

## CHAPTER 151: SUBDIVISION REGULATIONS

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GENERAL PROVISIONS

§ 151.01 DEFINITIONS.

For the purpose of this chapter the following words and phrases listed in §§ 151.0110 through 151.0162 shall have the following meanings ascribed to them respectively. (Ord. 24655, passed 2—20—73)

“ALLEY.” See, “THOROUGHFARE.”

§ 151.0110 BLOCK.

“BLOCK.” A parcel of land bounded on all sides by a street or streets. (Ord. 24655, passed 2-20-73)

“BUILDING LINE.” See, “SETBACK LINE.”

§ 151.0111 COMPREHENSIVE DEVELOPMENT PLAN.

“COMPREHENSIVE DEVELOPMENT PLAN.” A plan, or any portion thereof, adopted by the Plan Board and/or the legislative authority of the county showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major streets, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community. (Ord. 24655, passed 2-20-73)

“CORNER LOT.” See, “LOT TYPES.”

§ 151.0112 COVENANT.

“COVENANT.” A written promise or pledge. (Ord. 24655, passed 2-20-73)

§ 151.0113 CROSSWALK.

“CROSSWALK.” A 10 foot right-of-way, publicly owned, cutting across a block in order to provide pedestrian access to adjacent street or property. (Ord. 24655, passed 2-20-73)

“CUL-DE-SAC.” See, “THOROUGHFARE.”

§ 151.0114 CULVERT.

“CULVERT.” A transverse drain that channels under a bridge, street, or driveway. (Ord. 24655, passed 2-20-73)

“DEAD-END STREET.” See, “THOROUGHFARE.”

§ 151.0115 DENSITY.

“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 the 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. (Ord. 24655, passed 2-20-73)

§ 151.0116 DENSITY, LOW RESIDENTIAL.

“DENSITY, LOW RESIDENTIAL.” Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed 3 dwelling units per gross acre. (Ord. 24655, passed 2-20-73)

§ 151.0117 DENSITY, MEDIUM-LOW RESIDENTIAL.

“DENSITY, MEDIUM-LOW RESIDENTIAL.” Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed 6 dwelling units per gross acre. For the purpose of street design requirements, the medium-low density residential classification shall be considered as medium density. (Ord. 24655, passed 2-20-73)

§ 151.0118 DENSITY, MEDIUM RESIDENTIAL.

“DENSITY, MEDIUM RESIDENTIAL.” Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed 8 dwelling units per gross acre. (Ord. 24655, passed 2-20-73)

§ 151.0119 DENSITY, MEDIUM-HIGH RESIDENTIAL.

“DENSITY, MEDIUM-HIGH RESIDENTIAL.” Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed 12 dwelling units per gross acre. For the purpose of street design requirements, the medium-high density residential classification shall be considered as high density. (Ord. 24655, passed 2-20-73)

§ 151.0120 DENSITY, HIGH RESIDENTIAL.

“DENSITY, HIGH RESIDENTIAL.” Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed 32 dwelling units per gross acre. (Ord 24655, passed 2-20-73)

§ 151.0121 DEVELOPER.

“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. (Ord. 24655, passed 2-20-73)

§ 151.0122 DWELLING.

“DWELLING.” Any building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a tent, cabin, trailer, or trailer coach or other temporary or transient structure or facility.

(A) “SINGLE-FAMILY.” A building occupied or constructed to be occupied exclusively for residential purposes by one family or housekeeping unit.

(B) “TWO-FAMILY.” A building occupied or constructed to be occupied exclusively by not more than 2 families or housekeeping units.

(C) “MULTIPLE.” A building or portion thereof occupied or constructed to be occupied by more than 2 families or housekeeping units. (Ord. 24655, passed 2—20—73)

§ 151.0123 DWELLING GROUP.

DWELLING GROUP.” A group of 2 or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common. (Ord. 24655, passed 2-20-73)

§ 151.0124 DWELLING UNITS.

“DWELLING UNITS.” One room, or a suite of 2 or more rooms, designed for or used by one family or housekeeping unit for living and sleeping purposes and which includes permanently installed cooking and lawfully required sanitary facilities. (Ord. 24655, passed 2-20-73)

§ 151.0125 EASEMENT.

“EASEMENT.” Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property. (Ord. 24655, passed 2-20-73)

§ 151.0126 ENGINEER.

“ENGINEER.” Any person registered to practice professional engineering by the state board of registration as specified in R.C. § 4733.14. (Ord. 24655, passed 2-20-73)

§ 151.0127 HIGHWAY DIRECTOR.

“HIGHWAY DIRECTOR.” The Director of the Ohio Department of Highways. (Ord. 24655, passed 2-20-73)

§ 151.0128 IMPROVEMENTS.

“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. (Ord. 24655, passed 2-20-73)

“LOCATION MAP.” See, “VICINITY MAP.”

§ 151.0129 LOT.

“LOT.” A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and its accessory buildings and uses, including all open spaces required by the zoning regulations, and having frontage on a public street. The word “LOT” includes the words “PLOT” or “PARCEL.”

(A) “CORNER.” A lot abutting upon 2 or more streets at their intersection or upon 2 parts of the same street, and in either case forming an interior angle of 135° or less.

(B) “DOUBLE FRONTAGE.” A lot having a frontage on 2 nonintersecting streets, as distinguished from a corner lot.

(C) “INTERIOR.” A lot other than a corner lot. (Ord. 24655, passed 2-20-73)

§ 151.0130 LOT AREA.

“LOT AREA.” The computed area contained within the lot lines. (Ord. 24655, passed 2-20-73)

§ 151.0131 LOT COVERAGE.

“LOT COVERAGE.” The percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves. (Ord. 24655, passed 2-20-73)

§ 151.0132 LOT FRONTAGE.

“LOT FRONTAGE.” The distance between the side lot lines, measured by a line drawn parallel with the front lot line at a point of required minimum front yard depth. (Ord. 24655, passed 2-20-73)

§ 151.0133 LOT LINES.

“LOT LINES.”

(A) “FRONT.” A street right-of-way forming the boundary of a lot. On a corner lot, the street right-of-way line with the least amount of street frontage shall be the front lot line.

(B) “REAR.” The lot line that is most distant from, and is, or is most nearly parallel to, the front lot line. If a rear lot line is less than 15 feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least 15 feet long, lying wholly within the lot, parallel to the front lot line.

(C) “SIDE.” A lot line which is neither a front lot line nor a rear lot line. On a corner lot, the street right-of-way line with the greatest amount of street frontage shall be a side lot line. (Ord. 24655, passed 2-20-73)

§ 151.0134 LOT OF RECORD.

“LOT OF RECORD.” A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder; or a parcel of land, the deed to which was of record as of the effective date of the zoning plan. (Ord. 24655, passed 2-20-73)

§ 151.0135 MINOR SUBDIVISION.

“MINOR SUBDIVISION.” A division of a parcel of land that does not require a plat to be approved by a planning authority according to R.C. § 711.131. Also known as LOT SPLIT. (Ord. 24655, passed 2-20-73)

§ 151.0136 MONUMENTS.

“MONUMENTS.” Permanent concrete or iron markers used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary line corners, and points of change in street alignment. (Ord. 24655, passed 2-20-73)

§ 151.0137 OFFICIAL THOROUGHFARE PLAN.

“OFFICIAL THOROUGHFARE PLAN.” The official thoroughfare plan for the city and 3 mile jurisdiction area, establishing the official right-of-way width of major streets, on file in the office of the Plan Board, together with all amendments thereto subsequently adopted. (Ord. 24655, passed 2-20-73)

§ 151.0138 OPEN SPACE.

“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 recreational facilities that the Plan Board deems permissive. Streets, structures for habitation, and the like shall not be included. (Ord. 24655, passed 2-20-73)



§ 151.0139 OUT LOT.

“OUT LOT.” Property shown on a subdivision plat outside of the boundaries of the land which is to be developed and which is to be excluded from the development of the subdivision. (Ord. 24655, passed 2-20-73)

§ 151.0140 PAD.

“PAD.” A building site prepared by artificial means, including, but not limited to, grading, excavation, or filling, or any combination thereof. (Ord. 24655, passed 2-20-73)

§ 151.0141 PARKING SPACE, OFF-STREET.

