PURPOSE

This information is being provided to assist anyone interested in dividing land in Athens County. There are a number of steps that must be followed before a new deed can be recorded. These steps and the reason for their existence will be outlined.

Local regulations regarding land development exist in order to protect property values and the rights of people who live in the vicinity of new development. The regulations also exist for the interests of future owners of newly developed land. New owners will be sold property that has an adequate building site that can properly handle a sewage system. Enough land will be sold so that crowded living conditions do not occur. Adequate and safe access to the property will be provided.

When good planning principles are not followed, costly mistakes can occur. Poorly drained sites add to building foundation costs. Building without permits in flood areas is not only illegal but endangers life and property. Site access that is not controlled by the property owner can lead to legal complications. These are just a few of many examples concerning the importance of planning your site before any surveying or construction begins. Local officials, with the help of planning regulations, can help you plan your development to minimize costs and problems.

Athens County is proud of its land use planning standards and policies. Consistency in their administration makes them fair for everyone and will help to avoid future problems with land development.

LOT SPLITS

This pamphlet is primarily for the person who wishes to divide land into several parcels as opposed to a multi-lot, major subdivision. There are several questions that must be answered from the start. The answers to these questions will determine which local offices have to review the proposed development.

Question #1 - Is my proposal a subdivision?
Basically a subdivision is the division of land into parcels, any one of which is less than five acres in size (one acre = 43,560 square feet). Even a split of one parcel that is less than five acres in size is technically a subdivision. A subdivision also exists if all the parcels are greater than five acres in size but need a new street or easement of access (that is, they don't have road frontage where feasible access can occur onto an existing public roadway). A transfer of land between adjoining property owners, which is not a "building site", is not a subdivision. A "building site" is defined as a parcel under separate deed or description containing less than five acres and having road frontage.

Question #2 - If my proposal is a subdivision, is it a minor or a major subdivision?

A minor subdivision is one which involves five lots or less (four new parcels plus the remainder). All lots must have adequate road frontage. A major subdivision involves more than five lots, any one of which is less than five acres. A development is also a major subdivision if new streets or easements of access are created. A property owner may create five lots under simplified minor subdivision rules but as soon as the owner wishes to create a sixth lot, the major subdivision rules apply.

The amount of survey and planning work required differs between a minor and a major subdivision. These differences are explained in the section titled Surveying.

Question #3 - Is my proposed split within three miles of the City of Athens corporate limits?

The City of Athens administers all subdivisions in the three mile limit area. Athens County administers subdivisions in unincorporated areas outside the three mile limit. There are no lot split regulations in incorporated villages. If you are not sure about your site's distance from the City limits, you or your surveyor should check with the County Planning Office or at the City Code Enforcement Office.

Minor subdivisions within the three mile limit require the approval of the Athens City Code Enforcement office, the Athens County Engineer, and the Athens City-County Health Department. Minor subdivisions outside the three mile limit require the approval of the County Planning Office, the Athens County Engineer, and the Athens City-County Health Department.

Major subdivisions require considerably more planning and surveying work and can not be addressed in this pamphlet. Local surveyors are familiar with the necessary procedures and can assist you. Property owners or surveyors not familiar with subdivision regulations should obtain copies available at the City Code Enforcement Office (for inside the three mile limit) or the County Planning Office (for outside the three mile limit).

Lot splits that are not subdivisions (that is, lots greater than five acres with no new access requirements) always require the approval of the Athens County Engineer. The City Code Enforcement Office also reviews any lot splits greater than five acres that are within the three mile limit area. No other reviews are required for lot splits that are not subdivisions.

Land contracts involving lot splits require the review of either the City Code Enforcement Office
or the County Planning Office depending upon whether the split is in or out of the three mile limit.

PLANNING

Every subdivision lot has to meet certain minimum requirements in order to be recorded in Athens County. These minimum requirements are designed to protect the health, safety, and welfare of the residents of the County. Anyone proposing to split property should ask themselves the following questions to insure that mistakes are avoided:

Question - For lots that are part of a subdivision, does each have the following minimums?:

- 20,000 square feet or 0.46 acres
- 90 feet of road frontage
- lots can be no more than four times deeper than they are wide
- 30 feet building setback from the edge of the right-of-way (normally 55 feet from the building center of the roadway) for local and collector streets and 10 feet building setback for side and rear lot lines.

Question - Does my property have a good building site?

