

**SUBDIVISION ORDINANCE
OF THE
CITY OF NEWARK, OHIO**

Ordinance No. 93-62
Passed 3 October 1994

Final amendments by Council prior to passage included.

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ARTICLE 1
***PURPOSE, INTERPRETATION,
JURISDICTION, VALIDITY
AND REPEALER***

S1.01 TITLE.

This Ordinance shall be known and may be cited and referred to as the
"Subdivision Ordinance of the City of Newark, Ohio".

S1.02 PURPOSE.

These regulations are adopted to secure and provide for the following objectives:

- A. To establish standards for logical, sound, and economical development of the City.
- B. To prevent premature subdivisions that have inadequate water supply, drainage, sewage facilities, or other public service and which may impose later expenditure of public funds to correct.
- C. To provide adequate and convenient spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air, and the avoidance of congestion of the population.
- D. To require and secure all improvements such as pavements, sidewalks, sanitary sewers, storm sewers, and water lines in accordance with the specifications of the City.
- E. To coordinate the arrangement of streets or highways in a manner which will promote safe and convenient vehicular and pedestrian movements and insuring the proper design of new streets in relationship to existing or proposed highways and the thoroughfare plan.
- F. To provide for the equitable handling of all sub-division plats by providing uniform procedures and standards for observance by both the approving authority and subdivider.
- G. To promote the public health, safety, comfort, convenience, prosperity, and general welfare of the present and future population.

S1.03 INTERPRETATION.

The provisions of these regulations shall be construed to be minimum requirements and are not intended to interfere with any other existing provisions of the law or other existing City regulations. Whenever these regulations may impose greater restriction, these regulations shall control. Although the City does not have enforcement authority, the Developer is responsible for ensuring the project complies with all Federal and State Requirements including, but not limited to, the requirements of the Environmental Protection Agency, Corps of Engineers, National Pollutant Discharge Elimination System, Clean Water Act., Wetlands Regulations, Americans With Disabilities Act.

S1.04 JURISDICTION.

These Subdivision Regulations, governing plats of subdivisions of land and lot splits contained, herein, shall apply within the City and within the three-mile perimeter unincorporated area immediately surrounding the City, in accordance with the provisions of The Ohio Revised Code.

S1.05 VALIDITY.

If any title, chapter, section, subsection, paragraph, or phrase of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

S1.06 REPEAL OF PREVIOUS ORDINANCE.

The provisions of this ordinance supersede and replace the existing provision of the Codified Ordinances of the City of Newark, Part Twelve, Title Two, Chapters 1220, 1224, 1228, 1232, 1236. and 1240, as enacted by Ordinance 65-75, 77-40, and 78-32, and the same are hereby repealed.

ARTICLE 2 ***DEFINITIONS***

S2.01 WORD USAGE.

In the interpretation of this Ordinance, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise:

- A. Words used or defined in one tense or form shall include other tenses and derivative forms.
- B. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- C. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- D. The word "shall" is mandatory; the word "may" is permissive.
- E. The word "person" includes individuals, firms, corporations, associations, trusts, and any other similar entities.
- F. The words "City" and "Municipality" mean the City of Newark, Ohio.
- G. The words "Planning Commission" or "Commission" mean the Newark City Planning Commission.
- H. The words "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied".
- I. Time limits ten days or less mean business days, time frames greater than ten days or listed in months mean calendar days.

S2.02 DEFINITIONS.

As used in these Subdivision Regulations:

"City Engineer" means the City Engineer of the City of Newark, Ohio, or his designated representative.

"City Water and Sewer Division" means the Water and Sewer Divisions of the City of Newark.

"Comprehensive Development Plan" means a plan or any portion, thereof, adopted by the Planning Commission and duly recorded in the office of the Licking County Recorder, showing the general location and extent of present or proposed physical facilities, including housing, industrial, and commercial uses, major streets, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

"Engineer" means a registered, professional engineer in good standing in the State of Ohio.

"Highway" means a major street ordinarily, but not necessarily, designated as a numbered Federal, State, or County highway and designed to accommodate primarily inter-city and rural traffic movements.

"Health Department" means the Health Department of the City of Newark or the County, as the case may be.

"Improvement" means grading, street surfacing, curbs and gutters, sidewalks, crosswalks, culverts, bridges, water lines, sanitary and storm sewer lines, seeding, signing, other utilities and other required features.

"Lot Split/Minor Subdivision" means any division of land into five or less parcels for the purpose, whether immediate or future, of transfer or of ownership, and which does not constitute a subdivision as herein defined.

"Original Tract" means a contiguous quantity of land held in common ownership which has not been platted by the existing owner or owners.

"Planning Commission" means the Newark City Planning Commission.

"Planning Officer" means the Director of Public Service of the City of Newark, Ohio.

"Plat"

- A. "Final plat" means the proposed recordable plat, plans, or drawings and any accompanying required data or information which are submitted to the Planning Commission for final approval of a proposed subdivision.
- B. "Preliminary plat" means the preliminary or tentative plat, plan, or drawing on which the layout and design of a proposed subdivision is submitted to the Planning Commission for consideration and tentative approval.
- C. "Sketch plat" means an informal drawing showing the developers basic subdivision concepts.

"Recreation plan" means the plan for recreation areas, including parks, playgrounds, and other open spaces, adopted by the City Planning Commission and duly recorded in the office of the County Recorder.

"Right-of-way" means the width between property lines of a street, pedestrian walkway, or easement.

"Street" means a roadway which affords principal means of access to abutting property. A private street is one which has not been dedicated and accepted for public use. A public street is one which has been dedicated and accepted for public use or has become public through other means of law. Streets shall be classified as:

- (1) Major Arterial
- (2) Minor Arterial
- (3) Collector
- (4) Local
- (5) Industrial

"Subdivision" means:

- A. 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 sale or exchange does not create additional building sites, shall be exempted: or
- B. 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, water, storm drainage, or other public facilities.

"Terrain Classification". Definitions of terrain classification are:

- a. Level - grade range of 0 to 8 per cent.
- b. Rolling - range of 8.1 to 15 per cent.
- c. Hilly - grade of over 15 per cent.

"Zoning Ordinance" means the Zoning Ordinance of the City of Newark.

ARTICLE 3
PROCEDURE FOR SUBDIVISION
APPROVAL

S3.01 PURPOSE.

The purpose of this chapter is to specify the procedures that shall be followed to subdivide land.

S3.02. CLASSIFICATION AND DETERMINATION OF SUBDIVISION TYPE.

There are two basic types of subdivisions.

A. Lot Split/Minor Subdivision.

(Approval without plat). The Planning Officer may determine that a proposed subdivision of land is a minor subdivision if the proposed division of a parcel of land is along an existing public street, does not involve the opening, widening or extension of any street or road, and does not involve more than five lots after the original tract has been completely subdivided. The proposed division shall not be contrary to applicable zoning regulations or these subdivision regulations.

