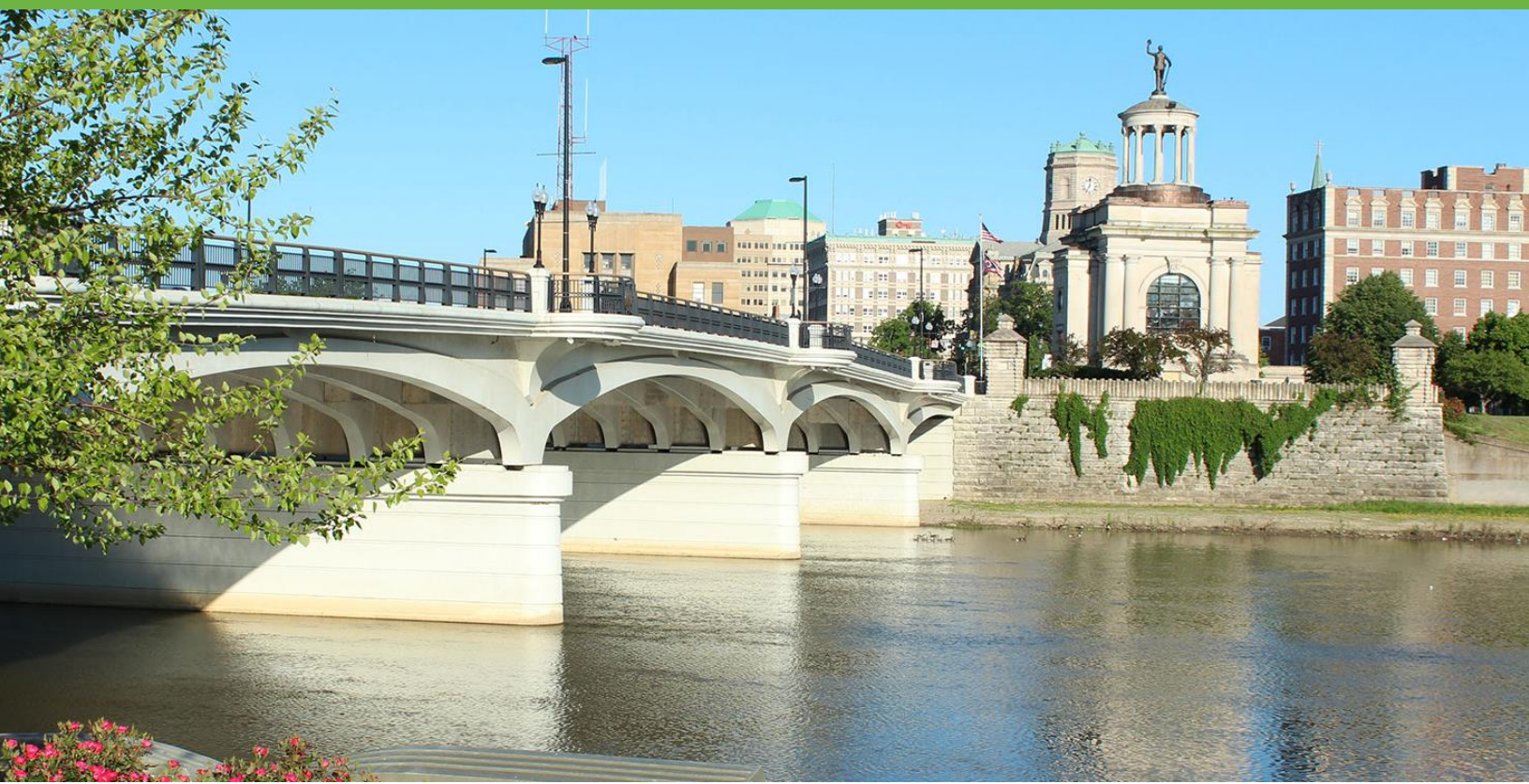




SUBDIVISION REGULATIONS

Adopted May 12, 2021

Part 11, Title 3 of the City of Hamilton Codified Ordinance
Ordinance OR2021-05-30



CONTENTS

1189. GENERAL PROVISIONS	1
1189.1 Title.....	1
1189.2 Purpose and Scope	1
1189.3 Territorial Limits of Regulations	1
1189.4 Authority.....	1
1189.5 Interpretation of Standards	1
1189.6 Severability	1
1189.7 Zoning Restrictions	2
1189.8 Definitions.....	2
1191. PROCEDURES	4
1191.1 Approval Required.....	4
1191.2 Compliance with Design Standards.....	5
1191.3 Submission Fees	5
1191.4 Early Consultation	5
1191.5 Preliminary Plat	5
1191.6 Construction	6
1191.7 Final Plat	10
1191.8 Minor Subdivisions and Exceptions	11
1193. DRAWING SPECIFICATIONS	14
1193.1 Preliminary Plat Specifications.....	14
1193.2 Construction Plans	16
1193.3 Final Plat Specifications.....	18
1195. DESIGN STANDARDS	21
1195.1 Flood Prone Land	21
1195.2 Reserving Streets, Public Grounds, and Open Spaces.....	21
1195.3 Street and Block Layout.....	22
1195.4 Minimum Right-of-Way Widths of Thoroughfares.....	24
1195.5 Minimum Paving Widths	24
1195.6 Street Grades, Curves, and Sight Distances	25
1195.7 Intersections	25

1195.8	Lots.....	26
1197.	MODIFICATIONS.....	26
1197.1	Modifications of Subdivision Design Standards	26
1197.2	Application for Modification.....	27
1199.	IMPROVEMENTS.....	27
1199.1	Construction Prior to Filing Final Plat.....	27
1199.2	Streets.....	28
1199.3	Sidewalks.....	28
1199.4	Water	28
1199.5	Gas	28
1199.6	Electric	29
1199.7	Storm Drainage System	29
1199.8	Sewerage	31
1199.9	Utility and Service Facilities	31
1199.10	Guard Rails	32
1199.11	Street Name Signs	32
1199.12	Monuments.....	32

1189. GENERAL PROVISIONS

1189.1 Title

These regulations shall officially be known, cited, and referred to as the Subdivision Regulations of the City of Hamilton, Ohio.

