

**CHAPTER 1109  
Subdivision Procedures**

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**1109.01 PURPOSE.**

The purpose of this Section is to provide adequate review of subdivision plats, public improvements and minor subdivisions.

**1109.02 ACTIONS GOVERNED BY SUBDIVISION PROCEDURES.**

Before any land is subdivided or public improvement constructed, the owner of the property proposed to be subdivided, or an authorized agent, shall apply for approval based on the type of subdivision or public improvements proposed.

- (a) Major Subdivisions as herein defined shall be reviewed through submission of a concept plan, preliminary subdivision plan, and final subdivision plat.
- (b) Public Improvements without Lot Creation. Whenever a single parcel is proposed for development and the installation of public improvements is required, such development shall require a final subdivision plat.
- (c) Minor Subdivision, as herein defined, shall be reviewed through submission of a final subdivision plat.

**1109.03 GENERAL PROVISIONS.**

Review of proposed subdivisions shall be conducted in compliance with the following general provisions:

- (a) Review for Completeness. Each subdivision application shall be reviewed for completeness and compliance with the applicable submission requirements, unless specific items are determined by the Zoning Administrator to be inapplicable or unnecessary. If the application is deemed insufficient, the applicant shall be notified of the deficiencies. Only complete applications shall be placed on the Planning Commission agenda. When the application is determined complete and all applicable fees have been paid, the application shall be accepted for consideration. This shall

include the Concept Plan as set forth in Section 1109.04, the preliminary subdivision plan as set forth in Section 1109.05, Approval of Preliminary Subdivision Plans, or the final subdivision plat as set forth in Section 1109.06, Approval of Final Plats.

- (b) Planned Development Districts. In order to provide efficient review of Planned Developments, it is the intent of this Chapter that subdivision review be carried out simultaneously with the review of development plans for Planned Developments, as noted below:
  - (1) Preliminary development plan approval and preliminary subdivision plat approval may proceed simultaneously.
  - (2) Final development plan approval and final plat approval shall proceed simultaneously, unless a final plat is not required for completion of the project.

**1109.04 APPROVAL OF CONCEPT PLAN.**

Previous to the filing for approval of a preliminary subdivision plan, the applicant shall submit a concept plan, unless the Zoning Administrator waives this requirement. The Plan shall include all of the submission requirements found in Chapter 1115. The concept plan is intended to outline the basic scope, character and nature of a proposed project, enable the applicant to discuss the location of proposed streets, parkways, parks, playgrounds, school sites and planned developments, and to familiarize the applicant with the Comprehensive Plan, the Planning and Zoning Code, and the drainage, sewerage and water systems for the City. The review is to provide input in the formative stages of design. Concept plans shall be reviewed and distributed according to the following procedures.

- (a) Administrative Review. After determining that an application is complete according to Section 1109.03 (a) Review for Completeness, the application shall be forwarded to the appropriate City departments and, if determined necessary, professional consultants for review and comment.
  - (1) The concept plan and its supporting documentation shall be reviewed for compliance with the Comprehensive Plan and other adopted plans or studies and the requirements of all applicable City Codes.
  - (2) During the course of its review, the staff may meet with the applicant to review its evaluation, and the applicant may revise the concept plan in response to staff's comments.
  - (3) Any reports, comments, or expert opinions from other City departments and professional consultants shall be submitted to the staff.
  - (4) Within 90 days of the application being deemed complete or an extended time agreed to by the applicant, the application shall be placed on the agenda of a regularly scheduled meeting of the Planning Commission. The application, the concept plan and supporting documentation, any administrative staff comments and any other reports prepared above shall be transmitted to the Planning Commission prior to the meeting.

(b) Planning Commission Review of a Concept Plan.

