



SUBDIVISION REGULATIONS

FOR

THE CITY OF

WEST CARROLLTON, OHIO

1979
Amended 1981, 1983, 2010

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TITLE, SCOPE, AND JURISDICTION

152.02 – TITLE

These regulations shall be known and may be cited and referred to as the “Subdivision Regulations of the City of West Carrollton, Ohio.” And shall hereinafter be referred to as “these regulations.”

152.03 – ADMINISTRATION

These regulations shall be administered by the City Planning Commission.

152.04 – JURISDICTION

These regulations shall be applicable to all subdivisions of land within the City. The City Planning Commission shall have the power of final approval of the plats.

152.05 – RELATION TO OTHER LAWS

The provisions of these regulations shall supplement any and all laws of the State of Ohio, ordinances of the City or any and all rules and regulations promulgated by authority of such law or ordinance relating to the purpose and scope of these regulations. Whenever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive or that imposing the higher standard shall govern except as provided in Section 152.06 of these regulations.

152.06 – PLANNED UNIT DEVELOPMENTS ENCOURAGED; REGULATIONS MAY BE MODIFIED

The Planned Unit Development approach to development is encouraged. These regulations may be modified by the degree necessary to accomplish the objectives and standards required for the planned unit development in accordance with the Zoning Ordinance. Nothing within this section, however, shall exempt the developer from the requirements of subdivision plat approval as specified in Section 152.30 - .39 of these regulations.

152.07 – AMENDMENTS

These regulations may be amended only after public hearings and other requirements as specified in the appropriate sections of the Ohio Revised Code.

152.08 – SEPARABILITY

If, for any reason, any clause, sentence, paragraph or other part of these regulations should be decided by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of these regulations as a whole, or any part thereof, other than the part so held to be invalid.

DEFINITIONS

SECTION 152.10 - DEFINITIONS

For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
- B. The present tense includes the future tense, and the singular number includes the plural, and the plural number includes the singular.
- C. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- D. The words "used" or "occupied" include the words "intended", "designed", or "arranged to be used" or "occupied".
- E. The word "lot" includes the words "plot" or "parcel".

Alley: See Thoroughfare.

Block: A parcel of land bounded on all sides by a street or streets.

Building Line: See Setback Line.

Comprehensive Plan: See Zoning Ordinance.

Corner Lot: See Lot Types.

Covenant: A written promise or pledge.

Crosswalk: A ten (10) foot wide right-of-way, publicly owned, cutting across a block in order to provide pedestrian access to an adjacent street or property.

Cul-de-Sac: See Thoroughfare.

Culvert: A transverse drain that channels under a bridge, street, or driveway.

Dead-end Street: See Thoroughfare.

Density: A unit of measurement; the number of dwelling units per acre of land.

- A. Gross Density - the number of dwelling units per acre of total land to be developed.
- B. Net Density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Density, Low Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed one (1) dwelling unit per gross acre.

Density, Medium-low Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed four (4) dwelling units per gross acre. For the purpose of street design requirements, the medium-low density residential classification shall be considered as medium density.

Density, Medium Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed nine (9) dwelling units per gross acre.

Density, Medium-high Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed fifteen (15) dwelling units per gross acre. For the purposes of street design requirements, the medium-high density residential classification shall be considered as high density.

Density, High Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed thirty-two (32) dwelling units per gross acre.

Developer: Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

Dwelling Unit: See Zoning Ordinance.

Dwelling Unit, Elderly: A building occupied or constructed to be occupied by a family or families of which one spouse is over the age of 60.

Easement: Authorization by a property owner for the use of another, and for a specified purpose, or any designated part of his property.

Engineer: Any person registered to practice professional engineering by the State Board of Registration as specified in Section 4733.14 of the Ohio Revised Code.

Highway Director: The director of the Ohio Department of Transportation.

Improvements: Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

Location Map: See Vicinity Map.

Lot: See Zoning Ordinance.

Lot Coverage: That percent of a lot which, when viewed from directly above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves.

Lot Frontage: See Zoning Ordinance.

Lot, Minimum Area of: See Zoning Ordinance.

Lot of Record: See Zoning Ordinance.

Lot Types: Terminology used in these regulations with reference to corner lots, interior lots, and through lots is as follows:

- A. A corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
- B. An interior lot is a lot other than a corner lot with only one (1) frontage on a street.
- C. A through lot is a lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two streets may be referred to as double frontage lots.
- D. A reversed frontage lot is a lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

Major Thoroughfare Plan: The Comprehensive Plan adopted by the City Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the corporate limits of the City.

Minor Subdivision: A division of a parcel of land not within a platted subdivision that does not create an additional building lot and which is for the transfer of land between adjoining property owners.

Monuments: Permanent concrete or iron markers used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary lines and corners, and points of change in street alignment.

Open Space: An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, any other recreation facilities that the Planning Commission deems permissive. Streets, structures for habitation, and the like shall not be included.

Out Lot: Property shown on a subdivision plat outside the boundaries of the land which is to be developed and which is to be excluded from the development of the subdivision.

Pad: A building site prepared by artificial means, including, but not limited to, grading, excavation, or filling, or any combination thereof.

Parking Space, Off-Street: See Zoning Ordinance.

Performance Bond or Surety Bond: An agreement by a subdivider or developer with the City for the amount of the estimated construction cost, guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement. Letters of credit shall not be accepted by the City in lieu of a performance bond or surety bond.

Planned Unit Development: See Zoning Ordinance.

Planning Commission: The Planning Commission of the City of West Carrollton.

Plat: The map, drawing, or chart on which the developer's plan of subdivision (preliminary) is presented to the City Planning Commission for approval and, after such approval, to the county recorder (final) for recording.

Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

Right-of-way: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Setback Line: See Zoning Ordinance.

Sewers, Central or Group: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

Sewers, On-site: A septic tank or similar installation on any individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Sidewalk: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic. Sidewalks shall be a minimum of 4 feet in width. See "Walkway".

Subdivider: See Developer.

Subdivision:

- A. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots any one of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building site, shall be exempted; or
- B. The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities. (See Minor Subdivision)

Surveyor: Any person registered in the State of Ohio to practice surveying.

Terrain Classification: Terrain within the entire area of the preliminary plat is classified as level, rolling, hilly, or hillside for street design purposes. The classifications are as follows:

- A. "Level" is that land which has a cross slope range of four (4) percent or less;
- B. "Rolling" is that land which has a cross slope range of more than four (4) percent but not more than eight (8) percent;
- C. "Hilly" is that land which has a cross slope range of more than eight (8) percent but not more than fifteen (15) percent;
- D. "Hillside" is that land which has a cross slope range of more than fifteen (15) percent.

Thoroughfare, Street or Road: The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- A. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- B. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.

- C. Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principle entrance and circulation routes within residential subdivisions.
- D. Cul-de-Sac: A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.
- E. Dead-end Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- F. Local Street: A street primarily for providing access to residential, commercial, or other abutting property.
- G. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principle radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1,000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
- H. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street providing access to abutting properties and protection from arterial or collector streets. (also called Frontage Street)
- I. Private Street: A street that is not dedicated to the City. Private streets shall be constructed to the same standards and specifications as are required for public streets.
- J. Public Access Easements: An easement over private property granting to the general public the right of access, and authorizing the City to regulate traffic and enforce maintenance thereon for the purpose of protecting the public health, safety, and general welfare. These easements shall be constructed to the same standards and specifications as are required for public streets.