1189.2 Purpose and Scope

These Subdivision Regulations for the City of Hamilton, Ohio, Butler County, Ohio, as provided for in Chapter 711 of the Ohio Revised Code, are intended to govern the control of the subdivision of land within the jurisdiction of the City of Hamilton Planning Commission, the preparation of plats of such subdivisions and the splitting of lots; improvement requirements; and standards of design. They are designed to provide and promote adequate and convenient traffic flow, coordination of layout, proper arrangement of streets, adequate provision of potable water and sewage treatment, adequate space for light and air, access for fire, police, and other emergency vehicles, and ensure an integrated development of the City in an efficient and orderly manner in conformity with the City of Hamilton Comprehensive Plan, and to promote the health, safety, and general welfare of the citizens of the City and surrounding areas.

1189.3 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.

1189.4 Authority

The City of Hamilton Planning Commission is hereby designated as the land use authority for the City and is charged with the duty of approving regulations and making investigations and reports on the design and improvement of proposed subdivisions; and is hereby authorized to approve or disapprove plats of subdivisions, prepared and filed in accordance with the provisions of these regulations.

1189.5 Interpretation of Standards

In their interpretation and application, the provisions of these regulations shall be held as minimum requirements. Wherever these regulations impose a greater restriction than is imposed or required by other provisions of law or by other rules, regulations, or ordinances, the provisions of these regulations shall apply.

1189.6 Severability

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1189.7 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.

1189.8 Definitions

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

- A. **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.
- B. **As-Built Plan.** A drawing which represents a true location of what is being measured or has already been built in the field.
- C. **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.
- D. **Director of Engineering.** The Director of Engineering for the City of Hamilton, Ohio, or their designee.
- E. **Easement.** A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.
- F. **Final Plat.** A plat of a subdivision containing all necessary information as required in section 1193.3 of these regulations, signed by the appropriate authorities, and recorded in the office of the Butler County Recorder.
- G. **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.
- H. **Improvements.** Street pavement, curbs, gutters, sidewalks, waterlines, gas lines, sewer lines, storm drains, streetlights, electric facilities, flood control and drainage facilities, utility lines, landscaping, and other related matters, whether public or private, normally associated with the development of raw land into building sites.
- I. **Local Street or Collector Street.** A street intended to serve and to provide access to neighborhoods or sub-neighborhoods.
- J. **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.
- K. **Minor Subdivision (Lot Split).** A division of a parcel of land that does not require a record plat to be approved by the Planning Commission as specified in section 711.131 of the Ohio Revised Code.

- L. **Monuments.** Permanent concrete or iron markers used to establish boundary lines of a subdivision plat and points of change in street alignment.
- M. **Planning Commission.** The City Planning Commission of the City of Hamilton, Ohio.
- N. **Preliminary Plat.** The drawing depicting a proposed subdivision which is intended to provide the Planning Commission with pertinent information regarding the development of a subdivision.
- O. **Roadway Functional Classification Map.** A map of the City of Hamilton illustrating the grouping of roads, streets, and highways in a hierarchy based on the type of highway service they provide.
- P. **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 or more parcels, sites, or lots, any one of which is less than five 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 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 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, gas, electric, storm drainage, or other public facilities.
- Q. **Subdivision Regulations.** As used in Title Three of Part Eleven – Planning and Zoning Code means Ordinance OR2021-3-21, passed March 24, 2021.
- R. **Thoroughfare, Street, or Road.** The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:
 - 1. **Interstates and Freeways.** A divided highway intended to serve the uninterrupted flow of traffic for both interstate and intrastate traffic through an area. Such highways are generally limited or controlled access in nature.

2. **Principal Arterials.** Principal Arterials are generally State and U.S. highways and heavily traveled County and City roads which carry both local and cross-county traffic. They link various urban and rural communities and are intended to move traffic to and from interstates and major traffic generators.
3. **Minor Arterials.** Similar in function to Principal Arterials, though usually carrying less traffic. These thoroughfares consist of State and U.S. Highways, County, and City roads which distribute traffic from Principal Arterials to a lower system.
4. **Major Collectors.** Major Collectors consist of City roads which are intended to carry local traffic and distribute traffic to Principal and Minor Arterials and/or to local streets.
5. **Local Streets.** These streets provide access to individual properties which abut them. In addition, they provide access to the Collector and Arterial Systems on a local level. Local streets serve residential, commercial, and industrial land uses.
6. **Alley.** A public or private way not more than 30 feet wide affording only secondary means of access to abutting property.
7. **Cul-de-sac.** A local street, that does not serve more than 25 lots, with one end open to traffic and the other end terminating in a vehicular turn-around.
8. **Dead-end/Stubbed Street.** A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
9. **Private Street.** A street which has not been duly accepted by the City for public use.
10. **Public Street.** A street which has been dedicated and accepted by the City for public use.

1191. PROCEDURES

1191.1 Approval Required

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 tree clearing and grading, until they have obtained from the Planning Commission the approval of the Preliminary Plat of the proposed subdivision.

1191.2 Compliance with Design Standards

In planning and developing a subdivision, the applicant shall comply with the general principles of design and the minimum requirements for the layout of a subdivision as set forth in section 1195: Design Standards, and with the rules and regulations concerning required improvements set forth in section 1199: Improvements.

1191.3 Submission Fees

All applications for development shall be charged according to the associated fee schedule and shall be paid to the City prior to any advancement to the next phase of the approval process.

1191.4 Early Consultation

Before preparing and submitting the Preliminary Plat to the Planning Commission, the Subdivider or their engineer shall consult with the Director of Engineering while the plat is in sketch form, to ascertain the location of proposed highways, roads, utilities, drainage improvements, parks, playgrounds, and other planned developments. The Subdivider shall notify the Director of Engineering at the time of early consultation if the Subdivider intends to submit a Preliminary Plat and Final Plat for consolidated review in accordance with Section 1191.8 herein.

