

Tuscarawas County, Ohio Subdivision Regulations

SUBDIVISIONS Major, Minor (“Lot Splits”) & Dedicated Private Drives



*How they affect you as a Subdivider or
Developer*

Questions & Answers

**Tuscarawas County Regional
Planning Commission**

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**The following questions and answers
have been prepared as an aid to persons
considering subdividing their property in
Tuscarawas County.
What is a subdivision?**

Very simply, a subdivision is the partitioning of one piece of land into two (2) or more parts.

What areas are affected by the subdivision regulations?

The regulations are applicable to all subdivisions of land with the **unincorporated areas** of Tuscarawas County.

Why do we have subdivision regulations?

Subdivision regulations are designed to protect your rights as a taxpayer against the hidden perils of **haphazard** development. The subdivision of land is the first step in the process of county development. Once land has been divided into streets, lots and blocks, correction of defects can be extremely costly and difficult.

The subdivision of land affects the welfare of the entire county because sooner or later these subdivisions become a public responsibility. Roads must be maintained, various public services such as police and fire protection must be provided, all with your tax dollars. Subdivision regulations are an important tool in guiding growth according to the county plan, and they serve as a mechanism for insuring sound community growth. They also serve as a means of safe guarding the interest of homeowners, developers, and local government,

What is the legal basis for subdivision regulations?

The enactment and administration of subdivision regulations are provided for by the Ohio Revised Code (ORC), Chapters 711, 713, and 735. They were adopted by the Tuscarawas County Commissioners in 1965, and most recently revised January 1, 2019.

Is there more than one kind of subdivision?

Yes. There are minor subdivisions and major subdivisions.

Minor Subdivision (“Lot Split”)

This is a division of a parcel of land that does not require a plat and is approved by the Tuscarawas County Regional Planning Commission as defined under ORC 711.131. A Minor Subdivision not subject to platting shall be limited to no more than five (5) lots, (4 lots under 5 acres and a residual lot of any size) from an original tract as it existed on the effective date of these amended rules (March 23, 2007). See Article III of the Sub Regs.

How can minor subdivisions affect the county?

In the past, minor subdivisions have been laid out along existing public roads creating what is known as “strip development”. Large amounts of land which may be unused and without access can be left behind these strips, and a needless and costly extension of the resources of a community (police and fire protection, water and sewage and other utilities) may result.

Why should these regulations affect me? I just want to sell a few lots.

While a special, simplified approval process is provided for minor subdivisions, they still must comply with the regulations. The purpose of this process is to protect you as a landowner and the county from development problems related to soil and water conditions, utility services, road construction, flood plain areas, etc. It will also serve to help your subdivision to conform to the overall plan for adequate services such as road development, police and fire protection, water and sewer facilities, schools, and other public facilities in Tuscarawas County.

What if you are a farmer who wants to divide his land among his family and give them a deed to the land?

Even in this situation, subdivision regulations will still be in effect, particularly if the division involves any new streets or private drive access. New building sites should be located along a public road. The purpose of this regulation is to protect the land owner and future land owners from access and development problems on their land.

Example: A farmer wishes to subdivide and give a large portion of land to his child with no access to a public road. If this ownership situation were to remain the same, problems might never occur. Ten years from now, however, land ownership on these two parcels could have changed several times. Let’s imagine that two total stranger own this land now. The person owning the back lot may be unable to build on his site because no deeded access had been provided.

Can a person subdivide a piece of land away from a publically dedicated road if an easement of access is provided?

An easement of access is not a publically dedicated road and therefore, does not comply with the regulations. Consider again the previous illustration. If the owner of the back lot had an easement of access through the front lot, the owner of the back lot still would not be able to divide and sell his land because an easement is still not a dedicated road for public use. See Dedicated Private Drive Subdivisions.

What are the steps for approval of a minor subdivision?

1. Obtain an application from RPC
2. Complete side one and submit with the survey plat and legal description to the entities listed on the back for approval.
3. Return signed application, fee, plat and legal description to RPC office to check for compliance with subdivision regulations. The RPC office will

either approve or reject the application. RPC approval expires after 12 months.

