

The Board of Mercer County Commissioners adopted Resolution #06-820 approving the regulations on Large Lot Divisions and certifying to the Regional Planning Commission. The following regulations were adopted by the Regional Planning Commission on August 16, 2006 with an effective date of October 1, 2006 and include amendments effective May 1, 2010.

1118.00 REGULATIONS ON LARGE LOT DIVISIONS

1118.01 - Purpose and Application of these Regulations

These regulations are adopted to establish the rules and procedures for Large Lot Divisions as authorized under §711.133 of the Ohio Revised Code.

These regulations apply to Large Lot Divisions where such proposed division is along an existing public street, not involved in the opening, widening, or extension of any street or road, and involving the establishment of parcels of real estate that are not less than 5 acres and not more than 20 acres inclusive of the right-of-way.

If the Mercer County Regional Planning Commission or its properly designated representative finds that the proposed Large Lot Division is not contrary to these regulations and any applicable zoning, health, sanitary, access management, and surface or subsurface drainage regulations or any such other applicable regulations, then the proposed Large Lot Division shall be approved and shall bear a stamp "Approved by the Mercer County Regional Planning Commission; no plat required".

Large Lot Divisions of land to be used only for agricultural or personal recreational purposes shall be exempt from the approval requirements of these regulations.

Upon certification of the exclusive agricultural or personal recreational use of the Large Lot Division by the Grantors and Grantees of the subject parcel to the Mercer County Regional Planning Commission or its designated agent or representative, the document of conveyance shall be stamped "No approval or plat required under R.C. 711.133; for agricultural or recreational use only". Any subsequent transfers or divisions of a previously certified Large Lot Division shall also bear the same stamp. However, if such Large Lot Divisions are subsequently to be used for other than agricultural or personal recreational purposes, such Large Lot Division shall be subject to these regulations.

The regulation of lot frontage and width to depth ratios under these regulations shall apply only if there is no applicable zoning regulations for lot frontage or width to depth ratios that apply to the parcel.

1118.02 - Pre-Application Conference and Sketch Plan. Prior to filing a formal Large Lot Division application, an applicant is encouraged to request an informal discussion with the Regional Planning Commission representative (RPC Rep) to discuss the procedure for approval and to familiarize the applicant with applicable requirements. A request for a pre-application conference shall require the submission of a sketch plan no larger than 11 x 17". The sketch plan

shall be drawn to a convenient scale of not more than one hundred (100) feet to an inch and shall show the following information:

- a. Location or vicinity map.
- b. Ownership of property.
- c. Existing and proposed public roads and easements.
- d. Existing structures.
- e. North arrow.
- f. Outline of areas to be divided.
- g. Approximation of proposed lot lines and dimensions.
- h. Important natural features and drainage ways.
- i. Information concerning storm drainage, sewage disposal, water supply, and other facilities that impact on the development.

Within a reasonable period of time following submittal of the sketch plan, the RPC Rep. will meet with the applicant to discuss the proposed division. The RPC Rep. may request a site visit prior to such discussion, in which case, the applicant shall accompany the RPC Rep. on the site visit. Within one (1) week following the site visit (or, if none, following the conference with the applicant), the RPC Rep. shall provide written comments to the applicant on the proposed division.

1118.03 - Application Submittal Requirements. A Large Lot Division application shall include the following information and materials:

- a. Existing or proposed building, well and sewage system locations and design. Large lot divisions of undeveloped parcels must designate the location of at least one soil boring and/or excavation location that has been evaluated on the proposed lot through an order one soil survey prepared by a professional soil scientist certified by the Association of Ohio Pedologists or ARCPACS. A copy of the order one soil survey must also accompany the survey. Large lot divisions that have existing septic systems which serve existing homes can waive the soil evaluation requirement.
- b. Access points in accord with adopted access management standards or Ohio Department of Transportation driveway approval if access is to a state highway.
- c. Drainage improvements in compliance with applicable Township and/or County standards
- d. Written endorsement of the Large Lot Division from health and zoning authorities.
- e. Written endorsement of the County Engineer concerning access, survey and description. The Ohio Department of Transportation may be required to review and approve a Large Lot Division along a State Highway System for purposes of determining compliance with State access management regulations.
- f. Written endorsement of the applicable County agency regarding compliance with regulations adopted under division (B)(3) of Section 307.37 of the Revised Code regarding existing surface or subsurface drainage, including, but not limited to, rules governing household sewage disposal systems.

- g. A proposed land division vicinity map or copy of the tax map for that area.
- h. An approved survey and legal description prepared by a Professional Surveyor.
- i. A Location Map certified by a Professional Surveyor. The Location Map may be combined with the survey or may be a separate drawing. The Location Map must include the following:
 - 1. All newly created lot lines for all proposed lot(s).
 - 2. All adjoining public roads.
 - 3. Any existing above ground structures (including rakes and overhangs) located within one hundred (100) feet of a newly created lot line.
 - 4. All proposed points of access.
 - 5. The dimensions of the newly created lot(s) and acreage; and
 - 6. Signature, Seal and Date.
- j. An approved form of conveyance meeting the requirements for property transfers by the Mercer County Auditor's and Engineer's Offices.
- k. All applicable fees.
- l. Any other material or information the Regional Planning Commission finds necessary for the review of the Large Lot Division.
- m. The proposed subdivision lots meet the requirements of Section 1123.12 Lots and the regulations in Section 1118.00.

