

**Village of Germantown
Application for Preliminary Plat Approval**

Date _____

1. Name of Subdivision _____

2. Name of Applicant _____ Phone _____

Address _____
(Street No. and Name) (P.O.) (State) (Zip Code)

3. Name of Local Agent _____ Phone _____

Address _____
(Street No. and Name) (P.O.) (State) (Zip Code)

4. Owner of Record _____ Phone _____

Address _____
(Street No. and Name) (P.O.) (State) (Zip Code)

5. Engineer _____ Phone _____

Address _____
(Street No. and Name) (P.O.) (State) (Zip Code)

6. Land Surveyor _____ Phone _____

Address _____
(Street No. and Name) (P.O.) (State) (Zip Code)

7. Attorney _____ Phone _____

Address _____
(Street No. and Name) (P.O.) (State) (Zip Code)

8. Subdivision Location: on the _____ side of _____

_____ feet _____ of _____
(Direction) (Street)

18. List all contiguous holding in the same ownership:

Section _____ Lot(s) _____

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the book and page of each conveyance into the present owner as recorded in the Montgomery County Recorder's Office. This affidavit shall indicate the legal ownership of the property, the contract owner of the property, and the date the contract of sale was executed. IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers, stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

The applicant hereby consents to the provisions of S. 3.5(4) of the Subdivision Regulations providing that the decision of the Planning Commission shall be made within thirty (30) days after the close of the public hearing on final plat approval.

STATE OF _____)

COUNTY OF _____) SS:

I, _____ hereby depose and say that all of the above statements and the statements contained in the papers submitted herewith are true.

Mailing Address _____
(Street)

(City) (State) (Zip Code)

Subscribed and sworn to before me this day of _____

(City) (State) (Zip Code)

MY COMMISSION EXPIRES:

**MUNICIPALITY OF GERMANTOWN
APPLICATION FOR FINAL PLAT APPROVAL**

Date: _____

1. Name of Subdivision: _____

2. Name of Applicant: _____

3. Address: _____

4. Phone Number: _____ Cell Number: _____ Fax Number _____

5. Name of Local Agent: _____

6. Address: _____

7. Phone Number: _____ Cell Number: _____ Fax Number _____

8. Owner of Record: _____

9. Address: _____

10. Phone Number: _____ Cell Number: _____ Fax Number _____

11. Land Surveyor: _____

12. Address: _____

13. Phone Number: _____ Cell Number: _____ Fax Number _____

14. Attorney: _____

15. Address: _____

16. Phone Number: _____ Cell Number: _____ Fax Number _____

17. Subdivision Located on the _____ side of _____ and _____
end of _____.

18. Postal Delivery Address _____ School District _____

19. Total Acreage _____ Zone _____ No. of Lots _____

20. Parcel Identification No(s) _____ Lot No(s) _____

21. Has the Board of Appeals granted variance, exceptions, or special permits concerning this property? _____

If so, list Case No. and Name _____

22. Date of Sketch Plat approval _____

23. Have any changes been made since this plat was last before the Commission? _____

List all contiguous holding the same ownership: _____

Section _____ Lot(s) _____

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the book and page of each conveyance into the present owner as recorded in the County Recorder's Office. This affidavit shall indicate the legal ownership of the property, the contract owner of the property, and the date the contract of sale was executed. IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers, stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

The applicant hereby consents to the provisions of S. 3.5(4) of the Subdivision Regulations providing that the decision of the Planning Commission shall be made within thirty (30) days after the close of the public hearing on the final plat approval.

STATE OF _____)

SS:

COUNTY OF _____)

I, _____ hereby depose and say that all of the above statements and the statements contained in the papers submitted herewith are true.

Signature

Address

Subscribed and sworn to before me this day of _____

Notary Public

SECTION 1105.00 PRELIMINARY PLAT (Major Subdivision)

1105.01 Intent

The purpose of the preliminary plat is to show on a map for a major subdivision all the facts which may enable the Planning Commission to determine whether the proposed layout of land including street layout, utilities, and storm water controls is satisfactory from the standpoint of the public interest. The plat shall be prepared by a registered surveyor of the State. Approval of the preliminary plat, in effect, provides a "concept approval" of the subdivision proposal.

1105.02 Submission for Preliminary Plat Approval

The subdivider shall prepare and submit seven (7) copies of the preliminary plat of the proposed subdivision and the construction plans along with a completed preliminary plat checklist with remarks to the Planning Commission.