- (1) After receipt of reports from such City Departments and consultants, the Commission shall determine whether the concept plan shall be approved, approved with modifications or disapproved. If the Commission finds that the land proposed to be subdivided is unsuitable for subdivision development due to flooding, poor or inadequate drainage, topography, inadequate water supply, traffic circulation systems and other such conditions that may endanger health, life or property; and, if from investigations conducted by the public agencies concerned, it is determined that in the best interest of the public, the land should not be developed for the proposed purpose, the Commission shall not approve the concept plan unless adequate methods are advanced by the applicant for solving the problems that will be created by the development of the land.
- (2) Approval of the concept plan shall be conditioned upon compliance with applicable engineering standards, the Subdivision Regulations contained in Chapters 1109, 1113, and the applicable chapters in Title Five of this Planning and Zoning Code and all other applicable statutes, resolutions and regulations of the City. Approval of the concept plan by the Commission shall not constitute automatic approval of the preliminary subdivision plan.
- (3) Approval period. The preliminary subdivision plan shall be filed with the Planning Commission not later than twelve (12) months after the date of approval of the concept plan; otherwise it shall be considered void unless an extension is requested by the developer and granted by the Commission in writing.

**1109.05 APPROVAL OF PRELIMINARY SUBDIVISION PLANS.**

Preliminary subdivision plans, submitted in compliance with the submission requirements set forth in Section 1115.05, Contents of Preliminary Plan Documents, shall be reviewed and distributed according to the following procedures. An applicant for a Planned Development may submit the preliminary subdivision plan for simultaneous review with a preliminary development plan. At the discretion of the Zoning Administrator, a subdivider may forego submitting preliminary subdivision plans and instead seek approval of a final plat and engineering plans, if applicable, as required by Sections 1109.06 and 1109.07.

- (a) Administrative Review. After determining that an application is complete according to Section 1109.03 (a), Review for Completeness, the application shall be forwarded to the appropriate City departments and, if determined necessary, professional consultants for review and comment.
  - (1) The preliminary subdivision plan and its supporting documentation shall be reviewed for compliance with the Comprehensive Plan and other adopted plans or studies and the requirements of all applicable City Codes.

- (2) During the course of its review, the staff may meet with the applicant to review its evaluation, and the applicant may revise the preliminary subdivision plans in response to staff's comments.
  - (3) Any reports, comments, or expert opinions from other City departments and professional consultants shall be submitted to the staff.
  - (4) Within 90 days of the application being deemed complete or an extended time agreed to by the applicant, the application shall be placed on the agenda of a regularly scheduled meeting of the Planning Commission. The application, the preliminary subdivision plan and supporting documentation, any administrative staff comments and any other reports prepared above shall be transmitted to the Planning Commission prior to the meeting.
- (b) Planning Commission Review Of A Preliminary Subdivision Plan. The Planning Commission shall review the preliminary subdivision plan to determine if the application complies with the approval criteria set forth below.
- (1) No preliminary subdivision plan shall be approved unless the applicant proves by clear and convincing evidence that:
    - A. Public facilities, including but not limited to streets, water, sanitary and storm sewers will be adequate to support and service the area of the proposed subdivision, and that definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed.
    - B. All areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards or that require special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions, or the areas have been designated as "No Build" Zone, or "No Disturb" Zone. See Section [1163.03](#), Wetland Regulations.
    - C. The proposed subdivision will not result in an isolated subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels.
    - D. The subdivider has allowed sufficient area to meet the requirements for open space, if applicable.
    - E. The subdivider has taken every effort to ensure that the public health, safety, and welfare are perpetuated by the proposed subdivision.
    - F. The subdivider has incorporated in the proposed subdivision the recommendations described in the approved traffic impact study, when such study is required, that are determined necessary by the Planning Commission or the City Engineer.
    - G. The design and layout of the subdivision complies with the Planning and Zoning Code and other applicable City ordinances or, for Planned

Developments, with the proposed preliminary development plan and all supporting documentation and with the Subdivision Standards and Design Criteria set forth in Chapter 1113 and in the applicable chapters in **Title Five**.

