

**SUBDIVISION
REGULATIONS**

OF

THE CITY OF HAMILTON, OHIO

ORDINANCE NO. 6038¹

ADOPTED FEBRUARY 4, 1959

REVISED THROUGH JANUARY 11, 2014

¹ The Subdivision Regulations of the City of Hamilton became a part of the City's Codified Ordinances (Ord. 78-5-21. Passed May 10, 1978) under PART ELEVEN - Planning and Zoning Code, TITLE THREE - Subdivision Control.

Leave blank

SUBDIVISION REGULATIONS

CHAPTER 1189 **GENERAL PROVISIONS**

SECTION 1189.01 TERRITORIAL LIMITS OF REGULATIONS

The rules and regulations governing plats and subdivisions of land contained herein shall apply within the corporate limits of the City of Hamilton.

SECTION 1189.02 DEFINITIONS

For the purpose of these subdivision regulations certain terms are defined as follows:

A. "Planning Commission" - the City Planning Commission of the City of Hamilton, Ohio

B. "Subdivision" means -

(1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership. Provided however, the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or

(2) The improvement of one (1) 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 leaseholders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

C. "Park and Playground Plan" - the Official City Plan of Parks, Playgrounds or Other Open Public Grounds adopted by the Planning Commission.

D. "Major Street and Highway Plan" - the official City plan of highways, and major and secondary thoroughfares, and parkways designated as such on this plan adopted by the Planning Commission.

E. "Local Street or Collector Street" - a street intended to serve and to provide access to neighborhood or sub- neighborhoods.

F. "Minor Street" - any street not a highway, primary or secondary thoroughfare, parkway or local or collector street, and intended to serve and to provide access

exclusively to the properties abutting thereon.

G. "Alley or Service Drive" - a passage or way affording generally a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.

H. "Block" - a piece of land entirely surrounded by public street or railroad rights-of-way, parks, etc., or a combination thereof. Block length refers to the long side of the block upon which the majority of the lots ordinarily front; block width or depth refers to the short side of the block abutting the side street.

I. "Subdivision Regulations" as used in Title Three of the Part Eleven - Planning and Zoning Code means Ordinance 6038, passed February 4, 1959, as amended.

J. "Homeowners Association" – An organization of property owners established for the care and maintenance of common areas within a subdivision including but not limited to storm water detention and/or retention facilities.

SECTION 1189.03 MODIFICATIONS AND EXCEPTIONS; FEE FOR LOT SPLIT OR COMBINATION

A. The general principles of design and the minimum requirements for the laying out of subdivisions, stipulated in Part II hereof, may be varied by the Planning Commission in the case of a subdivision large enough to constitute a more or less self-contained neighborhood to be developed in accordance with a comprehensive plan safeguarded by appropriate restrictions, which in the judgment of the Planning Commission makes adequate provision for all essential community requirements; provided, however, that no modification shall be granted by the Planning Commission which would conflict with the proposals of the Official Major Street and Highway Plan, or with other features of any adopted long-range plans of the City of Hamilton or Butler County, or with the intent and purpose of said general principles of design and minimum requirements.

B. In the case of a small subdivision of minor importance situated in a locality where conditions are well defined, the Planning Commission may exempt the Subdivider from complying with some of the requirements stipulated in Section 1193.01 pertaining to the preparation of the preliminary plat.

C. A proposed division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road, nor private easement of access, may be submitted to the Planning Commission for approval without platting, provided that it has the approval of the Director of Planning or his/her designee as conforming to all Zoning Regulations. The request shall be accompanied by a sketch, prepared by a registered engineer or surveyor, and such other information as is pertinent. Such sketch shall show the original tract being divided, the tract to be conveyed and

adjacent owners. Such sketch shall be recorded as part of the deed conveyance. If the Planning Commission acting through the Planning Director is satisfied that such proposed division is not contrary to applicable platting, subdividing or zoning regulations, it shall, within seven working days after submission, approve such proposed division and, on presentation of a conveyance of the parcel, shall stamp the same "Approved by City of Hamilton Planning Commission, No Subdivision Plat Required" and have it signed and dated by its clerk, secretary or other official as may be designated by it. The Planning Commission may waive the requirement for submission of a sketch for the division of a recorded subdivision plat.

A fee of Fifty-Five Dollars (\$55.00) shall be paid to the Director of Finance for each new lot or building site created within the City limits through a lot split or a lot combination except that in the case of a non-buildable lot, the fee shall be Twenty-Five Dollars (\$25.00).

D. In any particular case where the Subdivider can show that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of these regulations would cause practical difficulty or exceptional and undue hardship, the Planning Commission may relax such requirement to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of these regulations or the overall general development of the neighborhood and the community in accordance with any adopted long-range plan, and the Zoning Ordinance. Any modification thus granted shall be entered in the minutes of the Planning Commission setting forth the reasons which, in the opinion of the Planning Commission, justified the modification.

SECTION 1189.04 ZONING RESTRICTIONS

No plat of land within the City shall be approved unless all lots shown thereon comply in all respects with the Zoning Ordinance.

CHAPTER 1191 **PROCEDURE FOR PLAT APPROVAL**

SECTION 1191.01 CONSTRUCTION OR TRANSFER PRIOR TO PLAT APPROVAL PROHIBITED

No person, firm or corporation, proposing to make or have made a Subdivision within the territorial limits of these regulations shall enter into any contract for the sale of, or shall offer to sell said Subdivision or any part thereof, or shall proceed with any construction work on the proposed subdivision, including grading, until he or it has obtained from the Planning Commission the approval of the Preliminary Plat of the proposed subdivision.

SECTION 1191.02 EARLY CONSULTATION

Before preparing and submitting the Preliminary Plat to the Planning Commission, the Subdivider or his engineer shall consult with The Director of Public Works while the plat is in sketch form, to ascertain the location of proposed highways, primary or secondary thoroughfares, parkways, parks, playgrounds and other planned developments.

