

NOTICE

This City of Kettering Code section is not the official version and is provided only for the convenience of the public. The only official version of the City of Kettering Code is available through the office of the Clerk of Council, located in the City of Kettering Government Center, 3600 Shroyer Road, Kettering, Ohio 45429.

This version may, occasionally, differ from the official version and should only be relied upon for general information purposes. Any errors or omissions should be reported to the Clerk of Council. In no event shall City of Kettering be held liable for damages of any nature, direct or indirect, arising from the use of this service or reliance on this unofficial document.

**CHAPTER 1109
SUBDIVISION PROCEDURE**

1109.01	Preapplication Procedure state laws not applicable	1109.12	Final plat, conformity to preliminary map
1109.02	Informal Review	1109.13	Filing of final plat
1109.03	Preparation of preliminary material	1109.14	Time for a submission of final plat
1109.04	Filing of preliminary map & material	1109.15	Distribution of final maps
1109.05	Distribution of preliminary map	1109.16	Approval of final plat; final tracing
1109.06	Approval of preliminary map	1109.16.1	Automatic plat approval if Planning Commission fails to act
1109.07	Notation of action; copies	1109.17	Signing final plat; improvements
1109.08	Conditional approval of preliminary map	1109.18	Return of original drawing
1109.09	Model homes	1109.19	Recording final plat
1109.10	Filing fees	1109.20	Formal replat
1109.11	Disposition of Fees		

CROSS REFERENCES

Variance procedures – see Planning & Zoning 1107.03(b)
Preliminary map – see Planning & Zoning, Chapter 1115
Final plat – see Planning & Zoning 1117.01 et seq.

SECTION 1109.01 PREAPPLICATION PROCEDURE STATE LAWS NOT APPLICABLE

(a) Prior to the filing of a preliminary map of the proposed subdivision for conditional approval, the subdivider may submit to the Planning Commission preliminary studies and sketches as specified in Chapter 1115, which shall aid in discussing the preparation of the preliminary map. This step does not require a formal application fee or filing of a plat with the Commission. (Ord. 20A-55. Passed 12-20-55.)

(b) The provisions of Chapters 1105 through 1119 have been recommended by the Planning Commission and adopted by the city council as the subdivision regulations covering the platting of all land within this city. Section 7-2 of the Charter calls for the

adoption of such subdivision regulations. These chapters of the Codified Ordinances shall control all aspects of platting procedures and requirements in place of any state statutes which might otherwise apply. (Revision No. 206; Ord. 3536-92. Passed 01-28-92.)

SECTION 1109.02 INFORMAL REVIEW.

Within fourteen days, the Planning Commission shall inform the subdivider that the plans and data as submitted or as modified do or do not meet the objectives of these Regulations. When the Commission finds that plans and data do not meet the objectives of these Regulations it shall express its reasons therefor. (Ord. 20A-55. Passed 12-20-55.)

SECTION 1109.03 PREPARATION OF PRELIMINARY MATERIAL.

On reaching conclusions informally as recommended in Section 1109.01 and 1109.02, regarding his general program and objectives, the subdivider shall prepare a preliminary map, together with improvements, plans and other supplementary material as specified in Chapter 1115. (Ord. 20A-55. Passed 12-20-55.)

SECTION 1109.04 FILING OF PRELIMINARY MAP AND MATERIAL.

Ten copies of the preliminary map and supplementary material specified shall be submitted to the Planning Commission with a written application for conditional approval. (Ord. 20A-55. Passed 12-20-55.)

SECTION 1109.05 DISTRIBUTION OF PRELIMINARY MAP.

The Planning Commission shall, within three days after the filing of the preliminary map, transmit copies of the map to the City Engineer and to all utility companies for their study and recommendations and for marking of easements. (Ord. 20A-55. Passed 12-20-55.)

SECTION 1109.06 APPROVAL OF PRELIMINARY MAP.

Upon receipt of a certification from the City Engineer and the utility companies with their recommendations, the Planning Commission, within thirty days, shall express its approval, approval with modifications or disapproval of the preliminary map. Approval of a preliminary map shall not constitute approval of the final plat. Rather, it shall be deemed to be a tentative expression of approval as a guide to preparation of the final plat. Neither the

City Engineer nor any utility companies who reviewed the preliminary plat map (as required by these Subdivision Regulations) shall be bound by such review or by the preliminary map approval, and they may subsequently submit additional or revised recommendations. Similarly, the Planning Commission shall not be bound to approve the final plat map simply because it is unchanged from an approved preliminary plat drawing.” (Revision No. 206; Ord. 3536.92. Passed 01-28-92.)

SECTION 1109.07 NOTATION OF ACTION; COPIES.

The action of the Planning Commission shall be noted on two copies of the preliminary map, referenced and attached to any conditions determined. One copy shall be returned to the subdivider and the other retained by the Commission. (Ord. 20A-55. Passed 12-20-55.)

SECTION 1109.08 CONDITIONAL APPROVAL OF PRELIMINARY MAP.

Conditional approval of a preliminary map shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval to the layout, submitted on the preliminary map as a guide to the preparation of the final plat which will be submitted for approval of the Planning Commission and for recording upon fulfillment of the requirements of these Regulations and the conditions of the conditional approval if any. (Ord. 20A-55. Passed 12-20-55.)

SECTION 1109.09 MODEL HOMES.

Upon the preliminary approval of the plat, the Planning Commission may at its discretion authorize building permits for sample houses provided that no change of title takes place. (Ord. 20A-55. Passed 12-20-55.)

SECTION 1109.10 SUBDIVISION PROCEDURE – FILING FEES.