“PARKING SPACE, OFF-STREET.” An area adequate for parking an automobile with room for opening doors on both sides, with properly related access to a public street or alley and maneuvering room, which shall be located totally outside of any street or alley right-of-way. (Ord. 24655, passed 2-20-73)

§ 151.0142 PERFORMANCE BOND OR SURETY BOND.

“PERFORMANCE BOND OR SURETY BOND.” An agreement by a subdivider or developer with the city or other applicable government agency having jurisdiction 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. (Ord. 24655, passed 2-20-73)

§ 151.0143 PLANNED DEVELOPMENT.

“PLANNED DEVELOPMENT.”

- (A) Land under unified control, planned and developed as a whole, and
- (B) In a single development operation or a definitely programmed series of development operations including all lands and buildings, and
- (C) According to comprehensive and detailed plans which include not only streets, utilities, lots, or building sites and the like, but also site plans and design principles for all buildings as intended to be located, constructed, used, and related to each other; and detailed plans for other uses and improvements on the land as related to buildings, and
- (D) With a program for provision, operation, and maintenance of such areas, improvements, and facilities necessary for common

use by some or all of the occupants of the development, but which will not be provided, operated, or maintained at general public expense. (Ord. 24655, passed 2-20-73)

§ 151.0144 PLAN BOARD.

“PLAN BOARD.” Plan Board of Dayton, Ohio. (Ord. 24655, passed 2-20-73)

§ 151.0145 PLAT.

“PLAT.” The map, drawing, or chart on which the developer's plan of subdivision (preliminary) is presented to the Planning Commission for approval and, after such approval, to the County Recorder (final) for recording. (Ord. 24655, passed 2-20-73)

§ 151.0146 PUBLIC WAY.

“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. (Ord. 24655, passed 2-20-73)

§ 151.0147 RIGHT-OF-WAY.

“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. (Ord. 24655, passed 2-20-73)

§ 151.0148 SETBACK LINE.

“SETBACK LINE.” A line parallel to the street right-of-way line at any story level of a building and representing the distance which all or any part of the building is to be set back from the right-of-way. (Ord. 24655, passed 2-20-73)

§ 151.0149 SEWERS, CENTRAL OR GROUP.

“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. (Ord. 24655, passed 2-20-73)

§ 151.0150 SEWERS, ON-SITE.

“SEWERS, ON-SITE.” A septic tank or similar installation on an 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. COrd. 24655, passed 2-20-73)

§ 151.0151 SIDEWALK.

“SIDEWALK.” That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic. See, “WALKWAY.” (Ord. 24655, passed 2-20-73)

“SIGHT DISTANCE.” See, § 151.39.

“SUBDIVIDER.” See, “DEVELOPER.”

§ 151.0152 SUBDIVISION.

“SUBDIVISION.”

(A) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into 2 or more parcels, sites, or lots any one of which is less than 5 acres for the purpose, whether immediate or future, of transfer of ownership, provided that the division or partition of land into parcels of more than 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 sites, 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.” (Ord. 24655, passed 2-20-73)

§ 151.0153 SURVEYOR.

“SURVEYOR.” A registered land surveyor in the state. (Ord. 24655, passed 2-20-73)

§ 151.0154 TERRAIN CLASSIFICATION.

“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.” Land which has a cross slope range of 4% or less.

- (B) “ROLLING.” Land which has a cross slope range of more than 4% but not more than 8%.
- (C) “HILLY.” Land which has a cross slope range of more than 8% but not more than 15%.
- (D) “HILLSIDE.” Land which has a cross slope range of more than 15%. (Ord. 24655, passed 2-20-73)

§ 151.0155 THOROUGHFARE, STREET, OR ROAD.

“THOROUGHFARE, STREET, OR ROAD.” The full width between property lines bounding every public way of whatever nature, with a part 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 principal entrance and circulation routes within residential subdivisions.
- (D) “CUL-DE-SAC.” A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- (E) “DEAD-END STREET.” A street temporarily having only one 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 principal radius points of the 1800 system of turns are not more than 1,000 feet from the arterial or collector street, nor normally more than 600 feet from each other.
- (H) “MARGINAL ACCESS STREET.” A local or collector street<sup>1</sup> 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.) (Ord. 24655, passed 2-20-73)

§ 151.0156 USED OR OCCUPIED.

“USED or “OCCUPIED.” Include the words “INTENDED,” “DESIGNED,” or “ARRANGED TO BE USED OR OCCUPIED.” (Ord. 24655, passed 2-20-73)

§ 151.0157 VARIANCE.

“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. (Ord. 24655, passed 2-20-73)

§ 151.0158 VICINITY MAP.

“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 or landmarks and community facilities and services within the county in order to better locate and orient the area in question. (Ord. 24655, passed 2-20-73)

§ 151.0159 WALKWAY.

“WALKWAY.” A dedicated public way, 4 feet or more in width, for pedestrian use only, whether along the side of a road or not, with not less than 4 feet of pavement width. (Ord. 24655, passed 2-20-73)

§ 151.0160 YARD, FRONT.

“YARD, FRONT.”

- (A) “FRONT YARD.” An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified.
- (B) “FRONT YARD, LEAST DEPTH.” The shortest distance, measured horizontally, between any part of the building, and the front lot line.
- (C) “FRONT YARD, LEAST DEPTH, HOW MEASURED.” The depth shall be measured from the right-of-way line of the existing street on which the lot fronts; provided that if the proposed location of the right-of-way of the street as established on the thoroughfare plan differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on the thoroughfare plan. (Ord. 24655, passed 2-20-73)

§ 151.0161 YARD, REAR.

“YARD, REAR.”

(A) “REAR YARD.” An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified.

(B) “REAR YARD, LEAST DEPTH.” The average distance measured horizontally between any part of a building and the nearest rear lot line. (Ord. 24655, passed 2-20-73)

§ 151.0162 YARD, SIDE.

“YARD, SIDE.”

(A) “SIDE YARD.” An open space extending from the front yard to the rear yard between a building and the nearest side lot line unoccupied and unobstructed from the ground upward except as hereinafter specified.

(B) “SIDE YARD, LEAST WIDTH.” The shortest distance, measured horizontally, between any part of a building, other than the parts hereinafter excepted, and the nearest side lot line.

(C) “SIDE YARD, LEAST WIDTH, HOW MEASURED.” The width shall be measured from the nearest side lot line. On a corner lot when the side lot line is a side street lot line, the required side yard shall be the same as the required front yard of the lot adjacent thereto. (Ord. 24655, passed 2-20-73)

§ 151.02 TITLE.

These regulations shall be known and may be cited and referred to as the “Subdivision Regulations” and shall hereinafter be referred to as “these regulations.” (Ord. 24655, passed 2-20-73)

§ 151.03 PURPOSE.

The foregoing rules and regulations are adopted to secure and provide for:

(A) The proper arrangement of streets or highways in relation to existing or planned streets or highways, or to the official thoroughfare plan.

(B) Adequate and convenient open spaces for vehicular and pedestrian traffic, utilities, access of fire fighting apparatus, recreation, light, and air.

- (C) The avoidance of congestion of population.
- (D) The orderly and efficient layout and the appropriate use of the land.
- (E) The accurate surveying of land, preparing and recording of plats and the equitable handling of all subdivision plats by providing uniform procedures and standards for observance by both the approving authority and subdividers. (Ord. 24655, passed 2-20-73)

§ 151.04 AUTHORITY.

Revised Code § 711.011 et seq., enables the city and the Plan Board to adopt regulations governing plats and subdivisions of land within their jurisdiction. The Plan Board has adopted a plan for major streets or highways of the city and within 3 miles of its corporate boundaries, a statutory requirement for reviewing plats or subdivisions. (Ord. 24655, passed 2-20-73)

§ 151.05 ADMINISTRATION.

(A) These regulations shall be administered by the Plan Board which shall make such rules and regulations as deemed necessary to administer these regulations. The Director of Urban Development shall be the Supervisor of Plats and shall provide regulations governing the platting of all lands so as to require all streets and alleys to be of proper width, and to be coterminous with adjoining streets and alleys, and otherwise to conform to regulations prescribed by him.

(B) No plat subdividing lands within the corporate limits, or within 3 miles thereof, shall be entitled to record in the County Recorder's Office without such written approval so endorsed thereon by both the Plan Board and Supervisor of Plats. (Ord. 24655, passed 2-20-73)

§ 151.06 JURISDICTION.