B. Major Subdivision.

Any subdivision that does not meet the requirements of a lot split/minor subdivision.

S3.03 LOT SPLIT/MINOR SUBDIVISION PROCEDURE.

A. Planning Commission.

The Planning Commission is designated as having authority of review and approval. The Commission may, at its discretion, designate an authorized representative to approve or disapprove minor subdivisions.

B. Subdivision of Lot Split/Minor Subdivisions.

Any person proposing to create a lot split/minor subdivision shall submit to the Planning Commission via the Planning Officer:

1. Completed application for Lot Split/Minor Subdivision on the form for

same as provided by the Planning Commission.

2. A copy of the County Tax Map(s) showing the parcel to be split or subdivided and indicating the approximate dimensions of the proposed new parcels.
3. Payment of the appropriate fee as established by the fee schedule in Article 7. The Planning Commission may request additional detailed information such as:
 - a. A legal description of each parcel to be created by the lot split/minor subdivision.
 - b. A copy of a surveyor's drawing (accurate to scale) showing the total parcel and how it is to be split or subdivided.
 - c. Other information the Planning Commission deems appropriate.
4. Written approval signed by the Township Zoning Inspector, the County Board of Health, and the Licking County Planning Commission, if the proposed lot split is located outside the City Limits, but within the Three Mile Jurisdiction.

C. Standards for Approval.

For a minor subdivision to be approved, it must meet the standards below:

1. There shall not be more than five parcels created from an original tract. (See Section 2.02 for the definition of original tract.)
2. All proposed lots must meet the zoning requirements of the City.
3. All lots must have a minimum front footage as established by the Newark City Zoning Code.
4. No building site on a proposed parcel shall be within a designated floodway area as recognized on the official Flood Boundary and Floodway Maps of the City.
5. The proposal shall not involve the opening, widening, or extension of a public or private street or easement of access.
6. City water and sewer facilities are available to the site for immediate connection or evidence is provided in the form of approved permits that individual on-lot systems will function.

D. Action by the Commission.

Based upon the standards above and the fulfillment of the proper submission requirements, the Planning Commission shall take one of the following actions within twenty working days of the proper submission:

1. Approve the lot split/minor subdivision and stamp the instrument of conveyance "Approved By The Newark City Planning Commission No Plat Required" and affix the Planning Officer's signature and date. The approval shall expire after one year, unless the conveyance is recorded in the office of the County Recorder.
2. Not approve the proposed lot split/minor subdivision and notify the applicant in writing stating the reason for the disapproval.

S3.04 MAJOR SUBDIVISION PROCEDURES.

Major subdivisions shall be approved in three stages: sketch plat stage, preliminary plat stage, and final plat stage.

- A. The sketch plat stage requires that subdivider to present a sketch type plat to the Planning Officer for the purpose of determining street classifications, acceptable street names, acceptable subdivision name, and possible problems with zoning, storm water drainage, sanitary sewer and water service, and other community facilities; such as, the elements of the City's Comprehensive Plan, school system, and transportation routes. This stage ensures that the subdivider will not expend extensive monies developing detailed plans and plats that would not be acceptable to the Planning Commission.
- B. The preliminary plat stage requires the subdivider to present all information needed to enable the Planning Commission to determine that the proposed layout is satisfactory and will serve the public interest. This stage also ensures that the subdivider will not be required to expend extensive monies without some assurance that his plat will be finally approved.
- C. The final plat stage requires the subdivider to present all data needed to enable the Planning Commission to determine that the subdivision fully complies with these regulations and conforms to the approved preliminary plat. After approval of the final plat by the Planning Commission, the Commission will forward to City Council its recommendation for acceptance of proposed street dedications and improvement surety amount.

S3.05 SUBMITTAL OF SKETCH PLAT.

- A. The subdivider shall submit to the Planning Officer five (5) copies of his sketch plat which, as a minimum, shall contain the following:
1. The proposed subdivision in relation to existing community facilities, thoroughfares, and other transportation modes, shopping centers, manufacturing establishments, residential developments and existing natural and man-made features, such as general soil types and vegetation, as needed for runoff calculations (vegetation in terms of meadow, thicket, etc.) and utilities in the neighboring areas.
 2. The layout of streets, lots, and any non-residential sites or recreational uses within the proposed subdivision. If the subdivision is to be developed in phases, the layout of streets, lots, and any non-residential sites for the entire tract shall be included in the sketch plat.
 3. The location of existing utilities in the proposed subdivision, if available, or the locations of the nearest sources for water and disposal of sewage and storm water.
 4. Name of proposed subdivision, north arrow, proposed dimensions, proposed street names, and date.
 5. Existing permanent buildings.

Further, the subdivider shall pay the appropriate fee as established by the fee schedule in Article 7.

- B. The Planning Officer shall, within one month of receipt of the sketch plat, compile all related information, review the proposal, visit the site, and if in his judgment the sketch is in conformance with the regulations, will inform the subdivider to prepare and submit a preliminary plat in accordance with the regulations. If the sketch plat does not conform to these regulations, the subdivider shall incorporate all necessary changes to bring the said plat into compliance with these regulations. Further, the Planning Office shall advise the subdivider of:
1. Appropriate Street Classifications.
 2. Approved or rejected street and subdivision names.
 3. Any other areas that need to be addressed as a result of his review and

site visit.

- C. Upon receipt in writing from the Planning Officer of approval of the Sketch Plat, the subdivider shall have 12 months to submit a "Preliminary Plat". If the Preliminary Plat is not submitted in said time, the approval of the "Sketch Plat" becomes null and void.

S3.06 SUBMITTAL OF PRELIMINARY PLAT.

- A. The subdivider shall submit the following data to the Planning Officer before 4:30 on the Thursday preceding a regularly scheduled Planning Commission Meeting and the Commission shall formally receive the submittal at said meeting:
 - 1. An Application for Approval of Preliminary Plat
 - 2. Six copies of the proposed Preliminary Plat.
- B. Further, the subdivider at the time of submitting the Application for Approval of Preliminary Plat shall pay the appropriate fee as established by the Fee Schedule in Article 7.
- C. The Preliminary Plat shall be prepared by a Registered Engineer or Surveyor. The plat shall be clearly and legibly drawn to an Engineering Scale of 100 feet or less to the inch and shall be on sheets no larger than twenty-four (24") inches by thirty-six (36") inches. The Preliminary Plat shall contain the following information:
 - 1. Vicinity Map.

The map shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it. The Vicinity Map may be on the same sheet as the Preliminary Plat Drawing. The Vicinity Map shall show:

 - (a) Existing streets, highways, thoroughfares, etc. in the area of the proposed development.
 - (b) Zoning and Zone Lines.
 - (c) Any proposed street, highways, thorough-fares, etc., as shown on the City's "Thoroughfare and Green Space".

(d) North Arrow

(e) Location of proposed development with outline(s) of the owner's total property and the proposed subdivision.