SECTION 1191.03 PROCEDURE

In planning and developing a subdivision the Subdivider or his agent shall comply with the general principles of design and minimum requirements for the layout of subdivisions set forth in these rules and regulations, and in every case shall pursue the following procedure:

A. The Subdivider shall prepare a Preliminary Plat of the proposed subdivision which shall conform with the requirements set forth in Section 1193.01 following, and shall file with the Planning Commission an application in writing for the tentative approval of said plat accompanied by ten (10) black line or blue prints, at least four weeks prior to the meeting of the Planning Commission at which action is desired.

B. The Preliminary Plat will be checked by the Planning Commission as to its conformity with the Major Street and Highway Plan, and the principles, standards and requirements hereinafter set forth, and copies of said Preliminary Plat will be referred for recommendations or other action as follows: to the Director of Public Works and to the City Health Officer, and other officials for checking of matters within their respective jurisdiction; and for approval in accordance with rules and regulations adopted by the City council, of improvements proposed to be installed.

C. Upon receipt of the recommendations and advice of action concerning matters covered in the preceding paragraph, the Planning Commission will tentatively approve or disapprove the Preliminary Plat, or approve it with modifications, noting thereon any changes that will be required.

One copy will be returned to the Subdivider with the date of said tentative approval or disapproval endorsed thereon. Similar copies also will be transmitted to the Director of Public Works. The tentative approval of the Preliminary Plat by the Planning Commission is to be considered only as an approval of the layout, with the understanding that the Director of Public Works, or other officials having jurisdiction may modify any engineering or construction details proposed by the Subdivider, whenever required for the protection of the public interest.

D. Upon preliminary approval, which is effective for one (1) year unless extended by the Planning Commission, the Subdivider may proceed to install streets, sanitary sewers, and other public improvements as required in Chapter 1197. If such

improvements have not started within the one (1) year approval time frame, the Subdivider may request an extension of the Preliminary Plat approval from the Planning Commission. Such extension request shall be submitted to the Planning Commission for its consideration prior to the expiration of the preliminary approval. No Final Plat of any subdivision shall be approved unless the aforementioned improvements have been completed or the Subdivider has filed with the Planning Department a good and sufficient surety to cover the full cost of completing any unfinished improvements. Prior to the Planning Commission's consideration of the Final Plat, the subdivider must submit an acceptable Performance Bond in the amount of one-hundred (100%) percent of the unfinished improvements and a maintenance bond in the amount of ten (10%) percent of the total cost of all installed, inspected, and approved improvements. In addition, the Subdivider shall submit three (3) copies of "As-Built" detailed construction drawings of all installed, inspected, and approved improvements prior to City Council approval. The performance still due shall be secured by either a deposit of cash with the City, by an irrevocable letter of credit from a lending institution, by a pledge of cash in an escrow account at a financial institution, or by a corporate surety. Such surety may be partially released upon the following schedule:

Percentage of Completion:	Percentage of Release:
35%	20%
65%	50%
90%	75%
100%	90%

The Performance Bond shall not be fully released until the required Maintenance Bond, as provided in Subsection E hereof is filed with the Planning Department. In addition, three (3) copies of final "As-Built" detailed construction drawings, as required in Section 1197.14.B. shall be submitted, reviewed and approved prior to the release of any portion of the Performance Bond. The "As-Built" detailed construction drawings, however, may be bonded as a separate Performance Bond. The estimated costs to be used for bonding estimate purposes for "As-Built" drawings shall be one and one-half (1.5%) of the total cost of public improvements.

An irrevocable letter of credit from a lending institution, with an expiration date of not less than one year from date of issue, may be accepted for Performance Bonding purposes provided the Letter of Credit includes the following language:

1. The Irrevocable Letter of Credit must include the following language for automatic renewal and notice to the City of Hamilton, Ohio in case of non-renewal: "It is a condition of this Letter of Credit that it shall be deemed automatically extended without amendment for successive one year periods from

its present or any future expiration date unless at least sixty (60) days before any such expiration date we (Name of Financial Institution) notify the City Manager of the City of Hamilton, Ohio, 345 High Street, Hamilton, Ohio 45011, in writing by certified or registered mail, that we (Name of Financial Institution) elect not to consider this letter of credit renewed for any such additional period, at such time the City of Hamilton, Ohio may declare the Developer to be in default and demand immediate payment of all sums under this Letter of Credit.”

2. If the Letter of Credit contains a draft presentment deadline, it is mandatory that the Letter of Credit include the following language: “The draft presentment deadline set forth in this letter of credit shall automatically be extended for one year periods unless at least sixty (60) days prior to any draft presentment deadline, or any prior extension thereof, the (Name of Financial Institution) notifies the City Manager of the City of Hamilton, 345 High Street, Hamilton, Ohio 45011, that the draft presentment deadline shall not be extended for a successive one year period, at such time the City of Hamilton, Ohio may declare the Developer to be in default and demand immediate payment of all sums under this Letter of Credit.”

3. The Letter of Credit will include the following language: “Payment pursuant to this Letter of Credit shall not be conditioned except upon notification by the City of Hamilton, in writing, to the issuing financial institution that the developer is in default of the installation and/or maintenance of improvements within the subject development.”

4. The Letter of Credit will include the following language: “(Name of Financial Institution) shall pay to the City of Hamilton immediately and without further action such funds as are necessary to finance to completion of the public improvements, up to the limit of the credit stated in this Irrevocable Letter of Credit.

E. After all improvements have been completed, inspected and approved, the Subdivider shall file with the City Planning Department a Maintenance Bond in the amount of ten percent (10%) of the total cost of improvements, which bond shall be secured by a deposit of cash with the City, by an irrevocable letter of credit from a lending institution, by a pledge of cash in an escrow account at a financial institution, or by a corporate surety. The Maintenance Bond shall remain in effect for a period of one year after completion and acceptance of improvements.

F. The Subdivider shall file with the Planning Commission ten (10) black line or blue prints of the final or record plat which shall conform in every respect with the requirements specified in Section 1193.03 of these regulations. These shall be accompanied by a certificate of title showing the ownership of all lands to be dedicated to the public and that the title thereof is free and unencumbered.