1191.5 Preliminary Plat

In planning and developing a subdivision the Subdivider or their 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. **Prepare and Submit.** The Subdivider shall prepare a Preliminary Plat of the proposed subdivision which shall conform to the requirements set forth in Section 1193.1. The Preliminary Plat, in conjunction with any associated documentation, an application, and fee, shall be filed with the Planning Department for processing and scheduling.
- B. **Staff and Planning Commission Review.** The Preliminary Plat will be checked by the Planning Commission as to its conformity with the Roadway Functional Classification Map, Zoning Ordinance, and Subdivision Regulations. Copies of said Preliminary Plat will be referred by the Planning Commission for recommendation or other action to the applicable administrative officials governing zoning, building, engineering, public works, and/or fire, for the review of all items within their jurisdiction including construction plans of the proposed improvements.
- C. **Approval**

1. 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.
2. Upon approval by the Planning Commission, the Preliminary Plat shall be forwarded to City Council. City Council shall review the recommendation of staff and Planning Commission and approve or disapprove the Preliminary Plat, or approve it with modifications, noting thereon any changes that will be required. Council shall approve the Preliminary Plat via Resolution.
3. Small-scale subdivisions that include the platting of five or less lots are not subject to approval by City Council. The approval of such subdivisions by Planning Commission shall be deemed the final approval of the Preliminary Plat.
4. One copy of the Preliminary Plat will be returned to the Subdivider with the date of said tentative approval or disapproval endorsed thereon. Similar copies will be transmitted to the Director of Engineering. The approval of the Preliminary Plat by the Planning Commission and City Council is to be considered only as an approval of the layout, with the understanding that the Director of Engineering, and other applicable City Officials, may modify any engineering or construction details proposed by the Subdivider, whenever required for the protection of the public interest.

1191.6 Construction

Following approval of the Preliminary Plat, the Subdivider may proceed to install streets, sanitary sewers, and other public improvements as required in section 1199. The Subdivider shall submit the required construction plans and drainage plans, per section 1193.2, to be approved by Director of Engineering and attend a pre-construction meeting with staff prior to construction commencing. Access for City representatives must be provided at all times during installation of underground utilities in order to accurately locate valves, bends, fittings, services connections, fusion welds, etc. using GPS technology.

- A. **Pre-Construction Meeting.** Prior to starting any of the work covered by the approved construction and drainage plans, the Subdivider shall attend a pre-construction meeting with the Subdivider, the Subdivider's engineer and contractor, and appropriate representatives from City Departments including Planning, Engineering, and Public Works. At the meeting, the Subdivider and their contractor shall submit the following:
 1. Explicit information on the work to be done
 2. Names of contractors and sub-contractors

3. A schedule of the work to be completed
4. Starting and completion dates
5. A payment and arrangement agreed upon by the City and the Subdivider, to provide inspection of the work sufficient in the opinion of the Director of Engineering, to ensure compliance with the approved plans and specifications.

B. Completion of Public Improvements

1. The construction of all public improvements required herein shall be completed within three years from the date of approval of the Preliminary Plat by the Planning Commission. If the required public improvements are not completed within three years from the approval of the Preliminary Plat, the Subdivider may request an extension of the approval from Planning Commission. Such extension request shall be submitted to the Planning Commission for its consideration prior to the expiration of the Preliminary Plat. The Preliminary Plat shall expire if the improvements are not completed within the required timeframe and an extension was not requested by the Developer. When a Preliminary Plat expires, the Developer will be required to submit a new Preliminary Plat to the City for review and approval before proceeding with the development.
2. All storm sewers and all major ditches and swales draining the proposed subdivision area and any area beyond adjacent lots and erosion control 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.
3. The Subdivider shall be responsible for the installation of all drainage facilities shown on the Official Drainage Plan, 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 or site plan submitted with the application for a building permit. Such plans shall be in accordance with the Official Drainage Plan.

4. No Final Plat for any subdivision shall be approved unless all the required public improvements, as required in section 1199, have been completed and certified. In the event that site circumstances result in the inability to complete certain public improvements (i.e., sidewalks, street trees, and streetlights) prior to the Final Plat being issued, the Subdivider may submit a request to the Director of Planning for an alternate construction timeline. If approved by the Director of Planning, the Subdivider can file with the Planning Department a good and sufficient surety to cover the full cost of completing any unfinished improvements by the City of Hamilton.
- C. Surety.** If the Developer requests to file a surety and such request was approved by the Director of Planning as stated in Section 1191.6.B. herein, the Developer must submit a surety in the form of the following:
1. A performance bond in the amount of 100% of the total cost for the City of Hamilton to completely install and inspect all of the approved improvements; and
 2. A maintenance bond in the amount of 10% of the total cost of all installed, inspected, and approved improvements.
- D. As-Built Drawings.** The Subdivider shall submit three paper copies of “As-Built” detailed construction drawings of all installed, inspected, and approved improvements prior to approval of the Final Plat. The As-Built drawings shall be submitted in a digital format compatible with the City’s mapping system and one set of drawings in pdf format. The performance still due shall be secured by either a performance bond or a cash deposit to the City. As-Built drawings shall be prepared and stamped by a Professional Engineer or Land Surveyor registered in the State of Ohio. Strikethrough proposed dimensions and elevations and show As-Built information in “red”. Information shall include, at a minimum: pipe size, material, and lengths; structure locations; top of rim elevations; invert elevations; detention/retention basin outlet structure dimensions; size and inverts of orifice/windows on outlet structures; top of bank and spillway elevations for detention/retention facilities; detention storage volume verification; location of detention storage area in relation to storm water basin easement; and fire hydrants, valve and lateral/service locations.