2. Identification.

(a) Proposed name of subdivision, township, tract, or original lot or section number.

(b) Names, addresses, and telephone numbers of owners, subdivider, and registered surveyor or engineer.

(c) Bar scale, north arrow, and date.

3. Existing Data.

(a) Legal description and drawing to scale.

(b) Easements: Location, width, and purpose.

(c) Streets on and adjacent to the subdivision: Names, location, right-of-way, and pavement width. Planned public improvements; highways or other major improvements planned by public authorities for future construction.

(d) Location of proposed underground utilities on or near the subdivision; including journalized routes for highways.

(e) Utilities on and adjacent to the subdivision; Location and size of sanitary and storm sewers; location and size of water mains; location of gas lines, fire hydrants and utility poles. If water mains, sewers and/or culverts are not on or adjacent to the tract, indicate the direction and distance to and size of nearest ones.

(f) Existing contours from the City's Topographic Maps or, if the City does not have the area's topographic maps, then at intervals of not more than five feet where the ground slope is generally greater than ten per cent (10%) and not more than two feet where the ground slope is generally less than ten per cent (10%).

(g) When public water and sewer systems will not be part of the development, then provide subsurface information, such as

depth of water table, bedrock, and any unique conditions, such as abandoned mines.

(h) Other conditions on the subdivision:

1. Water courses and areas subject to flooding.
2. Marshes.
3. Rock outcroppings.
4. Wooded areas.
5. Any structures or other significant features.
6. Approximate direction and gradient of ground slope.
7. Location and type of buildings, fences, tree lines, etc.
8. Railroad lines.
9. Power lines and towers.
10. Owners of adjacent unplatted land, (For adjacent platted land, refer to subdivision plat by name, plat book, and pages.)

4. Proposals.

(a) Streets: Show proposed streets (indicate each street by name, right-of-way widths, approximate grades, centerline data, and proposed improvements.)

(b) Other rights-of-way or easements: Location, width, and purpose.

(c) Lots: Numbers, dimensions, and area of irregular lots in square feet.

(d) Minimum building setback lines.

(e) Lane parcels within the subdivision not to be divided into lots.

(f) Public sites: Reserved or dedicated for parks, playgrounds, or other public uses.

(g) When extensive changes of topography are contemplated, the proposed topography shall be indicated.

(h) Location of all underground utilities; Immediate and future construction.

(i) Distance to nearest existing intersection for reference.

(j) Show proposed areas of non-access to dedicated streets.

5. Other Information.

The Planning Commission may require such additional information as deemed necessary.

S3.07 PRELIMINARY PLAT PROCESSING OF MAJOR SUBDIVISION.

A. Processing and Distribution.

The preliminary plat shall be distributed by the Planning Secretary to the following officials and agencies for their review and recommendation.

1. Service Director (Planning Commission File)
2. City Engineer
3. Utility Superintendent
4. City or County Health Department, as appropriate
5. Code Administrator
6. Clerk of Council

B. Official Filing.

Upon the proper submission of the preliminary plat, the subdivision shall be placed on the agenda of the next regular Planning Commission meeting at which time the Commission shall take one of the following actions:

1. Accept the plat for official filing purposes.

2. Not accept the plat for official filing purposes. In this case, the applicant shall be notified in writing of the reason(s) of refusal.

C. Planning Commission Approval.

Upon the official filing of a preliminary plat, the subdivision shall be placed on the agenda of the next regular Planning Commission meeting which shall take place within forty days or at a mutually agreed upon time. At that meeting the Commission shall take one of the following actions:

1. Approve the preliminary plat.
2. Revise the plat in conjunction with the subdivider and reschedule for the following meeting for action.
3. Deny the plat. In the case of disapproval, the developer must resubmit any alternative plats from the beginning steps of this process. The commission shall notify the subdivider in writing within three days of the Commission meeting of the action taken and the standards of these regulations which were not fulfilled or violated resulting in the disapproval. This notification shall be by registered mail.

D. Effects of Approval.

Upon arrival, the Commission shall communicate to Council its action. The approval has the following effect:

1. It authorizes the subdivider to prepare a final plat and construction drawings in accordance with the approved preliminary plat.
2. It approves the conceptual design and street network.
3. It does not authorize the construction of streets nor grading for street purposes.
4. It does not authorize the transfer of lots nor the recording of the plat in the office of the Recorder of Licking County, Ohio.
5. The approval shall be in effect for a twelve month period from the date of approval by the Commission. Upon expiration of a preliminary plat approval, no approval of a final plat shall be given until a new preliminary plat has been resubmitted, officially filed, and approved.

S3.08 STANDARDS FOR REVIEW OF PRELIMINARY PLAT.

The Planning Commission shall review and either approve or disapprove the preliminary plat based upon the following standards:

- A. Compliance with City of Newark Thoroughfare Plan.
- B. Compliance with zoning.
- C. Compliance with design standards of these regulations.
- D. Compliance with the procedural requirements of these regulations.

S3.09 FILING OF FINAL PLAT

- A. Submittal.

Upon the receipt of the preliminary plat approval, the subdivider may proceed to submit the following data to the Planning Officer before 4:30 p.m. on the Thursday preceding a regularly scheduled Planning Commission meeting and the Commission shall then formally receive the submittal for "Official Filing" at said meeting:

1. Seven copies of the proposed final plat and detailed construction plans.
2. An application for approval of the final plat that notes any changes between the preliminary and final plat.
3. A final plat fee per the Fee Schedule in Article 7.
4. Such other data that the Commission may have deemed necessary for the proper review of the proposal.
5. Proposed protective covenants and deed restrictions.

The detailed construction drawings (detailed engineering plans) shall be prepared by a Registered Professional Engineer authorized to practice in the State of Ohio. These drawings or plans for the construction of all public facilities in the proposed subdivision shall be in conformance with the Design Standards of Article 4, the City of Newark Construction Specifications, the City of Newark Division of Engineering Standard Drawings, and the accepted practice of the City Engineer. Upon their approval the original tracings shall be filed with the City Engineer before the Final Plat will be released for recording.

B. General Requirements.

The final plat shall be prepared by a Registered Professional Surveyor authorized to practice in the State of Ohio and shall conform to the approved preliminary plat and include any changes recommended by the Commission, except that it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at this time. This portion must conform with all the requirements of these regulations. The final plat shall be clearly and legible drawn in ink on polyester film (minimum 3 mil), or linen tracing cloth.

It shall be eighteen inches by twenty-four inches in outside dimensions; and shall have a one and one-half inch binding margin on the left side of the eighteen inch length and one inch margins on all other sides. It shall be accurately drawn to an engineering scale of 100 feet or less to the inch and the scale shall be graphically indicated on the plat. If portions of the plat become cluttered with information, a separate, larger scale detail of that area shall be shown.

