

## **Subdivision Regulations**

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### **CODIFIED ORDINANCES OF OAKWOOD**

#### **PART ELEVEN – SUBDIVISIONS**

##### **TITLE SEVEN - SUBDIVISIONS** Error! Bookmark not defined.

Chapter 1171. Subdivision Regulations.

Chapter 1175. Underground Utility Lines.

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### TITLE SEVEN - SUBDIVISIONS Chapter 1171. Subdivision Regulations. Chapter 1175. Underground Utility Lines.

#### CHAPTER 1171 Subdivision Regulations

- 1171.01 Definitions.
- 1171.02 Procedure for preliminary and final plat approval.
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#### CROSS REFERENCES

- Planning Commission - see CHTR. 7.01.
- Plat and contents - see ORC 711.01 et. seq.
- Planned development - see Z. 1101.58, Appx. H.

#### 1171.01 DEFINITIONS.

As used in these Subdivision Regulations, the following terms have the meaning respectively ascribed to them:

- A. "Commission" means the Planning Commission of this City.
- B. "Secretary" means the person who acts as clerk of and who prepares minutes of meetings of the Commission.
- C. "Subdivision" means a division of a lot, tract or parcel of land into two or more lots, plots, sites or other divisions of land for immediate or future sale, transfer of ownership or building development, including all changes in street or lot lines. It also means the combination of more than one lot, tract or parcels of land into a smaller number or different arrangement of lots, plots, sites or other divisions of land for immediate or future sale, transfer of ownership or building development, including all changes in street or lot lines.
- D. "Thoroughfares, boulevards and parkways" means the thoroughfares, highways, boulevards and parkways designated as such by the City Manager, acting on advice of a qualified traffic engineer.

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E. "Local service street" means a street intended to serve and to provide access exclusively to the properties abutting thereon.

F. "Minor street" means any street not a thoroughfare, boulevard, parkway or local service street.

### 1171.02 PROCEDURE FOR PRELIMINARY AND FINAL PLAT APPROVAL.

A. No person proposing to make or having made a subdivision within the City shall sell or transfer, make any contract for the sale or transfer of, or shall offer to sell such subdivision or any part thereof, or shall proceed with any construction work on the proposed subdivision, including grading, which may affect the arrangement of the streets, or of any existing or proposed lot, until he has obtained from the Commission at least tentative approval of the preliminary plat of the proposed subdivision.

B. In planning and developing a subdivision, the subdivider or his agent shall in every case pursue the following procedure:

1. The subdivider shall prepare a preliminary plat of the proposed subdivision in accordance with requirements set forth in Section 1171.05, and shall file with the Commission Secretary an application in writing for the tentative approval of such plat, accompanied by four blueprints, at least two weeks prior to the meeting of the Commission at which action is desired.
2. The subdivider shall submit a topographical plan and impact study with and as a part of the preliminary plat. This plan and study must be certified by a surveyor or engineer registered or licensed with or by the State of Ohio. The plan shall be on such scale with such elevation lines and shall include such surrounding land as may reasonably be required by the City Manager.

The preliminary plat shall not be approved unless the topographical plan and impact study are approved (with or without modifications) by the Planning Commission. No such approval of the plan and study shall be made by the Planning Commission unless it shall find that:

The establishment of the proposed plat and development of the land will not be injurious to the use and enjoyment of any other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair any property values within the neighborhood.

The establishment of the proposed plat will not create any lot with topography that would endanger any aspect of the public health, safety, morals, comfort, convenience or general welfare.

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The topographical plan and impact study must provide for preservation of the existing topography on that part of the area to be platted which abuts or is across the street from a wooded park (designated as such on the list of parks maintained by the City Manager under Section 935.02) through a topographical preservation easement. The topographical preservation easement requirement shall apply for a depth of between 20 feet and 50 feet to be measured from any such contiguous park or, if the park is across the street, from the dividing line between the property to be platted and the street right-of-way. The final depth of the easement shall be established by the planning commission with that decision to be based on the standard or test of what depth is necessary or appropriate to protect the integrity of the designated wooded park from the effect of a change in the topography abutting or across the street from in that wooded park. That topographical preservation easement shall not give the public any right of entry onto the property, but instead shall merely require that the existing topography may not be changed except as follows:

By a driveway, or by a variance authorized under Section 1171.08, subject to the additional requirements that a driveway must be limited in size and location as described in Section 1101.5 (B) of the zoning code and that the applicant must establish by a preponderance of the evidence that the only reasonable driveway access to the property would be through the easement area and that the proposed location of a driveway within the easement area is such that it maximizes preservation of the topography, to the extent reasonably possible. (Ord. 4298, passed 6/19/95; Ord. 4518, effective 10/16/02).

