

CODIFIED ORDINANCES OF SPRINGFIELD  
PART TWELVE--SUBDIVISION REGULATIONS

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TITLE ONE - Subdivision Regulations

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**CHAPTER 1201**  
**Introduction; Definitions**

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**1201.01 PURPOSE.**

The rules and regulations contained in this Title One, Part Twelve, of the Codified Ordinances of the City of Springfield, Ohio, are adopted to provide an adequate urban pattern by allocating sufficient and convenient open areas for traffic, utilities, recreation, light, air and the avoidance of congestion of population.

**1201.02 AUTHORITY.**

The City Planning Board is authorized to adopt rules and regulations governing plats

and subdivisions of land within its jurisdiction by virtue of Chapter 711.09 and 711.101 of the Ohio Revised Code. A regional planning commission established by exercise of the City Planning Board's powers and having jurisdiction within a territory governed by a Cooperative Economic Development Agreement, entered into pursuant to Section 701.07 of the Ohio Revised Code, is authorized to adopt rules and regulations governing plats and subdivisions of land within its jurisdiction by virtue of Chapter 711.09 and 711.101 of the Ohio Revised Code. Lands within the corporate boundaries of the City and which are not included within the jurisdiction of a regional planning commission, established by exercise of the City Planning Board's powers for a territory governed by a Cooperative Economic Development Agreement, entered into pursuant to Section 701.07 of the Ohio Revised Code, are lands subject to the jurisdiction of the City Planning Board.

#### **1201.03 ZONING.**

A proposed subdivision located in a zoned area shall conform to the zoning rules except as specified in Section 1201.06.

#### **1201.04 JURISDICTION.**

These regulations shall be applicable to all divisions hereinafter made of land located within the corporate limits of Springfield, Ohio, into two or more lots, parcels, or sites for building.

#### **1201.05 DIVISIONS OF LAND NOT SUBJECT TO THESE REGULATIONS.**

(a) The subdivision of land whereby all parcels contain more than five (5) acres and new streets or easements of access are not involved.

(b) The exchange of parcels of land between adjoining land owners, whereby the original parcel is not reduced below the requirements of zoning or these regulations and a new building site is not created as defined by Section 1201.05(a) above.

#### **1201.06 INTERPRETATION.**

The provisions of these regulations shall be held to be minimum requirements. Variances may be granted in accordance with Section 1201.08. Whenever these provisions are different from the requirements of other lawfully adopted regulations or current local health and safety standards, the more restrictive or higher standard shall prevail. The word "may" is permissive; the word "shall" is mandatory and not merely directory.

#### **1201.07 ENFORCEMENT.**

It shall be the duty of the Planning Board and its staff, together with other appropriate City officers, to enforce these regulations in the jurisdictional limits as set forth previously in Section 1201.02 and 1201.04.

#### **1201.08 VARIANCES.**

Variances may be granted in the regulations set forth herein by the Planning Board if it deems such action essential in view of unusual topographic conditions or other special circumstances, provided, however, that any variance being requested does not conflict with the general purpose and intent of these regulations. Before reaching a decision on variances from regulations involving streets, utilities, or drainage prescribed herein or in Chapter 931, Engineering Regulations, Public Infrastructure Improvements, the Planning Board shall obtain the recommendation of the Director of the Department of Community Development thereon. When the Planning Board's decision differs from the recommendation of the Director of the

Department of Community Development, the final determination shall be made by the Commission. To secure a variance, the applicant shall make a written request to the Planning Board explaining fully the reasons therefor and submit same with the Phase I plan, defined in Section 1205.02(c) and 1205.02(d), or as soon as possible after Phase I submission. Action by the Planning Board on such a request will be taken as part of general action on the Phase I plan.

#### **1201.09 ADOPTION.**

These regulations shall be effective after the necessary public hearings, adoption by the Planning Board, the approval by the City Commission, and certification to the Recorder of Clark County.

#### **1201.10 AMENDMENT.**

These regulations may be amended in accordance with the same procedure as stated in Section 1201.09.

#### **1201.11 DEFINITIONS.**

For the purpose of this chapter, the following words and terms shall have the meanings given herein.

- (a) (1) "Alley" means a public right-of-way thirty (30) feet or less in width.
- (b) (1) "Block" means a parcel of land bounded on all sides by a street or streets.
- (2) "Building setback line" means a line indicating the minimum horizontal distance between the street right-of-way and any building or projection thereof, excluding steps and unroofed porches. In cases where the proposed width of a street as set forth in the Thoroughfare Plan differs from that of the existing street, the building setback line shall be measured from the proposed street right-of-way line if said right-of-way is fixed and documented.
- (c) (1) "CEDA Planning Commission" means a regional planning commission established by exercise of the City Planning Board's powers for a territory within the corporate boundaries of the City governed by a Cooperative Economic Development Agreement entered into pursuant to Section 701.07 of the Ohio Revised Code.
- (2) "City Planning Board" means the City Planning Board of the City of Springfield, Ohio.
- (3) "Clark County Planning Commission" means the Planning Commission of Clark County, Ohio.
- (4) "Comprehensive Master Plan" means the long-range plan adopted and as amended from time to time by the boards and commissions involved, which plan provides for the general location of the principle streets, parks, zoning districts, schools and other public buildings, and any other long-range aspects of physical planning.
- (5) "County Commission" means the elected legislative body for the unincorporated area of Clark County, Ohio.
- (6) "County engineer" means the Engineer of Clark County.
- (7) "Crosswalk" means a ten-foot public right-of-way which cuts across a block to provide pedestrian access to adjacent areas.
- (8) "Cul-de-sac" means a minor street having one end permanently terminated by a vehicular turnaround with the other end opening into another street and having no intersection with any other street between