Through Lot: See Lot Types

Variance: A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Vicinity Map: A drawing located on the plat which sets forth by dimensions or other means the relationship of the proposed subdivision or use to other nearby developments, landmarks, community facilities and services within the area to better locate and orient the area in question.

Walkway: A dedicated public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

Watershed: The drainage basin in which the subdivision drains or that land whose drainage is affected by the subdivision.

Yard: See Zoning Ordinance.

THE PRELIMINARY PLAT

152.30 - PREAPPLICATION MEETING

The subdivider is encouraged to meet with the City Planning Commission or its designated representative prior to submitting the preliminary plat. The purpose of this meeting is to discuss early and informally the purpose and effect of these regulations and the criteria and standards contained therein, and to familiarize the developer with the Comprehensive Plan, the Major Thoroughfare Plan, the Parks and Open Space Plan, the Zoning Ordinance, and the drainage, sewerage, and water systems for the City of West Carrollton, Ohio.

152.31 - PREAPPLICATION SKETCH CONTENT

The subdivider may submit to the City Planning Commission a sketch plan, legibly drawn at a suitable scale and containing the following information:

- A. The proposed subdivision in relation to existing community facilities, thoroughfares, and other transportation modes, shopping centers, manufacturing establishments, residential developments and existing natural and man-made features such as soil types, vegetation, contours, and utilities in the neighboring area.
- B. The layout and acreage of streets, lots, and any non-residential sites such as commercial, manufacturing, school or recreational uses within the proposed subdivision.
- C. The location of utilities in the proposed subdivision, if available, or of the locations of the nearest sources for water and public facilities for the disposal of sewage and storm water.
- D. The scale and title of the subdivision, and north arrow, and the date.
- E. Name, address, and phone number of owners and developer.

152.32 - PRELIMINARY PLAT REQUIRED

The subdivider shall submit a preliminary plat of the proposed subdivision which shall conform with the requirements set forth in Sections 152.33 to .39 inclusive. The preliminary plat shall be prepared by a qualified registered engineer or surveyor.

152.33 - APPLICATION FOR APPROVAL

An application in writing for the approval of the preliminary plat, five (5) copies of the preliminary plat, and the supplementary information specified in Sections 152.34 to 152.36 inclusive, and the appropriate fee shall be submitted to the City Planning Commission.

152.34 - PRELIMINARY PLAT FORM

The preliminary plat shall be drawn at a scale not less than one hundred (100) feet to the inch.

152.35 - PRELIMINARY PLAT CONTENTS

- A. The preliminary plat shall contain the following information:
1. Proposed name of the subdivision, which shall not duplicate or closely approximate the name of any other subdivision in the City.
 2. Location by section, range, and township or other surveys.
 3. Names, addresses and phone numbers of the owner, subdivider, and professional engineer and registered surveyor who prepared the plant, and the appropriate registration numbers and seals.
 4. Date of survey.
 5. Scale of the plat, north point.
 6. Boundaries of the subdivision and its acreage.
 7. Names of adjacent subdivisions, owners of adjoining parcels of unsubdivided land, and the location of their boundary lines.
 8. Locations, widths, and names of existing streets, railroad rights-of-way, easements, parks, permanent buildings, and corporation and township lines; location of wooded areas and other significant topographic and natural features within and adjacent to the plat for a minimum distance of two hundred (200) feet.
 9. Zoning classification of the tract and adjoining properties and a description of proposed zoning changes, if any.
 10. Existing contours at an interval of not greater than two (2) feet if the slope of the ground is ten (10) percent or less; and not greater than five (5) feet where the slope is more than (10) percent.
 11. Existing sewers, water lines, culverts and other underground structures, and power transmission poles and lines, within and adjacent to the tract.
 12. Proposed location, names, and widths of streets and easements.
 13. Building setback lines with dimensions.

14. Location and dimensions of all proposed utility and sewer lines, showing their connections with the existing system.
 15. All thoroughfares as shown on the Major Thoroughfare Plan wherever they traverse the plat.
 16. Layout, numbers, and approximate dimensions of each lot. When a lot is located on a curved street or when side lot lines are not at ninety (90) degree angles, the width at the property line shall be as shown.
 17. Parcels of land in acres to be reserved for public use or to be reserved by covenant for residents of the subdivision.
 18. A vicinity map at a scale of not less than one thousand (1,000) feet to the inch shall be shown on, or accompany, the preliminary plat. This map shall show all existing subdivisions, roads, and tract lines and the nearest existing thoroughfares. It shall also show the most advantageous connections between the roads in the proposed subdivisions and those of the neighboring areas.
 19. All pages of the plan should be numbered and the cover page should contain the proposed name and an index of pages.
- B. The following information shall be supplied in addition to the requirements in Section 152.35 (A):
1. Statement of proposed use of lots, giving type and number of dwelling units and type of business or industry.
 2. Location and approximate dimensions of all existing buildings.
 3. For commercial and industrial development, the location, dimensions, and approximate grade of proposed parking and loading areas, alleys, pedestrian walks, streets, and the points of vehicular ingress and egress to the development.
 4. Description of proposed covenants and restrictions.
 5. In a letter accompanying the request for approval of the preliminary plat, the subdivider shall state the type of sewage disposal he proposed to use.

152.36 - FILING

The preliminary plat shall be considered officially filed on the day it is received by the City Planning Commission and shall be so dated. A filing fee shall be charged, as indicated in Section 152.132.

152.37 - PUBLIC HEARING

The City Planning Commission on its own initiative or upon petition by a citizen or a neighboring property owner may, prior to acting on a preliminary plat of a subdivision, hold a public hearing thereon at such time and upon such notice as the Commission may designate.

152.38 - APPROVAL OF PRELIMINARY PLAT

The City Planning Commission shall forward copies of the preliminary plat to such officials and agencies as may be necessary for the purpose of study and recommendation. These shall include at least the City Engineer and the City Utilities Department. After receipt of reports from such officials and agencies, the City Planning Commission shall determine whether the preliminary plat shall be approved, approved with modifications or disapproved. If a plat is disapproved, the reasons for such disapproval shall be stated in writing. The City Planning Commission shall act on the preliminary plat within thirty (30) days after filing unless such time is extended by agreement with the subdivider. When a preliminary plat has been approved by the City Planning Commission, the chairman shall sign all copies and return one (1) to the subdivider for compliance with final approval requirements. Approval of the preliminary plat shall be conditional upon compliance with all other applicable statutes and ordinances of the City.

152.39 - APPROVAL PERIOD

The preliminary plat shall be effective for a period of twelve (12) months. Approval of a final plat for a section shall extend the approval period for an additional twelve (12) months.

THE FINAL PLAT

152.40 - 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 prepared by a registered professional engineer or registered surveyor.

152.41 - APPLICATION FOR APPROVAL OF THE FINAL PLAT

Application for approval of the final plat shall be submitted to the Commission. This application shall consist of a completed form as provided by the Commission, copies of the plat, supplementary information and the appropriate fee.

152.42 - REGULATIONS CONCERNING IMPROVEMENTS

The following rules apply to subdivision improvements and performance guarantees:

- A. The final plat drawings and specifications of improvements shall be a set of construction drawings, general block grading plans, utility plans prepared by a registered professional engineer licensed to practice in the State of Ohio.
- B. The plans shall indicate typical sections, plans and profile views, construction details and estimates of quantities. All typical sections and major engineering details to be used on any particular street shall be approved in advance by the City Engineer before completion of the plans.
- C. Prior to the granting of approval of the final plat, the subdivider shall have installed the minimum required improvements, or shall have furnished a surety certified check or bond, for the amount of the estimated construction cost of the ultimate installation.
- D. Before the surety is accepted, it shall be approved by the proper administrative officials.
- E. The improvements shall be constructed within a reasonable time as determined by the City Engineer, but not to exceed two (2) years. If not developed within two (2) years, an extension may be granted or the surety check or bond will be forfeited.