3. The subdivider shall submit a horticultural plan and impact study with and as a part of a preliminary plat.

The plan and study shall be on such scale and shall contain such information as may reasonably be required by the City Manager. The Horticultural Committee (if one exists) of this City shall be given an opportunity to submit its recommendation as to the horticultural plan and study. If no such committee exists, the horticulturist for the City shall act in that capacity. The preliminary plat shall not be approved unless the horticultural plan and study are approved (with or without modifications) by the Planning Commission. No such approval of the plan and study shall be made by the Planning Commission unless it shall find that:

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The establishment of the proposed subdivision will not be detrimental to or endanger trees, bushes, flowers and other forms of growth which could be preserved through the exercise of special care, i.e. substantially more than reasonable care, in developing the land.

The establishment of the proposed subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values with the neighborhood.

The horticultural plan and impact study must provide for preservation of wooded areas on that part of the area to be platted which abuts, or is across the street from, a wooded park (designated as such on the list of parks maintained by the city manager under Section 935.02) through a tree preservation easement. This preservation easement requirement applies for a depth of 20 to 50 feet to be measured from any such contiguous park or, if the park is across the street, from the dividing line between the land to be platted and the street right-of-way. The final depth of the easement shall be established by the planning commission with that decision to be based on the standard or test of what depth is necessary or appropriate to protect the integrity of the designated wooded park from the effect of a change in the density and maturity of wooded park trees, excluding underbrush, abutting or across the street from that wooded park. The tree preservation easement shall not give the public any right of entry onto the property, but instead shall merely require that no living, non-diseased trees may be cut down or damaged except as follows:

By a driveway, or by a variance authorized under Section 1171.08, subject to the additional requirements that a driveway must be limited in size and location as described in Section 1101.5 B of the zoning code and that the applicant must establish by a preponderance of the evidence that the only reasonable driveway access to the property would be through the easement area and that the proposed location of a driveway within the easement area is such that it maximizes preservation of the wooded area, to the extent reasonably possible,  
or

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For underground utility lines, subject to the condition that the area where trees have been removed is to be subject to an immediate tree-replanting requirement, with the size, species and location of replacement trees to be as reasonably determined by a city horticulturist. Any utility easement granted after the effective date of this portion of the codified ordinances shall be deemed subject to this requirement, whether or not expressed in the utility easement. (Ord. 4298, passed 6/19/95; Ord. 4518, effective 10/16/02).

4. The preliminary plat will be checked by the Commission as to its conformity with the principles, standards and requirements hereinafter set forth, and the Secretary will transmit a copy of such preliminary plat to the City Manager for his comments.
5. The Commission will tentatively approve or disapprove the preliminary plat, or approve it with modifications, noting thereon any changes that will be required. One copy will be returned to the subdivider with the date of such tentative approval or disapproval endorsed thereon. Similar copies will also be transmitted to the City Manager.
6. The subdivider may then secure from the appropriate authorities the necessary permits to proceed from the street and sanitary improvements.
7. After the completion of all improvements to the satisfaction of the authorities having jurisdiction, the subdivider shall file with the City Manager an original tracing in waterproof ink on tracing cloth together with three blueprints of the final plat in accordance with the requirements of Section 1171.07. The final plat shall be accompanied by a certificate of title, i.e. a title report or title insurance, showing the ownership of all lands to be dedicated to public use and that the title therefor is free and unencumbered.
8. The City Manager shall check the final plat as to computations, certifications, lot areas and numbers, monuments, etc. If found satisfactory, he will transmit all copies of the final plat to the Commission, together with the certificate of title and a two-fold certificate showing:
  - a. That the technical details of the plat itself have been checked and found satisfactory, and

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that all improvements have been completed to the satisfaction of the authorities having jurisdiction.