These regulations shall be applicable to all subdivisions of land within the city and the territory within 3 miles of the corporate limits. If such land overlaps the 3 mile territorial limit of another city, exercising subdivision jurisdiction, then approval authority is vested with the Planning Commission whose corporate boundary is closest to the land. The Plan Board shall have the power of final approval of the plats. (Ord. 24655, passed 2-20-73)





§ 151.07 RELATION TO OTHER LAWS.

The provisions of these regulations shall supplement any and all laws of the state, resolutions of the city, or any and all rules and regulations promulgated by authority of such law or resolutions 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 standards shall govern except as provided in § 151.08. (Ord. 24655, passed 2-20-73)

§ 151.08 PLANNED DEVELOPMENTS ENCOURAGED; REGULATIONS MAY BE MODIFIED.

The planned development approach to development is greatly encouraged. These regulations may be modified by the degree necessary to accomplish the objectives and standards required for the planned unit development of residential, commercial, or industrial subdivisions, or a mixture thereof, in accordance with the zoning code and §§ 151.60 through 151.68. Nothing within this division, however, shall exempt the developer from the requirements of subdivision plat approval as specified in §§ 151.10 through 151.29. (Ord 24655, passed 2-20-73)

§ 151.09 AMENDMENTS.

These regulations may be amended, after public hearings and other requirements as specified in the appropriate sections of the Ohio Revised Code. (Ord. 24655, passed 2-20-73)

THE PRELIMINARY PLAN

§ 151.10 GENERAL.

(A) Prior to the preparation of the preliminary plan, the subdivider should seek the assistance of the Plan Board in order that he may become familiar with subdivision requirements and with the proposals of the official thoroughfare plan for the city, affecting the territory in which the proposed subdivision is located.

(B) The purpose of the preliminary plan is to show, on a map, all the facts which may enable the Plan Board to determine whether the proposed layout of the land is satisfactory from the standpoint of public interest. The plan shall be prepared by a registered surveyor or engineer. (Ord. 24655, passed 2-20-73)

§ 151.11 SUBMISSION TO STATE HIGHWAY DIRECTOR.

Before any plat is approved affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the State Highway Director of any land within a radius of 500 feet from the point of intersection of the centerline with any public road or highway, the Plan Board shall give notice, by registered or certified mail to the Highway Director. The Plan Board shall not approve the plat for 120 days from the date the notice is received by the Highway Director. If the Highway Director notifies the Plan Board that he shall proceed to acquire the land needed, then the Plan Board shall refuse to approve the plat. If the Highway Director notifies the Plan Board that acquisition at this time is not in the public interest or upon the expiration of the 120 day period or any extension thereof agreed upon by the Highway Director and the property owner, the Plan Board shall, if the plat is in conformance with all provisions of these regulations, approve the plat. (Ord. 24655, passed 2-20-73)

§ 151.12 APPLICATION FOR PRELIMINARY APPROVAL.

An application for approval of the preliminary plat, shall be submitted to the Plan Board on forms provided by the Board, together with the number of copies of the plat and such supplementary information as the Board may require. (Ord. 24655, passed 2-20-73)

§ 151.13 PRELIMINARY PLAT FORM.

The preliminary plat shall be drawn at a scale not less than 100 feet to the inch. (Ord. 24655, passed 2-20-73)

§ 151.14 PRELIMINARY PLAT CONTENTS.

The preliminary plat shall contain the following information:

- (A) Proposed name of the subdivision, which shall not duplicate or closely approximate the name of any other subdivision in the county.
- (B) Location by section, range, and township, or other surveys.
- (C) Names, addresses, and phone numbers of the owner, subdivider, and professional engineer and registered surveyor who prepared the plat, and appropriate registration numbers and seals.

- (D)    Date of survey.
- (E)    Scale of the plat, north point.
- (F)    Boundaries of the subdivision and its acreage.
- (G)    Names of adjacent subdivisions, owners of adjoining parcels of unsubdivided land, lot numbers of adjacent lots, and the location of their boundary line.
- (H)    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 200 feet.
- (I)    Zoning classification of the tract and adjoining properties and a description of proposed zoning changes, if any.
- (J)    Existing contours at 2 foot intervals for predominant ground slopes within the subdivision between level and 10% grade and 5 foot intervals for predominant ground slopes within the subdivision over 10% grade.
- (K)    Location and dimension of existing sewers, water lines, culverts, and other underground transmission or associated structures, and power transmission poles and lines, within and adjacent to the tract.
- (L)    Location, names, and widths of proposed streets and easements.
- (M)    Building setback lines with dimensions.
- (N)    When requested, the location and dimensions of all existing and proposed utility and sewer lines, showing their connections with the existing system.
- (O)    All thoroughfares as shown on the official thoroughfare plan wherever they traverse the plat.
- (P)    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 900 angles, the width at the building line shall be shown.

(Q)    Parcels of land in acres to be reserved for public use or to be reserved by covenant for residents of the subdivision.

(R)    A vicinity map at the scale of not less than 1,000 feet to the inch shall be shown on, or accompany, the preliminary plat. The 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 subdivision and those of the neighboring areas. (Ord. 24655, passed 2-20-73)

§ 151.15 SUPPLEMENTARY INFORMATION.

The following information shall be supplied in addition to the requirements in § 151.14:

(A)    Statement of proposed use of lots, giving type and number of dwelling units and type of business or industry.

(B)    Location and approximate dimensions of all existing buildings.

(C)    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.

(D)    Description of proposed covenants and restrictions.

(E)    In a letter accompanying the request for approval of the preliminary plat, the subdivider shall state the type of sewage disposal he proposes to use. (Ord. 24655, passed 2-20-73)

§ 151.16 FILING.

The preliminary plan shall be considered officially filed after it is examined by the Director of the Plan Board and is found to be in full compliance with the formal provisions of these regulations. (Ord. 24655, passed 2-20-73)

§ 151.17 PUBLIC HEARING.

The Plan Board on its own initiative prior to acting on a preliminary plat of a subdivision, may hold a public hearing thereon at such time and upon such notice as the Plan Board may designate. (Ord. 24655, passed 2-20-73)

§ 151.18 APPROVAL OF PRELIMINARY FLAT.

The Plan Board shall forward copies of the preliminary plat to the officials and agencies as may be necessary for the purpose of study and recommendation. These shall include at least the County Engineer, County Sanitary Engineer, the County Combined General Health District, and the County Planning Commission. After receipt of reports from such officials and agencies, the Plan Board 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 Plan Board shall act on the preliminary plat within 30 days after filing unless such time is extended by agreement with the subdivider. Approval of the preliminary plat shall be conditional upon compliance with all other applicable resolutions and regulations of the city. (Ord. 24655, passed 2-20-73)

§ 151.19 APPROVAL PERIOD.

The approval of the preliminary plat shall be effective for a maximum period of 12 months unless the first section has been filed for final approval. (Ord. 24655, passed 2-20-73)

## THE FINAL PLAN

§ 151.20 FINAL FLAT 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. The final plat shall have incorporated all changes in the preliminary plat required by the Plan Board. Otherwise it shall conform to the preliminary plat, and it may constitute only the portion of the approved preliminary plat which the subdivider proposes to record and develop at the time. The final plat and the supplementary information shall be prepared by a qualified registered engineer or surveyor. (Ord. 24655, passed 2-20-73)

§ 151.21 APPLICATION FOR APPROVAL OF FINAL FLAT.

An application for approval of the final plat shall be submitted to the Plan Board on forms provided by the Board together with the number of copies of the plat and such supplementary information as the Board may require. (Ord. 24655, passed 2-20-73)

§ 151.22 REGULATIONS GOVERNING 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.

(B) The plans shall indicate typical sections, plans and profiles, 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 or certified check, 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 Supervisor of Plats, but not to exceed 2 years.

(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 of the subdivision by the city.

(G) The Supervisor of Plats may release not more than 90% 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 remaining surety is to be negotiated and is contingent upon the amount and quality of installed improvements. COrd. 24655, passed 2-20-73)

§ 151.23 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 60 feet to the inch, and should be one or more sheets 24 x 36 inches in size. If more than one sheet is needed, each sheet shall be numbered and the relation of one sheet to another clearly shown.

§ 151.24 FINAL PLAT CONTENTS.

The final plat shall contain the following information:

(A) Name of the subdivision, location by section, town, range and township, or by other survey number, date, north point, scale, and acreage to hundredths of acre, and deed book and page reference.