In addition, all corners of the proposed lots shall be marked with stakes and colored flagging prior to or at the time of filing the Large Lot Division application.

1118.04 - Review and Approval. If the Commission, acting through the Executive Director or the RPC Rep., finds that the proposed division is not contrary to any applicable zoning, health, sanitary, or access management regulations, regulations adopted under division (B)(3) of section 307.37 of the Revised Code regarding existing surface or subsurface drainage, including, but not limited to, rules governing household sewage disposal systems or the regulations set forth in this Section, it shall be approved in accordance with the following schedule:

- a. For proposed divisions into not more than six (6) separate parcels, approval shall be within seven (7) calendar days after its submission;
- b. For proposed divisions into more than six (6) separate parcels but less than fifteen (15) parcels, approval shall be within fourteen (14) calendar days after its submission;
- c. For proposed divisions into more than fifteen (15) parcels, approval shall be within twenty-one (21) calendar days after its submission.

The burden is upon the applicant to demonstrate compliance with these Regulations. Incomplete or deficient proposals shall be disapproved and the applicant notified of issues and reasons for disapproval. Upon presentation of an approved conveyance of said parcel, the conveyance shall be stamped "Approved by Mercer County Regional Planning Commission; No Plat Required under R.C. 711.133", and signed and dated by the Executive Director or the RPC Rep. Large Lot Division deeds shall be recorded within one hundred eighty (180) days from the

date of approval, or the approval expires. Upon the expiration of the approval, any proposed division of the subject tract shall be filed and processed as a new application under this Section.

1118.05 - Large Lot Dimensions. No division of land involving a metes and bounds description shall be approved or exempted unless it is accompanied by a survey and legal description certified by a Professional Surveyor licensed in the State of Ohio. The survey must meet the Minimum Standard For Boundary Surveys, Administrative Code 4733-37, and the survey and description must be approved by the County Engineer or designee. The proposed division must meet the following requirements:

- a. **Lot Frontage Requirement.** Unless the applicable zoning regulations specifically provide otherwise, all lots created under this Chapter shall have a minimum of three hundred thirty (330) feet of continuous frontage on an existing and improved public road measured at the right-of-way line.
- b. **Lot Width to Depth Ratio.** Unless the applicable zoning regulations specifically provide otherwise, the maximum depth of a lot shall not exceed three (3) times the width of the lot.

1118.07 – Flag Lots. A flag lot is defined as a parcel of land that is generally situated behind a lot or lots fronting on a street or roadway, where said parcel of land does not have the required road frontage as per these regulations, but does maintain road frontage along the width of the access strip and is only accessible from the road over an access strip that is owned in fee simple.

Flag lots generally are not permitted. However, upon application for a variance under these regulations, a flag lot may be permitted as a Special Exception.

It shall be the responsibility of the applicant to prove to the satisfaction of the Regional Planning Commission or its representative that the land characteristics and physical conditions make the creation and development of a flag lot practical, reasonable and desirable.

Where such a showing is made, the Regional Planning Commission, or its representative, may, in its absolute discretion, grant a variance and permit a flag lot as a Special Exception. However, the following minimum requirements must be met as a condition of granting the variance:

- a. The stem or pole of the flag lot must be at least sixty (60) feet in width along the entire stem.
- b. The portion of the parcel associated with the stem shall not exceed 50% of the total area of the entire parcel.
- c. The stem length shall not exceed two thousand six hundred forty (2640) feet.
- d. The stem of the flag lot must be owned in fee simple. An easement over the stem shall not be permitted.

1118.07 - Agricultural and Personal Recreational Purposes Exemption. A proposed division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road, and which meets the acreage requirements set forth in this Section but which is to be used only for agricultural or personal recreational purposes (as hereinafter defined) shall be exempt from the Large Lot Division approval requirements. Upon presentation of a conveyance of such a parcel, the conveyance shall be stamped “Approved by Mercer County Regional Planning Commission; No Approval or Plat Required under R.C. 711.133; **FOR AGRICULTURAL AND PERSONAL RECREATIONAL USE ONLY**”, and signed and dated by the Executive Director or the designated representative.

Nothing in this Chapter shall be construed as excluding parcels that are exempt under this procedure that are currently being used for only agricultural or personal recreational purposes from the provisions of these Regulations for any future division or partitions of those parcels.

When parcels that are exempt from the approval requirements under this Chapter are subsequently to be used for other than agricultural or personal recreational purposes, the Executive Director or the designated representative shall first determine that such a parcel complies with the regulations set forth in this Chapter.

An exemption under this Chapter shall require a statement, signed by the grantor and grantee, that certifies that the proposed parcel will only be used for agricultural or personal recreational purposes, and that any subsequent change in use shall require that the Executive Director or the designated representative first determine that the parcel complies with the then current provisions of this Chapter.

For purposes of this Chapter, the terms “agricultural purposes” and “personal recreational purposes” shall be defined as follows:

1. Agricultural Purposes – a parcel or parcels that are devoted exclusively to commercial animal or poultry husbandry, aquaculture, apiculture, the production for commercial use of field crops, tobacco, fruits, vegetables, nursery stock, ornamental trees, sod, or flowers or other similar agricultural uses.
2. Personal Recreational Purposes – a parcel or parcels that are devoted exclusively to personal recreational use of a private type and nature that is conducted by the owner(s) or such parcel(s) or the individual(s) entitled to exclusive use and possession of such parcel(s), without fee or consideration of any kind, excluding any commercial or membership recreational type of use whether or not for fee or profit.