The plat shall be superimposed on a survey of the lands of the dedicators from which such plat is drawn and shall contain an accurate background drawing of any metes-and-bounds description of the lands of the dedicators from which such plat is drawn. It shall also contain:

1. The plat boundary lines with lengths of courses to hundredths of a foot and bearings to seconds. These boundaries shall be determined by an accurate survey in the field, which shall be balanced and closed with an error of closure of not to exceed $1 = 10,000$.
2. Name of subdivision, location of subdivision by original land survey range, township and quarter section, county and state.
3. Layouts including:
 - (a) Street lines, their names, bearings, angles of intersection and widths (including widths along the line of any obliquely intersecting street);
 - (b) All easements and rights-of-way, when provided for or owned by public services (with the limitation of the easement rights definitely stated on the plat);

- (c) All lot lines, with dimensions in feet and hundredths of a foot, and with bearings and angles to minutes, if at other than right angles.
 - (d) Curve data, for all centerline, right-of-way line, and property line curves, including internal angle, radius, arc length, tangent distance, chord length and bearing, points of curvature, and points of tangent bearings.
4. Location and type of all survey monuments set or found.
 5. The true bearings and distances to the nearest established street bounds, patent or other established survey lines, or other official monuments, which monuments shall be located or accurately described on the plat. Any patent or other established survey or corporation lines shall be accurately monument-marked and located on the plat, and their names shall be lettered on them.
 6. The proposed lots shall be numbered sequentially with numbers assigned to the subdivision by the City Engineer.
 7. The accurate outline of all property which is offered for dedication for public use and of all property that may be reserved by covenant in the deeds for the common use of the property owners in the subdivision, with the purpose indicated, thereon. All lands dedicated to public use, other than streets or roads, shall be marked "dedicated to the public".
 8. The exact location and the width along the property line of all existing recorded streets intersecting or paralleling the boundaries of the subdivision.
 9. Where the proposed subdivision is traversed by a watercourse, channel, stream, or creek, the prior or present location of such watercourse, channel, stream, or creek, in case the subdivision is traversed by a watercourse, channel stream, or creek.
 10. Building setback lines with dimensions, for minimum requirements (see City of Newark Zoning Code).
 11. The name and location of adjoining subdivisions and the location and ownership of adjoining unsubdivided property. Where provisions are made for access to an adjoining lake or stream, a sketch illustrating such access shall be submitted.

12. The volume and page number of the deed, where the property was conveyed to the owner, and the name and address of the owner of record, of the developer and of the engineer and/or surveyor;
13. Vicinity Map as required in 3.06-C-1.
14. For subdivisions containing more than fifty lots and/or encompassing five acres or more, the base flood elevation, as indicated on the City Flood Insurance Rate Map (F.I.R.M.), shall be noted on the plat. If the base flood elevation cannot be obtained from the F.I.R.M. then the developer shall provide such base flood elevation from the best available source.
15. Certification of a registered surveyor using the following standard form:

CERTIFICATE OF SURVEYOR

I hereby certify that this plat is a true and complete land survey made (under my supervision), (by me), on date _____, and that all survey monuments shown have been set.

REGISTERED SURVEYOR #

16. An acknowledgment by the owner or owners, adopting the plat, offering streets for dedication, and establishing utility easements and other public area; using the following standard form:

OWNERS' CONSENT AND OFFER OF DEDICATION

1. We, the undersigned, being all the owners of the lands, herein platted, do hereby voluntarily consent to the execution of this plat and do offer for dedication the streets, parks, and public grounds as shown, thereon, to the public use forever.
2. All easements shown, hereon, are for the construction, operation, maintenance, repair, replacement, or removal of water, sewer, gas, electric, telephone, or other utility lines or services, and for the express privilege of removing any and all trees, shrubs, bushes, buildings, or other obstructions to the free use of said utilities and for providing ingress and egress to the property for said purposes and are to be maintained as such forever.

_____	_____ WITNESS
_____	_____ WITNESS
_____	_____ WITNESS
_____	_____ WITNESS

17. A certificate of Notary Public relative to Subsection 16., hereof, in accordance with the following standard form:

CERTIFICATE OF NOTARY PUBLIC

STATE OF OHIO, COUNTY OF _____, SS

Be it remembered that on this ___ day of _____, 19__, before me the undersigned, a Notary Public in and for said County and State, personally came _____ and _____ and acknowledged the signing and execution of the foregoing plat to be their voluntary act and deed.

IN TESTIMONY, WHEREOF, I have set my hand and notary seal on the day and date above written.

My Commission expires:

NOTARY PUBLIC in and for
_____ COUNTY, OHIO

18. A signature block for the Commission in accordance with the following standard form:

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF NEWARK, OHIO, this ___ day of _____, 19__.

CHAIRMAN

SECRETARY

19. A signature block for Council in accordance with the following standard form:

APPROVED AND ACCEPTED THIS _____ DAY OF _____, 19__, BY ORDINANCE NO. _____, THE STREETS DEDICATED, HEREON, ARE HEREBY ACCEPTED AS SUCH BY THE COUNCIL OF THE CITY OF NEWARK, OHIO.

IN WITNESS, THEREOF, I HEREUNTO SET MY HAND AND AFFIXED MY SEAL THIS _____ DAY OF _____, 19__.

CLERK OF COUNCIL,
CITY OF NEWARK

20. A signature block for the City Engineer in accordance with the following standard form:

APPROVED BY _____, City Engineer on this ____ day of _____, 19__.

21. Signature and recording blocks for the County Auditor and County Recorder in accordance with the following standard forms:

TRANSFERRED THIS _____ DAY OF _____, 19__.

AUDITOR,
LICKING COUNTY, OHIO

FILED FOR RECORDING THIS _____ DAY OF _____, 19__.

AT _____ FEE _____ FILE NO. _____

RESTRICTIONS FEE _____

RECORDED THIS ____ DAY OF _____, 19__.

PLAT BOOK _____ PAGE(S) _____

RESTRICTIONS RECORDED IN OFFICIAL RECORD VOLUME ____ PAGE(S)____

RECORDER,
LICKING COUNTY, OHIO

S3.10 FINAL PLAT PROCESSING

A. Processing and Distribution.

The final plat and plans shall be distributed by the City Planning Commission to the following officials and agencies for their review and recommendation.

1. Service Director (Planning Commission File)
2. City Engineer
3. Utility Superintendent
4. City or County Health Department, as appropriate
5. Fire Chief

6. Clerk of Council
7. Code Administrator

B. Approval.

In not more than forty days after the "Official Filing" of the Final Plat with the City Planning Commission, the Commission shall take one of the following actions:

1. Approve the final plat.
2. Disapprove the plat. In the case of disapproval, the grounds of disapproval shall be stated in the records of the Commission, including the reference to the regulations violated by this proposal. Further, the Commission shall notify the subdivider, in writing, within three working days of the Commission meeting, of the action taken and the standards of these regulations which were violated. This notification shall be by registered mail.