(B) Name and address of the subdividers, and the professional engineer and/or

registered surveyor who prepared the plat and 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 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) Location and/or statement of adequate outlet for storm sewer as approved by the City Engineer.

(H) All easements and rights-of-way provided for public services or utilities.

(I) All lot numbers and lines with accurate dimensions in feet and hundredths.

(J) Accurate location and description of all monuments and pins.

(K) 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.

(L) Any restrictions and covenants shall be shown on the final plat.

(M) Certification by a registered surveyor to the effect that the plat represents a survey made by him and that the monuments shown, exist as located, and that all dimensional details are correct.

(NJ Acknowledgment of the owner or owners to the plat and restrictions, including dedications to public use of all streets, walkways, alleys, parks, or other open spaces shown thereon and the granting of the required easements, as shall be indicated by the following statement on the plat tracing: "Easements shown on this plat are for the construction, operation, maintenance, repair, replacement or removal of water, gas, sewer, electric, telephone or other utilities or services, and for the express privilege of

removing any and all trees or other obstructions to the free use of said utilities and for providing of ingress and egress to the property, for said purposes, and are to be maintained as such forever.

(O) The names of record of all abutting tracts with their deed book and page reference and the plat book reference of all abutting plats or city lot numbers.

(P) Any section lines, corporation limits, township and county lines shall be accurately documented and located on the plat and their names lettered thereon. (COrd. 24655, passed 2-20-73)

#### § 151.25 SUPPLEMENTARY INFORMATION.

The following information shall be supplied in addition to the requirements in § 151.24:

(A) If a zoning change is involved, certification from the County or Township 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 installation. (COrd. 24655, passed 2—20—73)

#### § 151.26 FILING.

The final plat of a section of the preliminary plat shall be filed with the Plan Board not later than 12 months after the date of approval of the preliminary plat; otherwise preliminary plan by approval will be considered void unless an extension is requested by the developer and granted in writing by the Plan Board. (COrd. 24655, passed 2—20—73)

#### § 151.27 APPROVAL OF FINAL PLAT.

The Plan Board shall approve or disapprove the final plat within 30 days after it has been filed. The filing date shall be considered as the date on which compliance is made with all requirements of final plats. Failure of the Plan Board to act upon the final plat within such time shall be deemed as approval of the plat. If the plat is disapproved, the grounds for disapproval shall be stated in the records of the Plan Board, and a copy of the record shall be forwarded to the subdivider. (COrd. 24655, passed 2—20-73)

#### § 151.28 TRANSMITTAL OF COPIES.

When the final plat has been approved by the Plan Board, the original tracing shall be returned to the subdivider for filing with the County Recorder. The plat shall be filed



within 60 days after date of final approval and after all necessary certifications

have been noted. The developer shall also furnish to the Board one 11 inch x 14 inch positive photostat of the plat and one reproducible tracing on linen or similar material. (Ord. 24655, passed 2—20—73)

§ 151.29 MINOR SUBDIVISION; LOT SPLITS.

Approval without a plat of a minor subdivision may be granted by the Plan Board 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;

(D) No more than 5 lots are involved after the original parcel has been completely subdivided;

(C) The proposed subdivision is not contrary to applicable subdivision or zoning regulations;

(D) The property has been surveyed and a sketch and legal description of the property is submitted with the application.

If approval is given under these provisions, the Plan Board or its designated representative shall within 7 working days after submission approve such proposed division and, upon presentation of a conveyance for said parcel, shall stamp "Approved by the City of Dayton, City Plan Board; no plat required," and the authorized representative of the Board shall sign the conveyance.

(Ord. 24655, passed 2—20—73)

SUBDIVISION DESIGN STANDARDS

§ 151.30 GENERAL STATE~NT.

(A) The regulations in §§ 151.31 to 151.51, 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 usable 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.

(B) The Plan Board has the responsibility for reviewing the design of each future subdivision early in its design development. The Board shall insure that all of the requirements of §§ 151.31 to 151.51, inclusive, are met. (Ord. 24655, passed 2—20—73)

## § 151.31 CONFORMITY TO DEVELOPMENT PLANS AND ZONING.

The arrangement, character, width, and location of all thoroughfares or extensions thereof shall conform with official thoroughfare plan. Thoroughfares not contained in the plan shall conform to the recommendation of the Plan Board based upon the design standards set forth in §§ 151.32 to 151.43, inclusive. In addition, no final plat of land within the area in which an existing zoning resolution is in effect shall be approved unless it conforms with the resolution. (Ord. 24655, passed 2—20—73)

## § 151.32 SUITABILITY OF LAND.

If the Plan Board finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, topography, inadequate water supply, schools, transportation facilities, 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. (Ord. 24655, passed 2—20—73)

## § 151.33 STREET DESIGN.

The arrangement, character, extent, width, grade construction, and location of all streets shall conform to the official thoroughfare plan, or subsequent amendments, 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 as may be shown on the official thoroughfare plan.  
(Ord. 24655, passed 2—20—73)

## § 151.34 STREET DESIGN STANDARDS FOR CUL-DE-SACS AND LOOP TYPE LOCAL STREETS.

The design and improvement standards are suggested 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 which follows this section.  
(Ord. 24655, passed 2—20—73)



§ 151.35 STREET DESIGN STANDARDS FOR ALL LOCAL STREETS EXCEPT  
CUL-DE-SACS AND LOOP TYPE STREETS.

The design and improvement standards are suggested 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 which follows this section. (Ord. 24655, passed 2—20—73)



## § 151.36 COLLECTOR STREET DESIGN STANDARDS.

The design and improvement standards are suggested minimums for all collector streets. All such streets shall be designed and constructed in accordance with the standards as specified in Table 3 which follows this section. (Ord. 24655, passed 2—20—73)





§ 151.37 OFFICIAL THOROUGHFARE STREET DESIGN STANDARDS.

(A) The design standards of and the required improvements to arterial streets and roads, as shown on the official thoroughfare plan are contained in Table 4 which follows this section. Specific 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 Plan Board. 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 for each half of the street that his development abuts, shall be responsible for sidewalk, one curb, one pavement 24 feet 6 inches in width, measured to 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 official thoroughfare plan, the subdivider shall be responsible for one sidewalk, one 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 Engineer. Where sight distance or other engineering requirements make it imperative, the pavement adjustment responsibility shall include the replacement of up to the entire existing pavement.

(D) Where marginal access streets are used to provide access to major arterials (82-120 ROW widths) improvements on those thoroughfares will be waived. (Ord. 24655, passed 2—20—73)

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

\*Pavement widths and other dimensions in this table based on face to face curb measurements.

## § 151.38 HORIZONTAL ALIGNMENT.

When there is an angle of deflection a curve of adequate radius shall connect them. (See §§ 151.34 to 151.37, inclusive.) Between reverse curves on thoroughfares a minimum tangent of 100 feet shall be introduced.

## § 151.39 VERTICAL ALIGNMENT.

(A) All changes in grade shall be connected by vertical curves of a minimum length in feet equal to 20 times the algebraic difference in the rate of change of grade. Longer vertical curves shall be used when needed for sight distance requirements indicated in tables. Sight distance shall refer to a height of eye at 3.75 feet to 0 inches as height of object for any design speed.

(B) No street grade shall be less than 0.5% and on stop streets grade shall not exceed 2% positive or 3% negative within 100 feet of an intersection unless otherwise approved by the City Engineer. The positive is considered going up from the intersection and the negative going down from intersection. (Ord. 24655, passed 2-20-73)

## § 151.40 INTERSECTION DESIGN STANDARDS.

(A) The design and improvements 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 which follows this section.