- (2) The Planning Commission may require a reduction in the number of lots proposed in a subdivision when it is determined necessary in order for the Preliminary Subdivision Plan to comply with the requirements of all applicable City Codes.
  - (3) The Planning Commission shall take into consideration any submitted staff reports, comments, and expert opinions when reviewing the application.
  - (4) The Planning Commission, on its own initiative or upon petition by a resident or neighboring property owner, may, prior to acting on a preliminary plan of a subdivision, hold a hearing thereon at such time and upon such notice as the Commission may designate.
- (c) Request For Additional Information/Revisions.
- (1) In its review of an application, the Planning Commission may request additional information it deems necessary to adequately review and evaluate the proposed subdivision, and/or may request the applicant to revise elements of the application. When this occurs, the Planning Commission may table the application.
  - (2) In the event a tabled application has not been reconsidered within 60 days from the date the application was tabled, the applicant may file a written petition with the Zoning Administrator to place the application back on the agenda at the next Planning Commission meeting following 30 days from the date of the petition.
- (d) Action on the Preliminary Subdivision Plan By Planning Commission.
- (1) The Planning Commission shall by a majority vote of the membership:
    - A. Approve the preliminary subdivision plan and its supporting documentation as submitted; or
    - B. Approve the preliminary subdivision plan and its supporting documentation with specific modifications set forth by the Planning Commission, to further protect and improve the proposed and surrounding developments; or
    - C. Disapprove the preliminary subdivision plan
- (e) Approval of the Preliminary Subdivision Plan. In the event the Planning Commission approves the preliminary subdivision plan with modifications, the applicant shall incorporate such conditions into the appropriate documents and file the revised preliminary subdivision plan with the Zoning Administrator. No final plat application will be processed until the revised preliminary subdivision plan is submitted and approved by the Zoning Administrator.

- (f) Significance of Approved Preliminary Subdivision Plan.
  - (1) The approval of the preliminary subdivision plan does not constitute an acceptance of the subdivision, but merely authorizes the developer to proceed with work of the final plat and plans. One copy of the approved preliminary subdivision plan shall be retained. A letter of approval should be sent to the subdivider.
  - (2) Receipt of such signed copy is authorization for the subdivider to proceed with the preparation of detailed plans and specifications for the minimum improvements required in the subdivision regulations, and with the preparation of the final subdivision plat.
  
- (g) Expiration of Preliminary Subdivision Plan Approval. Approval of the Preliminary Subdivision Plan shall remain valid for one (1) year from the date of Planning Commission approval during which time the applicant shall prepare and submit a final plat for review in compliance with Section 1109.06, Approval of Final Plats below. The Planning Commission may grant an extension to the above stated timeframes for good cause shown.

**1109.06 APPROVAL OF FINAL PLATS.**

A final plat, including the submission requirements set forth in Section 1115.06, Contents of Final Plat Documents, shall be reviewed and distributed according to the following procedures. An application for final plat review shall be required for each phase of the subdivision. For Planned Developments, the applicant shall also submit a final development plan for simultaneous review.

- (a) Administrative Review. After determining that an application is complete according to Section 1109.03 (a), Review for Completeness, the application shall be forwarded to the appropriate City departments and, if determined necessary, professional consultants for review and comment.
  - (1) The final plat shall be reviewed for compliance with the approved preliminary subdivision plan and the requirements of all applicable City Codes.
  - (2) Any reports, comments, or expert opinions that the applicant or others believe are relevant shall be submitted to the Zoning Administrator.
  - (3) The Zoning Administrator staff shall transmit the final plat, any staff comments, any other reports and accompanying documents to the Planning Commission.
  
- (b) Submission of Engineering Plans/Construction Drawings. Detailed plans and specifications for all improvements as required in Section 1115.07, Contents of Engineering Plans/ Construction Drawings shall be submitted to the City Engineer.
  - (1) Review of the Engineering Plans and Construction Drawings shall occur simultaneously with or prior to the review of the final subdivision plat.
  - (2) The City Engineer shall review the engineering plans and construction drawings as well as the final plat. If the City Engineer determines the

engineering plans and construction drawings comply with the City's construction and material specifications and that the final plat includes all of the necessary right-of-way and easement dedications, the City Engineer shall grant preliminary approval of the construction drawings.