C. Effect of Approval

Upon approval or approval with conditions, the Commission shall communicate to Council its action. The approval or approval with condition has the following effect.

1. It authorizes the subdivider to prepare bonding for Planning Commission consideration.
2. It authorizes the developer to begin the grading of streets if the Construction Plans are approved.
3. It authorizes the recording of the final plat in the office of the Recorder of Licking County, Ohio, upon filing of original tracing with City Engineer, acceptance of bonds, and public dedications by Council.
4. It authorizes the developer to submit plans and applications to the Ohio EPA for approval of the proposed water and sanitary systems and to obtain a Permit to Install (PTI) from said Ohio EPA.
5. If the final plat is not filed for recording with the County Recorder's Office within twenty-four months of the date of approval by the City Planning Commission, it shall be null and void.

S3.11 STANDARDS FOR REVIEW OF FINAL PLATS.

The Planning Commission shall either approve or disapprove the plat based upon the following:

- A. Compliance with Thoroughfare and Green Space.
- B. Compliance with zoning.
- C. Compliance with the design requirements of these regulations and the construction standards of the City.
- D. Compliance with the procedural requirements of these regulations.

S3.12 COUNCIL ACTION.

City Council shall review and by legislation judge the acceptance of street and other dedications for public purposes and, pursuant to these regulations, shall officially set the amounts of performance guarantee and maintenance of public improvements.

A. Agreements and Guarantees

All securities required under this section shall be acceptable in form to the City's Director of Public Service and shall be secured from companies authorized to do business in the State of Ohio and shall be deposited and remain at all times with the City Auditor and shall not be released without the written consent of the City Engineer.

B. Notice of Commencement

A "Notice of Commencement" must be filed with the Director of Public Service prior to any construction activity. A "Notice of Completion" must be properly filed and recorded prior to the release of the development surety.

S3.13 RECORDING OF PLAT.

Upon approval of the final plat by the Planning Commission, the acceptance of securities, and the acceptance of public lands by Council, the signature on all certifications, and the fulfillment of any requirements determined necessary for the proper subdivision of land by the Commission, the developer shall record the plat with the Recorder of Licking County. The plat shall be returned to the City Engineer for permanent storage after recording. In the event the County

Recorder keeps the original, then the developer shall provide the City Engineer with a reproducible copy of the recorded plat on one of the media set forth in S3.09-B.

A. Performance Guarantee.

1. Type of Guarantee. The subdivider, in lieu of actual installation or completion of the required improvements when requesting permission to record a final plat, shall execute and file a surety acceptable to the City's Director of Public Service.
2. Term of Guarantee. Guarantees shall be for a period of not longer than twenty-four months, unless Council extends the time period by resolution. Council may extend the bond period for a six month period, if they determine weather conditions or other unusual factors have caused delay that makes strict enforcement unreasonable.
3. Amount of Guarantee. The financial guarantee shall be in an amount equal to the City Engineer's estimate of the cost of completion of all improvements, plus eight per cent (8%), as set forth by City Council in legislation.

B. Maintenance Guarantee.

1. A maintenance surety acceptable to the City's Director of Public Service shall be posted with the City in the amount of ten per cent (10%) of the cost of improvements and shall be arranged for a period of twelve months from date of acceptance of improvements by the City Engineer. This surety is to be posted at such time as the improvements are accepted as complete by the City Engineer.
2. The subdivider shall be responsible for maintenance of all improvements against faulty workmanship, including all sedimentation and erosion controls and shall repair all failures as soon as they become apparent.
3. The streets and other improvements shall be in a condition acceptable to the City at the end of the maintenance period. If the subdivider fails to perform such maintenance to the complete satisfaction of the City, the City may use such surety guarantee to make the necessary repairs at their discretion.

S3.14 CHARGES FOR ENGINEERING SERVICES.

- A. It shall be the duty of the Director of Public Service to establish schedules of fees for plans, specifications, printing, construction inspection, design engineering, and other engineering services performed by the Division of Engineering, which shall be as close as is practical to the actual payroll and overhead costs, thereof. Such schedules may be changed or amended from time to time as the Director may find necessary to make the schedule conform to such costs.
- B. The City Engineer, or his representative, is hereby authorized and directed to collect such fees and deposit them with the City Treasurer to the credit of the General Fund.
- C. For inspections of private projects outside the City government, the City Engineer is hereby given the prerogative to authorize the commencement of a project by a private contractor with charges determined and charged after the completion of such project or at an earlier period of time. When the Developer or Contractor has no record of service with the City or other unusual circumstances exist, the City Engineer may estimate the inspection charges and require payment of 110 per cent of that total be paid to the City prior to commencement of any work.
- D. As the actual inspection charges are being paid and accrued, the City Engineer shall, from time to time, re-estimate the inspection charges for the project, so that a deposit of money in the amount of ten per cent over and above the actual estimated costs shall be on deposit in the General Fund for the inspection charges as they accrue. However, at the discretion of the City Engineer, such charges may be made instead during and/or at the completion of the project.
- E. Upon termination of the project, any unused balance of deposits paid by a private contractor shall be returned to the depositor by City warrant.

ARTICLE 4 ***DESIGN STANDARDS***

S4.01 PHYSICAL CONSIDERATIONS.

A. Natural Land Use.

Subdivisions should be planned to take advantage of the topography of the land, to economize in the construction of drainage facilities, to reduce the amount of grading, and to minimize destruction of trees and topsoil.

B. Flooding Areas.

In order to protect the health, safety, and general welfare of the people, the Planning Commission may reject a proposed subdivision located in an area subject to periodic flooding. Whenever a subdivision is proposed to be located in an area having poor drainage or other adverse physical characteristics and impairment, the Commission may approve the plat, provided that the developer binds himself legally to make such improvements as, in the judgment of the Commission, will render the subdivision substantially safe and otherwise acceptable for the intended use. In such case, the developer shall post with the Commission a surety acceptable to the Commission, sufficient to cover the cost of such improvements as estimated by the officials having jurisdiction.

C. Master Plan; Compliance.

1. The subdivision layout shall conform to the Official Thoroughfare and Green Space. Whenever a tract to be subdivided embraces any part of a highway, thoroughfare, parkway, or other major arterial, minor arterial, or collector street so designated on such Plan, such part of such public way shall be platted by the developer.

S4.02 STREETS.

A. Arrangement.

The arrangement, character, extent, width, and location of all streets shall conform to the City's Thoroughfare and Green Space and the requirements set forth, herein, unless specific requirements are waived by the City Planning Commission. The design of proposed streets and public access to adjacent unplatted lands shall be arranged so that the entire area can be served with a coordinated public street system. All streets must be built to City standards.