- (B) Multiple intersections involving junctions of more than 2 streets shall not be permitted.
- (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 2%.
- (E) Low points which would result in water ponding or poor visibility shall not be permitted. (Ord. 24655, passed 2—20—73)



**TABLE \$**

**Intersection Design Standards**

<b>TERRAIN CLASSIFICATION</b>	<b>LEVEL</b>	<b>ROLLING</b>	<b>HILLY</b>
<b>Development density</b>	<b>All densities</b>	<b>All densities</b>	<b>All densities</b>
<b>Maximum approach speed</b>	<b>25</b>	<b>25</b>	<b>25</b>
<b>Clear sight distance (Et.) (Length along each approach leg)</b>	<b>90</b>	<b>90</b>	<b>70</b>
<b>Minimum angle of intersection</b>		<b>75 degrees (90 degrees preferred)</b>	
<b>Streets shall remain in the angle of intersection for at least 100 feet beyond the point of intersection. Certain local streets may be excluded from the 100 foot requirement.</b>			
<b>Minimum curb radius (Et.)</b>			
(a) Local-local	25.5	- all cases	
(b) Local-collector	35	- all cases	
(c) Collector-collector	35	- all cases	
(d) Collector, marginal access-arterial	35	- all cases	
<b>Minimum center line, offset of adjacent intersections (Et.)</b>			
(a) Local-local	150	- all cases	
(b) Local-collector	200	- all cases	
(a) Collector-collector	300	- all cases	
(d) Collector, marginal access-arterial	1320	- all cases	

## 5 151.41 SPECIAL STREET TYPES.

The following requirements shall apply to special street types:

(A) Permanent dead end streets shall not be permitted. Temporary dead end streets shall be permitted only as part of a continuing street plan.

(B) Dedication of half streets shall not be permitted except in special situations. Where a dedicated or platted half street exists adjacent to the tract being subdivided, the other half shall be platted where deemed necessary.

(C) Where a subdivision abuts or contains an existing or proposed arterial street (82-120 ROW) the Plan Board may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys 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 20 feet for the right-of-way and 18 feet for the pavement width. (Ord. 24655, passed 2-20-73)

## § 151.42 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 100 feet from the intersection of an arterial or collector street with any other street, and shall be spaced not less than 200 feet from each other. Marginal access streets may be required to provide maximum safety and convenience. (Ord. 24655, passed 2-20-73)

## § 151.43 STREETS FOR INDUSTRIAL SUBDIVISIONS.

(A) 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 100 feet from the intersection of the arterial or collector street with any other street.

(B) Streets should be planned to be extended to the boundaries of any adjoining land planned for industry, except for severe physical conditions or if the Board finds such extension is not in accord with the approved plan of the area. (Ord. 24655, passed 2-20-73)

§ 151.44 SIDEWALKS.

(A) Sidewalks shall be required on both sides of a street in all subdivisions where all lots have either a width of less than 80 feet at the building line, or where the lot area is less than 15,000 square feet. The Board may require that sidewalks be constructed where lot frontage is greater than 80 feet where they may be essential to pedestrian movement and safety. Sidewalks may be required to be constructed along secondary or main highways as indicated in the official thoroughfare plan and these regulations.

(B) Sidewalks shall be required on both sides of the street in all apartment developments.

(C) Public sidewalks shall be required for all commercial lots.

(D) Public sidewalks may be required for industrial lots. (Ord. 24655, passed 2—20—73)

§ 151.45 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 §§ 151.33 to 151.44, 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 regulations or applicable zoning resolutions and to provide for 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 Board if properly designed and located and if the maintenance of interior public space is covered by agreements.

(C) No block shall be longer than 1500 feet and the block width shall accommodate 2 tiers of lots, except where unusual topography or other exceptional physical circumstances exist.

(D) Where blocks are over 900 feet in length a dedicated walkway not less than 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.

(E) For slope areas where the average topographic slope is 15% or greater, refer to §§ 151.110 to 151.122. IOrd. 24655, passed 2—20—73)

§ 151.46 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 surrounding development.

(B) All lots shall conform to or exceed the requirements of these regulations and the zoning district requirements for the district in which they are located and the use for which they are intended.

(C) Each lot shall front on a dedicated street. The minimum lot sizes and frontage shall be as specified in the following table:

TYPE OF DEVELOPMENT	WITHOUT PUBLIC SEWER OR WATER	WITH SEWER AND WATER
Single-family	125' Frontage 20,000 sq. ft.	50' Frontage 5,000 sq. ft.
Two-family	Not permitted	50' Frontage 5,000 sq. ft.
Multiple-family	Not permitted	50' Frontage 5,000 sq. ft.

Where soil conditions are of such nature that proper operation of wells and septic tanks may be impaired, the Plan Board may increase the size of any or all lots in the subdivision.

(D) All side lot lines shall be at right angles to street lines and radial to curved street lines, except where the Board determines that a variation to this rule would provide a better layout.

(E) Lots with double frontage shall be avoided except where the Board determines that it is essential to provide separation of residential development from arterial streets.

(F) No corner lot shall have a width at the building line of less than 65 feet. Property lines at intersections for corner lots shall be curved and conform generally to the curb line.



(G) The maximum depth of a lot shall not be greater than 3

times the width of the lot, except lots which contain an area of 5 acres or more. Lots containing over 5 acres shall not be less than 300 feet in width at any location; they should be of such shape and dimensions as to render the possible resubdivision of any such parcels at some later date into lots and streets which meet the requirements of these regulations.

(H) Fifty 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 drainage ditch, an 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. (Ord. 24655, passed 2—20—73)

#### § 151.47 EASEMENTS.

(A) Utility easements. Public utility easements at least 10 feet in total width 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 Plan Board 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. The rights-of-way or easements shall be of a width which will provide for the maintenance needs of the channel and incidental structures as determined by the Plan Board. (Ord. 24655, passed 2—20—73)

#### § 151.48 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 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. (Ord. 24655, passed 2-20—73)

#### § 151.49 FLOOD PLAIN.

(A) Areas of special flood hazard have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study for the City of Dayton."



This study, with accompanying flood boundary and floodway maps and flood insurance maps dated December 4, 1979 and any revisions thereto are adopted and made a part of the subdivision regulations. Subdivisions, under the jurisdiction of the city and located in areas subject to flooding as defined in this report or other studies completed by the Federal Emergency Management Agency or the Miami Conservancy District shall meet the following standards.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(3) All subdivisions shall have adequate drainage provided to reduce exposure to flood damage.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

(5) Streets must be located at elevations which will make them flood-free in order that no portion of the subdivision would become isolated by floodfl.

(B) Prior to acting on a proposed subdivision within a flood hazard area, as defined in S 151.49(A), the City Plan Board shall secure technical assistance from the Miami Conservancy District, to determine the adverse impacts of developing in the flood hazard area and those measures needed to reduce potential hazards.

(C) For those streams and drainage areas not identified by the Federal Emergency Management Agency as referenced in § 151.49(A) above, but where there is an experience of flood hazard, the following shall apply:

(1) The subdivider shall perform such improvements which will render the area substantially safe for residential, commercial, or industrial uses.

(2) 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 10 feet. For smaller streams, the plat shall provide for channel improvements which would enable it to carry all reasonable floods within its banks. Floodway easements shall be provided which are wide enough to provide for future enlargement of the stream channels as adjacent areas become more highly developed and run off rates are increased. fOrd. 24655, passed 2-20-73; Am. Ord. 25914, Passed 12-19—79)

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## § 151.50 PUBLIC OWNERSHIP OF STORM DRAINAGE CHANNELS.

Any storm drainage channel requiring a capacity greater than that accommodated by a 66-inch diameter pipe may remain as an open channel. All others shall be piped in accordance with specifications of the City Engineer. The cross section and profile of the channel and its banks which shall be paved on the bottom and sides shall be approved by the City Engineer. Upon completion of the construction of the drainage channel, the channel, its banks, and an area of adequate width to permit proper maintenance of the channel shall be dedicated and maintained by applicable government entity. (Ord. 24655, passed 2—20—73)

## § 151.51 PUBLIC OPEN SPACES AND SITES.

(A) Consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds, school sites, and parks as indicated on the adopted master plan for parks, schools, and recreational facilities, and to be made available by one of the following methods:

- (1) Dedication to the county, or other public agency duly qualified to accept ownership and maintenance of area.
- (2) Reservation of land for the use of property owners by deed or covenants.

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(3) Reservation for acquisition by the county or other public agency within a period of 2 years from the approval of the preliminary plan. The reservation shall be made in such a manner as to provide for a release of the land to the subdivider in the event the county or other public agency duly qualified to accept ownership and maintenance does not proceed with the purchase.