- A. The preliminary plat shall be considered officially filed on the day it is received and properly noted and shall be so dated.
- B. The preliminary plat shall not be considered properly submitted until all applicable fees are paid by the developer (see Section 1114.04 Schedule of Fees).
- C. All plats and plans are provided to the Municipal Manager.
- D. The subdivider shall provide a copy of the preliminary plat to the local utility companies.

1105.03 Preliminary Plat Form

The preliminary plat shall be clearly and legibly drawn. The size of the plat shall not be less than 24" x 36". If the preliminary plat is to be drawn in sections, each section shall be accompanied by a key map, showing the location of the sections. The plat of a subdivision containing 5 acres or less shall be drawn to a scale of 1" = 50'. All other subdivisions shall be drawn to a scale of 1" = 100'.

1105.04 Preliminary Plat Contents

The preliminary plat shall clearly show the following features and information:

- A. Items of title
 - 1. Proposed name of subdivision. The name of the subdivision and proposed streets shall not duplicate, or too closely approximate, the name of any other subdivision or street, subject to Planning Commission approval.
 - 2. Location by numerically labeled inlot or outlot.

3. Name and address of property owner/developer.
4. Scale of the plat.
5. North arrow.
6. Name and address of the professional surveyor who prepared the plat, as well as the stamp and signature of the surveyor certifying the accuracy of the plat.
7. Date of preparation.
8. Location by section, town, range, or by other legal description.
9. Signature and date line for the Planning Commission Chairman.
10. Stamp and signature of the Professional Surveyor.

B. Existing site conditions/characteristics

1. Perimeter boundaries of the proposed subdivision indicated by a heavy solid line, and the approximate acreage comprised therein.
2. Location, widths and names of all existing or platted streets, indicated as to: dedicated, undedicated, constructed or unimproved, official thoroughfares or other public ways, railroad and utility rights-of-way, easements, parks and other open spaces, permanent buildings, section and corporation lines within or adjacent to the subject tract.
3. Location and size of all existing utilities: sewers, water mains, telephone, electric, gas, culverts or other underground items located within or adjacent to the subject tract.
4. Names of adjacent subdivisions and owners of adjoining parcels.
5. Topographic map of such proposed subdivision shall be submitted with the preliminary plat, showing 1-foot contour intervals for all land within and 50 feet adjacent to the subject site.
6. Current zoning classification of the tract and adjoining properties.
7. The vicinity map shown on the preliminary plat.

C. Proposed site conditions/characteristics

1. Street layout, including street names and widths, alleys, cross-walkways and easements and their dimensions.
2. Layout, numbers and approximate dimensions of lots, including lot area (as measured in acres or square feet).
3. Parcels of land intended to be dedicated or temporarily reserved for public use, and the conditions of such dedication or reservation.
4. Setback lines, along all streets, with dimensions.
5. Indication of the proposed zoning designation to identify the potential development so as to reveal the nature of the impact the proposal will have on traffic flow, fire hazard, congestion, public utility capacities and required services.
6. A typewritten copy of the protective covenants or deed restrictions, if any.
7. Indication of any developmental phasing or staged development timing.

D. Construction Plans

The proposed preliminary subdivision plat shall be accompanied by preliminary construction plans consisting of:

1. A centerline profile for each street shown thereon, drawn to a scale of at least 1" = 100'.
2. A preliminary layout, drawn to a scale of at least 1" = 100', including proposed placement of water lines, sanitary sewers and storm sewers. These may be incorporated in the above preliminary plat.
3. A preliminary drainage plan including proposed storm detention location. This may be incorporated in the above preliminary plat.
4. All plans must be certified by a registered professional engineer.

1105.05 Approval of Preliminary Plat

The Municipal Manager shall determine when the submittal of the preliminary plat is complete as required by these Regulations. When completed, the Municipal Manager shall schedule a Planning Commission meeting.

The Planning Commission shall review all details of the proposed subdivision within the framework of the applicable Zoning Code, the various elements of these Regulations, the Design Criteria, the Construction Standards and Drawings, and the various elements of the Joint Economic Development Plan.

The Planning Commission shall give careful study to the preliminary plat, taking into consideration the requirements of the community and the best possible use of the land to be subdivided, together with its prospective character, whether residential, commercial or industrial. Attention shall be given to street widths, arrangement and circulation; surface drainage; lot sizes and arrangements; and to such neighborhood and community requirements as park, school, and playground sites and main thoroughfare widths and locations.