9. After the final plat, together with such certificates, has been received, and provided that the final plat is found to conform with the preliminary plat as tentatively approved and with the requirements set forth in these Regulations, the Commission will give the final plat its final approval and endorse the same thereon. The original tracing so endorsed will then be returned to the subdivider.
10. The final plat of the subdivision so approved shall then be filed in the office of the Montgomery County Recorder.
11. To ensure that the above standards are met for any land that is the subject of a proposed plat, both the preliminary and the final plat must depict and also describe in words not only the yard setbacks required by applicable sections of the zoning code but also any topographical and tree preservation easements. (Ord. 4298, passed 6/19/95).

### 1171.03 GENERAL PRINCIPLES OF PROCEDURE.

A. It is suggested that the subdivider or his engineer consult with the City Manager while the plat is in sketch form and before the preliminary plat is prepared, to ascertain the location of proposed thoroughfares, boulevards and parkways, parks, playgrounds and other planned projects and related developments.

B. The tentative approval of the preliminary plat by the Commission is revocable and does not constitute acceptance of the subdivision. It is to be considered only as approval of the layout, with the understanding that the City Manager will examine the grades of streets, the types of improvements, the design of the drainage, sewerage and water system, as proposed, and may modify any engineering or construction details whenever the protection of the public interest may so require.

C. Tentative approval of a preliminary plat is to be effective for one year unless extended by the Commission.

D. The final plat of any portion of a larger subdivision, the preliminary plat of which has been tentatively approved, may be submitted for final approval.

E. The approval of the final plat by the Commission shall not be deemed to constitute or affect an acceptance by the public of the dedication of any street or other proposed way or space shown on the plat.

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### 1171.04 GENERAL PRINCIPLES OF DESIGN; MINIMUM REQUIREMENTS FOR LAYOUT.

In the laying out of subdivisions, the subdivider shall observe the following general principles and requirements:

A. Street and block layout.

1 The subdivision layout shall conform to the location of all forms of streets in the City of Oakwood and to the location of proposed streets as determined by the City Manager (on the advice of a duly-qualified traffic engineer). Whenever a tract to be subdivided embraces any part of a thoroughfare, highway, boulevard or parkway designated by the City Manager, such part of the proposed public way shall be provided for by the subdivider in the location indicated by the Manager.

2. The street layout shall be in conformity with a plan for the most advantageous development of the entire neighborhood.

a. As far as practicable, all proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.

b. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout, or the most advantageous future development of adjacent tracts. Dead-end streets of reasonable length will be approved where necessitated by topography or where, in the opinion of the Commission, they are appropriate for the type of development contemplated.

c. Should there be, along the adjoining boundary line of another plat, a half-width street or alley duly transferred or dedicated and recorded, the other half width of such street or alley must be dedicated on the proposed plat to make the same complete.

d. Streets shall follow contour lines wherever practicable.

e. Streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit.

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f. Alleys shall be provided in all business sections and in the rear of lots fronting on thoroughfares, boulevard and parkways, but will not be approved in residential areas, other than fronting on such public ways, unless required by rugged topography or other unusual conditions.

g. Sidewalks shall be provided if required by the Planning Commission and to the extent that requirement is based upon vehicular and pedestrian traffic reasonably to be expected in the neighborhood and upon all other conditions within the applicable block.

h. No plat may be approved if an easement over or use of an adjoining lot or tract of land is necessary to provide means of vehicular or pedestrian ingress and egress to any part of it or the tract from which it came. Nor shall a proposed plat be approved if any portion of a lot is subject to an easement for the use of other lots in the immediate vicinity (for example, an easement allowing adjoining property to use part of the lot to be subdivided for ingress or egress or for any other purposes) except for utility easements.

3. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths.

a. Blocks shall not exceed 1,800' in length.

b. A crosswalk or pedestrian way, not less than 10' wide, shall be provided near the center and entirely across any block over 1,000' in length.

c. The number of intersecting streets along thoroughfares, boulevards and parkways shall be held to a minimum. Wherever practicable, blocks along such traffic ways should be not less than 1,200' in length.