G. A copy of the Final or Record Plat and Official Drainage Plat thus filed will be transmitted to the Director of Public Works who will check the Final Plat. If found satisfactory, he will return said plat to the Planning Department showing that: (1) that the technical details of the plat itself have been checked and found satisfactory; and (2) that all required improvements have been satisfactorily completed.

H. After a copy of the Final Plat and Official Drainage Plat has been received by the Planning Department from the Director of Public Works and provided that the Final Plat is found to substantially conform with the Preliminary Plat as approved, the Planning Commission will approve the Final Plat and will enter such approval thereon in writing by its President. The approval of the Final or Record Plat by the Planning Commission shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street or other proposed public way or space shown on said plat.

The Planning Commission then will transmit three (3) original mylars of the Final Plat, provided by the Subdivider, along with Certificate of Title to the City Council, for such action as may be necessary on any proposed dedication. Thereupon the City Council will return the approved copies thereof to the City Planning Department. The Planning Department will provide the three (3) originals to the Subdivider for recording purposes. Upon recording of the Final Plat with the County Recorder of Butler County, by the Subdivider, the Planning Department shall be provided with two (2) originals of the recorded Final Plat. The Planning Department will then provide photocopies of the recorded Final Plat to the appropriate departments and agencies.

SECTION 1191.04 FILING FEES

For the processing and filing of plats within the City limits as provided in this Chapter there shall be a filing fee to be paid to the Director of Finance and the charge therefore shall be as follows:

Preliminary Plat: One hundred-fifty dollars (\$150.00)

Final Plat: Forty dollars (\$40.00) for each lot on said Plat

CHAPTER 1193 **PLAT SPECIFICATIONS**

SECTION 1193.01 THE PRELIMINARY PLAT

A. The Preliminary Plat of the proposed subdivision, ten (10) black line or blue

prints prepared by a registered professional engineer or surveyor, authorized to practice under the laws of the State of Ohio, shall accompany an application in writing to the Planning Commission for the tentative approval of the subdivision.

B. A vicinity sketch at a scale of four hundred (400) feet or more to the inch shall be drawn on or shall accompany the Preliminary Plat. This shall show all existing subdivisions and the street and tract lines or acreage parcels of land, together with the names of record owners of such parcels immediately adjoining the proposed subdivision and between it and the nearest existing highways or thoroughfares. It shall also show the streets and alleys in neighboring subdivisions or unplatted property to produce the most advantageous development of the entire neighborhood.

C. The horizontal scale of the Preliminary Plat shall be one hundred (100) feet or less to the inch, and the vertical scale of street and sewer profiles twenty (20) feet or less to the inch, if required.

D. The Preliminary Plat shall clearly show the following features and information:

(1) The proposed name of the subdivision which shall not duplicate or closely approximate the name of any other subdivision in Butler County.

(2) The tract designation according to real estate records of the Recorder of Butler County.

(3) The names and addresses of the owner of record, the Subdivider and the engineer or surveyor.

(4) The names of adjacent subdivisions and the names of record owners of adjacent parcels of unplatted land.

(5) The boundary lines, accurate in scale, of the tract to be subdivided.

(6) The location, widths and names of all existing or platted streets or other public ways within or adjacent to the tract, and other important features such as existing permanent buildings, water courses, railroads, corporation lines, township lines, pipe lines, high tension lines, section lines, etc.

(7) Existing sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto with pipe sizes and grades indicated.

(8) Bench mark and contours, normally with intervals of two (2) feet referenced to U.S. G.S. Datum, or as required by the Planning Commission.

(9) The layout, proposed names and widths of proposed streets alleys and

easements; the layout, numbers and approximate dimensions of proposed lots. (Proposed street names shall not duplicate or closely approximate any existing street names in Hamilton and vicinity except extensions of existing streets. A street may be named avenue, way, boulevard, parkway, place, circle, street, lane, drive or court, but not road.)

(10) Zoning Boundary Lines, if any; proposed uses of property and proposed front yard set-back lines.

(11) All parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved in the deeds for the common use of property owners in the subdivision, with the purpose, condition or limitations of such reservation indicated.

(12) A Development Summary Chart should provide the following information:

- a. The total acreage of the subdivision;
- b. Typical lot size;
- c. Number of lots;
- d. Number of housing units;
- e. Total acreage of open space or commonly owned areas;
- f. Total acreage dedicated for public right-of-way.

(13) North point, scale and date.

(14) A preliminary storm drainage plan on a separate sheet that provides adequate, complete and satisfactory drainage for the entire area being platted for all projected land uses. The storm drainage study and plan information submitted shall include watershed areas, overall design calculations and boundaries, contours at two (2) foot intervals or less and the location and size of all existing and the location of proposed storm sewers, underdrains, inlets, culverts, bridges, creeks, open ditches, swales, existing watercourses to be relocated or abandoned, drainage outlets and their adequacy, and other pertinent drainage facilities. In case the subdivision is traversed by a water course, channel, stream or creek, the prior or present location of such water course, channel, stream or creek shall be shown on the preliminary storm drainage plan. The information submitted shall include adjacent areas, when deemed necessary for design and review purposes.

All normal title and identifying information shall be shown on the plan along with a statement by the engineer or surveyor certifying that the plan submitted provides adequate and complete storm drainage service for the parts of the entire area being platted and comments on the impact, if any, that the proposed development will have on drainage of adjacent areas. Arrows shall be used to indicate the direction of flow of all drainage.

E. Ten (10) copies of construction plans and two (2) copies of the Official Drainage Plan, as required by Section 1197.06 and made a part hereof, shall be furnished

prior to approval of the Final Plat; however, a general statement describing proposed improvements and drainage system shall accompany the Preliminary Plat.