The Municipal Manager shall forward copies of the preliminary plat to such officials and agencies as may be necessary for the purpose of study and recommendation. This shall include at least the Municipal Engineer.

After receipt of such reports from such officials and agencies, the Planning Commission shall determine whether the preliminary plat shall be approved, approved with modifications, or disapproved. If a plat is disapproved, the reasons for disapproval shall be stated in writing and recorded in the minutes of the Planning Commission meeting.

The Planning Commission shall act on the preliminary plat within 30 days after filing unless such time is extended by agreement with the subdivider. When a preliminary plat has been approved by the Planning Commission, the chairman shall sign and date all copies and return one to the subdivider.

1105.06 Preliminary Plat Approval Period

The approval of the preliminary plat shall be effective for a maximum period of 12 months unless the first section has been filed for final approval. If no subsequent sections are filed within three (3) years from the recording of the previous sections, the approval of the remainder of the preliminary plat is no longer effective. The terms under which the approval is granted will not be affected by changes to these Regulations during the maximum period of 12 months.

SECTION 1105.07 PRELIMINARY PLAT CHECKLIST

SUBDIVISION _____

DATE _____

This list is not all inclusive, but is to be used as a guideline for submittals and reviews.

No.	DESCRIPTION	REMARKS
1	Fees paid.	
2	Seven copies of plat (at a scale of not more than 1" = 100').	
3	Name of Subdivision.	
4	Location of property with respect to surrounding property and streets.	
5	Location by township, section, town, and range.	
6	Names of all adjoining property owners, or names of adjoining developers.	
7	Name of adjoining subdivisions.	
8	Location and names of adjoining streets.	
9	Location of corporation line, if applicable.	
10	Location and dimensions of all boundary lines of the property in feet and decimals of a foot.	
11	Vicinity map.	
12	Indication of zoning.	
13	Location of existing easements.	
14	Location of existing water bodies, streams, and other pertinent features such as railroads, buildings, parks, cemeteries, drainage ditches, bridges, etc.	
15	Locations, dimensions, and areas of all proposed or existing lots.	
16	Location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.	
17	Date of plat.	
18	Scale of plat.	
19	North arrow.	

√	DESCRIPTION	REMARKS
	20 Data from which the location, bearing, and length of all lines can be determined and reproduced on the ground.	
	21 Names of new streets as approved by the Planning Commission.	
	22 Indication of the use of any lot and all uses other than residential.	
	23 Lots consecutively numbered.	
	24 Approximate dimensions of lots, including lot area.	
	25 Front setback lines.	
	26 Profiles showing existing and proposed elevations along centerline of all streets.	
	27 Approximate stationing on all streets.	
	28 Location, size, and invert elevations of all existing and proposed sanitary sewers and stormwater sewers and structures.	
	29 Preliminary drainage plan including proposed storm water detention location.	
	30 Location and size of all water lines.	
	31 Topography at the same scale with contour interval of 1'.	
	32 Other specifications and references required by the local government. Construction standards and specifications, including a site grading plan for the entire subdivision.	
	33 Title of property, name and address of owner, and signature of surveyor.	
	34 Date, including revision dates.	
	35 Notation of approval, signature line for Planning Commission Chairman.	
	36 Name and address of subdivider and/or developer.	
	37 Copy of protective covenants, if applicable.	
	38 Indication of any developmental phasing or staged development timing.	
	39 Meets zoning requirements (i.e. minimum frontage, setbacks, area, etc.)	

1106.00

Final Plat (Major Subdivision)

- 1106.01 Final Plat Required
- 1106.02 Submission for Approval of
Final Plat
- 1106.03 Final Plat Form
- 1106.04 Final Plat Contents
- 1106.05 Supplementary Information
- 1106.06 Approval of Final Plat
- 1106.07 Recording of Final Plat
- 1106.08 Final Plat Checklist

SECTION 1106.00 FINAL PLAT (Major Subdivision)

1106.01 Final Plat Required

The Subdivider, having received approval of the preliminary plat of the proposed subdivision, shall submit a final plat of the subdivision and drawings and specifications of the improvements required therein. The final plat shall have incorporated all changes in the preliminary plat required by the Planning Commission. Otherwise, it shall conform to the preliminary plat, and it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at that time. The final plat and the supplementary information shall be certified by a professional surveyor. Construction plans, drawings, and specifications shall be certified by a professional engineer.