- F. All required subdivision improvements shall be maintained in a satisfactory condition by the subdivider during any interim period between this construction and final approval and acceptance by the City.
- G. The City Council may release not more than ninety (90) percent of the amount of the surety upon the completion of a portion of the subdivision improvements prior to final acceptance of the subdivision. The amount of the remaining surety is to be negotiated and is contingent upon the amount and quality of installed improvements.

152.43 - FINAL PLAT FORM

The final plat shall be legibly drawn in waterproof ink on tracing cloth or other material of equal permanence. It shall be drawn at a scale not less than one hundred (100) feet to the inch, and shall be one or more sheets 24 x 36 inches in size. If more than one (1) sheet is needed, each sheet shall be numbered and the relation of one sheet to another clearly shown.

152.44 - FINAL PLAT CONTENTS

The final plat shall contain the following information:

- A. Name of the subdivision, location by section, range and township, or by other survey number; date, north point, scale, and acreage to hundredths of acre, and deed book and page reference (or microfiche number).
- B. Name and address of the subdividers, and the registered professional engineer and/or registered surveyor who prepared the plat and the appropriate registration numbers and seals.
- C. Plat boundaries, based on accurate traverse, with angular and lineal dimensions. All dimensions, both lineal and angular shall be determined by an accurate control survey in the field which must balance and close within the limit of one in ten thousand (10,000).
- D. Bearings and distances to nearest established street lines or other recognized permanent monuments.
- E. Exact location, rights-of-way, and names of all streets within and adjoining the plat, and building setback lines.
- F. Radii, internal angles, points of curvature, tangent bearings, lengths of arcs, of all applicable streets within the plat area.
- G. All easements and rights-of-way provided for public services or utilities.
- H. All lot numbers and lines with accurate dimensions in feet and hundredths. When lots are located on a curve, the lot width at the building setback line shall be shown.

- I. Accurate location and description of all monuments and pins.
- 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. All restrictions and covenants shall be shown on the final plat.
- L. Certification by a registered surveyor to the effect that the plat represents a survey made by him and that the monuments shown thereon exist as located and that all dimension details are correct.
- M. Acknowledgement of the owner or owners to the plat and restrictions, including dedications to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of 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 forever".
- N. The names of record of all abutting tracts with their deed book and page reference (or microfiche number) and the plat book reference of all abutting plats.
- O. All section lines, corporation limits, township and county lines shall be accurately documented and located on the plat and their names entered thereon.
- P. Above the space provided for the signatures of the Commission's Chairman and Secretary, the following sentences shall be provided: "Approved this _____ day of _____, 20____ by the Planning Commission of the City of West Carrollton, Ohio. If not recorded by the _____ day of _____, 20____, this approval shall be null and void."

152.45 - SUPPLEMENTARY INFORMATION

The following information shall be supplied in addition to the requirements in Section 152.44:

- A. If a zoning change is involved, certification from the Zoning Inspector shall be required indicating that the change has been approved and is in effect.
- B. Certification shall be required showing that all required improvements have been either installed and approved by the proper officials or agencies, or that a bond or other surety has been furnished assuring the installation and initial maintenance of the required improvements.

152.46 - FILING

The final plat shall be filed with the Planning Commission not later than twelve (12) months after the date of approval of the preliminary plat; otherwise the preliminary plat will be considered void unless an extension is requested by the developer and granted in writing by the Planning Commission.

152.47 - APPROVAL OF FINAL PLAT

The Planning Commission shall approve or disapprove the final plat within thirty (30) days after it has been filed. Failure of the 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 the disapproval shall be stated in the records of the Commission and a copy of said record shall be forwarded to the subdivider.

152.48 - TRANSMITTAL OF COPIES AND RECORDING

When the final plat has been approved by the Planning Commission, the original tracing shall be returned to the subdivider, for filing with the County Recorder after all necessary certificates are received. The plat shall be recorded within sixty (60) days of Commission approval. Plats not so recorded within sixty (60) days of Commission approval shall become void and must be resubmitted for Commission approval.

152.49 - FILE COPIES

The subdivider shall submit one reproducible tracing and two (2) prints of the final plat to the Community Development Department within thirty (30) days after recording the plat. No building permits shall be issued until this requirement is satisfied.

152.50 - PLAT VOID IF REVISED AFTER APPROVAL

No changes, erasures, modifications, or revisions shall be made in any Record Plan after approval has been given by the Planning Commission. All revisions will require Commission approval. In the event that any such Record Plan is recorded without complying with this requirement, the same shall be considered null and void and the Commission shall institute proceedings to have the Plan stricken from the records of the County Recorder.

152.51 - MINOR SUBDIVISIONS

Approval without a plat of a minor subdivision may be granted by the properly designated representative of the Planning Commission if the proposed division of a parcel of land meets all of the following conditions:

- A. The proposed subdivision is located along an existing public road and involves no opening, widening, or extension of any street or road.
- B. The proposed parcel division does not create an additional building lot.
- C. The property is not located within a platted subdivision.

- D. The proposed subdivision is not contrary to applicable subdivision or zoning regulations.
- E. The property has been surveyed and a survey sheet on a Montgomery County Surveyors Record and legal description of the property is submitted with the application.
- F. If the subdivision cannot be served by public sewer and water, approval by the Montgomery County Combined General Health District shall be submitted. If the subdivision can be served by public sewer and water, a statement shall be submitted from the proper authority that the tap-in is permitted.
- G. Approval by Montgomery County that all County requirements for instruments of conveyance are met.

If approval is given under these provisions, the Commission's representative shall approve such proposed division and, upon presentation of a conveyance for said parcel, shall stamp "No Plat Required: Approved by the City of West Carrollton" and the authorized representative of the Commission shall sign the conveyance. The Commission's designated representative may refer any minor subdivision to the Planning Commission for their action in cases where there are any special or unusual conditions.

152.52 – ADMINISTRATIVE APPROVAL OF SUBDIVISION REPLATS FOR LOT COMBINATION

The designated representative of the Planning Commission may approve on behalf of the Planning Commission subdivision replats within platted subdivisions where no additional building lots are created if the proposal meets all of the following conditions:

- A. Administrative approval shall only be granted for re-combinations of land and consolidation of lots. In no case shall administrative approval be granted where additional building lots would be created.
- B. Submission of a Final Subdivision Plat as required by these regulations.
- C. Review and approval by appropriate agencies shall be conducted and the proposed replat shall be in conformance with all applicable zoning and subdivision regulations.
- D. If all requirements are met, the designated representative of the Planning Commission shall approve and sign the subdivision replat on behalf of the Planning Commission.
- E. The designated representative of the Planning Commission may refer any subdivision replat for lot combination to the Planning Commission for their action in cases where there are any special or unusual conditions.

SUBDIVISION DESIGN STANDARDS

152.55 - GENERAL STATEMENT

The regulations in Sections 152.56 to 152.76, inclusive, shall control the manner in which streets, lots, and other elements of a subdivision are arranged on the land. These design controls shall help insure convenient and safe streets, creation of useable lots, provision of space for public utilities, and reservation of land for recreational uses. The planning of attractive and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned, haphazard growth.