SECTION 1193.02 IMPROVEMENTS

Minimum improvements shall be installed in accordance with Chapter 1197, and made a part thereof. The Subdivider shall acknowledge the various improvement requirements as set forth in this Ordinance and as may be specified by the Director of Public Works by notation on the Final Plat. Said notation shall be worded substantially as follows: "All streets shall be graded, base material applied, curb and gutter constructed, surfaced with asphaltic concrete or concrete, street name signs erected, utilities installed, and storm sewers, drainage structures and bridges constructed in accordance with the approved plans on file in the office of the Director of Public Works, by the Subdivider in compliance with and to the standards, plans and specifications of the Director of Public Works."

All required improvements shall be constructed within one (1) year from the date of approval of the Final Plat by the City Council and the same shall be maintained and kept in repair for one (1) year after the construction thereof has been approved by the Director of Public Works. The Director of Public Works, upon formal request by the Subdivider, may grant two (2) extensions of one (1) year each for construction of said street improvements.

SECTION 1193.03 THE FINAL OR RECORD PLAT

Ten (10) black line or blue prints of the final or record plat of the subdivision, or of any part of a larger subdivision, shall be submitted to the Planning Commission for approval. The Final Plat shall be drawn at the scale of one hundred (100) feet or less to the inch, and shall clearly show the following features and information:

A. All plat boundary lines with lengths of courses to hundreds of a foot and bearings to seconds. These boundaries shall be determined by an accurate survey in the field, which shall be balanced and closed with an error of closure of not to exceed 1 to 10,000.

B. The exact location and the width along the property line of all existing recorded streets intersecting or paralleling the boundaries of the tract.

C. True bearing and distances to nearest established street bounds, patent or other established survey lines, or other official monuments, which monuments shall be located or accurately described on the plat. Any patent or other established survey or corporation lines shall be accurately monument-marked and located on the plat, and their names shall be lettered on them.

D. The accurate location and material of all permanent reference monuments.

E. The exact layout including: (1) street and alley lines- their names, bearing, length (along center line), angles of intersection and widths (including widths along the line of any obliquely-intersecting street); (2) the length of all arcs - radii, points of curvature and tangent bearings; (3) all easements of rights-of-way, when provided for or owned by public services (with the limitation of the easement rights definitely stated on the plat); (4) all lot lines with dimensions in feet and hundredths, and with bearings and angles to minutes if other than right angles to the street and alley lines.

F. Lots numbered in numerical order. In tracts containing more than one block, the blocks shall be lettered in alphabetical order. In case there is a re-subdivision of lots in any block, such re-subdivided lots shall be designated by their original number prefixed with the term most accurately describing such division, such as: W ½ of 3, N 40' of 5, etc., or they shall be designated numerically beginning with the number following the highest lot number in the block.

G. The accurate outline of all property which is offered for dedication for public use, and of all property that may be reserved by Covenant in the deeds for the common use of the property owners in the Subdivision, with the purpose indicated thereon. The Planning Commission may authorize the designation of certain parcels for future street purposes; provided, that the Subdivider is the legal owner of all lands, adjacent to or abutting the said future street and, provided the Subdivider is the legal owner of all lands adjacent to or abutting the said future street and, provided further, the Subdivider agrees in writing to dedicate and improve the same in the manner herein prescribed if and when required by the Planning Commission at any time after approval of the Final Plat.

H. Front yard set-back building lines as fixed by the Zoning Ordinance and any other set back lines or street lines established by public authority, and those stipulated in the deed restrictions. Side yard and rear yard building set-back lines shall be shown as a note on the Final Plat.

I. Private restrictions if any: (1) boundaries of each type of use restrictions; (2) other private restrictions for each definitely restricted section of the subdivisions.

J. Name of the subdivision and name or number of the largest subdivision or tract of which the tract now subdivided forms a part.

K. Names and locations of adjoining subdivisions and location and ownership of adjoining unsubdivided property.

L. Names and addresses of the owner of record, the Subdivider, and of the engineer or surveyor.

M. Northpoint, scale and date.

N. Statement that any lot transferred will have a minimum width and area substantially the same as those shown on the plat, and that only one principal building will be permitted on any such lot, provided that no such statement shall be required while the land is controlled by City or County zoning.

O. Certification by a registered professional engineer or surveyor to the effect that (1) the plat represents a survey made by him and that all monuments indicated thereon actually exist and their location, size and material are correctly shown; and (2) that all requirements of these subdivision regulations have been fully complied with.

P. Acknowledgement of the owners and witnesses before an officer authorized to take the acknowledgment of deeds, which officer shall certify his official act on the plat.

Q. Certification from the Auditor of Butler County, Ohio, that all taxes and assessments have been paid on the land within the Subdivision.

R. Homeowners Association Declaration, Articles of Incorporation, Covenants and Restrictions, or Supplemental Declaration if required, to be filed with Final Plat.

S. A Development Summary Chart should provide the following information:

- a. The total acreage of the subdivision;
- b. Typical lot size;
- c. Number of lots;
- d. Number of housing units;
- e. Total acreage of open space or commonly owned areas;
- f. Total acreage dedicated for public right-of-way.

T. Copies of any private restrictions to be included in the deeds should be included with the Final Plat.

CHAPTER 1195 **DESIGN STANDARDS**

SECTION 1195.01 FLOOD PRONE LAND

In order to protect the safety, health and general welfare of the people of Hamilton, the Planning Commission will not approve the plat of any proposed subdivision located in an area subject to periodic floods as defined by FEMA flood prone land maps. When a subdivision is located in an area having poor drainage or other adverse physical conditions, the Planning Commission may approve the plat of the proposed subdivision; provided the Subdivider agrees to perform such improvements as will in the judgment of the Planning Commission render the subdivision substantially safe and otherwise acceptable for residential use, and furnishes the Planning Commission with a Performance Bond, running to the City of Hamilton, sufficient to cover the cost of such improvements as estimated by

the Director of Public Works and the officials having jurisdiction.

In laying out a subdivision, the Subdivider shall comply with the following general principles and requirements that follow in this Chapter.

SECTION 1195.02 RESERVING STREETS, PUBLIC GROUNDS AND OPEN SPACE

A. The subdivision layout shall conform to the Official Major Street and Highway Plan and any other officially adopted long-range plans of the City of Hamilton and of Butler County.