B. Minimum right-of-way widths of streets; alleys and easements for utilities.

1. Thoroughfares, boulevards and parkways: Not less than 80' wide.

2. Minor streets: 60'.

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3. Local service streets and dead-end streets not over 600' long: 50'. All dead-end streets shall terminate in a circular turnaround having a minimum right-of-way diameter of 80', unless the Commission approves a "T" or "Y" shaped paved space in place of the required turning circle.
  4. Alleys: 20'.
  5. Easements for utilities shall be provided along rear and side lot lines. Such easements shall be at least 10' wide.
- C. Minimum roadway widths.
1. Thoroughfares, boulevards and parkways: Not less than 27' and not required to be more than 40'.
  2. Minor streets: 27'.
  3. Local service streets and dead-end streets not over 600' long: 24'. The pavement of a turning circle at the end of a dead-end street shall have a minimum outside diameter of 60'. A "T" or "Y" shaped paved space, when approved by the Commission in place of a turning circle, shall extend entirely across the width of a street right-of-way, shall be at least 10' wide and shall be rounded by minimum radii of 20'.
  4. Alleys, where required: 20'.
- D. Street grades, curves and sight distances.
1. The grade of streets shall not exceed the following:
    - a. Main thoroughfares, boulevards, parkways: 7%.
    - b. Minor streets, local service streets and alleys: 10%.
    - c. Pedestrian ways or crosswalks: 20%, unless steps of an acceptable design are to be constructed.
  2. All changes in street grades shall be connected with vertical curves of a minimum length equivalent to 15 times the algebraic difference in the rate of grade for thoroughfares, boulevards and parkways, and one-half of this minimum for all other streets.

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3. The radii of curvature on the center line shall not be less than the following:
    - a. Thoroughfares, boulevards and parkways: 300'.
    - b. Minor and local service streets: 100'.
  4. A tangent of at least 100' in length shall be provided between reversed curves.
  5. The following minimum sight distances or clear visibility measured along the center line shall be provided:
    - a. Main thoroughfares, boulevards and parkways: 300'.
    - b. Minor and local service streets: 100'.
- E. Intersections.
1. At street and at alley intersections property line corners shall be rounded by an arc, the minimum radius of which shall be 10' and 5', respectively. In business districts a chord may be substituted for such arc. The above minimum radii shall be increased when the smallest angle of intersection is less than 60°.
  2. Street curb intersections shall be rounded by radii of at least 20'.
- F. Lots.
1. The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated.
  2. Every lot shall front or abut on a street.
  3. Lots for residence purposes shall have an area of not less than 6,000 sq. ft., shall be at least 60' wide on the building lines, and shall be at least 100' deep.
  4. Double-frontage lots and reversed-frontage lots at street intersections shall be avoided.
  5. Side lot lines shall be approximately at right angles to the street line on which the lot fronts.
  6. Corner lots shall be platted desirable 10' to 15' wider, in order to permit near conformance with the setback line on the side street as required by the Zoning Code, and butt lots for residence use at least 5' wider than those in mid-block.
  7. In case a tract is subdivided into larger parcels than normal building lots, such parcels shall be so arranged as to allow the resubdivision of any such parcels into

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normal lots in accord with the requirements of these Regulations.

8. If a lot with an existing residence building is to be platted or replatted, all yard requirements of the applicable zoning district shall be increased by 1' for each 2' the building exceeds a height of 20'.

9. No tract or lot which is nonconforming (as to area, width or yard requirements or bulk limitations or any other aspect) may be platted or replatted until and unless that nonconformity has been eliminated through the granting of a variance. This section of the Subdivision Regulations shall not be deemed to authorize or encourage the granting of such variances.

10. No subdivision shall be approved if it would create a building lot which is directly or partially in front of an existing building so as to lie between that building and the adjacent or nearby street. This requirement shall be subject to the possibility of a variance being granted by the Planning Commission. The Planning Commission shall not grant such a variance unless it finds that the topographical plan, horticultural plan and all aspects of the land being subdivided and the surrounding property are such that doing so:

a. Will not have a material adverse impact on the use and enjoyment of any other property in the immediate vicinity for purposes already permitted.

b. Will not substantially diminish and impair any property values within the neighborhood; and

c. Will not otherwise have a material adverse impact on any aspect of the public health, safety, morals, comfort, convenience or general welfare.

11. The size of lots shall also be affected by application of a Lot Area Ratio. This is a figure derived by dividing the buildable area of a minimum lot for a zoning district into the square foot size of that minimum lot. The building area is determined by subtracting the basic amount or level of required yard size for a particular use from the minimum lot area required for that use. For example, if the buildable area of a lot were 8,000 sq. ft. and if the minimum lot size in the applicable zoning district were 40,000 sq. ft., the Lot Area Ratio would be 5.