- such ends.
- (d) (1) "Dead-end street" means a street right-of-way having only one (1) outlet for motor traffic and not containing a vehicular turnaround.
  - (2) "Developers" means any person who constructs or contracts to construct improvements on subdivided land.
  - (3) "Director" means the Director of the Department of Community Development of the City.
  - (e) (1) "Engineer" means an individual authorized to practice civil engineering as defined by Occupations--Professions of the State of Ohio, due to his registration in said state.
  - (f) (1) "Fixed and documented" means a boundary, feature, or dimension of a right-of-way proposed by the Thoroughfare Plan shall be fixed and documented when final engineering plans showing or indicating such boundary, feature, or dimension are completed and the actual centerline survey showing or indicating such boundary, feature, or dimension is recorded, either in the County Recorder's Office or is established in the journal of the director of the Ohio Department of Transportation.
  - (2) "Flood areas" mean those districts flooded in the 1913, 1929 and/or 1959 flood.
  - (g) Reserved.
  - (h) Reserved.
  - (i) (1) "Improvements" mean street pavements; curb and gutter; walks; sanitary, storm, and water mains; and any other appropriate items.
  - (2) "Inspection fee" means the fee paid by the subdivider or developer to the City for inspecting the construction of improvements. The above may be modified by the existence and/or adoption of a utility extension policy.
  - (j) Reserved.
  - (k) (1) "Key map" means a drawing at a reduced scale located on the final map, which shows enough of the general area around the subdivision in question so as to locate said subdivision. The key map shall include one state highway and, when possible, the intersection of two state highways.
  - (l) (1) "Land Use Plan" means the long-range plan for the desirable use of land as officially adopted and as amended from time to time by the City's boards and commissions involved in land use planning within the City. The purpose of such plan, among other purposes, is to serve as a guide in the zoning and in the progressive changes in the zoning of land to meet changing community need in the appropriate subdividing and development of undeveloped land and in the acquisition of rights-of-way or sites for such public facilities as streets, parks, schools, and/or public buildings.
  - (2) "Lot" means a piece, parcel, or tract of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principle use and uses accessory thereto, together with the required open spaces and having frontage on a public street.
  - (3) "Lot corner" means a lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

- (4) "Lot interior" means a lot other than a corner lot.
- (m) (1) "Major traffic artery" means a street which is designated as a primary or secondary thoroughfare on the Thoroughfare Plan or any street of equal importance as designated by the Planning Board and/or Clark County Planning Commission with the concurrence of the Service Director and/or the County Engineer.
- (2) "Manufactured home" means a structure transportable in one or more sections which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. It includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
- (3) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or for sale. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code over which the public health council has exclusive rule-making power.
- (4) "Map" means the scaled representation of a parcel of land or a subdivision.
- (5) "Multi-family" means involving three or more dwelling units in one structure.
- (n) (1) "Neighborhood pattern" means an urban pattern of development based upon the neighborhood unit concept.
- (2) "Neighborhood plan" means a neighborhood unit pre-designed prior to the subdivision of most of the land area for purposes of indicating the general location of the different land uses and streets.
- (3) "Neighborhood unit" means an area of land urban in character and bounded, but not traveled, by major traffic arteries or other barriers, resulting in a distinct entity of such size and density as to contain its own school, churches, shopping district, and recreation area.
- (o) Reserved.
- (p) (1) "Performance bond" means an agreement between a developer and a bonding company in favor of the City of Springfield for 100 percent of the amount of the estimated cost of construction guaranteeing the completion of physical improvements according to plans and specifications within the time limit prescribed a plat agreement entered into between a subdivider and the City.
- (2) "Planning Board" means the City Planning Board or CEDA Planning Commission which has jurisdiction over the subject territory.
- (3) "Plat" means a scaled map showing the subdivision or an area which has been or is about to be subdivided.
- (4) "Public Utility" means any entity which provides essential products or services to the public with the characteristic of service to, or readiness to serve, an indefinite public which has a legal right to demand and receive the entity's products or services and which conducts its operations in such a manner as to be a matter of public concern [See, *A & B Refuse Disposers, Inc. v. Board of Ravenna Township Trustees* (1992), 64 Ohio State 3d 385].
- (q) Reserved.
- (r) (1) "Regulations" means Subdivision Regulations for The City of Springfield, Ohio, as set forth in Part Twelve, Title One of the Codified