(1) Whenever a tract to be subdivided embraces any part of a highway, thoroughfare, or parkway, so designated on said plan, such part of such public way shall be platted by the Subdivider in the location and at the width indicated on the plan.

(2) Where a proposed park or other recreational area, school site, or other public ground shown in any adopted long range plan, for the City of Hamilton, is located therein, or if the City or Board of Education indicated its intention to acquire an area in such subdivision or platted area, if such area is not dedicated to the City, Board of Education, Park Board, or other public body, it shall be reserved for acquisition by the City, Board of Education, Park Board, or other public body, within a period of two years after the effective date of the ordinance accepting the Final Plat of the subdivision. Such area shall be acquired by purchase or other means.

B. Where held appropriate by the Planning Commission, open spaces, constituting a reasonable proportion of the gross acreage of the subdivision - suitably located and of adequate size for parks, playgrounds, or other recreational purposes for local or neighborhood use - shall be provided for in the proposed subdivision; and if not dedicated to the City, shall be reserved for the common use of all property owners in the proposed subdivision by covenant in the deeds.

SECTION 1195.03 STREET AND BLOCK LAYOUT

A. The street layout of the subdivision shall be in general conformity with a plan for the most advantageous development of adjoining areas and the entire neighborhood.

(1) Where appropriate to the design, proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.

(2) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless, in the opinion of the planning commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

Dead-end streets of reasonable length (normally not over 600 feet) will be approved where necessitated by topography or where in the judgment of the Planning Commission they are appropriate for the type of development contemplated.

(3) Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit.

(4) Wherever there exists adjacent to the tract to be subdivided a dedicated or platted and recorded half-width street or alley, the other half width of such street or alley shall be platted, if required by the Planning Commission.

(5) Alleys shall be platted in all commercial and industrial areas if no other provisions are made for adequate access to parking and loading spaces. To provide safe access to residential lots located on highways, thoroughfares, major streets and parkways, alleys may be platted in the rear of such lots or service drives provided in front thereof or such lots shall be platted as suggested in A(6), B and C below. Alleys will not be approved in other locations in residence districts, unless required by unusual topography or other exceptional conditions.

(6) Lands abutting highways or principal thoroughfares shall be platted with the view of making the lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic on such trafficways; and with the view also of minimizing interference with traffic on such trafficways as well as the accident hazard. This may be accomplished in several ways:

a. By platting the lots abutting such trafficways at very generous depth; and by providing vehicular access to them by means of either alleys or service drives in the rear, or frontage access roads next to the highway, connected therewith at infrequent intervals.

b. Another more desirable and usually more economical method consists of not fronting the lots on the highway but on a minor street paralleling the highway at a distance of a generous lot depth. Private driveways in this case would, of course, connect with such minor street.

c. Under still another scheme, a collector street may be platted more or less parallel with the highway, 600 to 1000 feet distant therefrom, from which loop streets or dead-end streets would extend toward the highway, the ends of which giving access to the lots abutting the highway to the rear.

d. Landscaping or other appropriate buffers of sufficient depth may be used subject to Planning Commission approval to mitigate the impacts of abutting highways or principal thoroughfares.

The choice, in a specific case, among the foregoing or other methods for accomplishing the purposes in view, must necessarily be made in consideration of topography and other physical conditions, the character of existing and contemplated developments and other pertinent factors that apply in each case.

(7) Private streets will not be approved nor will public improvements be approved of or in any private street, except as permitted in Section 1132.00 "PD" General Planned Development Regulations of the Zoning Code, as may be amended from time to time.

(8) Temporarily dead-ended streets shall be permitted where necessitated by the design of the subdivision provided that temporary turn-arounds shall be constructed where lots are fronting on such temporarily dead-ended streets. The extra width therefore shall be the same as required for permanent turn-arounds provided that such extra width in excess of the street right-of-way shall be vacated upon extension of the street.

B. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth.

(1) The lengths of blocks shall be such as, in the opinion of the Planning Commission, are appropriate for the locality and the type of development contemplated, but shall not exceed eighteen hundred (1800) feet where the average size of lots does not exceed two (2) acres in area, and shall not be less than five hundred (500) feet.

(2) In any block over nine hundred (900) feet in length the Planning Commission may require that a crosswalk or pedestrian way, not less than ten (10) feet wide, be provided near the center and entirely across such block.

(3) The number of intersecting streets along highways, thoroughfares and parkways shall be held to a minimum. Wherever practicable, blocks along such trafficways shall be not less than one thousand (1000) feet in length, unless otherwise approved by the Planning Commission.

SECTION 1195.04 MINIMUM RIGHT-OF-WAY WIDTHS OF STREETS, ALLEYS AND EASEMENTS FOR UTILITIES

A. Highways, primary thoroughfares and parkways: as specified on the Official Major Street and Highway Plan, but not less than eighty (80) feet wide in any case.

B. Secondary thoroughfares: as specified in the Official Major Street and Highway Plan, but not less than sixty (60) feet wide in any case.

C. State roads: not less than sixty (60) feet in any case.

D. Local streets or collector streets: sixty (60) feet.

E. Minor streets and dead-end streets: fifty (50) feet. All dead-end streets shall terminate in a circular turn-around having a minimum right-of-way diameter of eighty (80) feet, unless the Planning Commission approves a "T" or "Y" shaped paved space in place of the required turning circle.

F. Where easements are required for utilities their width shall be at least ten (10) feet along rear or side lot lines, and at least eight (8) feet behind and adjacent to the street right-of-way line.

G. Alleys: twenty (20) feet.

SECTION 1195.05 MINIMUM PAVING WIDTHS

Minimum pavement widths back to back of curb, required to be installed at the Subdivider's expense, shall be as follows:

A. Primary and secondary thoroughfares, parkways and collector streets, shown as such on the Official Major Street and Thoroughfare Plan: thirty-two (32) feet. Local streets and minor streets: twenty-eight (28) feet.