Some areas in Athens County are not suitable for building due to flooding (see next question), steepness, poor drainage, or poor soil conditions. The heavy clays and steep slopes produce land slides that can damage a home that was built in a poor location or one that was built without adequate foundation design.

Question - Is all or part of any lot in a designated flood area?

Check with the County Planning Office or Athens City Code Enforcement Office (for inside City limits) to be sure. Permits are required for building anything valued at more than $1000 in a designated flood area. A permit is also required for placement of fill in a floodplain or for changing a stream channel. Building codes exist for flood hazard areas. Every flood area in Athens County including villages, cities, and unincorporated areas, is covered by flood regulations and permits are required for many activities.

Question - Is all or part of my property a wetland area?

Wetland areas require special consideration. A representative from the Corps of Engineers can help to determine whether your property has wetlands. (See section on wetlands.)

Question - Is my driveway located on my property?

Access to a lot is very important. Some subdivisions require new access easements over the property of a neighbor. These situations are treated as major subdivisions.
Question - Will my driveway enter the public roadway in a safe location?  

Driveways entering a roadway just over the crest of a hill lead to poor visibility for oncoming traffic. Two hundred (200) feet is the recommended minimum stopping sight distance.

Question - Do adequate utilities exist in the area to suit my needs?  

These utilities include electricity, water, phone service, gas, and public sewage systems. Some areas in Athens County do not have adequate groundwater and also do not have public water available. Some areas in Athens County can not handle additional on-site sewage systems.

SURVEYING  

All lot splits require that a licensed, professional surveyor prepare a survey and description. All surveys must meet the minimum survey requirements for professional surveyors as specified in the Ohio Revised Code and the County Auditor's Requirements for all Instruments of Conveyance. All survey descriptions must repeat the deed reference language that ties that description to one of the following corners: section, quarter-section, lease lot, fraction, or farm lot.

A survey is also required on an original parcel after more than five exceptions have been taken out of the original tract.

An affidavit of survey may be required on a remainder parcel less than five acres in size if it is unclear whether the remainder parcel meets the subdivision regulations as a buildable site.

Splits involving less than five lots total are considered to be minor subdivisions and are usually approved without the full platting process of a major subdivision.

Major subdivisions involving more than five lots have the following approval process:

1. A technical review committee (a committee from the City or County Planning Commission) meets with the developer to discuss plans and review any regulations that apply. A pencil sketch of the proposed subdivision is always helpful.

2. A professional surveyor prepares a preliminary plan that is reviewed and approved or disapproved. Reasons for disapproval shall be stated in writing. A filing fee must accompany the submission of the preliminary plan.

3. A final plat is prepared after approval of the preliminary plan.

4. The developer is responsible for gathering all required signatures on the final plat form after the Planning Commission has approved it.
5. An ordinance adopting the final plat requires three readings to obtain the approval of City Council if the subdivision is in the three mile limit area, or the approval of the County Commissioners if the subdivision is outside the three mile limit area.

Subdivisions involving less than five lots but requiring new access easements are major subdivisions but have a simplified review process. Planning Commissions may also waive some plat information that is normally required for larger subdivisions (see attached Policy Regarding New Access Easements and Property Subdivision).

HEALTH CODES

The Athens City-County Health Department employs registered sanitarians who inspect proposed residential sites for on-lot sewage system construction. Not all areas in the county can support on-lot sewage systems due to high population density or soil that does not leach properly. It is important that the Health Department be consulted early in the planning stages to insure that a sewage system can be approved. The Health Department also inspects and licenses private wells that will be used for potable water.

Laws governing mobile home siting are also under the Health Department's jurisdiction. No more than two mobile homes are allowed on one parcel of land for rental purposes. A parcel of land may contain many lots or tracts, but if all the lots or tracts are owned by the same person or family, only two mobile homes can be placed thereon. A mobile home park permit must be issued from the Ohio Department of Health for situations involving more than two mobile home rentals.

SUMMARY OF STEPS TO TRANSFER A SUBDIVIDED PARCEL OF LAND

1. Contact the City Code Enforcement Office if your property is within three miles from the Athens City limits or the County Planning Office if your property is outside the three mile limit.
   ** City Code Enforcement - 28 Curran Drive, Athens - 592-3306 - 8:00 to 5:00 M-F
   ** County Planning Office - 28 Curran Drive, Athens - 594-6069 - 8:00 to 4:00 M-F
   It is a good idea to phone in advance to make an appointment with any government office you will be visiting.