E. Maintenance

1. The Subdivider shall maintain and keep in repair all required improvements for one year from the date the constructed streets are approved by the Director of Engineering. Prior to the end of the one-year maintenance period, the Director of Engineering or designee shall conduct a final inspection of the subdivision. Any repairs or maintenance required during the period of time after the Final Plat approval and prior to the expiration of the maintenance bond shall be completed within the timeframe established by the Director of Engineering.
2. After all improvements have been completed, inspected, and approved, the Subdivider shall file with the Planning Department a maintenance bond in the amount of 10% of the total cost of the improvements, which bond shall be secured by a deposit of cash with the City, a pledge of cash in an escrow amount at a financial institution, or a corporate surety. The maintenance bond shall remain in effect for a period of one year after completion and acceptance of improvements.

F. Surety Release.

1. The performance bond or cash deposit to the City shall not be fully released until the required maintenance bond, as provided in Section 1191.6.E herein is filed with the Planning Department. In addition, three copies of final “As-Built” detailed construction drawings and a video of storm and sanitary facilities, as required in Section 1191.6.D, shall be submitted, reviewed, and approved prior to the release of any portion of the surety. The estimated costs to be used for the bonding estimate purposes for “As-Built” drawings shall be 1.5% of the total cost of all public improvements.
2. Such surety may be partially released upon the following schedule:

TABLE 1191.1: Surety Release Schedule	
Percentage of Completion	Percentage of Release
35%	20%
65%	50%
90%	75%
100%	90%

1191.7 Final Plat

- A. Prepare and Submit.** The subdivider shall prepare and file the Final Plat or Record Plat which shall conform to the requirements set forth in Section 1193.3. The Final Plat, in conjunction with any associated documentation, an application, and fee, shall be filed with the Planning Department for processing and scheduling.
- B. Staff Review.** A copy of the Final Plat and Official Drainage Plan thus filed will be transmitted to the Director of Engineering for review. If found satisfactory, he will return said plat to the Planning Department showing that:
 - 1. The technical details of the plat itself have been checked and found satisfactory; and
 - 2. All required improvements have been satisfactorily completed.
- C. Department Approval**
 - 1. After the Planning Department's receipt and approval of copies of the Final Plat, Official Drainage Plan and the subdivision Homeowners Association Declaration, Bylaws, Covenants and Restrictions, and provided that the Final Plat is found to substantially conform to the Preliminary Plat as approved, the Planning Department will approve the Final Plat. The approval of the Final Plat by the Planning Department 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 the plat.
 - 2. The Planning Department will receive two original mylars of the Final Plat, provided by the Subdivider, along with the Certificate of Title. The Planning Department will provide the two 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 one original mylar and one electronic copy of the recorded Final Plat. The Planning Department will then provide copies of the recorded Final Plat to the appropriate departments and agencies.
- D. Final Plat Expiration.** The Final Plat will expire in the following situations:
 - 1. The Final Plat will expire if less than 50 percent of the total number of lots within the subdivision have not been developed within ten years of the date of the Final Plat approval.
 - 2. The Final Plat will expire if less than 25 percent of the total number of lots within the subdivision have not been developed within five years of the date of the Final Plat approval.

3. The Final Plat will expire if less than 75 percent of the total number of lots within the subdivision have not been developed within 15 years of the date of the Final Plat approval.
 4. The Subdivider may request that the Final Plat be re-instated following expiration by requesting approval of such re-instatement from the Planning Commission.
- E. Acceptance of Streets.** The approval of a Final Plat by the Planning Department 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 Engineering 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 Engineering 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.

1191.8 Consolidated Preliminary and Final Plat Review and Approval

The Subdivider may submit both a Preliminary Plat and Final Plat of the proposed subdivision for consolidated review and approval in accordance with this Section. The Preliminary Plat shall conform to all requirements set forth in Section 1193.1 herein and the Final Plat shall conform to all requirements set forth in Section 1193.3. If the Subdivider chooses to submit both the Preliminary Plat and Final Plat at the same time, the Director of Planning or the Director's designee shall complete an initial consolidated review of the plats to determine whether the Final Plat substantially conforms to the Preliminary Plat. The Director of Planning shall submit a certification to Planning Commission stating that the Final Plat does or does not substantially conform to the Preliminary Plat.

- A. Submission and Staff Review.** The Subdivider shall prepare and submit the Preliminary Plat and Final Plat in accordance with the procedures set forth in Section 1191.5.A. herein. The Director of Planning or the Director's designee shall additionally complete an initial consolidated review of the plats to determine whether the Final Plat substantially conforms to the Preliminary Plat. If the Director of Planning determines the Final Plat substantially conforms to the Preliminary Plat, the Director shall submit a certification to Planning Commission confirming the Director's determination of substantial conformity between the plats.
- B. Planning Commission Review.**
 1. The Preliminary Plat will be checked by the Planning Commission as to its conformity with the Roadway Functional Classification Map, Zoning Ordinance, and Subdivision Regulations. Copies of said Preliminary Plat will be referred by the Planning Commission for recommendation or other action to the applicable administrative officials governing zoning, building, engineering, public works, and/or fire, for the review of all items within their jurisdiction including construction plans of the proposed improvements.

2. The Planning Commission will tentatively approve or disapprove the Preliminary Plat, or approve it with modifications, noting thereon any changes that will be required. If the Planning Commission approves the Preliminary Plat, the motion of the Planning Commission approving the Preliminary Plat shall be accompanied by a second motion approving the Final Plat. If the Planning Commission approves the Preliminary Plat with modifications, the Final Plat shall be approved subject to the same modifications. The Planning Commission shall not recommend approval unless it has received a certification from the Director of Planning confirming the Director's determination that the Final Plat substantially conforms to the Preliminary Plat.