- (3) Other approvals from the Ohio Environmental Protection Agency or other regulatory agencies shall be obtained after the City Engineer's preliminary approval, when applicable.
  - (4) Once the construction drawings have received preliminary approval by the City Engineer, the surety shall be determined, as provided in Section 1113.05, Performance Guarantee.
- (c) Planning Commission Review Of A Final Plat. The Planning Commission shall review a final plat to determine if:
- (1) The final plat substantially complies with all specific requirements, the purposes, intent and basic objectives of the preliminary subdivision plan, and any commitments made or conditions agreed to with approval of the preliminary subdivision plan, and any applicable regulations in this Planning and Zoning Code.
  - (2) All other plans for the proposed development, including the landscaping and screening plans have been submitted and comply with the applicable regulations.
  - (3) A copy of the property owners association's covenants and restrictions are submitted and approved by the Law Department and the Zoning Administrator.
  - (4) The construction drawings have been submitted to and have been granted preliminary approval by the City Engineer.
- (d) Action on the Final Plat By Planning Commission.
- (1) The Planning Commission by majority vote shall:
    - A. Approve the final plat as submitted; or
    - B. Approve the final plat with modifications; or
    - C. Disapprove the final plat when the application does not demonstrate that the required standards have been met.
  - (2) In the event there is a tie vote on an application for final plat, it shall be deemed a denial by the Planning Commission.
- (e) Compliance with Current City-Wide Standards. In the event development standards or construction standards are updated, all subsequently approved final plats shall comply with the updated standards when the Planning Commission determines that such updated standard(s) will not cause undue hardship.

- (f) Revisions to Covenants, Easements and Restrictions. In the event a property owners' association or similar legal entity amends those portions of their bylaws or code of regulations that pertain to maintenance obligations or access to common areas within a subdivision, such amendment shall be submitted to the City for review and approval. Failure to obtain approval of such amendment shall be deemed a violation of this Planning and Zoning Code.

**1109.07 APPROVAL OF ENGINEERING PLANS/ CONSTRUCTION DRAWINGS, CONSIDERATION OF IMPROVEMENTS; PLAT CERTIFICATION AND RECORDING.**

- (a) Final Approval of Drawings. Following approval of the final plat, the subdivider shall resubmit the engineering plans and construction drawings revised as necessary to coincide with the approved final plat. The City Engineer shall review the engineering plans/constructions drawings and if found to be in total compliance with the approved final plat and applicable engineering policies and construction standards shall grant final approval to the engineering plans/construction drawings. Upon approval of the final plat by the Planning Commission and approval of the construction drawings by the City Engineer, the subdivider may secure the necessary permits to proceed with construction of the required street, sanitary, water, drainage or other public improvements.
- (b) Completion of Improvements or Provision of Performance Guarantee. When the subdivider has completed the construction of the public improvements and all utilities including the streets; signs; public/private utilities; drainage facilities; and traffic control signs, the subdivider shall notify the City Engineer and the City Engineer or his/her designee shall inspect the improvements as set forth below:
  - (1) The specifications of the City shall in all respects govern all construction work. The work shall be done under City supervision and inspection. The subdivider shall pay the cost of City inspection, and an amount of money estimated by the City Engineer for such purpose shall be deposited in advance with the City or otherwise provided for in the construction agreement and performance guarantee requirements as required in Chapter 1113, Scheduling & Assurance for Completion and Maintenance of Improvements.
    - A. If the City Engineer determines that the improvements are complete and have been constructed in compliance with these regulations, that all conditions of the subdivision approval have been fulfilled and that all required payments, including any payment in lieu of parkland dedication or open space fee, have been made, the City Engineer shall issue a letter to the applicant stating that the improvements are completed and acceptable for City maintenance.

(c) Certification and Recording of Final Plat.