In the case of a primary or secondary thoroughfare or park-way and in the case of a local street or collector street, usually requiring pavement wider than thirty-two (32), the matter of financial and other arrangements for installing such wider pavement at the time the Subdivider will make the improvement shall be taken up with the Subdivider by the officials having jurisdiction.

B. Minor and dead-end streets not over six hundred (600) feet long: twenty (20) feet. The pavement of a turning circle at the end of a dead-end street shall have a minimum outside diameter of sixty (60) feet. A "T" or "Y" shaped paved space, when approved by the Planning Commission in place of a turning circle, shall extend entirely across the width of the street right-of-way and shall be at least ten (10) feet wide with the flared portion rounded by minimum radii of twenty (20) feet.

C. Alleys and service drives: Full width of right-of-way.

SECTION 1195.06 STREET GRADES, CURVES, AND SIGHT DISTANCES

A. The grades of streets shall be not less than one-half of one (0.5%) percent and shall not exceed the following:

(1) Highways and primary thoroughfares, shown as such on the Official Major Street and Highway Plan: Four (4%) percent.

(2) Secondary thoroughfares, parkways, local streets, minor streets, service drives, and alleys: Seven (7%) percent.

(3) Pedestrian ways or crosswalks: Twelve (12%) per cent unless steps of an acceptable design are to be constructed.

B. All changes in street grades shall be connected by vertical curves having a minimum length of fifty (50) feet or equal to fifteen (15) times the algebraic difference in the change of grade, whichever is larger.

C. The radii of curvature on the centerline shall not be less than the following:
(1) Highways, thoroughfares and parkways, shown as such on the Official Major Street and Highway Plan: Four Hundred (400) feet.

(2) Local streets, minor streets and service drives: One Hundred (100) feet.

SECTION 1195.07 INTERSECTIONS

A. At street and alley intersections property line corners shall be rounded by an arc, the minimum radius of which shall be Fifteen (15) feet. In business districts a chord may be substituted for such arc.

B. Street curb intersections shall be rounded by radii of at least Twenty (20) feet.

C. The above minimum radii shall be increased when the smallest angle of intersection is less than Sixty (60) degrees.

SECTION 1195.08 LOTS

A. The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated.

B. Excessive depth in relation to width shall be avoided. (A proportion of 2 to 1 shall normally be considered as appropriate.)

C. Every lot shall abut on a publicly dedicated street.

D. Requirements for Minimum Lot Width shall be as specified in the Hamilton Zoning Ordinance No. 7503, as amended.

E. Double-frontage lots and reversed-frontage lots shall be avoided.

F. Side lot lines shall be approximately at right angles to the Right-Of-Way line

of the street on which the lot faces.

G. Corner lots for residential use shall be platted wider than interior lots in order to permit conformance with the Front Yard Set-Back on the side street required by the Zoning Ordinance.

H. Residential lots fronting or abutting on highways, thoroughfares and other important traffic ways should have extra depth to permit deep set-backs for the buildings from such traffic ways.

CHAPTER 1197 **IMPROVEMENTS**

RULES AND REGULATIONS ESTABLISHING MINIMUM REQUIREMENTS FOR THE INSTALLATION OF IMPROVEMENTS IN SUBDIVISIONS WITHIN THE JURISDICTION OF THE CITY PLANNING COMMISSION OF THE CITY OF HAMILTON, OHIO.

SECTION 1197.01 CONSTRUCTION PRIOR TO FILING FINAL PLAT

All of the improvements required under these regulations shall be constructed prior to the filing with the Planning Commission of the Final Plat for final approval, in accordance with the specifications and under the supervision of the officials having jurisdiction.

SECTION 1197.02 STREETS

Streets shall be graded to full width and fully constructed, including all weather pavements in accordance with the standards provided in Section 903.01 of the Streets, Utilities and Public Services Code and curbs and gutters, bridges and other structures shall be subject to approval by the Director of Public Works.

SECTION 1197.03 SIDEWALKS

Sidewalks of such width and type of construction as required by the Director of Public Works, five (5') feet in width unless otherwise approved, shall be constructed on both sides of every road or street where lots are of a width of One Hundred and twenty (120) feet or less. Sidewalks shall be constructed on one or both sides of streets irrespective of the width of lots, where, in the judgment of the Planning Commission, these are necessary to protect the safety of pedestrians. Where plats are designed with interior walkways, walks shall be fully constructed to adequately serve the area being platted.

SECTION 1197.04 WATER

Where a public water supply main is reasonably accessible, in the judgment of the Planning Commission, the subdivision shall be provided with a complete water distribution

system adequate to serve the area being platted including a connection for each lot and appropriately spaced fire hydrants. Where public water supply is not available within reasonable distance, the average size of lots shall not be less than Twenty Thousand (20,000) square feet ($\frac{1}{2}$ acre), the Subdivider or Subdivider shall provide for individual wells. The entire water supply and distribution system shall be designed to meet the approval of the officials having jurisdiction.

SECTION 1197.05 GAS

Where a public gas supply main is reasonably accessible, in the judgment of the Planning Commission, the subdivision shall be provided with a complete gas distribution system adequate to serve the area being platted including a connection for each lot.

SECTION 1197.06 STORM DRAINAGE SYSTEM

A. Every development shall be provided with a storm drainage system that provides adequate, complete and satisfactory drainage service for the entire area being platted for all projected land uses and otherwise meeting the approval of the officials having jurisdiction. The system shall provide for draining the entire area of each and every lot. The drawing plans and specifications for such system, when finally approved by the City Engineer, shall be known as the *Official Drainage Plan* for such development.

B. Continuous or intermittent drainage flow (from springs, ground water, seepage, foundation drains, yard drains, etc.) shall be disposed of by piping to a storm sewer or stream with continuous or intermittent flow and shall not be disposed of by draining to the sanitary sewer system, street gutter or to an open ditch or swale that is without flow during dry periods. Where gravity flow is possible for foundation drains, such flow can outlet to any stream or swale, except minor lot swales. The Subdivider's engineer shall evaluate the possibility of occurrence of such situations in the design of the drainage plan and provide whatever drainage facilities are needed.

