



City of Gahanna

200 South Hamilton
Road
Gahanna, Ohio 43230

Signature

Ordinance: ORD-0027-2023

File Number: ORD-0027-2023

AN ORDINANCE TO AMEND THE CITY OF GAHANNA CODE PART ELEVEN PLANNING AND ZONING CHAPTER 1106 - SUBDIVISION WITHOUT PLAT - Allowing Applications to be Approved Administratively

WHEREAS, the Department of Planning considered a series of changes to sections of the Codified Ordinances of the City of Gahanna to clarify requirements and streamline the permitting experience for internal and external customers; and

WHEREAS, the Planning Commission held a public hearing on April 12, 2023, during a regular meeting session, to consider the Department's recommended changes; said meeting held pursuant to notice and according to law; and

WHEREAS, the Planning Commission recommended amending Section 1106.01 - Application - to remove references to the "Planning and Zoning Administrator" and replace with "Department of Planning"; and

WHEREAS, the Planning Commission recommended amending Section 1106.03 - Survey Required - to include language that the survey must include all property involved in the subdivision without plat; and

WHEREAS, the Planning Commission recommended amending Sections 1106.04 through 1106.10 - to include language to create an administrative approval process, strike contradictory language, and renumber sections accordingly; and

WHEREAS, the City Council held a public hearing on June 5, 2023 to consider public input on the recommended changes; said meeting held pursuant to notice as required by Charter Section 11.05.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GAHANNA, COUNTY OF FRANKLIN, STATE OF OHIO:

Section 1. That City Code Chapter 1106 - Subdivision without Plat - is hereby amended as set forth in EXHIBIT A, attached hereto and made a part herein.

Section 2. That this Ordinance shall be in full force and effect after passage by this Council and 30 days after date of signature of approval by the Mayor.

At a regular meeting of the City Council on June 5, 2023, a motion was made by Weaver, seconded by Schnetzer, that this Ordinance be Adopted. The vote was as follows:

Ms. Angelou, yes; Ms. Bowers, yes; Ms. McGregor, yes; Ms. Padova, yes; Mr. Renner, yes; Mr. Schnetzer, yes; Mr. Weaver, yes.

President


Stephen A. Renner

Date

06/05/2023

Attest by Jeremy A. VanMeter
Jeremy A. VanMeter
Clerk of Council

Date 6/5/2023

Approved by the Mayor Laurie A. Jadwin
Laurie A. Jadwin

Date 6.6.2023

Approved as to Form Raymond J. Mularski
Raymond J. Mularski
City Attorney

Date 6-7-2023

CHAPTER 1106 Subdivision without Plat¹

1106.01 APPLICATION.

Written application for a subdivision without plat shall be submitted to the ~~Planning and Zoning Administrator or their designee who shall review such application for proper form and content~~ Department of Planning. Upon acceptance, ~~of the application, the Planning and Zoning Administrator or their designee shall process~~ the application will be processed and routed for review in accordance with the provisions of this chapter.

(Ord. 0122-2007. Passed 6-18-07; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1106.02 FEE.

Application fee for a subdivision without plat shall be as established in the Building and Zoning Fee Schedule set forth in Section 135.10 in Part One of These Codified Ordinances.

(Ord. 0122-2007. Passed 6-18-07; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1106.03 SURVEY REQUIRED.

A boundary survey prepared by an Ohio registered surveyor shall be submitted with each application for subdivision without plat. The survey must include all property involved in the subdivision without plat. Such survey shall show:

- (a) Boundary of proposed subdivision based on an accurate transverse with angular and lineal dimensions.
- (b) Size of all lots within proposed subdivision with accurate dimensions in feet and hundredths with bearing in degrees and minutes.
- (c) Exact location, width and name of all streets or other public ways contiguous to the proposed subdivision.
- (d) Names of adjacent subdivisions and owners of adjoining parcels with boundary lines of adjacent tracts of unsubdivided and subdivided land.

(Ord. 0122-2007. Passed 6-18-07.)

¹Cross reference(s)—Transfer of land before recording - see Ohio R.C. 711.13; Forfeiture for violation of statutes - see Ohio R.C. 711.15; Vacation of plats; procedure - see Ohio R.C. 711.39; Exception for division of unplatted tract; conveyance of tract portion lying along existing street - see Ohio R.C. 711.40; Violations of rules and regulations; penalty - Ohio R.C. 711.102; Approval without plat - see Ohio R.C. 711.131; Subdivision defined - see P. & Z. 1101.18

1106.04 ~~APPROVAL OF APPLICATION BY PLANNING AND ZONING ADMINISTRATOR OR THEIR DESIGNEE~~ ADMINISTRATIVE APPROVAL.