1106.02 Submission for Approval of Final Plat

The Subdivider shall prepare and submit the following:

- A. Fifteen (15) copies of the final plat of the proposed subdivision.
- B. Three (3) copies of construction drawings related to the improvements to be constructed in the proposed subdivision.
- C. Three (3) copies of an itemized engineer's estimate with quantities for all proposed improvements including the estimate of cost for each item.
- D. Three (3) copies of the storm sewer and storm detention calculations and other applicable calculations for design.
- E. Completed final plat checklist with remarks.
- F. Completed final construction plan checklist with remarks (see Design Criteria for list.)

All final plats, construction drawings and supporting documents shall meet all Design Criteria and Construction Standards and Drawings established by the Municipality of Germantown, the Zoning Code of the Municipality of Germantown, or requirements established by other governmental organizations having jurisdiction over the improvements. The most restrictive requirements shall apply.

The final plat shall be considered officially filed on the day it is received and properly noted and shall be so dated. However, the final plat shall not be considered properly submitted until all applicable fees are paid by the developer (see Schedule of Fees - Section 1114.04) and until all plans, supporting documents, and materials are provided to the Municipal Manager.

1106.03 Final Plat Form

The final plat shall be clearly legibly drawn on reproducible mylar. The size of the plat shall be 24" x 36". The plat of a subdivision containing 5 acres or less, shall be drawn to a scale of 1" = 50'. All other subdivisions shall be drawn to a scale of 1" = 100'. The minimum lettering height shall be 3/32" and all lot dimensions shall be 1/8" or larger. Lot number lettering shall be 1/4" or larger and underlined or circled.

If the final plat is drawn in two or more sections, each section shall be accompanied by a key map showing the location of the sections. All final plat sections shall either totally include or totally exclude intersections and all lots fronting such intersections.

Construction Drawings shall be submitted in the form stated in the Municipality of Germantown Design Criteria. The plans shall consist of the required improvements stated in these Regulations.

1106.04 Final Plat Contents

The final plat shall contain the following information:

- A. Name of the subdivision (which shall not duplicate or closely resemble the name of any other subdivision in the County), location by section, town, range and township, or by other survey number, date, north arrow and basis of bearing, acreage to thousandths of an acre (total lot acreage and total street acreage) and deed book and page reference.
- B. Name and address of the subdividers, the professional engineer, and registered surveyor who prepared the plat and appropriate registration numbers and seals.
- C. The total area being platted shall include all perimeter courses and be outlined by a heavy-line border. Courses are to be listed in a clockwise direction. All dimensions, both lineal and angular, shall be determined by an accurate control survey in the field. The error of closure shall conform to the Ohio Administrative Code.
- D. Bearings and distances to the nearest centerline of intersecting roads or the intersection of right-of-way lines; lot corners of recorded plat with plat reference; or Section Corner or Quarter Section Corner.
- E. Names, exact location, dimensions and right-of-way width of all streets and railroads within and adjoining the plat and building set back lines. Street names shall be approved by the Planning Commission.
- F. Radii, internal angles, points of curvature, tangent bearings, lengths of arcs, chord length bearing of all applicable streets within the plat area shall be illustrated on the plat.

- G. The exact locations, dimensions and uses of all private and public utility easements shall be illustrated on the plat.
- H. All lots accurately dimensioned in feet and hundredths with lot numbers and acreage. The lot numbers shall be consecutive for each platted section and shall be placed in the center of the lot with acreage under the lot number. Replatted lots shall illustrate existing lot numbers, lot lines dashed, and utility easements on the plat.
- I. Accurate location and a description of all monuments as to type, size, and whether the monument was found or set. If a monument has been omitted or offset, a notation shall appear on the plat indicating the reason for the omission; or if it has been offset, its true location in relation to the property corner or lot corner shall be noted.
- J. Accurate outlines of areas to be dedicated or reserved for public use, or any area to be reserved for the common use of all property owners. The use and accurate boundary locations shall be shown for each parcel of land to be dedicated.
- K. Any restrictions and covenants shall be shown or referenced on the final plat.
- L. Certification shall contain the following:
1. The total acres being subdivided;
 2. Current ownership;
 3. Deed reference; and
 4. Zoning
- M. Acknowledgment dedication statement of the owner or owners to the plat and restrictions, including dedications to public use of all public streets, alleys, parks or other open spaces shown thereon and the granting of the required easements, as shall be indicated by the following statement on the plat tracing: "Easements shown on this plat are for the construction, operation, maintenance, repair, replacement or removal of water, gas, sewer, electric, telephone, or other utilities or services, and for the express privilege of removing any and all trees or other obstructions to the free use of said utilities and for providing of ingress and egress to the property for said purposes, and are to be maintained as such indefinitely."
- A statement of intention and request for the vacation of lot lines and easements on previously platted properties, and the signature of authorized representatives of local utility companies (electric, telephone, cable television, etc.) acknowledging the abandonment of easements.
- N. The names of record of all abutting parcels with deed reference, acreage and survey record reference, if applicable. Platted land shall show the name of the subdivision, lot numbers, plat book and page reference.