4. Submit application, deed and plat to the Map Office.

5. Report land transfer to the Auditor's Office for tax purposes.

6. Record deed with the Office of the Recorder.
What if I plan to purchase a lot that has not yet been recorded?

Before you finalize your purchase, check with RPC to see if it conforms to current subdivision regulations. Be careful! Whatever regulations are in effect at the time of recording apply. Regulations do change over time.

Dedicated Private Drive (DPD) Subdivisions

This procedure is available for a minor or any sized subdivision of 2 to 5 residential parcels that share access to a public road via a platted private drive. Dedicated Private Drives shall not be used to avoid the construction of a major subdivision or the construction of public roads. See Article V of the Sub. Regs.

What are the steps for approval of a DPD subdivision?

1. Meet with RPC to review sketch, profile, and regulations. Get application and checklist.
2. Obtain preliminary Access Management review.
3. Submit application, fee and preliminary plat for review by RPC.
4. Revise plat based on Step 3 comments. Submit 7 copies to RPC for intergovernmental review.
5. Submit paper copy final plat incorporating any changes from intergovernmental review to RPC.

6. Submit RPC signed paper copy of plat and application to Map office. The RPC office will either approve or reject the application. RPC approval expires after 12 months.

7. Submit final plat with owners and surveyor's signature on Mylar based on above reviews to RPC for signature

8. Submit final plat to Map office, Auditor's office and for signatures and record on the same day.

Major Subdivisions (Article VI in Sub Regs)

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.

What are the steps for the approval of a major subdivision?

1. Pre-application and Sketch

- Submit preapplication, sketch and other required information for review and approval.
- Meet with subdivision committee.
- Preliminary sketch review by RPC Board.

2. Preliminary Plat

- After preliminary sketch is approved the preliminary plat and application are submitted and follows the same review process.

Utilities, political bodies, county health department, county water and sewer department, county road and bridge department, county soil and water division and others as applicable are notified of and made a part of all meetings. Any disapproval conflicts resulting from the RPC preliminary plat review meeting must be resolved before proceeding with the next step.

Time involved is subject to the findings of all concerned and each step may require at least 30 days or more.

3. Final Plat

- Submit final plat for approval by subdivision committee.
- Receive final approval by the Regional Planning Commission upon recommendation of the subdivision committee.
- Preconstruction meeting with authorities who will accept improvements; roads, water, sewer. Inspection fees will be assessed based on the estimated value of the project.
- Subdivider installs required improvements and/or may be required to post a performance bond with the proper authorities.
- Authorities of the improvements, Regional Planning Director, Commissioners sign the final plat when all of the above mentioned are accepted and approved.
- Submit final plat which has been signed by all concerned to the Property Map Office.
- Submit final plat which has been signed by all concerned to the Auditor's Office for tax purposes. Submit final plat which has been signed by all concerned to the Office of the Recorder.

General Questions

What is a survey plat and legal description?

A survey plat is a map of the proposed subdivision indicating the location and boundaries of the individual properties. The legal description is the written format of what you own or are buying and is part of the deed. This protects the buyer and the seller by insuring that each is aware of exactly

what is being bought and sold. The survey plat must be certified by a registered surveyor, comply with the County's conveyance standards and be acceptable to the County Recorder.

How large must a lot be for building purposes?

Where there is no municipal water and sewer available, the minimum lot size is 1.5 acres for a single family home. There must be enough land for a replacement on-lot sewage system. See Sub Regs: Residential Minimum Lot Size Table.

When is a central sewage system required?

When the County Health Department determines that the land is not suitable for on lot sewage disposal.

ORC 6117.51C requires sanitary sewer connections where the foundation wall of the structure from which the sewage or other waste originates is less than two hundred (200) feet from the nearest boundary of the right-of-way within which the sewer is located.

Connection may be required when in the opinion of the County Sanitary Engineer an adequate public sanitary sewerage system is reasonable accessible.

Are there any ways to appeal these regulations?

Yes. The RPC office can only approve subdivisions that conform to the sub. regs. The office has NO power to approve a subdivision if it does not comply. A subdivider may apply for a variance through the Regional Planning Commission.

Variances can be granted when it finds that extraordinary or unnecessary hardship may result from strict compliance with the sub regs. Also, any person has the right to legally appeal to the Court of Common Pleas as per ORC 711.10.

Where do I get this information? See front page.