An application for a subdivision without plat shall be reviewed by appropriate City staff and approved by the Planning and Zoning Administrator or their designee ~~without action by Planning Commission within ten working days of the application date provided the Planning and Zoning Administrator or their designee shall certify the resulting parcels are in full and complete compliance with all applicable provisions of the Planning and Zoning Code and the application is for a subdivision resulting in one of the following: when the application has been determined to be in compliance with all applicable code requirements, including the following:~~

- ~~(a) All lots of the resulting subdivision are contiguous to a dedicated public street right-of-way for such distance as is required by the applicable zoning category.~~
- ~~(b) No opening, widening or extension of any road, street or other public way is involved.~~
- ~~(c) No more than five lots are involved after the original tract is completely subdivided.~~
- ~~(d) The request for subdivision is not contrary to platting, subdividing or zoning regulations of the City.~~

~~An application for a subdivision without plat which is not in compliance with all of the above conditions shall be denied unless conditions by (a) through (d) are varied by Planning Commission. a variance is approved.~~

- ~~(a) The division or partition of land into parcels of five acres or more not involving any new streets, extension of existing streets or requiring new or extended easements of access; or~~
- ~~(b) Sale or exchange of parcels between adjoining land owners which does not create additional building sites or result in noncompliance of any of the resulting parcels with applicable zoning regulations.~~

~~All other applications for subdivision without plat shall be forwarded to the Planning Commission for determination.~~

(Ord. 0122-2007. Passed 6-18-07; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1106.05 APPLICATIONS REFERRED TO PLANNING COMMISSION.

~~The Planning Commission shall act upon an application for subdivision without plat within 30 days after receipt of the application from the Planning and Zoning Administrator or their designee and shall approve such application provided:~~

- ~~(a) All lots of the resulting subdivision are contiguous to a dedicated public street right of way for such distance as is required by the applicable zoning category.~~
- ~~(b) No opening, widening or extension of any road, street or other public way is involved.~~
- ~~(c) No more than five lots are involved after the original tract is completely subdivided.~~
- ~~(d) The request for subdivision is not contrary to platting, subdividing or zoning regulations of the City.~~

~~An application for a subdivision without plat which is not in compliance with all of the above conditions shall be denied unless conditions by (a) through (d) are varied by Planning Commission.~~

~~(Ord. 0147-2011. Passed 8-1-11; Ord. No. 0017-2017 , Exh. A, 4-3-17)~~

1106.06-05 VARIANCE REQUIRED.

An application for a subdivision without plat which would result in one or more parcels being in noncompliance with the Planning and Zoning Code shall not be ~~considered approved~~ until final determination has been made on all required variances under the procedures established in Chapter 1103 or 1131.

(Ord. 0122-2007. Passed 6-18-07.)

1106.07-06 LANDLOCKED PARCELS PROHIBITED.

No application for subdivision without plat shall be approved ~~by the Planning and Zoning Administrator or their designee or Planning Commission~~ which would result in any parcel of land becoming or remaining landlocked.

(Ord. 0122-2007. Passed 6-18-07; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1106.08-07 CERTIFICATION OF APPROVAL.

After approval, ~~by the Planning and Zoning Administrator or their designee, or Planning Commission of an application for subdivision without plat as provided for in this chapter, the Clerk of Council~~ shall be authorized to accept the conveyance instrument of each parcel of land being transferred under the approved subdivision and stamp ~~and sign in accordance with Franklin County requirements. same Approved by Planning and Zoning Administrator or their designee, City of Gahanna, Ohio; No Plat Required or Approved by Planning Commission, City of Gahanna, Ohio; No Plat Required as applicable and shall sign same attesting to action taken.~~

(Ord. 0122-2007. Passed 6-18-07; Ord. No. 0017-2017 , Exh. A, 4-3-17)

~~**1106.09 ACTION ON APPLICATIONS TO BE RECORDED.**~~

~~(a) — After action by the Planning Commission on the application, the Clerk of Council shall mail to the applicant a Record of Action taken, which shall contain the motion as approved by the Planning Commission and to include any conditions.~~

~~(b) — The Clerk of Council shall advise the Planning Commission of any application approved by the Planning and Zoning Administrator or their designee under the provisions of Section 1106.04 at the first regular meeting of the Commission following such approval action.~~

~~(Ord. 0122-2007. Passed 6-18-07; Ord. No. 0017-2017 , Exh. A, 4-3-17)~~

1106.10-08 APPEAL OF DENIED APPLICATIONS.

In the event of an application for subdivision without plat is denied ~~by the Planning and Zoning Administrator or their designee or Planning Commission~~, the applicant may, within twenty calendar days of the date of denial, file a written appeal with the Clerk of Council. Such appeal shall be heard by the Board of Zoning and Building Appeals.

(Ord. 0122-2007. Passed 6-18-07; Ord. No. 0017-2017 , Exh. A, 4-3-17)