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The Lot Area Ratio would be applied in the following manner. The total amount of impervious surface on a lot (including the principal building, accessory structures and all other forms of impervious surface) shall be multiplied by the Lot Area Ratio. The result is the amount of land which must accompany and be reserved for an existing principal building if the land on which that building is located is being subdivided so as to create a new lot. Similarly, this is the amount of land which must be available for a new principal building, accessory structures, etc. If, for example, a house and its accessory impervious surfaces in a particular zoning district were so large that the total impervious surface on the tract of land amounted to 16,000 sq. ft., and if the Lot Area Ratio were 5 for that district, that figure of 16,000 sq. ft. would be multiplied by the Lot Area Ratio of 5. The resulting figure of 80,000 sq. ft. would represent the minimum amount of land required to accompany that principal building.

Accordingly, if such a house and accompanying impervious surfaces already existed and were located upon a tract of 80,000 sq. ft. of land in R-1 district (in which the minimum lot size is 40,000 sq. ft.), it might appear at first that the land could be subdivided so as to create an extra buildable lot. Once the Lot Area Ratio is applied, however, it becomes apparent that the existing house requires all of that 80,000 sq. ft. for itself, and thus no subdivision would be permitted and no extra building lot could be created.

Although the Lot Area Ratio may be applied in this fashion to increase land requirements above the minimum lot size required for any particular residential zoning district, in no event may a lot be created or a principal building located upon a tract of ground smaller than that minimum lot size. As a result, even if a particularly small house were to be constructed in the R-1 district and if that house had no accessory structures and very little impervious surface accompanying it, the minimum lot size for newly platted or for replatted lots may not be reduced below the 40,000 sq. ft. required for that zoning district.

Any division of a zoning lot authorized under sub-section (B) (3) of Section 1302, which deals with lot size requirements, shall be exempt from the application of the lot area ratio.

### G. Open spaces other than streets.

Due consideration should be given to the allocation of suitable areas for school, parks and playgrounds to be dedicated for the public use or reserved for the common use of all property owners within the proposed subdivision by covenant in the deeds. In the interest of the public welfare, it is urged that at least 5% of the area of every subdivision, exclusive of streets, be set aside for recreational purposes. Where the tract contains less than 40 acres, such reservation for open space should be combined, wherever possible, with similar reservations in adjoining tracts.

### 1171.05 PRELIMINARY PLAT REQUIREMENTS.

A. The preliminary plat of a proposed subdivision shall be prepared by a

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registered professional engineer or surveyor. Four blueprints shall accompany an application in writing to the Commission for the tentative approval of the subdivision.

B. The horizontal scale of the preliminary plat shall be 100' or less to the inch, and the vertical scale of street and sewer profiles 20' or less to the inch.

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

1. The proposed name of the subdivision. The proposed name shall not duplicate or closely approximate the name of any other subdivision in Montgomery County.
2. The tract designation according to the real estate records of the Auditor and Recorder of Montgomery County.
3. Names and addresses of the owner of record, the subdivider and the engineer or surveyor.
4. Sufficient information to locate accurately the subdivision. Reference to existing thoroughfares, plat, etc., may be used; if such do not exist within reasonable distance of the proposed subdivision, a vicinity plat on a small scale shall accompany the preliminary plat.
5. The location and names of adjacent subdivisions and the names of owners of adjacent acreage.
6. The location, width and names of all existing or platted streets and ways adjacent to the tract, and other important features within 200' of the boundary lines, such as railroad lines, water courses, exceptional topography, etc.
7. Existing sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto.
8. The boundary lines of the tract to be subdivided, accurate in scale and bearing with a relative error of closure of less than 1 to 10,000.
9. Contours at 5' intervals.