B. Street Classifications.

1. Major arterial thoroughfares shall be planned for continuation of movement of fast traffic generally over 45 mph between points of heavy traffic generation and from one section of the community to another. They shall contain as few intersections with minor streets as possible.
2. Minor arterial thoroughfares are similar in nature to major arterials, but are for lower volumes and speeds, generally 35 to 45 mph.
3. Collector streets shall provide a traffic route from local streets to arterial thoroughfares. Collector streets normally contain a relatively large number of intersections with local streets and few intersections with arterial thoroughfares.
4. Local streets shall provide direct and full access to each lot and shall be laid out so that their use by through traffic will be discouraged. The street system shall be so designed that all proposed streets shall be in conformity with modern practices of land subdivision and in general conformity with a plan for the most advantageous development of the entire neighborhood. The streets shall be extended to the boundaries of the tract to be recorded and align with existing streets, unless prevented by topography or other physical conditions, or unless, in the opinion of the Planning Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the development of adjacent tracts. Dead-end streets or cul-de-sacs will be approved only when necessitated by topography or other physical conditions or where, in the opinion of the planning commission, they are appropriate for the type of development contemplated.
5. Industrial streets are those streets within industrial zoning districts which will be subject to a large percentage of heavy truck traffic. In general they will be streets within industrial parks, but other streets having a high or potentially high truck volume may also be classified as industrial streets.

C. STREET RIGHT-OF-WAY AND PAVEMENT WIDTHS.

CLASSIFICATION	R/W in Feet	PAVEMENT in Feet
MAJOR	80	64
MINOR	80	54
INDUSTRIAL	60	40
COLLECTOR	60	40
LOCAL over 500' long	50	32
500' and shorter	50	28

Pavement width is measured from back of curb to back of curb.

D. Half Streets.

Half streets shall be prohibited, except where there is an existing half street adjacent to the subdivision, in which case the remaining half of the street shall be platted.

E. Cul-de-Sac and Dead-End Streets.

1. Streets designed to be a permanent cul-de-sac should not be longer than 800 feet and shall be provided at the closed end with a turnaround having an outside pavement diameter of at least eighty feet and a street right-of-way line diameter of at least 100 feet.
2. If the Subdivision creates a temporary dead end street that is intended to be extended in the future, an 80' diameter turnaround shall be constructed of 6" of 304 compacted base material. This turnaround shall be within an easement granted to the City by the Developer and shall be maintained to the satisfaction of the City Engineer. This easement shall be automatically vacated to the abutted property owners when the dead end street is legally extended and additional right-of-way dedicated to the City. If such dead end street is not legally extended within five (5) years of approval of the Final Plat that created it, the Developer must construct the turnaround as required for a permanent cul-de-sac (including curb and gutter) and dedicate the required 100' right-of-way to public use. If such dead-end street extends only the depth of the corner lot past a street intersection, no turnaround will be required.

F. Grades.

It is recognized that the maximum grade must vary with the severity of the natural terrain. Thus, the following maximum grades are set:

1. Level Terrain - 4% max. grade
2. Rolling Terrain - 8% max. grade
3. Hilly Terrain - 15% max. grade

An absolute minimum grade of 0.5% is required.

G. Changes in Grades.

All changes in street grades in excess of one per cent shall be connected by vertical curves. The minimum length of the vertical curve shall be 20 times the algebraic difference in the rate of grade for Major, Minor, or Industrial Streets and 15 times the algebraic difference in the rate of grade for collector or local streets. Grade changes (with or without a vertical curve) shall be no closer than 300'.

H. Minimum Centerline Radii.

The minimum centerline radius for horizontal curves shall be 400 feet for Major, Minor, or Industrial streets and 100 feet for collector or local streets.

I. Reverse Horizontal Curves.

Major, Minor, and Industrial Streets shall have a minimum 100 foot tangent section between reverse horizontal curves. No minimum tangent section is required for collector or local streets.

J. Intersections.

1. Intersections shall be no closer than 125 feet on local or collector streets, and no closer than 250 feet on major, minor, or industrial streets. The highest level (most restrictive) street involved governs.

2. Curbs at intersections shall be rounded using the following minimum radii:

Major	-	50
Minor	-	45
Industrial	-	50
Collector	-	30
Local	-	30

These minimums shall increase to the following when the minimum angle of intersection is between 60 and 75 degrees:

Major	-	55
Minor	-	55
Industrial	-	60
Collector	-	45
Local	-	40

3. Intersections with an angle less than 60 degrees will not be permitted.

S4.03 SIDEWALKS.

- A. Sidewalks shall be installed on both sides of all new public streets, unless this requirement is specifically waived by the Planning Commission.
- B. Sidewalk shall be a minimum width of four (4') feet. Curb ramps shall be constructed at all street intersections. The ramps shall be constructed in accordance with specifications and details set forth by the City Engineer.
- C. In addition, pedestrian easement ways, not less than twenty feet wide and constructed to a width of not less than eight feet, shall be required across blocks where the Commission determines that pedestrian access to schools, playgrounds, shopping centers, transportation, and other community facilities is necessary.
- D. Sidewalks shall be constructed of "Portland Cement Concrete".

S4.04 EASEMENTS.

- A. Minimum.

As a minimum a five foot easement along side lot lines and a 7 1/2 foot easement along rear lot lines shall be provided on all lots. The purpose of the

easement shall be as set forth in Section 3.09-B-16.

- B. Drainage easements shall be given to the City of Newark for all open channels or surface drainage courses. The width of the easement shall be determined by the Planning Commission. The easement shall allow the City, its agents or assigns, the right to reconstruct, operate, and maintain said channel or drainage course, including the right to trim, cut, fell, remove, and dispose of any and all timber, trees, underbrush, building improvements, and other improvements currently thereon; to excavate, dredge, cut away, and remove any or all of said land and to place, thereon, stones, rip rap and other fill materials for the protection of the banks and for such other purposes as may be required in connection with said work.

S4.05 UTILITY LOCATIONS.

The following are not mandatory locations but, rather, are recommended locations for underground utilities. Above ground utilities should be located in the rear lot utility easements. Whenever possible, City Utilities shall be located within the limits of a proposed right-of-way as follows:

- A. Sanitary Sewers.

In parklawn or under sidewalk on south or east side of street.

- B. Storm Sewers.

In parklawn on north or west side of street.

- C. Waterlines.

Under sidewalk on north or west side of street with minimum 4 1/2 foot cover.

- D. Gas Lines.

Under sidewalk or in parklawn on south or east side of street.

- E. Electric, Telephone & Cable T. V.

In rear and side lot easements.

S4.06 LOTS.

A. Zoning Conformance.

The lot size, width, depth, and the minimum building setback lines shall conform to the Zoning Ordinance.

B. Corner Lots.

Corner lots shall have extra width to permit appropriate building setback from the orientation to both streets (see Zoning Code).

C. Access to Public Streets.

The subdividing of land shall provide each lot with full frontage on a public street.