The Planning Commission has the responsibility for reviewing the design of each future subdivision early in its design development. The Commission shall insure that all of the requirements of Sections 152.56 to 152.76, inclusive, are met.

152.56 - CONFORMITY TO DEVELOPMENT PLANS AND ZONING

The arrangement, character, width, and location of all thoroughfares or extensions thereof shall conform with the City's Major Thoroughfare Plan. Thoroughfares not contained in the aforementioned plan shall conform to the recommendation of the Planning Commission based upon the design standards set forth in Sections 152.57 to 152.68, inclusive. In addition, no final plat of land within the area in which an existing zoning ordinance is in effect shall be approved unless it conforms with such ordinance.

152.57 - SUITABILITY OF LAND

If the Planning Commission finds that the land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, topography, inadequate water supply, and other such conditions which may endanger health, life, or property; and, if from investigations conducted by the public agencies concerned, it is determined that in the best interest of the public the land should not be developed for the purpose proposed, the Commission shall not approve the land for subdivision unless adequate methods are advanced by the subdivider for solving the problems that will be created by the development of the land.

152.58 - STREET DESIGN

The arrangement, character, extent, width, grade construction, and location of all streets shall conform to the Major Thoroughfare Plan for the City of West Carrollton, or subsequent amendments thereto, and shall be considered in their relation to existing and planned streets, topographical conditions, and public convenience and safety; and in their appropriate relation to the proposed uses of the land to be served by such streets. The street pattern shall discourage through traffic in the interior of a subdivision. The subdivider shall provide within the boundaries of the subdivision plat the necessary right-of-way for the widening, continuance, or alignment of such streets in conformity with the Major Thoroughfare Plan.

152.59 - STREET DESIGN STANDARDS FOR CUL-DE-SACS AND LOOP TYPE LOCAL STREETS

The design and improvement standards contained herein are minimums for cul-de-sacs and loop type local streets in residential subdivisions. All such streets shall be designed and constructed in accordance with standards as specified in Table 1.

152.60 - STREET DESIGN STANDARDS FOR ALL LOCAL STREETS EXCEPT CUL-DE-SACS AND LOOP TYPE STREETS

The design and improvement standards contained herein are minimums for all local type streets, except cul-de-sacs and loop type streets, in residential subdivisions. All such streets shall be designed and constructed in accordance with the standards as specified in Table 2.

152.61 - COLLECTOR STREET DESIGN STANDARDS

The design and improvement standards contained herein are minimums for all collector streets. All such streets shall be designed and constructed in accordance with the standards as specified in Table 3.

152.62 - OFFICIAL THOROUGHFARE DESIGN STANDARDS

- A. The design standards of and the required improvements to arterial streets and roads are contained in Table 4. Construction design criteria on these streets are not specified in these regulations but are to be determined by the City Engineer when and if such a street abuts or crosses the proposed subdivision. Certain improvements may be waived after review and approval by the Planning Commission. In all cases right-of-way dedications shall be required
- B. The subdivider shall be responsible for all required improvements, including the required pavement width measured back to back of curb on an undivided street. On a divided street, the subdivider shall be responsible for the sidewalk, one curb, one-half (1/2) of the required pavement measured from back of curb to back of curb and storm drainage.
- C. When developing along one side of an existing street or roadway which is included in the Major Thoroughfare Plan, the subdivider shall be responsible for one (1) sidewalk, one (1) curb, pavement widening to thoroughfare width of his side, all necessary adjustments to existing pavement, and storm drainage for the street in accordance with an agreement with the City. Where sight distance or other engineering requirements make it imperative, the pavement adjustment responsibility shall include the replacement up to the entire existing pavement.
- D. Where marginal access streets are used to provide access to major arterials, improvements on those thoroughfares will be waived

TABLE 1

STREET DESIGN STANDARDS FOR CUL-DE-SACS AND LOOP TYPE LOCAL STREETS

TERRAIN CLASSIFICATION Development Density	LEVEL			ROLLING			HILLY		
	Low	Med	High	Low	Med	High	Low	Med	High
Right-of-way (ft.)	50	60	60	50	60	60	50	60	60
Pavement width (ft.)*	30	41	41	30	41	41	30	41	41
Sidewalk width (ft.)	4	4	4	4	4	4	4	4	4
Minimum Stopping Distance (ft.)	200	200	200	150	150	150	150	150	150
Maximum Grade	4%	4%	4%	8%	8%	8%	12%	12%	12%
Maximum Cul-de-Sac Length	700	500	500	600	500	500	500	500	500
Minimum Cul-de-Sac Radius (ROW)	50	50	50	50	50	50	50	50	50
Minimum Cul-de-Sac Radius (Pavement)	40	40	40	40	40	40	40	40	40
Minimum Centerline Radius of Streets with an Angle turn of:									
(1) 80 to 100	125	125	125	125	125	125	125	125	125
(2) Less than 80 or more than 100	200	200	200	200	200	200	200	200	200

*Pavement width from back of curb to back of curb

TABLE 2

STREET DESIGN STANDARDS FOR ALL LOCAL STREETS AND PUBLIC ACCESS
EASEMENTS EXCEPT CUL-DE-SACS AND LOOP TYPE STREETS

TERRAIN CLASSIFICATION Development Density	LEVEL			ROLLING			HILLY		
	Low	Med	High	Low	Med	High	Low	Med	High
Right-of-way (ft.)	50	60	60	50	60	60	50	60	60
Pavement width (ft.)*	30	41	41	30	41	41	30	41	41
Sidewalk width (ft.)	4	4	4	4	4	4	4	4	4
Minimum Stopping Sight Distance	200	200	200	150	150	150	150	150	150
Maximum Grade	4%	4%	4%	8%	8%	8%	12%	12%	12%
Minimum Centerline Radium of Streets with an Angle of Turn of:									
(1) 80 to 100	125	125	125	125	125	125	125	125	125
(2) Less than 80 or more than 100	200	200	200	200	200	200	150	150	150

*Pavement width from back of curb to back of curb

NOTE: Exceptions to the standards contained in this table are permitted under certain conditions for large lots.

TABLE 3

COLLECTOR STREET DESIGN STANDARDS

TERRAIN CLASSIFICATION	LEVEL			ROLLING			HILLY		
	Development Density	Low	Med	High	Low	Med	High	Low	Med
Right-of-way (ft.)	60	60	66	60	60	66	60	60	66
Pavement width (ft.)*	41	41	45	41	41	45	41	41	45
Sidewalk width (ft.)	5	5	5	5	5	5	5	5	5
Minimum Stopping Sight Distance	250	250	250	200	200	200	150	150	150
Maximum Grade	4%	4%	4%	8%	8%	8%	10%	10%	10%
Minimum Spacing when Intersection with Arterial	1320	1320	1320	1320	1320	1320	1320	1320	1320
Minimum Centerline Radius	350	350	350	230	130	130	150	150	150

TABLE 4

THOROUGHFARE STREET DESIGN STANDARDS

R/W WIDTH (ft.)	Sidewalks (ft.)	Planting Strip (ft.)	Median (ft.)	Pavement Width (ft.)
70	5	8	None	44
82	5	5	14	48
90	5	9	14	48
120	5	12	14	72

152.63 - HORIZONTAL ALIGNMENT

When there is an angle of deflection of more than ten (10) degrees between two (2) centerline tangent sections of a street, a curve of adequate radius shall connect them (see Sections 152.59 to 152.62 inclusive). Between reverse curves, a minimum tangent of fifty (50) feet shall be introduced.