C. Approval.

1. Upon approval by the Planning Commission, the Preliminary Plat shall be forwarded together with the Final Plat to City Council. City Council shall review the recommendation of staff and Planning Commission and approve or disapprove the Preliminary Plat, or approve it with modifications, noting thereon any changes that will be required. If City Council approves the Preliminary Plat, the motion approving the Preliminary Plat shall be accompanied by a second motion approving the Final Plat. If City Council approves the Preliminary Plat with modifications, the Final Plat shall be approved subject to the same modifications.
2. Small-scale subdivisions that include the platting of five or less lots are not subject to approval by City Council. The approval of such subdivisions by Planning Commission shall be deemed the final approval of the Preliminary Plat.
3. One copy of the Preliminary Plat and Final Plat will be returned to the Subdivider with the date of said tentative approval or disapproval endorsed thereon. Similar copies will be transmitted to the Director of Engineering. The approval of the Preliminary Plat and Final Plat by the Planning Commission and City Council is to be considered only as an approval of the layout, with the understanding that the Director of Engineering, and other applicable City Officials, may modify any engineering or construction details proposed by the Subdivider, whenever required for the protection of the public interest.
4. Following consolidated approval of the Preliminary Plat and Final Plat, the Subdivider shall comply with the construction process in accordance with Section 1191.6 and 1199 herein.

D. Final Plat Recordation.

1. If the Final Plat of the subdivision was previously approved by City Council pursuant to this Section, the Subdivider shall notify the Planning Director upon completion of the Subdivider's installation of all improvements required under Section 1199 herein. If the Planning Director and appropriate City Staff determine the improvements have been satisfactorily completed, the Planning Director shall file with the Planning Commission a certification that the Final Plat substantially conforms with the Preliminary Plat and the construction plans, the improvements required under Section 1199 have been satisfactorily completed, and the Planning Director has received the Official Drainage Plan and Homeowners Association Declaration, Bylaws, Covenants and Restrictions approved by appropriate City Staff. The filing of the Planning Director's certification 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 the plat.
2. The Planning Department will provide two original mylars of the Final Plat, provided 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 one original mylar and one electronic copy of the recorded Final Plat. The Planning Department will then provide copies of the recorded Final Plat to the appropriate departments and agencies.
3. All applicable subdivision requirements and regulations set forth in this Chapter, with the exception of procedural plat approval steps expressly modified by this Section 1191.8, shall continue to apply in full force and effect, including but not limited to the 1191.7.D Final Plat Expiration timeline.

1191.9 Minor Subdivisions and Exceptions

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 their designee as conforming to all Zoning Ordinance regulations. The request shall be accompanied by a sketch, prepared by a registered engineer or surveyor, and such 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 Director of Planning, is satisfied that such proposed division is not contrary to applicable platting, subdivision, and zoning regulations, they shall, within seven working days after the submission, approve such proposed division.

1193. DRAWING SPECIFICATIONS

1193.1 Preliminary Plat Specifications

- A. **Application.** A Preliminary Plat application, submission fee, and associated documentation shall be submitted. The Preliminary Plat shall be prepared by a registered professional engineer or surveyor, authorized to practice under the laws of the State of Ohio.
- B. **Drawing Specifications.** The horizontal scale of the Preliminary Plat shall be drawn at a scale of 100 or less to the inch and the vertical scale of the street and sewer profiles shall be drawn at a scale of 20 feet or less to the inch, if required. The Preliminary Plat drawings shall include the following features and information:
1. A vicinity map at a scale of 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 of parcels of land, together with names of record owners of such parcels immediately adjoining the proposed subdivision and between it and the nearest existing highways and 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.
 2. The proposed name of the subdivision shall not duplicate or closely approximate the name of any other subdivision in Butler County.
 3. The tract designation according to real estate records of the Recorder of Butler County.
 4. The names and addresses of the owner of record, the Subdivider, and the engineer and/or surveyor.
 5. The names of adjacent subdivisions and the names of record owners of adjacent parcels of unplatted land.
 6. The boundary lines, accurate in scale, of the tract to be subdivided.
 7. 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, pipelines, high tension lines, section lines, etc.
 8. Existing sewers, gas mains, water mains, culverts, telecommunication facilities, and other underground structures within the tract and immediately adjacent thereto with pipe sizes and grades indicated.
 9. Benchmark and contours, normally with intervals of two feet referenced to U.S.G.S. Datum, or as required by the Director of Planning.

10. The layout, proposed names, and widths of proposed streets, alleys, and easements; and the layout, numbers and approximate dimensions of proposed lots (proposed street names shall not duplicate or closely approximate any existing street names in the City of Hamilton and its near 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).
11. Zoning boundary lines, proposed uses of property, and proposed front yard setback lines.
12. 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 limitation of such reservation indicated.
13. 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 rights-of-way
14. North point, scale, and date.
15. A preliminary storm drainage plan on a separate sheet that provides the following:
 - a. An adequate, complete, and satisfactory preliminary drainage plan for the entire area being platted for all projected land uses.
 - b. A storm drainage study and plan information that includes all watershed and floodplain areas, overall design calculations and boundaries, contours at two foot intervals or less, and the location and size of all existing and 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.
 - c. If 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.

- d. 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 services 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.
 - e. Arrows shall be used to indicate the direction of flow of all drainage.
16. A general statement describing proposed improvements and drainage systems.

1193.2 Construction Plans

- A. Construction plans, including the following, for improvements to be installed shall be furnished to the City in accordance with the specifications of the official having jurisdiction and shall receive approval of those officials before improvements are installed.
- B. **Drawing Specifications**
 - 1. The centerline profile of each proposed street at the scale of 50 feet or less to the inch, with tentative grades indicated.
 - 2. 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.
 - 3. The plans and profiles of proposed sanitary sewers, with grades and sizes indicated, or method of sewage disposal in lieu of sewers.
 - 4. A plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants.
 - 5. A plan of the proposed gas distribution system, showing pipe sizes, location of valves and other facilities.
 - 6. A plan of the proposed electric distribution system, showing conduit sizes, and the location of junction boxes, transformers, and streetlights.
 - 7. A detailed storm drainage plan on a separate sheet that provides the following:
 - a. An adequate, complete, and satisfactory detailed drainage plan for the entire area being platted and for all project land uses that is in conformance with the City's stormwater regulations.