D. Double-Frontage Lots.

Lots shall not be laid out so that they have frontage on more than one street except:

- (1) Where the lots are adjacent to the intersection of two streets.
- (2) Where it is necessary to separate residential lots from major arterial thoroughfares, a reserve strip along the major arterial thoroughfare shall be deeded to the City. The plat shall state that there shall be no right of access across such reserve strip. The Planning Commission may require that an earthen barrier, a six foot high solid board fence, or masonry wall be constructed or that a ten foot wide planting screen be provided.

E. Side Lot Lines.

Side lot lines shall be substantially at right angles or radial to street lines.

F. Lot Depth.

No lot depth shall exceed four times the lot width at the minimum building setback line.

G. Where public sanitary sewer facilities and/or water are not accessible, the minimum lot size shall be determined by the Health Department having author-

ity, in accordance with their regulations and criteria, but in no event shall the lot size be less than that required by the Zoning Code.

S4.07 SUBDIVISION COVENANTS.

All subdivision covenants shall run with the land and be enforceable by the owner of any of the property lying within the subdivision. Covenants shall be so written that they may be amended to meet changing conditions. All covenants shall indicate the proposed use of the land.

S4.08 EROSION CONTROL PLAN.

An erosion control plan shall be developed in accordance with the City of Newark, Stormwater Management Design Manual.

S4.09 STORM DRAINAGE.

A storm drainage system, designed in accordance with the City of Newark, Stormwater Design Manual, shall be constructed in each new subdivision. Also, a flood routing plan for times when the storm sewer system is inadequate shall be incorporated into any new subdivision.

The City may allow deletion of the retention pond provision provided that an adequate drainage substitute is devised by the subdivider and is approved by the City Engineer.

ARTICLE 5
UNIFORM IMPROVEMENTS
REQUIREMENTS

S5.01 REQUIRED IMPROVEMENTS.

A. General Requirements

1. The improvements required shall be designed by an Engineer, registered in the State of Ohio, and furnished and installed by the subdivider in accordance with the provisions of these regulations and other regulations of the State and City. The improvements shall be installed before the final plat is recorded by the subdivider or financial guarantee, as specified in these regulations, shall have been approved and accepted by the Planning Officer prior to the recording by the subdivider.
2. Before work on any improvement is started, the subdivider must secure such permits as may be required and notify the appropriate governmental inspectors to insure that the work is done in conformance with the approved plans.

B. Grading.

1. Streets must be graded the full width and slopes graded beyond the street line where necessary.
2. Sodding and seeding to prevent erosion shall be done on cuts or fills made under the above grading requirement.
3. In addition to the requirements set forth in the approved "Erosion and Sedimentation Control Plan", when deemed necessary by the City Engineer, additional control measures shall be undertaken.
4. Lots shall be graded so that water drains away from each building.
5. As many trees as can be reasonably utilized in the final development plan shall be retained and the grading adjusted to the existing grade at the trees.
6. During the construction period, the top soil shall not be removed from the site or used as fill, but shall be saved and uniformly spread over the lots as grading is finished.

7. All improvement plans shall show the topographic conditions before grading and the final elevations after grading, and provisions shall be made so that areas graded for flood routing are not changed when homes or other structures are constructed.

S5.02 STORM DRAINAGE.

A storm drainage system, designed in accordance with the City of Newark, Stormwater Design Manual, shall be constructed in each new subdivision. Also, a flood routing plan for times when the storm sewer system is inadequate shall be incorporated into any new subdivision.

S5.03 SANITARY SEWER AND WATER FACILITIES.

Adequate central sanitary sewer and water supply systems shall be provided by the developer by connection to existing City systems which are deemed adequate by the City Engineer to handle the additional demands and volume which will result from the proposed subdivision. The Planning Commission may grant an appropriate variance from the foregoing requirements when the following conditions apply:

- A. The proposed subdivision does not have access to the existing public water and/or the public sanitary sewer systems; and,
- B. The proposed subdivision meets the requirements of the appropriate Health Department and Ohio EPA.

S5.04 BEDDING AND BACKFILL.

Any utility trench or other excavation made within the limits of a proposed Public Right-of-Way shall be bedded and backfilled according to the following:

- A. All utility lines to be taken over by the City shall be bedded and backfilled from a point 6" below the pipe to a point 6" above the pipe with #57 aggregate as specified in Section 703 of The Ohio Department of Transportation Construction and Material Specifications. This applies to sanitary sewer line, waterlines, and storm sewer lines.

- B. From the top of the initial backfill to the pavement sub-base, the trench shall be backfilled using any of the following:
1. A controlled density backfill, such as:
 - a. K-crete
 - b. Flash-fill
 - c. or other, as approved by the City Engineer.
 2. O.D.O.T. Item 310 as listed in Chapter 703 of the construction and Material Specifications compacted in 2' lifts.
 3. Materials excavated from utility trenches or other excavation shall only be used for backfill within the proposed right-of-way, if approved in writing by the City Engineer. This material must be compacted on one (1) foot lifts. Wet or non-compactable materials will not be approved for this use.
- C. Sieve analysis or compaction density testing may be required at the discretion of the City Engineer.

All utility lines falling outside the limits of a proposed right-of-way that are intended to be dedicated to the City must be bedded and backfilled according to Item A above. These utilities also must be incorporated into a public utility easement a minimum of 20 feet wide and dedicated to the City.

S5.05 CURBS AND GUTTERS.

Portland Cement Concrete curbs and gutters shall be installed in all new subdivisions within the corporation limits of the City, type and style to be determined by the City Engineer.

S5.06 UNDERDRAINS.

Underdrains shall be constructed under all new curb and gutter sections as directed by the City Engineer. The appropriate time to discuss underdrains is when the sketch plat is submitted.

S5.07 SIDEWALKS.

Sidewalks shall be provided in accordance with Article 4, Section 4.03.

S5.08 STREET PAVEMENTS.

Streets shall be paved from edge of gutter pan to edge of gutter pan. Pavement width, grade, and crown shall be as set forth in Article 4, Section 4.02. The pavement may be either asphalt concrete, portland cement concrete, or a composite of the two and shall be constructed in accordance with the following:

PAVEMENT DESIGN SHEET

S5.09 STREET SIGNS.

The developer, after receiving final plat approval and prior to undertaking construction, shall pay to the City, in accordance with the Fee Schedule in Article 7, the appropriate amount for traffic signage, which will then be installed by the City of Newark.

S5.10 STREET LUMINAIRES.

Street luminaires, aka street lights, shall be installed by the subdivider on all streets within the subdivision. The number, location, and type of such luminaires is to be determined by an engineering study performed by The Ohio Power Company or Licking Rural Electric as appropriate for the subdivision and approved by the City Planning Officer.

S5.11 BOUNDARY SURVEY.

A. General Standards.

The "Minimum Standards for Boundary Surveys", set forth in the Ohio Administrative Code, Chapter 4733-37, shall apply, if not specifically superseded, herein.