152.64 - VERTICAL ALIGNMENT

All changes of grade shall be connected by vertical curves of a minimum length in feet equal to twenty (20) times the algebraic difference in the rate of grade for arterials and industrial streets; for collector and local streets, fifteen (15) times.

- A. Minimum vertical visibility shall conform to the Ohio Department of Transportation regulations in effect on the date of the approval of the preliminary plat.
- B. No street grade shall be less than 0.5 percent and on stop streets grade shall not exceed 2 percent positive or 3 percent negative within one hundred (100) feet of an intersection unless otherwise approved by the City Engineer.

152.65 - INTERSECTION DESIGN STANDARDS

- A. The design and improvement standards for intersections are suggested minimums for all street intersections in subdivisions. All such intersections shall be designed and constructed in accordance with the standards as specified in Table 5.
- B. Multiple intersections involving junctions of more than two (2) streets shall be avoided.
- C. Four-way intersections of local streets should be avoided and three-way or T-intersections should be encouraged wherever possible.
- D. Individual grades for each curb shall be provided on a stop street when the grade on the through street exceeds two (2) percent.
- E. Low points which would result in water ponding or poor visibility shall not be permitted.

TABLE 5
INTERSECTION DESIGN STANDARDS

TERRAIN CLASSIFICATION	LEVEL	ROLLING	HILLY
Maximum Approach Speed (MPH)	25	25	25
Clear sight distance (ft.) (Length along each approach leg)	90	90	70
Minimum of Angle of Intersection Streets shall remain in the angle of Intersection for at least 100 feet Beyond the point of intersection.		75° (90° preferred)	
Minimum Curb Radius (ft.)			
a. Local – Local	25	25	25
b. Local – Collector	25	25	25
c. Collector – Collector	30	30	30
d. Collector, marginal access - arterial	35	35	35
Minimum Centerline, offset of Adjacent intersections (ft.)			
a. Local – Local	150	150	150
b. Local – Collector	200	200	200
c. Collector – Collector	300	300	300
d. Collector, marginal access - arterial	1320	1320	1320

152.66 - SPECIAL STREET TYPES

The following requirements shall apply to special street types.

- A. Permanent dead-end streets shall not be permitted. Temporary deadend streets shall be permitted only as part of a continuing street plan.
- B. Dedication of new half-streets shall not be permitted. Where a dedicated or platted half-street exists adjacent to the tract being subdivided, the other half of said half-street shall be platted.
- C. Where a subdivision abutts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. There shall be no direct vehicular access from residential lots to such arterial streets or highways.
- D. Alleys shall not be approved in residential subdivisions except where justified by extreme conditions. Alleys may be required in commercial and industrial districts if other provisions cannot be made for adequate service access. The minimum widths for alleys shall be twenty (20) feet for the right-of-way and twenty (20) feet for the pavement width.

152.67 - STREETS FOR COMMERCIAL SUBDIVISIONS

Streets serving business developments and accessory parking areas shall be planned to connect with arterial streets so as not to generate traffic on local streets. The intersections of driveways from parking areas with arterial or collector streets shall be located so as to cause the least possible interference with traffic movement on the streets, and shall be located not less than one hundred (100) feet from the intersection of an arterial or collector street with any other street, and shall be spaced not less than two hundred (200) feet from each other. The Commission may require marginal access streets to provide maximum safety and convenience.

152.68 - STREETS FOR INDUSTRIAL SUBDIVISIONS

Collector streets for industrial subdivisions shall be planned to serve industrial areas exclusively and shall connect with arterial streets so that no industrial traffic will be directed into any residential streets. The intersections of service streets from parking areas with arterial or collector streets shall not be less than one hundred (100) feet from the intersection of the arterial or collector street with any other street.

Streets shall be planned to be extended to the boundaries of any adjoining land planned for industry, except for severe physical conditions or if the Commission finds such extension is not in accord with the approved plan of the area.

152.69 - SIDEWALKS

- A. Sidewalks shall be required on both sides of a street in all residential subdivisions. Sidewalks shall be required to be constructed along secondary or main highways as indicated in the Major Thoroughfare Plan and these regulations.
- B. Public sidewalks shall be required for all commercial lots.
- C. The Planning Commission may waive public sidewalks for industrial lots.

152.70 - BLOCKS

The following regulations shall govern the design and layout of blocks:

- A. The arrangement of blocks shall be such as to conform to the street planning criteria set forth in Sections 152.58 to 152.69 inclusive, and shall be arranged to accommodate lots and building sites of the size and character required for the district as set forth in these subdivision regulations or the Zoning Ordinance and to provide for the required community facilities.
- B. Irregularly shaped blocks, those intended for cul-de-sacs or loop streets, and those containing interior parks or playgrounds, may be approved by the Commission if properly designed and located and if the maintenance of interior public spaces is covered by agreements.
- C. No block shall be longer than fifteen hundred (1,500) feet and the block width shall accommodate two (2) tiers of lots, except where unusual topography or other exceptional physical circumstances exist.
- D. Where blocks are over nine hundred (900) feet in length a crosswalk easement not less than ten (10) feet in width at or near the halfway point may be required, if necessary, to provide proper access to schools, recreational areas, shopping centers, and other facilities.

152.71 - LOTS

The following regulations shall govern the design and layout of lots:

- A. The lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of the surrounding development.
- B. Each lot shall have its full frontage on a dedicated street or public access easement. The minimum lot sizes and frontage shall be as specified in the Zoning Ordinance. Where soil conditions are of such nature that proper operation of wells and septic tanks may be impaired, the Planning Commission may increase the size of any or all lots in the subdivision above the minimum required by the Zoning Ordinance.

- C. All side lots lines shall be at right angles to street lines and radial to curved street lines, except where the Commission determines that a variation to this rule would provide a better layout.
- D. Lots with double frontage shall be avoided except where the Commission determines that it is essential to provide separation of residential development from arterial streets.
- E. No corner lot shall have a width at the building of less than seventy-five (75) feet.
- F. The maximum depth of a lot shall not be greater than three times the width of the lot, except lots which contain an area of five (5) acres or more. Lots containing over five (5) acres shall not be less than three hundred (300) feet in width at any location; they should be of such shape and dimensions as to render the possible subdivision of any such parcels at some later date into lots and streets which meet the requirements of these regulations.
- G. Fifty (50) feet of additional lot depth may be required where a residential lot in a subdivision backs up to a railroad right-of-way, a high pressure gasoline or gas line, open draining ditch, arterial street, an industrial area or other existing land use which may have a detrimental effect on the residential use of the property, and where no street is provided at the rear of such lot. Where a residential lot has its side lot line adjacent to any of the aforementioned an appropriate additional width may also be required.

152.72 - EASEMENTS

- A. Utility Easements: Public utility easements at least ten (10) feet in total width split between abutting lots may be required along the rear and sides of lots where needed for the accommodation of a public utility, drainage or sanitary structures or any combination of the foregoing. Where deemed necessary by the Planning Commission an additional easement width shall be provided.
- B. Watercourses: The subdivider shall dedicate rights-of-way or provide easements for storm drainage purposes which conform substantially with the lines of any natural watercourses, channels, streams, or creeks which traverse the subdivision or for any new channel which is established to substitute for a natural watercourse, channel, stream, or creek. Such rights-of-way or easements shall be of a width which will provide for the maintenance of the channel and incidental structures as determined by the Planning Commission.

