Technical Review Committee, including township trustees and fire departments. The Technical Review Committee will be facilitated and supported by the Planning Department, which will schedule committee meetings and circulate an agenda and related materials.

The Technical Review Committee will review all applications submitted to the Planning Commission under the Subdivision Regulations and all other issues deemed by any member to be relevant to the purpose, intent, and implementation of the Subdivision Regulations and/or other related County regulations.

The committee's recommendation regarding a proposed subdivision or agenda item will be forwarded in writing to the Planning Commission by the Administrative Officer, along with the subject application and supporting material. The Administrative Officer will summarize the Technical Review Committee recommendations in writing and attach all other written comments.

The Technical Review Committee shall have a Chairperson who will present the agenda items to the committee members and a Secretary who will keep minutes of meetings. The Chairperson and Secretary shall be two different individuals.

The Technical Review Committee meetings will be open to the public and a notice announcing such meeting shall be published in "Meeting Notice" in the local newspaper at least five working days prior to the subject meeting. Applicants will be notified in writing no later than five days prior to the Technical Review Committee meeting and will be expected to attend for an informal review and discussion of a subdivision proposal or other agenda item. Applicants have the right to request placement on the Technical Review Committee agenda for informal review of a development proposal that is subject to these regulations but for which an application has not been submitted.

201.16 Development Permits

The following outlines relationships between the Subdivision Regulations and other development related permits issued by Huron County and other authorities.

Table A: Related Development/Actions¹

Permit/Action	Purpose	Issuing Agency	Step in Process
Access Permit	To regulate vehicular traffic	Engineer's Office	Before building permit
Building Permit	To regulate building construction	Township Zoning Inspector and/or all applicable agencies	After subdivision/zoning approval
Driveway Pipe Permit	To regulate the placement and sizing of drive pipes	Engineer's Office, Township, or ODOT	Before building permit
Floodplain Permit	To ensure construction is outside/above 100-yr. flood plain	Soil & Water Conservation District	Requires site plan/house number; Before building permit
Grading/ Drainage Permit	To ensure legal and proper grading/filling/drainage	Soil & Water Conservation District	Before any permit
Range/House Number	To properly address homes	Tax Map Department	Before any permit
Occupancy Permit	To ensure all improvements per code	Township Zoning Inspector and/or all applicable agencies	After building construction
Septic Permit	To ensure proper disposal of wastewater	Health Department	Before building permit and subdivision approval
Utility Permit	To regulate placement of utilities in right-of-way	Engineer's Office/OUPS Township/County where appropriate	Before building permit
Water Well Permit	To ensure safe water supply	Health Department	Concurrent with building permit
Zoning Permit	To ensure compliance with	Township Zoning	Before building

	township zoning resolution	Officer and/or all applicable agencies	permit
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¹All permits require house/range numbers

201.17 Subdivision Fees

Fees are intended to fund the costs of administering the Subdivision Regulations. The Board of County Commissioners shall establish subdivision fees pursuant to the Subdivision Regulations for Concept Plan, Preliminary Plat, Final Plat, and Variances with a recommendation from the Administrative Officer. Other County departments may establish fee schedules.

The fee schedule shall be posted in the offices of the County Commissioners, Map Department, County Engineer’s Office, and the County Planning Department. Fees shall be reviewed on an annual basis and any adjustments recommended by the Administrative Officer to the County Commissioners for review and approval.

All applicable fees shall be paid in full at the time of submittal of an application. Application packages shall be considered to be incomplete and will not be approved for placement on an agenda or otherwise processed until the required fees are paid in full.