- b. The plan shall include all the information required for the preliminary storm drainage plan and any additional data as may be required by the Director of Engineering. The plan shall detail the design needed to completely drain the area, including design calculations.

- c. 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.
- d. Construction plans that are sufficiently complete and detailed in order to construct all facilities shown on the drainage plan.
- e. A certification of the Subdivider and his engineer.

The detailed storm drainage plan shall be known as the *Official Drainage Plan* following its approval by the Director of Engineering.

1193.3 Final Plat Specifications

- A. **Application.** A Final Plat application, submission fee, and associated documentation shall be submitted. The Final Plat shall be prepared by a registered professional engineer or surveyor, authorized to practice under the laws of the State of Ohio.
- B. **Drawing Specifications.** The horizontal scale of the Final Plat shall be drawn at a scale of 100 or less to the and shall include the following features and information:
 - 1. 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.
 - 2. Name of the subdivision and name or number of the largest subdivision or tract of which the tract now subdivided forms a part.
 - 3. Names and locations of adjoining subdivisions and location and ownership of adjoining un-subdivided property.
 - 4. Names and addresses of the owner of record, the Subdivider, and the engineer or surveyor.
 - 5. Northpoint, scale, and date.
 - 6. The exact location and width along the property line of all existing recorded streets intersection or paralleling the boundaries of the tract.
 - 7. True bearing and distances to the nearest 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 established survey of corporation lines shall be accurately monument-marked and located on the plat, and their names shall be lettered on them.

8. The accurate location and material of all permanent reference monuments.
9. 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
10. The exact layout including:
 - a. 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)
 - b. The length of all arcs – radii, points of curvature and tangent bearings
 - c. All easements of rights-of-way, when provided for or onward by public services (with the limitation of the easement rights definitely stated on the plat)
 - d. All lot lines with dimensions in feet and hundredths, and with bearings and angles to minutes if other than right angles to the street and alley lines.
11. Lots numbered in accordance with Butler County standards. 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.

- 12.** 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.
- 13.** Front yard setback 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 setback lines shall be shown as a note on the Final Plat.
- 14.** Private restrictions if any:

 - a.** Boundaries of each type of use restrictions.
 - b.** Other private restrictions for each definitely restricted sections of the subdivisions.
- 15.** 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.
- 16.** The Subdivider shall acknowledge on the Final Plat the various improvement requirements as set forth in this Ordinance and as may be specified by the Director of Engineering by notation on the Final Plat. The Subdivider shall contact the City for the standard language that is to be included on the Final Plat.
- 17.** Certification by a registered professional engineer or surveyor to the effect that:

 - a.** 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.
 - b.** All requirements of these subdivision regulations have been fully complied with.
- 18.** Acknowledgement of the owners and witnesses before an officer authorized to take the acknowledgment of deeds, which officer shall certify their official act on the plat.

19. Homeowners Association Declaration, Articles of Incorporation, Covenants and Restrictions, or Supplemental Declaration if required, to be filed with the Plat.
20. Copies of any private restrictions to be included in the deeds should be included with the Final Plat.

1195. DESIGN STANDARDS

1195.1 Flood Prone Land

In order to protect the safety, health, and general welfare of the people of Hamilton, subdivisions shall minimize any impact of development on flood prone lands, both within the subject subdivision and on adjacent properties. 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 use, and furnishes the Planning Commission with a performance bond or cash deposit to the City, running to the City of Hamilton, sufficient to cover the cost of such improvements as estimated the Director of Engineering and the officials have jurisdiction.

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

1195.2 Reserving Streets, Public Grounds, and Open Spaces

- A. The subdivision layout shall conform to the Roadway Functional Classification Map, the Comprehensive 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 includes any part of a freeway, expressway, arterial, or collector road as 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 in a subdivision or platted area, or if the City or Board of Education has 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.

1195.3 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 the 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.
 - 3. Dead-end streets and cul-de-sacs of reasonable length 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.
 - 4. Proposed streets shall intersect with one another as nearly at right angles as topography and other limiting factors of good design permit.
 - 5. 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 Planning Commission.
 - 6. Alleys or service drives may 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 freeways, expressways, and arterials, alleys may be platted in the rear of such lots or service drives provided in front of such lots as suggested in Section 1195.3.A.7.b and c below. Alleys may also be appropriate in traditionally designed neighborhoods that provide private drives to serve rear-loaded garages.

7. Lands abutting freeways, expressways, and arterials 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 thoroughfares and minimizing the interference of traffic. This may be accomplished in several ways, as set forth in this Section. In each specific case, though, the Subdivider shall take into consideration topography, existing physical conditions, the character of the existing and contemplated development, and other pertinent factors that may apply.
 - a. Plat the lots abutting such traffic ways at very generous depths and provide vehicular access to them by means of either alleys or service drives in the rear or a frontage access road next to the highway.
 - b. Front the lots on a minor street that parallels the freeway, expressway, or arterial road at a distance of a generous lot depth, rather than on the major thoroughfare. Private driveways in this case would connect with the minor street.
 - c. Plat a collector street more or less parallel with the highway, 600 to 1,000 feet distance 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. Use landscaping or other appropriate buffers of sufficient depth to mitigate the impacts of abutting thoroughfares.
 8. Private streets will not be approved, nor will public improvements be approved on or in any private street, unless approved by Planning Commission due to the existence of a unique circumstance, such as challenging site constraints, and only when less than 10 parcels are being created.
 9. Temporary dead-end streets, due to a phased development schedule, future planned connection, or other similar reason, shall be permitted where necessitated by the design of the subdivision; provided that a temporary turn-around shall be constructed when lots are fronting on such temporary dead-end 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 the 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 appropriate for the locality and the type of development contemplated, in the opinion of the Planning Commission. Blocks shall not exceed 1,800 feet where the average size of lots does not exceed two acres in area and shall not be less than 500 feet.
2. Planning Commission may require a mid-block crosswalk or pedestrian way, a minimum of 10 feet wide, to be constructed across any block that is over 900 feet in length.
3. The number of intersecting streets along freeways, expressways, and arterials shall be held to a minimum. Wherever practicable, blocks along such traffic ways shall be not less than 1,000 feet in length, unless otherwise approved by the Planning Commission.