152.73 - PHYSICAL CONSIDERATIONS

Natural Land Uses: Subdivisions should be planned to take advantage of the topography of the land, to economize in the construction of drainage facilities, to reduce the amount of danger, to minimize the destruction of trees and topsoil and to preserve such natural features as watercourses, unusual rock formations, large trees, sites for historical significance and other assets which, if preserved, will add attractiveness and value to the subdivision and the community.

152.74 - FLOODPLAIN

- A. As a safety measure for the protection of the public health, safety and welfare, the Planning Commission shall not approve any subdivision located in areas subject to periodic flooding. If the subdivision is located in said area or an area having other physical impairment, the Commission may approve the subdivision provided the developer or subdivider agrees to perform such improvements as will render the area substantially safe for residential, commercial or industrial uses; and further, provide that in lieu of the improvements, the subdivider shall furnish a surety bond or a certified check covering the estimated cost of such improvements. Prior to acting on a proposed subdivision located in a flood plain, the Commission shall secure the advice of the Miami Conservancy District.
- B. Street Easement: If a stream flows through, or adjacent to, the proposed subdivision, the plat shall provide for a storm water easement or drainage right-of-way along the stream for a floodway of at least ten (10) feet. For the smaller streams, the plat shall provide for channel improvement to enable them to carry all reasonable floods within banks. The floodway easement shall be wide enough for future enlargement of the stream channels as adjacent areas become more highly developed and runoff rates are increased.
- C. Streets: Approval shall not be given for streets within a subdivision which would be subject to flooding. All streets must be located at elevations which will make them flood free in order that no portion of the subdivision would become isolated by floods.

152.75 - PUBLIC OPEN SPACES AND SITES

Where a park, playground, school, or public access to water frontage which is shown in the Comprehensive Plan is located in whole or in part in the proposed subdivision, the Commission shall request the dedication of such area within the subdivision. The subdivider shall pay for only that portion of the cost of the public site that benefits his subdivision as determined by the Commission. The Commission shall wherever possible establish the preservation of all natural features which add value to residential developments and to the community, such as large wooded areas, water courses, beaches, areas of historical significance and similar irreplaceable assets.

152.76 - PARK LAND DEDICATION OR FEE IN LIEU OF LAND

For the purpose of providing parks, playground, or other recreational areas, the Commission shall require that land be dedicated or a fee in lieu of land be paid. The Commission shall make the decision as to the appropriate method of providing parks.

- A. Park Land Dedication - Land dedicated for park purposes shall be based on the criteria of providing 2.5 acres of neighborhood parks for each 1,000 population. The procedure for the land dedication shall be:
 - 1. Procedure - The Planning Commission shall refer any subdivision proposed to contain a dedicated park to the Parks and Recreation Board for a recommendation. All land to be reserved for dedication to West Carrollton for park purposes shall have prior approval of the City Council and shall be marked on the plat "Reserved for Park and/or Recreation Purposes".
 - 2. The Amount of Land Dedicated - The number of acres to be reserved shall be determined by multiplying the number of lots created for single family houses by .008. For multi-family residential developments the number of units permitted by the Zoning Ordinance shall be multiplied by .008 to determine the acreage required for parks
 - 3. Park Sites - Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield, or other recreation purposes, and shall be relatively level and dry; and shall be improved by the developer to the standards required by the Planning Commission, which improvements shall be included in the performance bond. A recreation site shall have a total frontage on one or more streets of at least two hundred (200) feet, and no other dimension of the site shall be less than two hundred (200) in depth.
 - 4. Minimum Size - In general, land reserved for recreation purposes shall have an area of at least two (2) acres. When less than two (2) acres are created, the commission may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an area of less than one (1) acre be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its area.
- B. Money in Lieu of Land - In subdivisions where the Commission has determined that it is not feasible or practical to dedicate land, a fee in lieu of land shall be paid to the City. This fee shall be equal to one-half of one percent of the estimated cost of construction, to be paid on each building permit issued for the construction of a residential building.

- C. Applicability to Planned Unit Developments Residential - Planned Unit Developments shall not be exempt from the provisions of this section, except as to such portion of land which is actually dedicated to the City for park and recreation purposes. If no further area, other than the area to be reserved as required by the Zoning Ordinance, is required by the Planning Commission, the full fee shall be paid as required in 152.76 (B).

- D. Other Recreation Reservations - The provisions of this section are minimum standards. Nothing in this section shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this section.

152.77 - WHEELCHAIR RAMPS

Wheelchair ramps shall be provided at all corners and where required walkways intersect with streets.

REQUIREMENTS FOR CONSTRUCTION OF IMPROVEMENTS

152.80 - GUARANTEE FOR INSTALLATION OF IMPROVEMENTS

- A. In order that the City has the assurance that the construction and installation of such improvements as street surfacing, curbs, gutters, sidewalks, public sanitary sewers, public water supply and street signs will be constructed, the subdivider shall enter into one of the following agreements:
1. To construct all improvements directly affecting the subdivision, as required by the City prior to the final approval of the plat; or,
 2. In lieu of the completion of the improvements, furnish a bond executed by a surety company, letter of credit or certified check equal to the cost of construction of such improvements as shown on plans, and based on an estimate approved by the City Engineer.
- B. Before the final plan is given final approval, the developer shall have executed a subdivider's contract and a performance bond, letter of credit or certified check with the City covering the estimated cost of required improvements. Letters of credit shall not permit draws by the developer without the express approval of the City.
- The performance bond, letter of credit or cash deposit shall run to the City and shall provide that the subdivider, his heirs, successors and assigns, their agent or servants, will comply with all applicable terms, conditions, provisions and requirements of these regulations, and will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with such laws and regulations, and that the work will be completed within two (2) years from the date of execution, but the bond or letter of credit will run indefinitely until released by the City.
- C. If the construction or installation of any improvement or facility, for which guarantee has been made by the developer in the form of a bond, letter of credit or cash deposit, is not completed within two (2) years from the date of final approval of the record plan, the developer may request the City to grant an extension of six (6) months, provided he can show reasonable cause for inability to complete said improvements within the required two (2) years. The extension shall not exceed six (6) months. At the expiration of the six (6) month extension, the City will use as much of the bond, letter of credit or cash deposit as necessary to complete the construction of the improvements.
- D. As required improvements are completed, approved, and accepted, the City Council, with the concurrence of the City Engineer, may reduce the amount of the performance bond, letter of credit or cash deposit.

- E. Periodic inspections during the installation of improvements shall be made by the City to insure conformity with the approved plans and specifications as required by these regulations.

The subdivider shall notify proper administrative officials at least twenty-four (24) hours before each phase of the improvements is ready for inspections.

The absence of an inspector from a plat during construction shall not relieve the subdivider from full responsibility under this agreement. Upon acceptable completion of installation of the required improvements, the City Manager shall issue a letter to the subdivider or his agent and such letter shall be sufficient evidence for the release by the City.

- F. When the proper administrative officials, following final inspection of a subdivision, certify to the City Council that all improvements have been constructed in accordance with City specifications, the City Council may proceed to accept the facilities for which bond, letter of credit or cash deposit has been posted.
- G. Whenever public improvements have not been constructed in accordance with the agreement and with specifications as established, the City Council may exercise its rights of foreclosure under the bond, letter of credit or cash deposit.

152.81 - CONSTRUCTION PROCEDURE AND MATERIALS

The subdivider shall design and construct improvements not less than the standards outlined in the Standard Drawing and Montgomery County Specifications and these regulations. The work shall be done under City supervision and inspection and shall be completed within the time fixed or agreed upon by the City. The minimum requirements for materials shall be in accordance with the standards of the then current or as subsequently amended volume of "Construction and Material Specifications" of the State of Ohio Department of Transportation and the requirements of the Ohio E.P.A. All inspection costs shall be paid for by the subdivider.