C. The Subdivider and his engineer shall take necessary and proper design and construction measures and precautions to control and prevent the slippage of hillsides, slope instability, obstruction of sewers and drainage, stagnation, erosion and sedimentation. The City, by its Building Code provisions, shall supervise and control work by builders and lot owners to insure that these provisions are complied with. The Subdivider shall include the requirement for minor lot swale work in his conveyance to each buyer and shall cooperate with and assist the City in having this work completed in conformance with the Official Drainage Plan.

D. The Official Drainage Plan referred to in subparagraph (A) hereof shall be attached to, incorporated into by reference, and filed with the Final Plat of the subdivision or development in the Office of the Recorder of Butler County, Ohio, when such Final Plat is so recorded. The Subdivider of the subdivision or other development shall thereafter

include in each deed for the conveyance of such subdivision or development, or portion thereof, a covenant making such conveyance subject to the terms and conditions of the aforementioned Official Drainage Plan. That such covenant shall be stated in language that will cause the same to run with the land and insure to the benefit of the City of Hamilton and the owner or owners of any parcel of land within such subdivision or development. The requirement for such covenant may be alternately satisfied by the recordation of a separate instrument setting forth such covenant in a manner that all subsequent conveyances shall be subject thereto.

E. For the purposes of Maintenance of Detention and Retention Facilities the Subdivider shall submit to the City for review at the time of submission of the Final Plat a copy of the Homeowners Association Declaration, Bylaws, Covenants and Restrictions that outlines the continued maintenance and responsibilities of the Homeowners Associations with regard to the detention and retention facilities and their control structures and/or other open spaces maintenance. **NO FINAL PLAT SHALL BE APPROVED BY THE PLANNING COMMISSION WITHOUT THIS SUBMISSION AND ITS APPROVAL BY THE APPROPRIATE CITY DEPARTMENTS.**

F. Sump Pump Connector Main - All sump pumps shall be connected to a catch basin or to a Sump Pump Connector Main. The Sump Pump Connector Main is required to be installed one foot behind the back of curb and connect to a downstream catch basin or storm sewer manhole. Cleanouts shall be installed at the terminus ends of the connector main and shall not exceed 400' spacing. The Sump Pump Connector Main shall be a minimum of eight (8") inch diameter and have a minimum slope of .5%. The pipe shall be constructed of SDR35 or an approved equal. Standard 'Y's or 'T's shall be installed 10 feet from the downhill property line of each lot.

SECTION 1197.07 SEWERAGE

Where a public sanitary sewer main is reasonably accessible, in the judgment of the Planning Commission, the subdivision shall be provided with a complete sanitary sewer system connected with such sewer main, including a lateral connection for each lot. Where a public sanitary main is not reasonably accessible, in the opinion of the Planning Commission, proper provisions shall be made for the disposal of sanitary wastes by one or the other of the following methods, as the case may be:

A. In the case of a subdivision in which the average size of lots is less than one-half ($\frac{1}{2}$) acre, the subdivision shall be provided with a complete sewage system, including a lateral connection for each lot, and a community sewage treatment plant of a type meeting the approval of the officials having jurisdiction. In such case, or whenever a common effluent sewer line is provided, the following note shall be entered on the Final Plat: "*The tile that is laid for the purpose of serving as an effluent line for an individual or community septic tank is a private sewer line and the responsibility of maintenance shall rest with the abutting property owners using said line*", or, alternately, the right of the City of

Hamilton to charge the actual cost of operating and maintaining such common effluent sewer line and/or treatment plant shall be entered on the final or record plat and incorporated in each deed.

B. In the case of a subdivision in which the average size of lots is Twenty Thousand (20,000) square feet ($\frac{1}{2}$ acre) or more in area, and where the officials having jurisdiction deem appropriate, based on soil and other conditions as determined by percolation and other tests, private restrictions shall be filed with the final or record plat and incorporated in each deed calling for the installation on each lot of an individual sewage disposal system meeting fully the requirements of the officials having jurisdiction.

SECTION 1197.08 UNDERGROUND ELECTRIC, TELEPHONE, DATA, CABLE AND TELECOMMUNICATION SERVICE FACILITIES

A. Pursuant to Section 943.11 of the Codified Ordinances of the City of Hamilton, primary electric distribution facilities for all new subdivisions constructed within the corporate limits of the City shall be installed underground and in accordance with the provisions set forth therein.

B. Telephone, data, cable and telecommunication service facilities for all new subdivisions constructed within the corporate limits of the City shall also be installed underground.

C. Notwithstanding the provisions set forth in subsections (a) and (b) above, the City may determine that overhead electric distribution facilities or telephone, data, cable and telecommunication services are appropriate for a particular subdivision due to design features, large capacity improvements, the requirements of existing facilities, or other reasons effecting and/or impacting upon the City's electric distribution system or telephone, data, cable and telecommunication systems.

D. Permanent easements shall be granted and/or dedicated to the City for the installation of the aforesaid electric distribution facilities and the telephone, data, cable and telecommunication service facilities for all new subdivisions constructed within the corporate limits of the City.

SECTION 1197.09 GUARD RAILS

Guard Rails shall be erected in accordance with ODOT specifications.

SECTION 1197.10 STREET NAME SIGNS

Street name signs of a type meeting the standard specification of the Director of Public Works shall be provided by the subdivider and erected at each highway, road or street intersection.

SECTION 1197.11 MONUMENTS

Permanent and other monuments shall be placed in accordance with the requirements of the Director of Public Works. The permanent reference monuments shall be of stone or concrete at least Thirty-Six (36) inches in length and Six (6) inches square with suitable centerpoint.

SECTION 1197.12 CONSTRUCTION PLANS

Construction plans, including the following, for improvements to be installed shall be furnished in accordance with the specifications of the official having jurisdiction and shall receive approval of these officials before improvements are installed:

A. The centerline profile of each proposed street at the scale of Fifty (50) feet or less to the inch, with tentative grades indicated.