1195.4 Minimum Right-of-Way Widths of Thoroughfares

- A. Streets and thoroughfares as specified on the Roadway Functional Classification Map shall have the minimum rights-of-way as follows, unless approved otherwise by the Planning Commission:
 1. Other Freeway and Expressway – 120 feet
 2. Principal Arterial – 120 feet
 3. Minor Arterial – 100 feet
 4. Major Collector – 100 feet
 5. Minor Collector – 80 feet
 6. Local – 60 feet
 7. Alleys – 20 feet
- B. All dead-end streets shall terminate in a circular turn-around having a minimum right-of-way diameter of 80', unless the Planning Commission approves a "T" or "Y" shaped paved space in place of the required turning circle.
- C. Where easements are required for utilities, their width shall be at least 10 feet along rear or side lot lines and at least eight feet behind and adjacent to the street right-of-way line. Wider easement widths may be required by Planning Commission in unique situations.

1195.5 Minimum Paving Widths

- A. Minimum pavement widths from back of curb to back of curb (required to be installed at the Subdivider's expense), shall be as follows:
 1. Freeways, expressways, principal arterials, minor arterials, and major collectors – 32 feet.
 2. Minor collector and local streets over 600' in length – 28 feet.

3. Minor collector, local streets, and dead-end streets less than 600 feet in length – 28 feet.
4. Alleys and service drives – 12 feet.
5. The pavement of a turning circle at the end of a dead-end street shall have a minimum outside diameter of 60 feet. A “T” or “Y” shaped paved space, when approved by 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 10 feet wide with the flared portion rounded by a minimum radius of 20 feet.

1195.6 Street Grades, Curves, and Sight Distances

- A. The grades of streets shall not be less than 0.5% and shall not exceed the following, unless approved by the Director of Engineering:
 1. Freeways, expressways, principal arterials, minor arterials, and major collectors – 4%.
 2. Minor collector, local streets, service drives, and alleys – 7%.
 3. Pedestrian ways or crosswalks – Per Federal ADA standards.
- B. All changes in street grades shall be connected by vertical curves having a minimum length of 50 feet or equal to 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. Freeways, expressways, principal arterials, minor arterials, and major collectors – 400 feet.
 2. Minor collector, local streets, service drives, and alleys – 100 feet.

1195.7 Intersections

The following intersection specifications apply to residential subdivisions. Commercial or industrial subdivisions may require larger radii to accommodate truck traffic and circulation.

- A. At street and alley intersections, property line corners shall be rounded by an arc, the minimum radius of which shall be 15 feet. In business districts, a chord (a line segment connecting two points on a curve) may be substituted for such arc.
- B. Street curb intersections shall be rounded by a radius of at least 25 feet.
- C. The above minimum radii shall be increased when the smallest angle of an intersection is less than 60 degrees.

CHAPTER 1197: MODIFICATIONS

1195.8 Lots

1195.8 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 appropriate).
- C. Every lot shall abut on a publicly dedicated street, unless otherwise approved by Planning Commission due to a unique circumstance.
- D. Requirements for minimum lot width shall be as specified in the City of Hamilton Zoning Ordinance.
- E. Double-frontage lots shall be avoided.
- F. Side lot lines shall be approximately at right angles to the right-of-way line on 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 setback requirements on the side street as required by the City of Hamilton Zoning Ordinance.
- H. Residential lots fronting or abutting on freeways, expressways, or arterials shall have extra depth to permit deep setbacks for the buildings from such traffic ways.

1197. MODIFICATIONS

1197.1 Modifications of Subdivision Design Standards

- A. The subdivision design standards, as stipulated in Chapter 1195 of these Subdivision Regulations, may be modified by the Planning Commission in the case of a Planned Development District, and in the case of a subdivision large enough to constitute a more or less self-contained neighborhood, in the judgment of the Planning Commission, which is to be developed in accordance with the City of Hamilton's Comprehensive Plan and safeguarded by appropriate restrictions which, in the judgment of the Planning Commission, adequately provide for all essential community requirements. The Planning Commission shall not grant a modification which would conflict with the proposals of the Roadway Functional Classification Map, with other features of the City of Hamilton Comprehensive Plan, or with the intent and purpose of the design requirements contained herein.

- B.** Where it can be shown in the case of a particular proposed subdivision that strict compliance with the requirements of these regulations would result in extraordinary or undue hardship to the applicant or developer, or that these conditions would result in delaying the achievement of the objectives of these regulations, the Planning Commission may waive, vary, or modify the requirements so that the subdivision is in conformance with all applicable regulations and standards, and the public interest is secured. Any such determination shall be based fundamentally on a finding that:
1. The granting of the variance, exception, or waiver of conditions will not be detrimental to the public safety, health or welfare, and is not injurious to other property.
 2. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property.
 3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.
 4. The relief sought will not, in any manner, vary the provisions of the Zoning Ordinance, Comprehensive Plan, or Official Zoning Map, except that those documents may be amended in the manner prescribed by law.

1197.2 Application for Modification

An applicant may apply for a variance, modification, or waiver of the regulations contained herein in writing to the Planning Department simultaneously with the Preliminary Plat. The application shall explain in detail the reasons for, and any facts supporting, the request. Any modifications granted shall be recorded in the minutes of the Planning Commission meeting. In granting variances, modifications, or waivers, the Planning Commission may impose conditions which, in the Planning Commission's judgment, are necessary to substantially secure the intent and objectives of the Subdivision Regulations.