- O. Any section lines, corporation limits, township and county lines shall be accurately documented and located on the plat and their names lettered thereon.
- P. Location of permanent facilities and easements for same used for drainage control such as detention ponds, retention ponds, infiltration beds, etc., and statement of the provisions for the maintenance of these facilities.
- Q. Approval signature and date lines shall be provided for Municipal Manager, Mayor, Clerk of Council, Planning Commission Chairman and County Engineer.

1106.05 Supplementary Information

The following information shall be supplied in addition to the above requirements:

- A. If a zoning change is involved, certification from the Municipal Manager shall be required indicating that the change has been approved and is in effect.
- B. Prior to the approval of the final plat, a Surety shall be furnished assuring installation and initial maintenance of the required improvements.
- C. In flood prone areas the subdivider shall provide information detailing how the structures will be protected from flood hazard.
- D. The Planning Commission may require the applicant to submit additional topographic information, detailed plans for proposed uses, and other information to determine possible flood or erosion hazards, the effect of the subdivision uses upon flood flows, and the adequacy of proposed flood protection measures. The Planning Commission may consult with expert persons or agencies for technical assistance and advice.
- E. These construction plans shall be submitted to the OEPA for approvals as required. Certification of OEPA approval shall be provided on the plans where applicable. Construction shall not commence until such approvals are granted.
- F. The Municipal Engineer's signature shall be provided on approved construction plans to verify compliance with the applicable specifications and the requirements of the Regulations.

1106.06 Approval of Final Plat

The Planning Commission shall approve or disapprove the final plat within 30 days after it has been officially and properly filed with the Planning Commission and so noted in the minutes. Failure of the Planning Commission to act upon the final plat within such time shall be deemed as approval of the plat. If the plat is disapproved, the grounds for disapproval shall be stated in the records of the Planning Commission and a copy of said record shall be forwarded to the subdivider. If disapproved, the subdivider shall make the necessary corrections and resubmit

the final plat within 30 days to the Planning Commission for final approval. When the final plat has been approved by the Planning Commission, the original shall be forwarded to the Council for their approval and endorsement. The original shall be returned to the subdivider.

1106.07 Recording of the Final Plat

After the final plat has been approved by the Planning Commission, dedications accepted by the Council and the necessary approval endorsed in writing thereon, the subdivider shall record the plat in the office of the County Recorder. The final plat shall be recorded in the office of the County Recorder as required by law within 60 days after the date of final approval. The subdivider shall furnish the Municipality with a copy of the recorded plat.

1106.08 FINAL PLAT CHECKLIST

SUBDIVISION _____

DATE _____

This list is not all inclusive, but is to be used as a guideline for submittals and reviews.

√	DESCRIPTION	REMARKS
	1 Fees paid.	
	2 Fifteen copies of the final plat.	
	3 Three copies of construction drawings.	
	4 Three copies of engineer's estimate.	
	5 Three copies of storm sewer calculations, storm detention calculations, and other necessary design calculations.	
	6 Performance surety.	
	7 Name of subdivision.	
	8 Location by section, town, range and township.	
	9 Date of plat.	
	10 North arrow and basis of bearing.	
	11 Acreage to thousandths of an acre.	
	12 Deed book and reference page. (Plat book, if available.)	
	13 Name and address of the subdividers.	
	14 Name and address of professional engineer who prepared plans, including registration number and seal.	
	15 Name and address of professional surveyor who prepared plat, including registration number and seal.	
	16 Perimeter of subdivision to be outlined by a heavy border.	
	17 All dimensions.	
	18 Bearings and distances to the nearest centerline of intersecting roads.	
	19 Names, exact location, dimensions and right-of-way width of all streets.	
	20 Radii, internal angles, points of curvature, tangent bearings, chord length and bearings, lengths of arcs of all applicable streets within the plat area.	