B. The typical section of each proposed street, showing the width of pavement, the location and width of sidewalks and the location and size of utility mains.

C. The plans and profiles of proposed sanitary sewers, with grades and sizes indicated, or method of sewage disposal in lieu of sewers.

D. A detailed storm drainage plan that provides adequate, complete and satisfactory drainage for the entire area being platted and for all projected land uses. The plan shall include all information required by Section 1193.01(D)(15) for the preliminary drainage plan and such other data and information as may be required by the Director of Public Works and shall be sufficiently complete and detailed to thoroughly review the design needed to completely drain the area, including design calculations. The drainage plan shall clearly show the method to be used for the adequate disposal of all storm water, including drainage outlets and the impact that the proposed development will have on drainage of adjacent areas. The plan shall be on a reproducible separate sheet. The construction plans shall be sufficiently complete and detailed to construct all facilities shown on the drainage plan.

The drainage plan shall contain the certification of the Subdivider and his engineer and the approval of the City Engineer and thereafter shall be the *Official Drainage Plan* for the land being platted and shall not be revised or altered without the approval and endorsement thereon by the City Engineer. The Subdivider shall certify that all grading and drainage facilities will be completed in conformance with the Official Drainage Plan and his engineer shall certify that the drainage system has been designed to provide complete and adequate storm drainage service for the entire area being Platted.

The Official Drainage Plan may be altered or revised provided that adequate and

satisfactory alternate facilities are provided. Any person requesting an alteration or revision must file a written request with the City Engineer and all owners affected by the change; the request shall include an explanation and plan in sufficient detail to adequately review the requested alteration or revision. Any change must be approved by the City Engineer and be endorsed by him on the Official Drainage Plan and he shall take the views of all affected parties into consideration in making a determination. Any owner that takes any action not in conformance with the Official Drainage Plan shall be liable for any resulting damage and responsible for any corrective work necessary to conform to the Official Drainage Plan, including approved revisions.

E. A plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants.

F. A plan of the proposed gas distribution system, showing pipe sizes, location of valves and other facilities.

SECTION 1197.13 PRE-CONSTRUCTION MEETING

A. Prior to starting any of the work covered by the plans approved as above, there shall be a pre-construction meeting of the Subdivider, the Subdivider's engineer and contractor, and representatives from the Gas and Water Department, the Electric Department, and the Public Works Department to discuss the improvements to be constructed. At the meeting, the Subdivider and his contractor shall submit explicit information on work to be done, names of contractors and subcontractors, a work schedule and starting and completion dates and arrangements shall be made with payment to provide inspection of the work sufficient in the opinion of the Directors of Public Works, the Gas and Water Department, and the Electric Department to insure compliance with the approved plans and specifications. Written approval shall be obtained from the City Engineer to start the work.

B. All storm sewers and all major ditches and swales draining the proposed subdivision area and any area beyond adjacent lots shall be installed prior to the start of lot grading work and the occupancy of any structure. Grading of swales, ditches, etc. shall be completed as the initial grading operation.

SECTION 1197.14 COMPLETION OF CONSTRUCTION

A. The construction of all improvements required by these rules and regulations shall be completed within one (1) year from the date of approval of the Final Plat by the Planning Commission, unless good cause can be shown for the granting of an extension of time by authority of the Planning Commission. Such extension shall be in writing, and copies thereof shall be forwarded to all departments concerned.

B. After completion of all improvements and before the final Acceptance by the

City, the Subdivider's engineer shall submit three (3) copies of final "As-Built" detailed plans for all constructed improvements, not previously submitted for review by the City. Once approved, the Subdivider shall submit "As-Built" detailed plans in a digital format compatible with the City's mapping system, and one set of reproducible mylars. The "As-Built" plans shall be dated and signed by the engineer and the date received noted thereon by the City and shall be reproducible. No separate performance bond for "As-Built" detailed construction drawings shall be released in full prior to the submission and acceptance of final "As-Built" detailed construction plans.

C. The Subdivider shall be responsible for the installation of all drainage facilities shown on the Official Drainage Plan to provide a complete drainage system for the entire area being platted, except for minor lot swales that are the responsibility of the lot owner. Lot owners shall be responsible for construction of minor swales draining just their lot or the adjacent lot and such work shall be shown on the plot plan submitted with the application for a building permit and shall be in accordance with the Official Drainage Plan.

D. The Subdivider and his engineer shall endorse the Official Drainage Plan certifying that all work shown thereon has been completed in accordance therewith except for noted revisions and changes. This certification must be completed before release of the subdivision bond.

SECTION 1197.15 MAINTENANCE AND REPAIR FOR ONE YEAR

The Subdivider shall maintain and keep in repair all required improvements for one (1) year from the date the constructed streets are approved by the Director of Public Works. Prior to the end of the one (1) year maintenance period, the Director of Public Works shall conduct a final inspection of the subdivision. Any "repairs or maintenance" required during the period of time after final plat approval and prior to the expiration of the maintenance bond shall be completed within the time frame established by the Director of Public Works.

SECTION 1197.16 ACCEPTANCE OF STREETS

The approval of a plat by the Planning Commission shall not be deemed to be an acceptance of the dedication of any public street, road, or highway dedicated in such plat. The Director of Public Works shall upon written request by the owner of the land upon which the street has been constructed, check the construction and if the Director of Public Works finds that such street is in good repair, then such finding, endorsed on the approved plat, shall constitute an acceptance of the street for public use.

SECTION 1197.17 MODIFICATIONS

Where unusual or exceptional factors or conditions exist, the Planning Commission may modify any of the provisions of these regulations excepting those covered by Section

1197.01 and, on written application by the Subdivider or his authorized engineer. Said statement shall set forth the reasons for such requested modification and shall be attached to all copies of the construction plans.

SECTION II: That Ordinance No. OR2005-10-104, adopted October 12, 2005, amending Chapters 1189 through 1197 of the Codified Ordinances of the City of Hamilton, Ohio, be and **is hereby repealed.**