(B) Due regard shall be shown for preserving outstanding natural features such as scenic spots, watercourses or exceptionally fine groves of trees. Dedication to and acceptance by a public agency is usually the best means of assuring their preservation. fOrd. 24655, passed 2—20—73)

#### REQUIREMENTS FOR PLANNED DEVELOPMENT

##### § 151.60 GENERAL.

Planned Developments are separate entities with a distinct character which is intended to be in harmony with surrounding developments. Projects which are designed solely to circumvent these regulations or other applicable zoning ordinances shall not be approved. The project must clearly demonstrate that natural features are being preserved, that amenities are being provided which would enhance the livability of the project and that such attributes of the project could not be achieved with strict adherence to these regulations. fOrd. 24655, passed 2—20—73)

##### § 151.61 STANDARDS.

A major element of the Planned Development is privately owned or publicly owned common property within the development. These developments usually contain such features as an internal park network abutting home sites, recreational facilities, and preservation of natural amenities. Planned Developments in medium and low density residential areas should consist of at least 10 acres or not less than 50 dwelling units. A homeowners association should be established to provide for the maintenance of all properties held in common. fOrd. 24655, passed 2-20-73)

##### § 151.62 CONFORMITY TO EXISTING STREETS AND THOROUGHFARE PLAN.

Whenever a Planned Development abuts or contains an existing or proposed major thoroughfare the ROW standards as contained in these regulations shall be applicable. If a Planned Development abuts or contains an existing minor residential street it must meet the requirements of these regulations. fOrd. 24655, passed 2—20—73)

##### § 151.63 PRIVATE STREETS.

Private streets may be permitted in Planned Unit Developments provided they meet the following requirements:

(A) A minimum street pavement width of 26 feet.

fB) The pavement thickness and materials used shall be constructed in accordance with city specifications.

fC) A homeowners association or other appropriate method is established to maintain the street system.

fD) The center line radius for streets must not be less than 45 feet. fOrd. 24655, passed 2—20—73)

#### § 151.64 PUBLIC STREETS.

The Plan Board may require certain streets within Planned Developments to be public if it determines: that the project density necessitates the use of public streets; and that traffic connections are required to adjacent plats or developments for adequate circulation. fOrd. 24655, passed 2-20-73)

#### § 151.65 STAGING OF RESIDENTIAL PLANNED DEVELOPMENT.

Each stage of a Planned Development must be so designed as to stand independently of future related stages in the event future stages are not constructed. The construction and provision of all of the common open spaces and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units. The Plan Board shall not approve the final development plan for any stage of the Planned Development unless the average of the allowable dwelling units' per stage, up to and including the stage which is to be approved, does not exceed by more than 10% the average number of dwelling units per stage which is allowable for the entire Planned Development. fOrd. 24655, passed 2-20-73)

#### § 151.66 COMMON OPEN SPACE GUARANTEE.

The Plan Board may require adequate assurance, in a form and manner which it approves, that the common open space shown in the final development plan will be provided or that designated trees are preserved. The following methods of assurance may be used singularly or in combination:

(A) A bond, corporate surety, or other acceptable financial guarantee in a form which complies with the provision of these regulations and in an amount sufficient to purchase the common open space shown or trees shown in the final development plan or alternative acreage which is equivalent in size and character.

(B) The land shown as common open space may be put in escrow, the escrow agreement to provide that land is to be held in escrow until the Plan Board has certified to the escrow agent that the Planned Development has been completed.

(C) If any of the Planned Development which includes common open space is held by the developer in option, the developer may assign to the applicable governmental entity the right to exercise the option to acquire the common open space. (Ord. 24655, passed 2—20—73)

#### § 151.67 STAGING OF NONRESIDENTIAL CONSTRUCTION.

If a Planned Development contains nonresidential uses, these uses may be constructed first, but only if the Plan Board finds, and records its finding on the final development plan, that the nonresidential uses are consistent with the comprehensive plan for the community even though the residential area of the Planned Development is not built or not completed. (Ord. 24655, passed 2-20-73)

#### § 151.68 CONDOMINIUMS.

Chapter 5311 of the Revised Code provides for the recording of ownership of condominiums. Condominium ownership does not excuse compliance with these regulations whenever appropriate. (Ord. 24655, passed 2—20—73)

### REQUIREMENTS FOR CONSTRUCTION OF IMPROVEMENTS

#### § 151.80 BOND FOR INSTALLATION OF IMPROVEMENTS.

(A) General. 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, and lot grading completed the subdivider shall enter into one of the following agreements:

(1) To construct all improvements directly affecting the subdivision, as required by the Plan Board, prior to the final approval of the plat; or

(2) In lieu of the completion of the improvements, furnish bond executed by a surety company or certified check equal to the cost of construction of such improvements as shows on plans, and based on an estimate approved by the Supervisor of Plats.

(B) Conditions.

(1) Before the final plan is given final approval the developer shall have executed a subdividers contract and a performance bond or certified check with the Supervisor of Plats covering the estimated cost of required improvements.

(2) The performance bond or cash deposit shall run to the city or applicable government entity for a period of 2 years

from date of execution, 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.

(3) Before this bond is accepted it shall be approved by the proper administrative officials.

(4) Whenever a cash deposit is made, it shall be made to the city.

(C) Extension of time.

(1) If the construction or installation of any improvement or facility, for which guarantee has been made by the developer in the form of bond or cash deposit, is not completed within 2 years from the date of final approval of the record map, the developer may request the Supervisor of Plats to grant an extension of 12 months, provided he can show reasonable cause for inability to complete the improvements within the required 2 years. The extension shall not exceed 12 months. At the expiration of the 12 month extension the city will use as much of the bond or cash deposit as necessary to complete the construction of the improvements.

(2) The same shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications.

(D) Completion of work. As required improvements are completed, approved and accepted, the Supervisor of Plats may reduce the amount of the performance bond or cash deposit.

(E) Inspections.

(1) Periodic inspection 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 24 hours before each phase of the improvements is ready for inspections.

(2) 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 Engineer shall issue a letter to the subdivider or his agent and such letter shall be sufficient evidence for the release of bond by the city.

(F) Failure to comply. Whenever public improvements have not

been constructed in accordance with the agreement and with specifications as established, the city may exercise its rights of foreclosure under the bond. (Ord. 24655, passed 2-20-73)

§ 151.81 CONSTRUCTION PROCEDURE AND MATERIALS.

The subdivider shall design and construct improvements not less than the standards outlined in 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 Engineer. The minimum requirements for materials shall be in accordance with "The City of Dayton Construction and Material Specifications," and the requirements of the Montgomery Combined General Health District. All inspection costs shall be paid for by the subdivider. (Ord. 24655, passed 2-20-13)

§ 151.82 SURVEY MONUMENTS.

- (A) A complete survey shall be made by a registered surveyor.
- (B) The traverse of the exterior boundaries of the tract and of each block, when computed from field measurements of the ground, shall close within a limit of error of one foot to 10,000 feet of the perimeter before balancing the survey.
- (C) Permanent reference monuments made of stone or concrete, at least 36 inches in length and 6 inches square with suitable center point, shall be located and placed within the subdivision, and their location noted on the record plan. The monuments shall be placed immediately after final grading of lots is completed and the cost of the monuments will be included in the cost of improvements. There shall be no final release of performance bond until after monuments have been placed.
- (D) Iron pin monuments, 3/4 inch in diameter and 30 inches long, shall be placed by the surveyor at all points on boundary lines where there is a change of direction and at all lot corners before the final portion of the performance bond is released by the city. (Ord. 24655, passed 2-20-73)

§ 151.83 STREET IMPROVEMENTS.

- (A) 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.
- (B) Plans and profiles shall contain all dimensions and data needed for street construction and shall be submitted to the City Engineer for approval prior to construction. The City Engineer should be contacted for specific plan requirements. The following list contains some general construction plan requirements:

- (1) A centerline profile of proposed streets or roads with typical cross-sections indicating proposed crowns and slopes anticipated in meeting required street improvements.
- (2) Profiles of existing roadways or streets extended a sufficient distance beyond the plat boundary to determine a suitable join with existing pavements.
- (3) Profiles of storm and sanitary sewer lines. A grading plan and plans which show all sanitary, water and storm water main lines including details of any special structures. (Ord. 24655, passed 2-20-73)

§ 151.84 STREET SUBGRADE, BASE COURSE, SURFACE COURSE, AND DRIVEWAYS.

The design, construction, and materials used for streets and driveways shall comply with “The City of Dayton Construction and Materials Specifications” and the city standard drawings which are available from the City Engineer. (Ord. 24655, passed 2-20-73)

§ 151.85 STREET CURBS AND GUTTERS.