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10. The layout, names and widths of proposed streets, alleys and easements, and the layout of lots and typical lot dimensions. Proposed street names shall not duplicate or closely approximate any existing names in the City of Oakwood or the City of Dayton, except coterminous streets.
11. Thoroughfares, boulevards and parkways and all other streets as may be approved by the City Manager on the advice of a duly-qualified traffic engineer. Such streets shall be distinctly marked "thoroughfare," "boulevard" or "parkway" on the plat, and their official right-of-way widths and roadway widths shall be shown.
12. The approximate profile of each street, with tentative grades indicated.
13. The cross sections of proposed streets, showing width of roadways and location of sidewalks.
14. The plans and profiles of proposed streets, showing width of roadways and location of sidewalks.
15. Zoning boundary lines, if any; proposed uses of property and setback lines.
16. Any corporation lines which pass through the tract.
17. All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners, with the purpose intended.
18. North point, scale and date.
19. Copies of any private restrictions to be included in the deeds should be attached to the preliminary plat.

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D. All subdivision applications and/or issues are subject to all provisions and requirements of the City's stormwater management code (Part Twelve – Stormwater Management Code). (Ord. 4672, passed 5/4/09, effective 6/4/09).

### 1171.06 REQUIREMENTS FOR IMPROVEMENTS.

Improvements shall be installed in accordance with the following regulations:

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A. Streets shall be graded to full width and fully constructed with a type of roadway and sidewalks approved by the City Manager and in accordance with the specifications and the inspection of this City. A serviceable and properly drained roadway surface, and sidewalks on at least one side of the street, shall be provided in every case.

B. Whenever there is within reasonable distance a sanitary or storm sewer main, the subdivision or individual lot shall be provided with a complete sewerage system which shall connect with the proper main. Where connections with the existing sewerage system cannot be reasonably provided, proper provision shall be made for the disposal of sanitary wastes by means of septic tanks or other approved methods of disposal. The storm flow may be discharged into the natural drainage system. In general, the entire sewerage system and the disposal of sanitary and storm sewage shall be planned and built to meet the reasonable approval of the proper authorities.

C. The water distribution system shall be designed to meet the approval of the City Manager, the County Sanitary Engineer or other officials having jurisdiction. Fire plugs shall be placed not over 300' apart.

D. Poles or underground conduits for electric light or telephone lines shall be placed in easements along rear lot lines, wherever practicable.

E. Trees of a type appropriate for the specific location shall be planted on both sides of every street. These trees shall be planted from 40' to 60' apart.

F. Permanent monuments of a type and design approved by the City Manager shall be accurately set and established at the intersection of all outside boundary lines of the plat, at intersections of these boundary lines with all street lines, at least at diagonally opposite corners of each street intersection, at the beginning and end of all curves, at points on curves where the radius or direction changes, and at such other points as are necessary to establish definitely all lines of the plat, except those outlining individual lots.

In general, permanent monuments shall be placed at all critical points necessary to enable any skilled surveyor to correctly lay out any lot in the subdivision.

Monuments, if stones, must be not less than 30" square, and must have a cross cut or other suitable mark indication of the center of the same. Iron pins at least 1" in diameter and 30" long will be accepted in lieu of monument stones.

G. Surface and storm water drainage shall be provided on the site of the development in accordance with the drainage plan required by Section 1171.05 C 20.

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### 1171.07 FINAL PLAT REQUIREMENTS; SURETY BOND FOR IMPROVEMENT COMPLETION.

A. The final or record plat of the subdivision shall be submitted in the form of an original drawing in black India ink on tracing cloth, together with three blueprints of same.

B. The final plat shall be drawn at the scarce of 50', or less, to the inch, and shall clearly show the following features and information:

1. All plat boundary lines with lengths of courses to hundredths of a foot and bearings to half minutes. The boundaries shall be determined by an accurate survey in the field, which shall be balanced and closed. The error of closure shall not exceed 1 to 10,000. The exact location and the width along the property line of all existing or recorded streets intersecting or paralleling the boundaries of the tract.
2. True bearings and distances to nearest established street bounds, section lines or other official monuments, which monuments shall be located or accurately described on the plat. Any section lines and corporation lines shall be accurately monument-marked and located on the plat, and their name shall be printed on them.
3. The accurate location and material of all permanent reference monuments.
4. The exact layout including:
  - a. Street and alley lines, their names, bearings, angles of intersection and widths, including widths along the line of any obliquely-intersecting streets.
  - b. The length of all arcs; radii, points of curvature and tangent bearings.
  - c. All easements whether public or private, with the name of the person or entity owning the easement rights, and the recording reference to the legal document(s) that granted the easement rights being set forth on the plat.
  - d. All lot lines with dimensions in feet and hundredths, and with bearings and angles to minutes if other than right angles to the street and alley lines.
5. Lots numbered in numerical order. In tracts containing more than one block, the blocks shall be lettered in alphabetical order. In case there is a resubdivision of lots in any block, such resubdivided lots shall be designated by their original number prefixed with the term most accurately describing such division, such as w 1/2 of 3, N 40' of 5, etc., or they shall be numbered numerically beginning with the number following the highest lot number in the block.
6. The accurate outline of all property which is offered for dedication for public use, and of all property that may be reserved by covenant in the deed for the common use of the property owners in the subdivision, with the purpose indicated thereon.
7. Setback building lines as fixed by the Zoning Code and any other setback lines or street lines established by public authority, and those