- Ordinances of The City of Springfield, Ohio.
- (2) "Reserves" means parcels of land within a subdivision that are intended for a future designated use.
  - (3) "Right-of-way" means that area between lines designating the extent to which the public is entitled to use for purposes of access either by dedication or easement. The street right-of-way shall be the lines which are existing or those proposed per the Thoroughfare Plan and Section 1203.02.
- (s)
- (1) "Staff" means a group of individuals assisting and advising the Planning Board within the realm of planning.
  - (2) "Street" means a public right-of-way 50 feet or more in width which provides a public means of access to abutting property or any such right-of-way 30 feet in width or more provided it existed prior to February, 1968. The term street includes avenue, drive, circle, road, lane, court, parkway, boulevard, highway, thoroughfare, or any other similar term.
  - (3) "Street, collector" means a public right-of-way which carries traffic from minor streets to the major system of arterial streets and highways including the principal entrance streets of a residential development and streets for circulation within such a development.
  - (4) "Street, major and secondary" means an officially designated Federal or State numbered highway or any other street designated as a major or secondary thoroughfare on the most current Land Use Plan or Comprehensive Plan map.
  - (5) "Street, marginal access" means a minor street which is generally parallel and contiguous to an expressway, freeway, parkway or other major street and is so designed as to intercept, collect, and distribute traffic desiring to cross, enter, or leave such traffic artery and which provides access to abutting properties and protection from through traffic.
  - (6) "Streets, minor" means public streets which are used primarily for access to the abutting properties.
  - (7) "Street, special" means a public thoroughfare designated for a particular use, such as serving apartment areas, and not classified within the street groupings as listed in this section.
  - (8) "Subdivider" means any person or persons or duly authorized agent of such person or persons who undertakes the subdivision of land as defined in Section 1201.11(s)(9).
  - (9) "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 public facilities.

- (10) "Subdivision technical review agencies" means agencies comprised of the Planning Board's staff and the following review agencies (as applicable):
  - A. County Engineer
  - B. Public Works
  - C. Clark County Combined Health District
  - D. Sanitary Engineer
  - E. Soil and Water Conservation District
  - F. and others as required
- (11) "Surveyor" means a registered surveyor as defined by the Registration Act of the State of Ohio.
- (t) (1) "Test hole" means excavations of the earth's crust ten foot in length and approximately two feet wide and ten feet deep.
- (2) "Thoroughfare Plan" means the official Thoroughfare Plan as adopted, and as amended from time to time by the Planning Board, defining the location and actual and/or proposed right-of-way widths of freeways, primary arterials, and secondary arterials in the City. The Thoroughfare Plan is on file with the staff members in the office of the Planning Board.
- (u) (1) "Unplatted subdivision (lotsplit)" means the division of a parcel of land along an existing public street, not involving the opening, widening, or extension of any street or road, and involving no more than five (5) lots after the original tract has been completely subdivided.
- (2) "Urban area" means:
  - A. A proposed subdivision shall be considered to be in a potentially urban area if one or both of the following conditions exist:
    - (i) If the proposed subdivision is located in an area which contains 25 lots or more, either proposed or existing and proposed, all of which lie within the bounds of a circle, the center of which is located near the center of the proposed subdivision and has a radius of 700 feet or less or as in the case of a one street linear development where the 25 lots will face upon a street within a lineal distance of 2,500 feet. Measurement of a one-street linear development will begin in the center of the proposed development and extend for a distance of 1,250 feet each side of center.
    - (ii) If the subdivision is located in an area designated by the Planning Board as a utility transition area.
- (3) "Utility Easement" means a grant by the owner of land for the benefit of the City and the benefit of public utilities for the construction, reconstruction, operation and maintenance of infrastructure (including ditches) for the City's municipal water, sewer, storm water management, energy, telecommunications, data transmission and other essential products and services needed by the public and for services

- provided by public utilities.
- (4) "Utility transition area" means any area indicated on the Land Use Plan designated for and future residential use at population densities requiring the provision of public water supply and public sanitary sewage disposal, but which lacks one or both of such utility services. A utility transition area may also be designated by the Planning Board, when in their opinion, the provision of one or both of the above-mentioned utility services are assured within a reasonable length of time.

**1201.12 ADDITIONAL PD DISTRICT SUBDIVISION REGULATIONS.**

Subdivision regulations which are imposed in a PD Ordinance adopted under Chapter 1140 of the Codified Ordinances will be in addition to the regulations imposed under Part Twelve of the Codified Ordinances and, to the extent subdivision regulations imposed in such PD Ordinance vary from the subdivision regulations in Part Twelve of the Codified Ordinances, the subdivision regulations imposed in the PD Ordinance shall supersede the subdivision regulations in Part Twelve of the Codified Ordinances.

**1201.99 PENALTY.**

Any violations of Chapter 711 of the Ohio Revised Code or of these regulations is subject to the penalties as set forth in Chapter 711 of the Ohio Revised Code.