✓	DESCRIPTION	REMARKS
	21 The exact locations, dimensions and uses of easements shall be illustrated on the plat.	
	22 All lots accurately dimensioned in feet and hundredths with lot numbers and acreage.	
	23 Replatted lots shall illustrate old lot numbers and lot lines dotted on the plat.	
	24 Accurate location and a description of all monuments as to type, size, and whether the monument was found or set.	
	25 Any restrictions and covenants shall be shown on the final plat.	
	26 Acknowledgment dedication statement of the owner or owners to the plat.	
	27 A statement of intention and request for the vacation of lot lines and easements.	
	28 The signature of authorized representatives of local utility companies acknowledging the abandonment of easements.	
	29 Names of record of all abutting parcels with deed reference, acreage and survey record reference.	
	30 Any section lines, corporation limits, township and county lines.	
	31 Location of permanent facilities and easements for same used for drainage control such as detention basin, retention ponds, infiltration beds, etc. and statement of the provisions for the maintenance of these facilities.	
	32 Construction plans submitted to the Ohio Environmental Protection Agency (OEPA) for approvals as required.	
	33 Submitted within 12 months of preliminary approval.	
	34 Conforms to preliminary plat and incorporates suggested changes.	

1114.00 MISCELLANEOUS PROVISIONS

1114.01 Recording of Plat

No plat of any subdivision shall be recorded or have any validity until said plat has received final approval in the matter prescribed in these Regulations.

1114.02 Revision of Plat After Approval

No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after approval has been given by the Planning Commission, and endorsed in writing on the plat, unless said plat is first resubmitted to the Planning Commission.

1114.03 Sale of Land Within Subdivisions

No owner or agent of the owner of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of or by the use of a plat of the subdivision before such plat has been approved and recorded in the manner prescribed in these Regulations. The description of such lot 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.

1114.04 Schedule of Fees

The Municipality of Germantown Council establishes the following schedule of fees:

Minor Subdivision Plats	\$100.00
Vacation/Dedication Plats	\$100.00
Replats	\$100.00 plus \$5.00 per lot
Preliminary Plats	\$150.00 plus \$5.00 per lot
Preliminary Plat re-approval	\$150.00 plus \$5.00 per lot
Final Plats	\$150.00 plus \$3.00 per lot

Subdivision review inspection fees: \$5,000.00 initial deposit. When the balance draws close to \$1,000.00, an additional \$5,000.00 shall be deposited and maintained until the improvements are completed and a performance surety provided to the Municipality. The Municipality reserves the right to require an additional deposit if the project approvals and/or construction are extended to more than one construction season. The Municipality will refund unused portions of deposits to the subdivider upon release of all sureties.

The schedule of fees shall be posted in the office of the Municipal Clerk and may be altered or amended only by the Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal or inspection.

1114.05 Penalties

The following penalties shall apply to the violations of these Regulations:

- A. Whoever violates any rule or regulation adopted by the Council for the purpose of setting standards and requiring and securing the construction of improvements within a subdivision or fails to comply with any order pursuant thereto is creating a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the County or any citizen thereof. Whoever violates these Regulations shall forfeit and pay not less than \$100.00 nor more than \$1,000.00 for each offense. Each day such violation continues shall be considered a separate offense. Such sum may be recovered with costs in a civil action suit brought in the Court of Common Pleas of Montgomery County.
- B. Whoever, being the owner or agent of owner of any land within or outside a municipal corporation, transfers any lot, 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 \$100.00 nor more than \$500.00 for each lot parcel, or tract of land so sold. The description of such lot, parcel, or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this section.

1114.06 Variances

The following Regulations shall govern the granting or variances:

- A. Where the Planning Commission finds that extraordinary and unnecessary hardship may result from strict compliance with these Regulations, due to exceptional topographic or other physical conditions, it may vary the Regulations so as to relieve such hardships, provided such relief may be granted without detriment to the public and without impairing the intent and purpose of these Regulations or the desirable development of the neighborhood or community. Such variations shall not have the effect of nullifying the intent and purpose of these Regulations, the Joint Economic Development Plan, or the Zoning Code.
- B. In granting variances or modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.

1114.07 Appeal

Any person who believes he/she has been aggrieved by the Regulations or the action of the Planning Commission has all the rights of appeal as set forth in the Ohio Revised Code.