Curbs shall be required on all streets. Curbs and combined curbs and gutters, shall be constructed in conformance with current “The City of Dayton Construction and Materials Specifications” and standard drawings. (Ord. 24655, passed 2-20-73)

§ 151.86 SIDEWALKS.

All sidewalks shall be constructed of portl&nd cement concrete or other acceptable material of the minimum width specified in §§ 151.34 to 151.37 and to a minimum depth of 4 inches. (Ord. 24655, passed 2-20-73)

§ 151.87 STREET NAME SIGNS AND STREET NAMING.

- (A) Street name signs, of a type in use throughout the city, shall be erected by the subdivider at all intersections.
- (B) For purposes of street naming, the following suffixes shall apply:
  - (1) Avenue shall be used only for streets that run in a generally east—west direction;
  - (2) Boulevard or drive shall be used only for a large meandering type street;
  - (3) Circle or court shall be used only for cul-de-sac type streets that run in a generally east-west direction;

- (4) Lane or place shall be used only for cul-de-sac type streets that run in a generally north-south direction;
  - (5) Road or way shall be used only for streets that run in a diagonal manner, either a generally northwest-southeast direction or a northeast-southwest direction;
  - (6) Street shall be used only for thoroughfares that run in a generally north-south direction;
  - (7) The words north, south, east, or west should be avoided as part of a street name whenever possible.
- (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 City Engineer prior to such names being assigned or used.
- (E) House numbers shall be assigned in accordance with the current house numbering system in effect for the county.  
(Ord. 24655, passed 2-20-73)

§ 151.88 STREET AND WALKWAY LIGHTING.

- (A) The subdivider shall arrange with the local power company to install street lights in accordance with standards and specifications of the City Engineer in each residential subdivision which contains a majority of lots with an individual lot width of 100 feet or less at the front property line. The lights shall be located at each entrance (streets and walkways) to the subdivision and in each street intersection within the subdivision. In addition, wherever the distance between 2 adjacent street (walkway) lights would exceed 300 feet, then additional street lights shall be installed in such a manner that proper light intensity shall be provided and maintained.
- (B) New subdivision street (walkway) lighting shall be installed with all associated wiring underground.
- (C) No such installation shall proceed until approval has been obtained by the political body having the authority to accept the financial obligations for the installation of such lights.  
(Ord. 24655, passed 2-20-73)

§ 151.89 STREET TREES.

Trees should be provided by the subdivider in all subdivisions where curbs, gutters, and sidewalks are required in accordance with standards and specifications of the City Engineer. The trees shall

be of a species which are resistant to damage and disease and which do not cause interference with underground utilities, street lighting, or visibility at street intersections. Existing trees should be retained in new subdivisions wherever possible. (Ord. 24655, passed 2-20-73)

§ 151.90 WATER SUPPLY IMPROVEMENTS.

The following requirements shall govern water supply improvements:

(A) Public water supply.

(1) Where public water supply is within reasonable distance, as determined by the City Water Department, the subdivider or developer shall construct a system of water mains and connect with such public water supply and provide a connection for each lot.

(2) Where public water supply is not available, the subdivider or developer shall provide for individual wells for each lot in the subdivision.

(B) Test wells.

(1) In areas where a public water supply is not available, and prior to approval of the preliminary plan, at least one test well shall be made in the area being platted. Additional test wells may be required if deemed necessary. In cases where copies of logs of existing wells located within the area being platted are available, they may be submitted in lieu of making test wells.

(2) Test wells shall be at least 25 feet in depth and shall produce safe potable drinking water at a rate of not less than 5 gallons per minute for a period of not less than 6 continuous hours of pumping.

(3) A copy of the well log which will include the name and address of the well driller, shall be submitted with the plat to the Plan Board.

(C) Location and construction of individual private wells.

(1) Individual private wells shall be located at least 25 feet from property lines; 50 feet from all septic tanks; at least 100 feet from all tile disposal fields and other sewage disposal facilities; 10 feet from all cast iron sewer lines; 30 feet from any vitrified sewer tile lines; and shall not be located within areas subject to periodic flooding. All measurements shall be made' at ground level.





(2) A water-tight seal shall be installed and properly maintained around the pump mounting.

(3) All abandoned wells shall be sealed in a manner that will render them water-tight.

(4) In all cases where it has been determined that an adequate quantity of safe potable water cannot be obtained from individual wells, a public water distribution system will be required.

(D) Public water distribution systems.

(1) Public wells and other public water distribution systems shall meet the requirements of the State Department of Health as cited in R.C. §§ 3701.18 to 3701.21 inclusive.

(2) Private wells and other private water distribution systems may be accepted for maintenance and operation by the city if the ownership is vested to the city and if the water distribution system has been constructed according to city specifications. (Ord. 24655, passed 2-20-73)

§ 151.91 FIRE PROTECTION.

(A) Fire hydrants with 2-1/2 inch outlets and one large pumping connection 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. Hydrants shall be placed at the corners of all blocks and at midblock for blocks exceeding 800 feet in length. Hydrants shall also be required at the entrance and end of all cul-de-sacs exceeding 400 feet in length.

(B) The type of hydrant and control valves and the location of the hydrant shall be approved by the City Fire Department. The minimum size of any water line serving any hydrant shall not be less than 6 inches in diameter and should be circulating water lines. The size and location of water lines shall be approved by the City Water Department, the City Fire Department, and the Ohio Inspection Bureau for Commercial and Industrial Subdivisions. (Ord. 24655, passed 2-20-73)

§ 151.92 SANITARY SEWER IMPROVEMENTS.

The following requirements shall govern sanitary sewer improvements:

(A) Where an adequate public sanitary sewer system is reasonably accessible, public sanitary sewers shall be installed to serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the

county combined general health district 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 the county combined general health district requirements; or

(2) Lots may be served by individual disposal systems if the provisions of division CC) are met.

(C) (1) 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 county combined general health district and the requirements of the Ohio Department of Health.

(2) 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). The lot size and shape shall conform to the requirements of the zoning district in which it is located. If no zoning is in effect, the standards set forth in § 151.46 shall be met.

(3) At least one percolation test shall be made for each lot area 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 Engineer and the county combined general health district.

(4) Where the installation of individual disposal units is considered and where the average natural ground slope exceeds 10%, the installation of a step-up disposal system may be required subject to specification by the county combined general health district. (Ord. 24655, passed 2-20-73)

#### § 151.93 DRAINAGE IMPROVEMENTS.

The subdivider shall construct all necessary facilities including underground pipe, inlets, catch basins, or open drainage ditches with improved cross sections as determined by the City Engineer, to provide for the adequate disposal of subsurface and surface water and maintenance of natural drainage courses. Drainage ditches shall not be permitted to discharge into any sanitary sewer facility. (Ord. 24655, passed 2—20—73)

§ 151.94 STORM SEWERS AND STORM WATER DRAINAGE.

Where an adequate public storm drain is available, 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 determined by the City Engineer. Open drainage ditches with improved cross sections may be permitted where the physical conditions are such that a storm sewer in excess of 66 inches is required and where the open ditches will not result in health hazards and where proper safety measures are taken. 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. All storm sewer and open drainage ditches shall be designed and constructed in accordance with the City Standards. As part of the construction drawings, a grading plan shall be furnished with detailed information shown as required by the City Engineer. The grading cost shall be included with the surety as per § 151.81. (Ord. 24655, passed 2-20-73)

§ 151.95 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, the following minimum requirements shall be observed. All culverts shall extend across the entire right-of-way width of the proposed street. The cover over the culvert and its capacity shall be determined by the City Engineer. The minimum diameter of a culvert pipe shall be 18 inches. Head walls shall be required. (Ord. 24655, passed 2-20-73)

§ 151.96 ELECTRIC, GAS, AND TELEPHONE IMPROVEMENTS.

(A) Electric service and telephone service shall be provided within each subdivision. Gas service may be provided where reasonably accessible. Telephone, electric, and street lighting wires, conduits, and cables shall be constructed underground except in cases 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 5 feet and the total easement width shall be not less than 10 feet.

(C) Whenever 2 or more utilities (sanitary sewer line, water line, gas line, electric and/or telephone line) are each placed underground in the same utility easement, a width greater than the minimum 10 feet shall be required. (Ord. 24655, passed 2-20-73)

§ 151.97 OVER-SIZE AND OFF-SITE IMPROVEMENTS.