152.82 - MONUMENTS, MARKERS AND PINS

Permanent concrete monuments shall be accurately set and established at the intersection of all outside boundary lines of the subdivision; at the intersection of those boundary lines with all street lines; at the beginning and end of all curves; at points on the curve where the radius or direction changes; and at such other points as are necessary to establish definitely all lines of the plat, including all corners. Stone or concrete monuments shall be at least thirty-six (36) inches long and at least six (6) inches in diameter, and shall be provided with an appropriate center point. Solid iron pins or iron pipe monuments at least three-quarters (3/4) inch in diameter and at least thirty (30) inches long shall be set at the corners of all lots. All required monuments, markers, and pins shall be in place prior to the release of the performance bond.

152.83 - STREET IMPROVEMENTS

All streets shall be graded to their full width, including side slopes, and improved in conformance with the standards given or referred to in these regulations.

152.84 - STREET WIDTH

Minimum street pavement widths shall conform to the standards given in Section 152.59 to 152.62 inclusive.

152.85 - STREET SUBGRADE

The subgrade shall be free of sod, vegetative or organic matter, soft clay, and other objectionable materials for a depth of at least two (2) feet below the finished surface. The subgrade shall be properly rolled, shaped, and compacted, and shall be subject to the approval of the City Engineer.

152.86 - STREET BASE COURSE

The street base course shall conform to the Standard Drawings.

152.87 - STREET SURFACE COURSE

Upon the expiration of the established maintenance period for the base course, the surface course shall be constructed using either asphaltic concrete, bituminous mix, or Portland cement concrete. Specific material and thickness recommendations are stated in the Standard Drawings.

152.88 - PORTLAND CEMENT CONCRETE PAVEMENT

If the subdivider elects to construct streets totally out of Portland cement concrete or if such pavement is required by the City Engineer, the design shall conform to the Standard Drawings.

152.89 - FULL-DEPTH ASPHALT PAVEMENT

If streets are to be constructed out of "full-depth" asphalt, the design shall conform to the Standard Drawings.

152.90 - STREET CURBS AND GUTTERS

Curb or combined curb and gutter shall be constructed along all streets according to the Standard Drawings

152.91 - SIDEWALKS

All sidewalks shall be constructed of Portland cement concrete or other acceptable material to the minimum width specified in Sections 152.50 through 152.62 inclusive, and a minimum depth of four (4) inches in accordance with the Standard Drawings.

152.92 - DRIVEWAYS

Driveways shall be constructed in accordance with the Standard Drawings.

152.93 - STREET NAME SIGNS AND STREET NAMING

- A. Street name signs of a type in use throughout the City and in accordance with the Standard Drawings shall be erected by the subdivider at all intersections and at all places where streets change name.
- B. Street names shall not duplicate the names of existing streets in the City or the County.
- C. Whenever a new street is constructed along the approximate alignment or extension of an existing street, its name shall be the same as that of the existing one.
- D. To avoid duplication and confusion, the proposed names of all streets shall be approved by the Planning Commission prior to such names being assigned or used.

152.94 - STREET AND WALKWAY LIGHTING

Installation of street lights and walkway lights in any residential, commercial or industrial subdivision shall be the financial responsibility of the developer of such subdivision. Such lights shall be installed as directed by the Service Director. The lights shall be installed by the public utility serving that area unless otherwise directed by the city.

152.95 - STREET TREES

Trees shall be provided by the subdivider in all subdivisions where curbs, gutters and sidewalks are required. One tree should be provided in front of each house, additional trees may be required in other types of subdivisions. Trees shall be of a species which are resistant to damage and disease and which do not cause interference with underground utilities, or visibility at street intersections. For example, pine oaks, marshall seedless ash, sugar maples, sweetgums, lindens or tulip trees may be used. The trees should be a minimum of two (2) inches in diameter. Existing trees shall be retained whenever possible.

152.96 - WATER SUPPLY IMPROVEMENTS

The following requirements shall govern water supply improvements:

- A. Where a public water supply is reasonably accessible or required because of pollution problems in the determination of the City Planning Commission, the subdivision shall be provided with a complete water distribution system, including a connection for each lot and appropriately spaced fire hydrants. Public water distribution and public wells systems shall meet the requirements of the Ohio E.P.A. as cited in Sections 3701.18 to 3701.21, inclusive, of the Ohio Revised Code.

- B. Where public water supply is not available or not required, the subdivider shall supply evidence that the Montgomery County Combined General Health District has approved the private well. The subdivider may be required to make one (1) or more test wells in the area to be platted if such evidence is deemed not acceptable. Copies of well logs which are obtained shall include the name and address of the well driller and shall be submitted with the plat to the City Planning Commission.
- C. Individual private wells shall be located as approved by the Combined General Health District. In all cases where it has been determined that individual water supplies from private wells are not feasible, a public water distribution system shall be required.

152.97 - FIRE PROTECTION

Fire hydrants with two and one-half (2 1/2) inch outlets with N.S.T. threads and one (1) four and one-half (4 1/2) inch pumping connections shall be provided by the subdivider in all subdivisions with public water supplies. The hydrants should be located between property lines and curbs with all outlets facing or parallel to the street. In residential areas hydrants shall be placed at the corners of all blocks and mid-block for blocks exceeding six hundred (600) feet in length. The maximum distance permitted between the nearest hydrant and any house shall not exceed three hundred (300) feet. Hydrants in business and industrial areas shall be spaced not more than four hundred (400) feet apart, so that the maximum distance between any building and the nearest hydrant will not exceed two hundred (200) feet. The type of hydrant and control valves and the location of the hydrant shall be approved by the Fire Chief. The minimum size of any water line serving any hydrant shall not be less than six (6) inches in diameter and shall be circulating water lines. In multi-family residential areas and low-to-moderate risk commercial areas the minimum size of the water main shall be eight (8) inches. In industrial areas and high risk commercial areas the minimum water size shall be twelve (12) inches. When exceptional circumstances warrant, the Planning Commission on the advice of the Service Director, may reduce the requirements for commercial or industrial areas.

The size and location of all water lines and hydrants shall be approved by the City Engineer, Fire Chief and Service Director.

152.98 - SANITARY SEWER IMPROVEMENTS

The following requirements shall govern sanitary sewer improvements:

- A. Where an adequate public sanitary sewer system is reasonably accessible, in the determination of the City Planning Commission, public sanitary sewers shall be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the Ohio E.P.A. and City standards. Combinations of sanitary sewers and storm sewers shall be prohibited.

- B. Where a public sanitary sewer system is not reasonably accessible, the subdivider may provide:
 - 1. A central treatment plant for the group, provided that such central treatment plant is installed in accordance with State, City and Combined General Health District requirements; or,
 - 2. Lots may be served by individual disposal systems if the provisions of Section 152.98 (C) are met.
- C. Where the installation of individual disposal systems is considered, the suitability of the soil for individual systems, the absorptive ability of the soil, surface drainage, ground water level, and topography shall be the criteria for determining whether or not the installation of individual systems is permissible. Criteria shall be in accordance with the requirements of the City, Combined General Health District, and the requirements of the Ohio E.P.A.
- D. Each lot so served shall be of a size and shape to accommodate the necessary length of tile field at a safe distance from and at a lower elevation than the proposed building(s). Such lot size and shape shall conform to the requirements of the zoning district in which they are located.
- E. At least one (1) percolation test shall be made for each lot being platted, and each test shall be located in close proximity to the proposed individual sewage disposal unit, be numbered, and its location shown on the preliminary plat. All percolation tests shall be performed in accordance with the requirements of the City Planning Commission and the Combined General Health District.
- F. Where the installation of individual disposal units is considered and where the average natural ground slope exceeds ten (10) percent, the installation of a step-up disposal system may be required subject to specification by the City and the Montgomery County Combined General Health District.
- G. In areas where public sewerage will be available in a reasonable period of time the Planning Commission may require the installation of a sewage collection system to serve all lots.