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- stipulated in the deed restrictions.
8. Private restrictions, if any:
  - a. Boundaries of each type of use restriction.
  - b. Other private restrictions for each definitely restricted section of the subdivision.
9. Name of the subdivision and name or number of the largest subdivision or tract of which the tract now subdivided forms a part.
10. Names and locations of adjoining subdivisions and location and ownership of adjoining unsubdivided property.
11. Names and addresses of the owner of record, the subdivider, and of the engineer or surveyor.
12. North point, scale and date.
13. Statement that any lot transferred will have a minimum width and area substantially the same as those shown on the plat, and that only one principal building will be permitted on any such lot.
14. Certification by a registered professional engineer or surveyor to the effect that the plat represents a survey made by him and that all monuments indicated thereon actually exist and their location, size and material are correctly shown, and that all requirements of these Subdivision Regulations have been fully complied with.

C. In lieu of the completion of the improvements in connection with a subdivision, the Commission may accept a bond executed by a surety company as a condition of final plat approval. Such bond shall be based upon an estimate by the City Engineer of the cost of completing such improvements, shall be furnished by the subdivider in an amount equal to the estimated cost of the completion of such improvements, shall be written by a surety company satisfactory to the Commission and shall be conditioned upon the satisfactory completion of such improvements within one year after approval of the final plat and full payment by the subdivider of all claims of subcontractors, materialmen, laborers, general contractors and employees of such subdivider in connection with the work and materials involved in such improvements. As an alternative, the subdivider may deposit a cashier's check with, and payable to, the City Treasurer in place of such surety bond and such deposit shall be deemed to be upon the same conditions as described immediately above. In the event such improvements are not completed within the period of one year, the City shall proceed with the work of completing such improvements and shall hold the subdivider and the bonding company jointly responsible for the costs thereof if a surety bond has been posted, or shall first exhaust the cashier's check deposit and shall hold the subdivider responsible for any remaining costs in the event the subdivider has elected to deposit a cashier's check instead of posting a surety bond.

D. All streets, alleys, thoroughfares, boulevards, parkways and highways, together with the required right-of-way therefor, shall be offered for dedication in fee simple to the City through language on the final plat.

### 1171.08 VARIANCES.

In any particular case where, because of topographic or other conditions, strict

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compliance with the foregoing provisions would cause practical difficulties or exceptional and undue hardship on the subdivider, the Commission may authorize a variance from the strict application of these provisions so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of these Regulations or the desirable general development, in accordance with the plans of the Commission, the City and the surrounding area.

### 1171.09 LOT SPLITS ON WHICH NO PLAT IS REQUIRED.

A. The City Manager shall have authority to approve small subdivisions without necessity of a preliminary and final plat if the proposed division of land meets all of the conditions set forth below. The City Manager shall not be obligated or required, however, to grant such approvals without a plat, and the action of the City Manager in approving any one or more such subdivisions without a plat or plats shall not be deemed to constitute a precedent in favor of similar approvals on other subdivisions:

1. The proposed subdivision is located along an existing dedicated public street and involves no opening, widening or extension of any street or road.
2. No more than five lots will be involved after the original tract has been completely subdivided.
3. The proposed subdivision is not contrary to applicable zoning or subdivision regulations of this City (in this respect, the subdivision regulations specifically require a preliminary and final plat; and the requirement that the proposed subdivision is not contrary to the subdivision regulations can be met only if the City Manager exercises his discretion under this Section 1171.09 so as to waive the platting requirement).
4. The property has been surveyed (both the remaining tract and the parcel to be split off) and a survey drawing showing the entire property and all buildings and driveways thereon and a metes and bounds description of the original tract of land and any parcel or parcels to be split off have been submitted with the application. Such a survey drawing and description shall have been prepared by a surveyor or engineer registered with the State of Ohio and shall be certified by that surveyor or engineer to be accurate and complete.
5. With the application for approval without a plat, there must also be submitted the proposed deed or other instrument of conveyance.