B. Exterior Boundary Traverse.

A complete boundary survey of the parcel being subdivided shall be made by a registered surveyor. The traverse shall close within a limit of error of one foot to 10,000 feet of the perimeter before balancing the survey.

C. MONUMENTS.

1. A concrete monument meeting the following minimum conditions, or other material approved by the City Engineer, shall be installed at each corner or bend in the exterior boundary traverse:
 - a. Length 30"
 - b. Diameter 4"
 - c. Steel rod (1/2" Dia.) running full length of monument in center of monument.

- d. A durable marker bearing the surveyor's registration number and/or name or company name.
2. Each new lot corner, not receiving a concrete monument, shall be pinned using either a solid steel pin minimum 1/2" diameter, or 3/4" steel pipe, along with a durable marker bearing the surveyor's registration number and/or name or company name. The minimum length for the pins is 30 inches.
3. Curves in either the exterior boundary survey or new lots shall have the PC (point of curvature) and PT (point of tangency) either monumented or pinned as appropriate.

S5.12 CITY CONSTRUCTION STANDARDS.

All public improvements shall meet the above standards, plus the adopted construction standards of the City presently in effect or any standards that are adopted subsequent to these regulations. Should these improvement regulations conflict with any existing or later adopted construction standards, the more restrictive regulations shall apply.

ARTICLE 6
ADMINISTRATION AND ENFORCEMENT

S6.01 ADMINISTRATION.

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

S6.02 RECORDING OF PLAT.

No plat of any subdivision shall be recorded in the Office of the Recorder or have any validity until it has been approved in the manner prescribed herein. In the event any such unapproved plat is recorded, it shall be considered invalid; and the Planning Commission shall institute proceedings to have the plat struck from the County records.

S.6.03 SALE OF LAND IN SUBDIVISION.

No owner or agent of the owner of any land located within a subdivision shall transfer ownership in the future by reference to, exhibition of, or by use of a plan or plat of a subdivision before such plan or plat has been approved and recorded in the manner prescribed herein. Any contract to sell or transfer contrary to the provision of this section is void, excepting through an option which cannot be exercised until the final plat has been approved by the Planning Commission. Any money changing hands for the option agreement shall be held by an escrow agent that has been pre-approved by the Planning Commission. The description of such subplot or parcel by metes and bounds in the Instrument of Transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.

S6.04 REVISION OF PLAT AFTER APPROVAL.

No changes, erasures, modifications, or revision shall be made in any plat of a subdivision after approval has been given by the Planning Commission and an endorsement is made in writing on the plat, unless the plat is first resubmitted and the changes approved by the Planning Commission. A fee per the schedule in Article 6 shall be charged for the revision .

S6.05 PUBLIC HEARING.

The Planning Commission, on its own motion or upon petition by affected property owners, may, prior to acting on a preliminary plat for any subdivision, hold a

hearing, thereon, at such time and place and upon such notice as the Commission may designate. All interested parties shall be entitled to be heard at such hearing.

S6.06 AMENDMENT OF REGULATIONS.

The Planning Commission may, on its own motion and with a Public Hearing, recommend to Council amendments, supplements, or changes to these regulations. Notice shall be given by the Commission of the time and place of Public Hearing by publication in at least one newspaper of general circulation published in the City of Newark or in Licking County, Ohio, thirty days prior to holding of the hearing. The amendment or amendments shall be on file in the Office of the Commission for public examination during such thirty days.

S6.07 VARIANCES.

The Planning Commission may grant variances to these regulations where unusual or exceptional factors or conditions requires such modification, provided that the Planning Commission shall:

- (A) Find that unusual topographical or exceptional physical conditions exist.
- (B) Find that strict compliance with these regulations would create an extraordinary hardship in the face of the exceptional conditions.
- (C) Permit any modification to depart from these regulations only to the extent necessary to remove the extraordinary hardship.
- (D) Find that any modification granted will not be detrimental to the public interest nor in conflict with the intent and purposes of these regulations when modified.
- (E) Require such other conditions to be met by the proposed plat as the Planning Commission may find necessary to accomplish the purposes of these regulations when modified.

S6.08 APPEALS.

Whenever a party presenting any subdivision to the Planning Commission has been rendered a decision from the Commission, which is adverse to the request of such party and will operate as a final disposition of the matter presented so as to leave the aggrieved party without further remedy, then appeal may be made as outlined in Ohio R.C., Chapter 711.

S6.09 PENALTY.

- (A) Whoever willfully violates any rule or provision of these regulations or fails to comply with any order pursuant to, thereto, shall forfeit and pay not less than One Hundred Dollars (\$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 Licking County by a legal representative of the City in the name of the City and for the use of the City.
- (B) A County Recorder, who records a plat contrary to the provisions of these regulations, shall forfeit and pay not less than One Hundred Dollars (\$100.00) not more than Five Hundred Dollars (\$500.00) to be recovered with costs in a civil action by the City Law Director in the name of and for the use of the City.
- (C) Any person, whether he be the owner or agent of the owner who transfers any subplot, 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 One Hundred Thousand Dollars (\$100,000.00) for each subplot, parcel, or tract of land so sold. The description of such subplot, 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.

S6.10 LOT CONSOLIDATION.

- (A) "Lot consolidation", for purposes of these Subdivision Regulations, means the joining together of two or more contiguous parcels of land having unity of ownership, the effect of which is to create one lot from those parcels so joined together.
- (B) Any proposed lot consolidation shall be submitted to the Planning Commission on forms provided by the Commission. If the Commission, acting through its Planning Officer, is satisfied that such lot consolidation is not contrary to the applicable regulations, it shall, within twenty days after submission, approve such lot consolidation by stamping the form, "Approved by the Newark City Planning Commission, no plat required", and have it signed by the Planning Officer or other official designated by the Commission. In so doing the Commission may require the submission of a sketch plat, a record of survey, and such other information as it deems pertinent to its determination under this section.

ARTICLE 7
FEE SCHEDULE

	1 Jan 1995 to <u>31 Dec 1995</u>	<u>Beginning</u> 1 Jan 1996
1. Minor Subdivision/Lot Split	\$ 20.00	\$ 20.00
2. Lot Consolidation (Combination)	\$ 20.00	\$ 20.00
3. Major Subdivision Fees		
A. Sketch Plat Submittal	\$ 25.00	\$ 50.00
B. Preliminary Plat Submittal	\$ 75.00	\$ 150.00
C. Final Plat Submittal plus \$10.00 for each lot over 20	\$ 100.00	\$ 200.00
D. Final Plat Revisions	\$ 50.00	\$ 100.00
E. Signage Fee		
1. Each Street Identification Sign	\$ 137.50	\$ 275.00
2. Each Stop or Yield Sign	\$ 87.50	\$ 175.00
3. Each Speed Limit Sign,	\$ 75.00	\$ 150.00
4. No Parking, and other Traffic Control Signs will be at City of Newark expense, no cost to Developer.		