Any person filing a request for the subdivision of any parcel of land or part thereof, as provided for in this chapter, shall upon filing for this request pay a filing fee, as listed in the fee schedule established by the Planning Director, said fee to include the cost of reviewing the plans and all other expenses incurred therein to determine conformance with Part Eleven of the Codified Ordinances. (Ord. No. 2910-80. Passed 9-9-80.)

SECTION 1109.11 DISPOSITION OF FEES.

All fees shall be paid into the City Treasury and credited to the General Fund. (Ord. 20A-55. Passed 12-20-55.)

SECTION 1109.12 FINAL PLAT, CONFORMITY TO PRELIMINARY MAP.

The final plat shall conform substantially to the preliminary map as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary map which he proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these Regulations. (Ord. 20A-55. Passed 12-20-55.)

SECTION 1109.13 FILING OF FINAL PLAT.

The original and ten copies of the final plat and other exhibits required for approval shall be prepared as specified in Chapter 1117 and shall be submitted to the Planning Commission together with a written application for approval at least seven days prior to the meeting at which it is to be considered. (Ord. 20A-55. Passed 12-20-55.)

SECTION 1109.14 TIME FOR SUBMISSION OF FINAL PLAT.

The final plat shall be submitted to the Planning Commission within twelve months after approval of the preliminary map. If final plats are submitted as sections of the preliminary map, such sections must be submitted within twelve-month intervals. The approval of the preliminary plat shall become null and void unless an extension of time is applied for and granted by the Commission. (Ord. 2425-72. Passed 10-03-72.)

SECTION 1109.15 DISTRIBUTION OF FINAL MAPS.

The Planning Commission shall, within three days after the filing of the final map, transmit copies of the plan to the City Engineer and to all utility companies for their final study and recommendations. The profile drawings and all other construction drawings shall also be forwarded to the Engineer. (Ord. 20A-55. Passed 12-20-55.)

SECTION 1109.16 APPROVAL OF FINAL PLAT; FINAL TRACING.

After receiving a certification from the City Engineer and all utility companies, the Planning Commission shall notify the subdivider of any recommended changes or

suggestions so that subdivider may correct the final tracing and submit it for final approval. The Commission shall approve, impose conditions on approval, or disapprove the final version of the proposed final plat within sixty days after the City Engineer and all utility companies reported that they had no recommended changes or suggestions, or within sixty days after the subdivider has resubmitted the proposed final plat after making changes recommended by the City Engineer or any utility company, whichever is later.

SECTION 1109.16.1 AUTOMATIC PLAT APPROVAL IF PLANNING COMMISSION FAILS TO ACT

If the Planning Commission fails to take formal action so as to approve (with or without conditions) or disapprove the plat within the sixty days period described in §1109.16, the plat shall be deemed to have been approved. A certificate as to the beginning and ending dates of the sixty day period for final Planning Commission action and the fact that no such action was taken shall be issued by the Planning and Development Department as the administrative staff of the Planning Commission on demand of the subdivider. Such a certificate shall be sufficient as approval of the plat (in lieu of approval being signed on the final plat drawing). (Revision No. 206.; Ord. 3536.92. Passed 01-28-92.)

SECTION 1109.17 SIGNING FINAL PLAT; IMPROVEMENTS.

(a) Upon the approval of a final plat by the Planning Commission, the Subdivider of the approved plat may request that the Commission delay the signing of the plat tracing for a period of ninety (90) days. During this ninety day period, the Subdivider may proceed with the construction of required public improvements for the plat. However, under no circumstances shall the Subdivider or any other entity transfer or cause to be transferred the ownership of any real property within the approved final plat or record such plat until all public improvements are inspected and approved by the City Engineer and until the plat tracing is officially signed by the Chairperson of the Planning Commission.

(b) The plat tracing shall not be signed by the Planning Commission Chairman to indicate Commission approval until the construction of all public improvements is completed, inspected and approved by the City Engineer or, in lieu thereof, a performance bond, cash bond or letter of credit is posted with and provided to the City as security for and to assure the full completion of the required public improvements to the satisfaction of the City Engineer. The form of any instrument used for a performance bond, cash bond or letter of credit must be approved in advance by the Law Director. The sufficiency of any performance bond, cash bond or letter of credit posted with and provided to the City pursuant to these provisions shall be approved by the Law Director. Final approval of a plat shall be automatically withdrawn and become void and be of no effect unless the public improvements required for the plat are completed to the satisfaction of the City Engineer

within the ninety day period or satisfactory security is provided to and posted with the City as provided for in this same Section 1109.17.

SECTION 1109.18 RETURN OF ORIGINAL DRAWING.

When approved and the necessary approvals are endorsed in writing thereon, the original drawing of the final plat shall be returned to the subdivider. (Ord. 20A-55. Passed 12-20-55.)

SECTION 1109.19 RECORDING FINAL PLAT.

The final plat shall be recorded in the office of the County Recorder, as required by law. The final plat shall be considered void unless recorded within sixty days after the date of its approval. The subdivider shall immediately upon recording furnish the Planning Commission with one photolith print, two eleven inch by fourteen inch photostats and any similar data that the Commission may require. (Ord. 20A-55. Passed 12-20-55.)

SECTION 1109.20 FORMAL REPLAT.

A final plat when recorded may be amended by a formal replat, if there are no changes in street location, by following the procedure for filing of a final plat as set forth in Section 1109.13 through 1109.19.

When a street is moved or added to a recorded plat, the procedure must be followed as set forth in the Ohio Revised Code. (Ord. 1933-69. Passed 01-25-69.)