152.99 - DRAINAGE IMPROVEMENTS

The subdivider shall construct all necessary facilities including underground pipe, inlets, catch basins, or open drainage ditches, as approved by the City Engineer, to provide for the adequate disposal of subsurface and surface water and maintenance of natural drainage courses. The velocity of flow in an open ditch shall not exceed four (4) feet per second in soil ditches or six (6) feet per second in turf gutters. Paved gutters will be required if velocities of flow are greater than those specified or if it is otherwise likely that destructive erosion will result. Drainage ditches shall not be permitted to discharge into any sanitary sewer facility.

152.100 - STORM SEWERS AND STORM WATER DRAINAGE

Where an adequate public storm sewer is available at the plat boundary, the subdivider shall construct a storm sewer system and connect with such storm sewer line. If such a storm sewer system is not accessible, natural drainage channels with easements of adequate width shall be provided, as approved by the City Engineer and the City Planning Commission. Paved gutters or storm sewers shall be required if velocities of flow are greater than specified in Section 152.99 of these regulations or cause destructive erosion. Storm drainage, including drain tile around basements, shall not be permitted to discharge into any sanitary sewer facility, but shall connect to an adequate drainage outlet.

152.101 - CULVERTS AND BRIDGES

Where natural drainage channels intersect any street right-of-way, it shall be the responsibility of the subdivider to have satisfactory bridges and/or culverts constructed. Where culverts are required, minimum requirements shall be observed as follows:

- A. All culverts shall extend across the entire right-of-way width of the proposed street. The cover of the culvert and its capacity shall be approved by the City Engineer. The minimum diameter of a culvert pipe shall be eighteen (18) inches. Depending on existing drainage conditions, head walls may be required.
- B. Driveway culverts shall be of adequate length and size as approved by the City Engineer. The driveway culverts shall be laid so as to maintain the flow lines of the ditch or gutter. Head walls may be required.

152.102 - ELECTRIC, GAS, AND TELEPHONE IMPROVEMENTS

- A. Electric service and telephone service shall be provided within each subdivision. Gas service may be required where reasonably accessible. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat. Telephone, electric, and street lighting wires, conduits and cables shall be constructed underground except where the City Engineer determines that topographic, bedrock, or underground water conditions would result in excessive costs to the subdivider.
- B. Overhead utility lines, where permitted, shall be located at the rear of all lots. The width of the easement per lot shall be not less than five (5) feet and the total easement width shall be not less than ten (10) feet.
- C. Whenever a sanitary sewer line and electric and/or telephone line are each placed underground in the same utility easement, the following provisions shall be applicable.

152.103 – OVER-SIZE AND OFF-SITE IMPROVEMENTS

The utilities, pavements, and other land improvements required for the proposed subdivision may be required to be designed of over-size and/or extensions provided to serve nearby land which is an integral part of the neighborhood service or drainage area as determined by the City Engineer.

152.104 – COST OF OVER-SIZE IMPROVEMENTS

The subdivider shall be required to pay for only that part of the construction costs for the trunk sewers, or water lines which are serving the proposed subdivision as determined by the City. The City shall pay only the difference of pipe costs of oversizing water mains and sanitary sewer required to service the surrounding area. The subdivider shall be required to pay for only that part of the construction costs for major arterial streets as specified in Section 152.62 or as determined by the City.

152.105 – EXTENSIONS TO BOUNDARIES

The subdivider may be required to extend the necessary improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land, as determined by the City Planning Commission.

152.106 – OFF-SITE EXTENSIONS

If streets or utilities are not available at the boundary of a proposed subdivision, and if the City Planning Commission finds that the extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a municipal expense until some future time, the subdivider may be required, prior to the approval of the final plat, to obtain necessary easements or rights-of-way and construct and pay for such extensions. Such improvements shall be available for connections by subdividers of adjoining land.

152.107 – FINAL INSPECTIONS

Upon completion of all improvements, the subdivider shall request, in writing, a final inspection by the City Engineer as required under Section 711.091 of the Ohio Revised Code.

FLOOD HAZARD AREAS

152.110 – FLOOD HAZARD AREAS

Refer to Ordinance No. 2278 adopted August 25, 1981 entitled “Flood Damage Prevention Ordinance”, which regulates development within flood hazard areas.

REVISIONS – ENFORCEMENT

152.130 – RECORDING OF PLAT

No plat of any subdivision shall be recorded by the County Recorder of Montgomery County or have any validity until said plat has received final approval in the manner prescribed in these regulations.

152.131 – 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 City Planning Commission, and endorsed in writing on the plat, unless said plat is first resubmitted to the Commission.

152.132 – 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.

152.133 – SCHEDULE OF FEES, CHARGES, AND EXPENSES

The City Council shall establish a schedule of fees, charges and expenses, and a collection of procedure for the same, and other matters pertaining to these regulations. The schedule of fees shall be posted in the office of the City Clerk, and may be altered, or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

152.134 – PENALTIES

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

- A. Whoever violates any rule or regulation adopted by the City 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 City or any citizen thereof. Whoever violates these regulations shall forfeit and pay not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00). Such sum may be recovered with costs in a civic action brought in the Court of Common Pleas of Montgomery County.

- B. A county Recorder who records a plat contrary to the provisions of those regulations shall forfeit and pay not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), to be recovered with costs in a civil action by the prosecuting attorney in the name and for the use of Montgomery County.

- C. Whoever, being the owner or agent of the owner of any land within or without 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 ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each lot, parcel, or tract of land 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. If such land is within a municipal corporation, such sum may be recovered in a civil action brought in the Court of Common Pleas of Montgomery County by legal representative of the City in the name of the City.

- D. Any person who disposes of, offers for sale or lease for a time exceeding five (5) years any lot or any part of a lot in a subdivision before provisions of these regulations are complied with shall forfeit and pay the sum of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each lot or part of a lot so sold, offered for sale or leased, to be recovered with costs in a civil action, in the name of the City Treasurer for the use of the City.

152.135 – VARIANCES

The following regulations shall govern the granting of variances:

- A. Where the City 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 hardship, provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these regulations or the desirable development of the neighborhood and community. Such variations shall not have the effect of nullifying the intent and purpose of these regulations, the Comprehensive Plan, or the Zoning Ordinance.

- B. In granting variances or modifications, the City Planning Commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.

152.136 – APPEAL

Any person who believes he has been aggrieved by the regulations or actions of the City Planning Commission has all the rights of appeal as set forth in Chapter 711 of the Ohio Revised Code or any other applicable section of the Ohio Revised Code.

ENACTMENT

152.140 – EFFECTIVE DATE

These regulations shall become effective from and after the date of their approval and adoption by the City Planning Commission and City Council after public hearing and certification to the Montgomery County Recorder. Henceforth, any other regulations previously adopted by the City Council or the City Planning Commission shall be deemed to be repealed. These regulations shall in no way affect any subdivision having received preliminary approval to the effective date provided, however, that no changes to the preliminary plat, as approved, are introduced by the subdivider.