2. Discuss the installation of a home sewage system with the Health Department, 278 West Union St., Athens - 592-4431 - 8:00 am to 4:00 pm M-F.

3. Hire a professional land surveyor (listed under "Surveyors-Land" in the phone book) to prepare a plat (map) and description of the new parcel. Surveyors are familiar with local regulations and will usually know whether the City and County offices will approve a lot split. It is still recommended that you contact the offices in #1 and #2 above, before hiring a surveyor, to insure that your proposal is acceptable. You should have at least three copies of your survey plat and legal description for the various office approvals.

4. Take your completed plat and description to the County Engineer's Office where they will be
checked for mathematical accuracy. Two copies of the plat and description should be submitted on paper no larger than 8 1/2" x 14". The surveyor's signature and professional seal are required. Survey accuracy checks can be completed within an hour of submission in most cases.

** County Engineer's Office - 555 East State St., Athens 593-5514 - 7:00 am to 3:30 pm M-F.

5. Visit the Health Department and have a registered sanitarian approve the lot split for sewage installation.

** City/County Health Dept.- 278 West Union St., Athens -592-4431 - 8:00 am to 4:00 pm M-F.

6. Visit the City Code Enforcement Office (if inside the three mile limit) or the County Planning Office (if outside the three mile limit) for approval of the split. Have three copies of your survey plat map and description.

** City Code Enforcement Office - 28 Curran Drive, Athens - 592-3306 -8:00 am to 5:00 pm M-F.

** County Planning Office - 28 Curran Drive, Athens - 594-6069 - 8:00 am to 4:00 pm M-F.

(This is a good time to have a house number assigned by the 911 office. Please contact the non-emergency phone number at 592-3272. Utility companies require the house number before they will provide hookups. You will need to know where your driveway will intersect the public road in order to get your house number.)

7. Have your deed prepared by an attorney-at-law.

8. Take the deed and all approval forms and signatures to the County Auditor's Office. **

County Auditor's Office - Courthouse Annex, 15 South Court St., Athens - 592-3223 - 8:00 am to 4:00 pm M-F.

9. Take the deed to the County Recorder's Office for recording.

** County Recorder's Office Courthouse Annex, 15 South Court St., Athens - 592-3228 8:00 am to 4:00 pm M-F.

** RESEARCHING YOUR PROPERTY **

Many resources are available to individuals interested in researching their property. The following list will help get you started.

Maps

1. Plat maps (maps showing property owners) are sold at the County Auditor's Office located on the third floor of the Courthouse Annex. These maps are generally 1"=400' for rural areas and 1"=50' or 1"=100' for towns. For plat map information phone 592-3227.

Plat directories on a scale of approximately 1-1/2" = 1 mile (one township per page) are sold at the Athens Soil and Water Conservation District office, 70 N. Plains Rd., Suite 107, The Plains, 797-9686/800-582-8890.
2. United States Geological Survey (USGS) topographic maps ("topo maps") are sold at local bookstores, at the Athens Soil and Water Conservation District office, and at the County Engineer's Office.

3. Floodplain maps are available for review at the County Planning Office. Map order forms are also available at that office for anyone wishing to purchase a set.

4. County highway maps are sold at the office of the County Engineer.

5. Soil maps are available at the Athens Soil and Water Conservation District office.

UTILITIES

Check with the County Planning Office to see what utilities are available in your area.

Water

1. Le-Ax Water 594-0123
2. Sunday Creek Water 797-2132
3. Tuppers Plains-Chester Water 985-3319
4. The Plains Water and Sewer District 797-3235
5. Little Hocking Water 989-2181
6. Villages and Cities provide their own water.

Sanitary Sewerage - The cities and some villages have sanitary sewers. The Plains is the only unincorporated area in Athens County with sanitary sewerage. On-lot sewage systems in unincorporated areas require a permit from the City-County Health Dept.

Electricity

1. American Electric Power 1-800-277-2177
2. Buckeye Rural Electric Cooperative 446-1532

Phone Service

1. Verizon Telephone 1-800-483-6000
2. United Telephone 397-4141
3. Ohio Bell 572-4410

Natural Gas or Propane

1. Columbia Gas 593-5581
2. Rutland Bottle Gas 797-4675
3. Ferrellgas 1-800-233-3148
4. Ridenour (740) 985-3307