1199. IMPROVEMENTS

The following rules and regulations establish the minimum requirements for the installation of improvements in subdivisions within the jurisdiction of the City Planning Commission of the City of Hamilton, Ohio.

1199.1 Construction Prior to Filing Final Plat

All of the improvements required under these regulations shall be constructed in accordance with the specifications herein prior to the filing of either: (i) the Final Plat with the Planning Commission or Planning Department for approval by the Subdivider; or (ii) a certification with

the Planning Commission by the Planning Director that the Final Plat substantially conforms with the Preliminary Plat and the construction plans, and the Planning Director has received the Official Drainage Plan and Homeowners Association Declaration, Bylaws, Covenants and Restrictions approved by appropriate City Staff. .

1199.2 Streets

Streets shall be graded to full width and fully constructed, including all weather pavements, in accordance with the standards provided in the current Ohio Department of Transportation Location and Design Manual, and curbs and gutters, bridges, and other structures shall be subject to approval by the Director of Engineering.

1199.3 Sidewalks

- A. Sidewalks shall be five feet in width, unless otherwise approved, and shall be constructed of a material approved by the Director of Engineering. Sidewalks shall be constructed on both sides of every road or street where lots are of a width of 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 Planning Commission, sidewalks are necessary to protect the safety of pedestrians. Where plats are designed with interior walkways, walks shall be constructed to adequately serve the area being platted.
- B. Sidewalks, where required, shall be completed within five years of the approval of the Final Plat. The Subdivider may request an extension of the timeframe to install sidewalks from the Planning Commission.

1199.4 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 a reasonable distance of the subdivision, the average size of the lots shall not be less than 20,000 square feet and the Subdivider shall provide for individual wells. The entire water supply and distribution system shall be designed to meet the approval of the governmental officials having jurisdiction over the same.

1199.5 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.

1199.6 Electric

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

1199.7 Storm Drainage System

- A. Every development shall be provided with a storm 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 governmental officials having jurisdiction over the same. The system shall provide for drainage of the entire area of each and every lot. The drawing plans and specifications for such system, when approved by the Director of Engineering, shall be known as the *Official Drainage Plan* for the development.
- B. The Official Drainage Plan shall not be revised or altered without the approval and endorsement of the Director of Engineering. The Subdivider shall certify that all grading and drainage facilities will be completed in conformance with the Official Drainage Plan and the Subdivider's engineer shall certify that the drainage system has been designed to provide complete and adequate storm drainage service for the entire area being platted.
- C. The Official Drainage Plan may be altered or revised, as long as adequate and satisfactory facilities are provided. Any person requesting an alteration or revision must file a written request with the Director of Engineering 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 Director of Engineering and be endorsed by him on the Official Drainage Plan, after consideration of the views of all affected parties. 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.
- D. 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 Director of Engineering shall evaluate the possibility or occurrence of such situations in the design of the drainage plan and provide whatever drainage facilities are needed.

- E. The Subdivider and the Subdivider's engineer shall take all 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, in accordance with its Building Code provisions, shall supervise and control work by builders and lot owners to ensure that these provisions are complied with. The Subdivider shall include the requirement for minor lot swale work in applicable conveyances to each buyer and shall cooperate with and assist the City in having this work completed in conformance with the Official Drainage Plan.
- F. The Official Drainage Plan reference in Section 1199.7.A shall be attached to, incorporated 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 any portion thereof, a covenant making such conveyance subject to the terms and conditions of the aforementioned Official Drainage Plan. The covenant shall contain language that will cause the same to run with the land and inure to the benefit of the City of Hamilton and the owner(s) of any parcel of land within such subdivision or development. Alternatively, the covenant may be recorded in a separate instrument setting forth the covenant in such a manner that all subsequent conveyances shall be subject to the covenant.
- G. 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 responsibilities of the Homeowners Associations with respect to the continued maintenance of detention and retention facilities and their control structures, and other communal open space. No final plat shall be approved by the planning commission without this submission and its approval by the appropriate city departments.
- H. **Sump Pump Connector Main.** A 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 Sump Pump Connector Main and shall not exceed 400-foot spacing. The Sump Pump Connector Main shall be a minimum of eight inches in diameter and have a minimum slope of 0.5%. The pipe shall be constructed of SDR35 or an equivalent material. Standard "Ys" or "Ts" shall be installed 10 feet from the downhill property line of each. All sump pumps shall be connected to a catch basin or to a Sump Pump Connector Main, unless written approval for an alternative method of discharge is granted by the Director of Engineering or his designee.

1199.8 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 is appropriate in the judgment of the Planning Commission:

- A. Unless specifically approved by the Planning Commission, all subdivisions 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 over the same.
- B. Where a subdivision provides a complete sewage system or a common effluent sewer line, 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 sewage treatment systems is a private sewer line and the responsibility of maintenance shall rest with the abutting property owners using said line." Alternatively, 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 Plat and incorporated into each deed.
- C. In the event the Planning Commission approves the use of home sewage treatment systems in lieu of a complete sewage system for a particular subdivision, private restrictions shall be filed with the Final Plat and incorporated into each deed calling for the installation of an individual sewage disposal system on each lot meeting fully the requirements of the officials having jurisdiction over the same.

1199.9 Utility and Service Facilities

- A. Pursuant to the City of Hamilton Zoning Ordinance, 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 Sections 1199.9.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 unique design features, large capacity improvements, the requirements of existing facilities, or other reasons affecting and/or impacting the City's electric distribution system or telephone, data, cable, and telecommunication systems.

CHAPTER O:

1199.10 Guard Rails

- 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, telecommunication, and other utility service facilities for all new subdivisions within the corporate limits of the City of Hamilton.

1199.10 Guard Rails

Guard rails shall be erected in accordance with ODOT specifications.

1199.11 Street Name Signs

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

1199.12 Monuments

Permanent and other monuments shall be placed in accordance with the requirements of the Director of Engineering. The permanent reference monuments shall be of stone or concrete at least 36 inches in length and six inches square with suitable center point.

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