The utilities, pavements, and other land improvements required for the proposed subdivision shall be designed of over-size and/or with extensions provided to serve nearby land which is an integral part of the neighborhood service or drainage area as determined by the City Engineer. (Ord. 24655, passed 2-20-73)

§ 151.98 COST OF OVER-SIZE IMPROVEMENTS.

The subdivider shall be required to pay for only that part of the construction costs of major arterial streets as specified in § 151.37, or as determined by the City Engineer. For storm systems within the city and where a storm sewer in excess of 48 inches is necessary to provide for a drainage tributary from beyond the limit of the plat, the cost of the storm sewer in excess of 48 inches shall be assumed by the city and scheduled under the Capital Improvement Program. The subdivider shall be required to pay for all other over-size improvements that pertain to trunk sanitary sewers and water lines and storm drainage requirements inherent to the plat. (Ord. 24655, passed 2-20-73)

§ 151.99 EXTENSIONS TO BOUNDARIES.

The subdivider shall be required to extend the necessary improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land. (Ord. 24655, passed 2-20-73)

§ 151.100 OFF-SITE EXTENSIONS.

If streets or utilities are not available at the boundary of a proposed subdivision, and if the Plan Board finds 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 approval of the final plat, to obtain necessary easements or rights-of-way and construct and pay for such extensions. The improvements shall be available for connections by subdividers of adjoining land. (Ord. 24655, passed 2-20-73)

§ 151.101 FINAL INSPECTION.

Upon completion of all the improvements, the subdivider shall request, in writing, a final inspection by the City Engineer as required under R.C. § 711.091. (Ord. 24655, passed 2-20-73)

HILLSIDE REGULATIONS

§ 151.110 GENERAL.

These regulations apply to all hillside areas. A hillside area as referred to herein is defined as one with an average slope

of more than 15%. The subdivider shall submit sufficient detailed information as to geologic conditions, soil types, and underground water level in order that a determination can be made by the City Engineer as to the safety of development of the particular location. (Ord. 24655, passed 2-20-73)

§ 151.111 DETERMINATION OF AVERAGE SLOPE.

The average slope for any hillside development shall be determined by the Plan Board during the time of preliminary subdivision design. Determination will be on an area-by-area basis with each lot sized according to the average topographic change falling within each area. (Ord. 24655, passed 2-20-73)

§ 151.112 MINIMUM LOT REQUIREMENTS FOR SINGLE FAMILY HOMES.

The minimum lot requirements as per Figure 1 which follows this section, shall be used to determine the minimum lot area for a single family home. The average percent of slope is determined by the City Engineer. The lot area in thousands of square feet shall then be determined by charting the average natural ground slope and the minimum lot area. Rounding shall be made to the nearest 5 foot frontage interval. Deviations from these requirements may be allowed subject to determination by the Plan Board where exceptional circumstances warrant. (Ord. 24655, passed 2-20-73)



§ 151.113 GRADING PLAN AND CONTROLS.

The grading plan shall show contour lines at 5 foot intervals where average slopes exceed 15% and at 2 foot intervals where slopes are less than 15%. Elevations are to be based on the sea level datum (USGS), if available. The approximate lot layout and the approximate dimensions shall be shown for each lot and each building site. Where pads are utilized or proposed for building sites, engineering data shall show the existing topography and the approximate finished grades, location, and size of each building site, and finished grade of streets prior to consideration of the final plat. (Ord. 24655, passed 2-20-73)

§ 151.114 CUTS AND FILLS.

No land shall be graded, cut, or filled so as to create a slope exceeding a vertical rise of one foot for each 2-1/2 feet of horizontal distance between abutting lots, unless a retaining wall of sufficient height and thickness is provided to retain the graded bank. Major cuts, excavation, grading and filling, where the same materially changes the site and its relationship with surrounding areas or materially affects such areas, shall not be permitted if such excavation, grading and filling will result in a slope exceeding a vertical rise of one foot for each 2-1/2 feet of horizontal distance between abutting lots or between adjoining



tracts of land, except where adequate provision is made to prevent slides and erosion by cribbing and retaining walls. (Ord. 24655, passed 2-20-73)

§ 151.115 COMPACTION OF FILL.

All fill shall be compacted to a density of 90% or greater. Inspection of fill shall be conducted by an independent soils laboratory and furnished to the Plan Board. (Ord. 24655, passed 2-20-73)

§ 151.116 RETAINING WALLS.

Retaining walls may be required whenever topographic conditions warrant or where necessary to retain fill or cut slopes within the right-of-way. The improvements shall require the approval of the city Engineer. (Ord. 24655, passed 2-20-73)

§ 151.117 Minimum Hillside Requirements

The following regulations shall govern the front yard, side yard, street right-of-way and pavement requirements in hillside subdivisions:

Group	Percent Front of slope	Side yard in % of Right yard (ft)	lot width	of-way Pavement
1	15+-25%	25'	10%	50' 29'
2	26-30%	23'	10%	45' 29'
3	31%-over 20'	10%	40'	29'

(Ord. 24655, passed 2-20-73)

§ 151.118 STREET ALIGNMENT.

The following regulations shall govern street alignment:

(A) Vertical profile grades shall be connected by vertical curves up to 20%, but only for short, straight stretches.

(B) Waiver of visibility requirements may be given subject to the approval of the Plan Board.

(C) Waiver of vertical curve requirements may be given subject to the approval of the Plan Board. (Ord. 24655, passed 2-20-73)

§ 151.119 DRIVEWAYS.

The maximum grade on driveways shall not exceed 10%. Each drive shall provide sufficient space and distance to turn around prior to entering the street. (Ord. 24655, passed 2-20-73)

§ 151.120 SIDEWALKS.

Concrete sidewalks having a minimum width of 4 feet and having a minimum thickness of 4 inches shall be installed along the uphill side of Group I (15+-25%) subdivisions. (Ord. 24655, passed 2-20-73)

§ 151.121 SEWAGE DISPOSAL.

Where public sewers are not available or reasonably accessible, a central treatment plant shall be installed by the subdivider in accordance with State and City Board of Health requirements. The use of individual systems shall be prohibited. (Ord. 24655, passed 2-20-73)

§ 151.122 UNDEVELOPED LAND.

Land subject to flooding, land with excessive slope and land deemed by the Plan Board to be undesirable for development shall not be platted for residential occupancy, nor for such other uses as may involve danger to health, life, or property or to aggravate erosion or flood hazard. The land shall be set aside for compatible uses. (Ord. 24655, passed 2-20-73)

REVISIONS, ENFORCEMENT

§ 151.130 RECORDING OF PLAT.

No plat of any subdivision shall be recorded or have any validity until said plat has received final approval by the Plan Board in the manner prescribed in these regulations. (Ord. 24655, passed 2-20-73)

§ 151.131 REVISION OF PLAT AFTER APPROVAL.

No changes, erasures, modifications, or revisions shall be made in any plat or a subdivision after approval has been given by the Plan Board, and endorsed in writing on the plat, unless the plat is first resubmitted to the Board. (Ord. 24655, passed 2-20-73)

§ 151.132 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

the 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. (Ord. 24655, passed 2-20-73)

§ 151.133 SCHEDULE OF FEES, CHARGES, AND EXPENSES.

(A) At the time of submission of the preliminary plat or the final plat, the subdivider shall pay a filing fee payable to the city in the amount shown below.

- (1) Minor subdivision: \$5 per plan.
- (2) Preliminary plat: \$50 per plan.
- (3) Final plat: \$25 per acre computed to the tenth of an acre.

(B) Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

§ 151.134 VARIANCES.

The following regulations shall govern the granting of variances:

(A) Where the Plan Board 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 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. The variations shall not have the effect of nullifying the intent and purpose of these regulations, the comprehensive plan, or the zoning code, if such exists.

(B) In granting variances or modifications, the Plan Board may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified. (Ord. 24655, passed 2-20-73)

§ 151.135 APPEAL.

Any person who believes he has been aggrieved by the regulations or the action of the Plan Board, has all the rights of appeal as set forth in R.C. Ch. 711 or any other applicable R.C. section.

(Ord. 24655, passed 2-20-73)

§ 151.999 PENALTY.

A person who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any of the provisions

of these regulations shall be fined not less than \$100 or more than \$500. Each day such violation or failure to comply is permitted to exist after notification shall constitute a separate offense. (Ord. 24655, passed 2-20-73)