- (1) Once the City Engineer determines the improvements are complete, determined unnecessary prior to recording, or the applicant has provided the Performance Guarantee provided for in **Section 1113.05**, Performance Guarantee, the Zoning Administrator and City Engineer shall certify or sign the final plat. After the final plat is certified, the final plat and all associated covenants and restrictions shall be recorded in the office of the Wayne County Recorder within one (1) year of the date of signing.
- (2) No plat of any subdivision shall be entitled to record in the office of the Wayne County Recorder or have any validity until the Planning Commission shall have approved it, and it shall have been certified by the City Engineer and the Zoning Administrator. In the event any such unapproved plat is recorded, it shall be considered invalid and the Commission shall institute proceedings to have the plat stricken from the records of Wayne County

- (d) Building Permits. No building permit shall be issued until the final plat and all associated covenants and restrictions are recorded, a copy of all items recorded with the Wayne County Recorder are submitted to and approved by the City and the City Engineer has stated in writing that the improvements are completed as required.

**1109.08 DEDICATION OF IMPROVEMENTS FOR PUBLIC USE.**

If the final plat indicates land for public use, such land shall be considered dedicated to the City of Wooster after the final plat has been signed by the City Engineer and the Zoning Administrator and recorded in the office of the Wayne County Recorder.

**1109.09 APPROVAL OF MINOR SUBDIVISION.**

Review of a proposed minor subdivision shall be conducted in compliance with the following:

- (a) Applicability. Administrative approval of a minor subdivision, including the relocation of lot lines, may be granted by the Zoning Administrator and the City Engineer if the proposed division of a parcel of land meets all of the following conditions:
  - (1) The proposed subdivision is located along an existing public street and involves no opening of any new street or the widening or extension of an existing street or the installation of any other public improvements.
  - (2) The proposed division of a parcel for which these regulations control involves the creation of no more than five (5) lots after the original parcel has been completely subdivided.
  - (3) The proposed subdivision is not contrary to any applicable regulation in this Planning and Zoning Code.

- (4) The property has been surveyed and a plat signed and sealed by a professional surveyor and legal description of the property is submitted with the application.
  
- (b) Pre-application Meeting. The applicant shall meet with the Zoning Administrator or his/her designee for review of the proposed subdivision for a determination of whether the administrative approval process authorized by this Section can be and should be utilized. The Zoning Administrator may require the applicant to submit whatever information is necessary to make this determination, including, but not limited to, a copy of the tax map showing the land being subdivided and all lots subdivided from the original tract since the date the parcel was created or annexed to the City.
  
- (c) Submission and Review of Minor Subdivision Application.
  - (1) After determination by the Zoning Administrator and the City Engineer that the proposed subdivision is a minor subdivision, applicants for minor subdivision approval shall submit a formal application to the staff including minor subdivision documents conforming to the requirements set forth in Section 1115.08, Contents of Minor Subdivision Documents.
  - (2) Once the application is determined complete, the application shall be reviewed for compliance with the all applicable City Codes.
  
- (d) Action by the Zoning Administrator and the City Engineer. The Zoning Administrator and the City Engineer shall:
  - (1) Approve the plat of the minor subdivision as submitted; or
  - (2) Approve the plat of the minor subdivision with modification(s); or
  - (3) Disapprove the plat when the application does not demonstrate that the required standards have been met.
  
- (e) Approval. In the event the Zoning Administrator and the City Engineer approves the minor subdivision, the Zoning Administrator and the City Engineer shall date the plat, stamp thereon the following words: “Approval by the City of Wooster, \_\_\_\_\_ Wayne County, Ohio”, and sign the plat. If such plat is not recorded within 90 days from the date of approval, such approval shall automatically become void.

**1109.10 PLAT REVISION AFTER APPROVAL**

No changes, erasures, modifications or revisions shall be made on any plat of a subdivision after approval has been given and certified on the plat, unless such plat is first resubmitted according to the procedures contained in this Chapter.