B. If the City Manager exercises his discretion so as to approve the proposed division without necessity of any plat, the City Manager shall, within seven working days after the application has been filed and after the above conditions have been met, stamp upon the proposed deed or other conveyance the words "Approved by the City Manager; No Plat Required if Recorded within Thirty Days from This Approval." Such stamp shall provide a place for the authorized representative of the City Manager (who may be an employee of the City designated by the City Manager) to sign and date the approval, and upon such approval by the City Manager the authorized representative shall so sign and date the conveyance.

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C. A fee shall be charged for the City Manager's review of any lot split application. The amount of the fee shall be set by the City Manager under Chapter 153 of the Administrative Code.

### 1171.10 FEES FOR SUBDIVISIONS.

The following fees shall be applicable to subdivisions:

A. An application fee shall be charged for the submission to the Planning Commission of the plat of any proposed subdivision of real estate within the City. The amount of the fee shall be set by the City Manager under Chapter 153 of the Administrative Code.

B. An engineering fee shall be charged for the filing with the Planning Commission of a plat for any proposed subdivision, such fee to be applied to engineering costs incurred by the City in connection with the subdivision. The amount of the fee shall be set by the City Manager under Chapter 153 of the Administrative Code. An additional engineering fee deposit also shall be charged for such filing of a proposed plat with this additional fee to be applied to engineering costs incurred by the City in reviewing the drainage plan and opinion required for new plats under Section 1171.05 C 20. Any direct or indirect expenses incurred by the City for engineering and/or advertising in excess of the total engineering fee and deposit shall be paid by the applicant before the plat of the proposed subdivision is approved or disapproved by the Planning Commission. If the engineering expenses incurred by the City for drainage review are lower than the engineering fee and deposit, the difference shall be refunded to the applicant as soon as reasonably possible after the plat of the proposed subdivision is approved or disapproved by the Planning Commission.

Legislative History: Ord. 2536, passed 2/19/68; Ord. 2537, passed 3/4/68; Ord. 2690, passed 7/6/70; Ord. 2694, passed 8/3/70; Ord. 2737, passed 5/17/71; Ord. 2738, passed 5/17/71; Ord. 2940, dated 11/17/75; Ord. 3127, passed 4/17/80; Ord. 3211, passed 7/6/81; Ord. 3243, passed 1/4/82; Ord. 3263, passed 5/3/82; Ord. 3311, passed 11/15/82; Ord. 3314, passed 11/15/82; Ord. 3352, passed 6/6/83; Ord. 3369, passed 8/1/83; Ord. 3390, passed 12/19/83; Ord. 3559, passed 7/14/86; Ord. 3588, passed 10/20/86; Ord. 3594, passed 11/3/86; Ord. 3768, passed 6/20/88; Ord. 3868, passed 6/26/89; Ord. 3869, passed 6/26/89; Ord. 4152, passed 8/24/92; Ord. 4298, passed 6/19/95; Ord. 4516, effective 9/5/02; Ord. 4518, effective 10/16/02.

CHAPTER 1175  
Underground Utility Lines

1175.01 Required underground installation.      1175.02 Restoration; costs.

CROSS REFERENCE

Underground conduits - see Z. 1171.07D.

1175.01 REQUIRED UNDERGROUND INSTALLATION.

The City Planning Commission is hereby authorized and empowered to require that certain new utility lines and certain extension of existing utility lines be installed underground. Such underground installation shall be required in those instances where underground lines are in keeping with the character of the neighborhood and where overhead service would not be appropriate in view of existing and proposed development.

1175.01 RESTORATION; COSTS.

The disturbance of any public street, sidewalk, paved area, right-of-way or public land which occurs in connection with such underground installation shall be repaired and restored to as good a condition as existed before such installation, at no cost to the City. The City shall not pay any part or all of the cost of such installation.

Legislative History: Ord. 2535, passed 2/19/68.